Agenda item

PL/2023/10332 - Land South of Potterne Park Farm, Devizes, Wilts, SN10 5QT

- Meeting of Strategic Planning Committee, Tuesday 1 July 2025 10.30 am (Item 56.)

Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.9 MW, including mounting system, permanent on site grid connection hub, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain and environmental enhancements for a temporary period of 50 years.

Minutes:

The meeting resumed at 12:43.

Public Participation

- Mr Steve Hoult spoke in objection to the application.
- Mr Luke Wilson spoke in objection to the application.
- Ms Mary Gilmore (Campaign for the Protection of Rural England) spoke in opposition to the application.
- Mr Peter Grubb spoke in support of the application.
- Mr Philip Abbatt spoke in support of the application.
- Mr Robert Hitchcock (Stark Energy) spoke in support of the application.
- Cllr Richard Clark (Potterne Parish Council) spoke in objection to the application.
- Cllr Judy Boyt (Easterton Parish Council) spoke in objection to the application.
- Cllr Tamara Reay read a statement of behalf of Cllr Chloe Stevens (Market Lavington Parish Council) in objection to the application.

The Senior Planning Officer, Jonathan James, introduced the report which recommended that the application for the installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.9 MW be refused.

The application would include a mounting system, permanent on-site grid connection hub, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure and landscaping, as well as biodiversity net gain and environmental enhancements. Key details included the principle of development, the use of agricultural land, the landscape effects into cumulative impacts, as well as the archaeological and heritage impacts.

The Committee's attention was drawn to the late representations received from Market Lavington Parish Council who identified concerns about construction traffic and the suitability of the site for a solar installation. Further comments had also been submitted by Potterne Action Group who objected to the ecological, highway and landscape impacts of the proposal as well as the loss of agricultural land. In addition, they had argued that the ecological and soil surveys that had been carried out were insufficient and questioned whether the environmental benefits of the project had been overstated.

The Senior Planning Officer highlighted that, in total, there had been around 390 letters of objection and seven letters of support.

It was explained that the proposed development would cover an area of approximately 80 hectares of open countryside and that the site was located roughly three kilometres from the boundary of the North Wessex National Landscape (formerly designated as an Area of Outstanding Natural Beauty). The site was approximately 170 metres from the nearest dwelling and 600 metres from the nearest listed building. A substation would be centrally located within the site with a telecommunications mast approximately 15 metres in height.

The Senior Planning Officer informed the Committee that the application did not overcome the technical concerns raised by the Council archaeologist, and consequently, it was contrary to the Wiltshire Core Strategy and the NPPF.

Given that the application site has clay soil, and it was challenging to fully understand the presence of archaeological material being present with the sole use of geophysical analysis, and that the applicant had been advised in 2024 of the necessity to undertake trial trench invasive investigations to proof check the geophys surveying. Although seemingly initially agreeable in 2024 to undertake these investigations, the applicant later confirmed they were not willing to do so and instead argued it could be addressed by a planning condition and had received legal advice citing other applications where this had been accepted as an appropriate mechanism.

The Senior Planning Officer reported that the applicant requested a deferral of the trail trenching until post determination and were committed to carrying out the work in due course. The applicants also maintained a concern over undertaking the trial trench work due to the destruction it would have on the clay land drains as well as crop damage and disturbance to public rights of way, and that this had not been fully addressed in the committee report.

The applicant had also expressed a disappointment that the applicant's reference to their proposed use of a planning condition was not included.

The Senior Planning Officer responded to the concerns raised by the applicant by explaining that he had balanced all the material considerations in his report and that the Council's archaeologist was maintaining an objection that there was insufficient information available about the archaeological potential of the site.

Officers maintained that the Council needs to know about any below ground surface heritage asset interests affecting what is a substantial area of land, and the Council's archaeologist had rightly stated that the applicants have had ample opportunity to schedule the archaeological investigation without damaging or affecting any crops given that the application has been with the Council since 2023.

In addition, officers were not convinced by the applicant's argument that there would be considerable damage to clay land drains, since the extent of the area to be trial trenched extended to only 4% of the site.

The argument was further weakened by the applicant's agreement to trail trench but at a post decision stage – which planning officers could not support for this site based on the advice provided by the Council archaeologist who had explained that in the event of an important archaeological find being identified, that could prejudice the implementation of the scheme as a whole or substantively. Investigations in advance of any approval would ensure that there would be no conflict with the Biodiversity Net Gain and ecological mitigation measures. The archaeologist and planning officers maintained that for this site, it was essential that intrusive investigations take place in advance of any permission being granted, so that the Council could make a fully informed decision about a deliverable scheme.

It was acknowledged by the Senior Planning Officer that the proposed scheme would add an element of industrialisation to the landscape, and that a number of objections had been raised about the visual impacts. However, he argued that the site was reasonably well contained by existing hedgerows and the Council's landscape officer was satisfied that negative impacts could be sufficiently mitigated through appropriate additional planting and use of non-reflective materials. He argued that in his opinion, the overall integrity of the landscape character would not be significantly compromised.

Although not identified as a reason for refusal, officers recognised that the development would likely result in some traffic disruption during the construction of the solar scheme, and when the temporary permission would end, and that some parts of the access route from the A360 were narrow and constrained. However, the applicant had been able to demonstrate that the site could be accessed safely by construction traffic to the satisfaction of the Council's highway authority. Mitigation measures could be conditioned to avoid there being unacceptable impacts and as such, officers reported on highways grounds, the application was complaint with Wiltshire Core Policy and the NPPF.

It was also highlighted by the Senior Planning Officer that the majority of the agricultural land that would be lost as a result of the project was designated as Grade 4, which did not constitute best and most versatile agricultural land. He also highlighted that Natural England had not objected to the application.

Furthermore, the Council's ecologist was satisfied that with the imposition of planning conditions to safeguard ecology interests, the application could be supported, and as such, the proposal was considered in ecology terms to be compliant with Core Policy 50 of the Wiltshire Core Strategy and relevant sections of the NPPF. It was further noted that the proposed underground cabling would be installed to protect hedgerows, and habitat corridors would be enhanced.

As the proposed development would be located in a valley basin, it was argued by the Senior Planning Officer that the visual impact of the site would be localised and views of other solar farms in the wider area were a sufficient distance away for them not to be experienced within the same setting. Therefore, he argued that there would not be an unacceptably detrimental cumulative landscape impact.

In conclusion the Senior Planning Officer emphasised that significant weight should be afforded to the environmental benefits that would be delivered by the project in terms of renewable energy generation. However, these were insufficient to outweigh the uncertainties that existed over the potential harm to the historic environment and heritage assets. The proposal was therefore recommended to Members for refusal on the basis that the application was contrary to Core Policies 42(v), 57(iv), and 58 of the Wiltshire Core Strategy, as well as Section 16 of the NPPF.

Members of the committee then had the opportunity to ask technical questions of officers.

Details were sought on the classification of agricultural land given that a small part of the site plan was noted as being graded as 3a, which met the threshold of being best and most versatile agricultural land. In response, it was clarified by officers that the part of the site that was graded 3a would not be developed as part of the proposed scheme. Officers also advised that whilst officers would recommend such ground mounted solar installations to make use of poorer quality agricultural land, at appeals, officers are aware that in certain circumstances, planning inspectors have set aside the loss of the best-quality agricultural land as part of the planning balance in supporting renewable energy projects across Wiltshire.

In response to a query about whether the footpaths across the site would remain open, it was explained that they should remain open during construction, although it was acknowledged that there would likely be some potential conflict with construction

traffic. The paths would remain open following completion of the build. There would be a perimeter fence in each paddock surrounding the areas containing the solar panels, but the public rights of way would be maintained.

It was further explained that based on soil sample tests, the majority of the application site was Grade 3b agricultural land.

It was also explained that the panels would be south facing, despite being positioned on a north facing slope.

When asked to comment on why the applicant's assessment and surveying differed materially from the Natural England mapping database, the Senior Planning Officer was not able to comment on the methodology used by Natural England. However, he noted that it was incumbent on the professional employed by the applicant to submit an accurate assessment regardless of who was funding the survey.

Given that a nearby solar farm application PL/2024/04926 Land East of Blounts Court Farm (also known as One Tree Hill) had been refused, officers were pressed about the similarities between the two schemes and why fewer reasons for refusal were being put forward for the subject application.

In response it was explained that application PL/2024/04926 related to a solar proposal on top of a hill and was judged to have greater visual, landscape and cumulative impact. The 2024 scheme also had inadequate access arrangements and would have relied on the use of a byway for the latter part of the route. The Council's ecologist also concluded that the use of the byway by heavy goods vehicles would have had a significant negative impact on the root systems of ancient woodland.

By contrast, the access for the subject site was not grounds for concern by the Council's highway and ecology officers, and it would not cause damage to ancient woodland or designated wildlife sites.

Planning Manager, Kenny Green, reminded the committee that the Council's highways officer had not identified any significant harms that would contradict Wiltshire Core Strategy or Paragraph 116 of the NPPF. He advised that there would therefore be no grounds on which to refuse the application for highway reasons.

When asked about the weight given to Potterne Neighbourhood Plan, specifically its prioritisation of agricultural landscape protection and tourism, the Senior Planning Officer confirmed that they had given credence to the issues raised in the plan. Potterne Neighbourhood Plan was part of the Development Plan so needed to be considered. However, the provision of renewable energy had to be given significant weight, and all issues needed to be considered in relation to the Development Plan as a whole.

The Planning Manager confirmed that although the latest version of Potterne Neighbourhood Plan was published in 2017 it still needed to be given full weight. Although neighbourhood plans were given less weight after five years for housing applications, this did not apply to solar applications.

Asked whether the applicant would be able to reapply having carried out the archaeological investigation requested by Wiltshire Council's archaeologist, officers confirmed that they would. The application would likely be recommended for approval if no concerns were raised by the archaeological survey.

When asked about the relevance of Wiltshire Council's green energy targets to the decision making, it was emphasised that all applications had to be assessed on their individual merits and that a number of solar farm applications had been refused. It was highlighted that Wiltshire Council was committed to delivering renewable energy in the right location, so the targets set were a material consideration.

It was clarified by officers that the date that the proposed development would be connected to the grid was not a material consideration that could be used to refuse the application.

Members of the public and parish councils then had the opportunity to present their views to the committee as detailed above.

Cllr Tamara Reay, unitary division member for Devizes Rural West, read out a statement on behalf of Market Lavington Parish Council. She noted that the representative from the parish council had been denied the opportunity to address the committee online. The statement Cllr Reay read out on behalf of the parish council suggested that Wiltshire Council reviewed its policies to ensure that the committee meetings were accessible for those people unable to drive or use public transport.

The unitary division member for The Lavingtons, Cllr Dominic Muns, declined the opportunity to speak in his capacity as a local member, preferring to reserve his comments for the debate as he was a member of the committee and wanted to keep an open mind.

Cllr Reay then spoke in opposition to the development in her capacity as unitary division member for Devizes Rural West. She raised particular concerns about the impact on the wider transport network and requested that, if the application were approved, restrictions were imposed on vehicles travelling to the site along the C20.

Officers were then given the opportunity to comment on the issues raised by the public and unitary division member.

It was highlighted by the Senior Planning Officer that traffic disruption was likely to occur for a temporary period during construction This contrasted with a case highlighted where a motocross application had been refused that would pass across Potterne Wick, as this would have had a long-term impact.

Gary Collins, Head of Development Management, noted the wider concerns raised about the application but cautioned the committee about adding additional reasons for refusal. He emphasised that, if the application went to appeal, the Council would have to justify every reason for refusal and that it may undermine their case, and the Council may be exposed to a costs award, if not all of the reasons were found to be well evidenced and robust.

He acknowledged that there was an element of subjectivity relating to the landscape impact but warned that if the committee included the use of best and most versatile agricultural land as a reason for refusal, it would be incumbent on the council to prove why the information submitted by the applicant about the grading of the land was incorrect.

The Planning Manger emphasised that Wiltshire Council's ecologist had been engaging with the application since 2023 and was satisfied with the level of information provided. Echoing the comments of the Head of Development Management, he advised that the committee would need evidence to properly justify an ecology-based reason for refusal and to explain why the Committee disagreed with the expert advice of the Council's ecologist, without leaving itself open to challenge at appeal.

He also highlighted that the initial objections of the highway officer had been addressed, and they were confident that the scheme, subject to conditions, would not conflict with the Wiltshire Core Strategy or Paragraph 116 of the NPPF. He explained that Paragraph 116 of the NPPF would take priority in an inspector's report so there would not be grounds to refuse the application on Core Policies 60 or 61 of the Wiltshire Core Strategy. The government had made clear that councils should not refuse applications unless they could demonstrate that an application would conflict with highway interests.

In response to a query about the awarding of costs, the Planning Manager confirmed that the council could be liable to pay partial costs if some of the reasons provided for refusal were found to be incorrect, even if other reasons were found to be robust.

It was noted by members that Paragraphs 180 and 165 of the NPPF required the committee to take into account the intrinsic character and beauty of the countryside and give particular weight to conserving landscape and scenic beauty. The Planning Manager acknowledged that the landscape impacts were a planning judgement, and the committee would be entitled to come to a different conclusion from officers based on the evidence available.

So that the committee could begin the debate, the Chairman, seconded by Cllr Nick Baker, recommended that the application be refused for the reasons outlined in the report.

A debate then followed where the weight of evidence required to justify further grounds for refusal was discussed. It was suggested by a member that the committee might benefit from undertaking a site visit if it was minded going against officer recommendation, so that it would be in a better-informed position to make a judgment on landscape and ecological impacts. He argued that deferring the application would also allow more time for those in support of, and opposition to, the application to provide further expert evidence.

During the debate, the Chairman withdrew his motion to refuse the application for the reasons outlined in the report. The seconder of the motion, Cllr Baker, was also content for it to be withdrawn.

Cllr Christopher Newbury then proposed that the application be deferred to allow the committee to conduct a site visit and to invite those in support of, and opposition to, the application, to provide further evidence about reasons for refusal under discussion.

The number of committee cycles that the application should be deferred for was debated as were the merits of deferring.

The Planning Manager advised the committee that there was a risk that the applicant could apply for non-determination if the application was deferred. As the motion being debated was considering whether to invite further evidence, in addition to the site visit, he advised members that it would unlikely be possible for additional evidence to be obtained and assessed, and a report written, in time for the committee's next meeting on 29 July. He was also unable to provide assurances that a report would be ready in time for the following two committee meetings.

He furthermore acknowledged that if deferred, the application could be appealed for non-determination, and that it would have to come back to committee to establish a determination, but the authority to make the decision would be transferred to the planning inspectorate, and that the timescales for any such subsequent appeal being decided was unknown.

The meeting was briefly adjourned between 14:52 and 14:54.

Following the resumption of the meeting, a vote on the motion to defer the application for a member site visit, was lost.

Cllr Muns asked that his abstention on the vote to defer the application was recorded.

A motion to refuse the application for the reasons outlined in the report was then moved by Cllr Nick Baker and this was seconded by Cllr Bill Parks.

Issues discussed during the debate on the new substantive motion included the similarities with the nearby application PL/2024/04926, which listed its impacts on the landscape and ecology amongst the reasons for refusal. The development had been found to be contrary to Core Policies 51 and 57 due to its impact on visual amenity and prevailing landscape character.

The Vice-Chairman then proposed an amendment to the substantive motion to add further reasons for refusal as used in the determination of application PL/2024/04926 – being a nearby site. He read out the following extracts from the decision notice for the application which he felt were relevant, as follows:

The proposed development would result in significant and unacceptable harm to the character, quality and visual amenity of the local and wider landscape. The site is a valued landscape, including heritage value, located in a prominent and elevated position within a sensitive rural setting, forming part of the setting of a designated National Landscape. The introduction of a large-scale solar installation, along with associated infrastructure and extensive mitigation planting, would create a conspicuous and urbanising form of development that is out of keeping with the prevailing landscape character.

The proposed development is considered to result in unacceptable harm to biodiversity and ecological assets, contrary to both local and national planning policy.

The scheme also fails to comply with Paragraphs 180 and 185 of the

National Planning Policy Framework (2024), which require that planning decisions contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains where possible. In the absence of sufficient ecological information and mitigation, the proposal is

considered to result in significant and unjustified harm to biodiversity and is

therefore, recommended for refusal.

Cllr Baker, as mover of the substantive motion, stated that he did not accept the Vice-Chairman's proposal as a friendly amendment. He highlighted what he saw as differences between the landscape impacts of PL/2024/04926 and the subject application and expressed reservations about going against the expert advice provided by the council's ecologist.

The Planning Manager advised that he did not think that it would be appropriate without the evidence for the committee to use biodiversity as a reason for refusal.

After taking advice from the Planning Manager, the Vice-Chairman revised his proposed amendment and withdrew ecology and biodiversity as additional reasons for refusal.

The proposed amendment now included the reasons listed in the report and harm to the landscape as quoted above.

The Vice-Chairman's revised amendment was seconded by Cllr Nigel White. As the amendment had not been accepted as a friendly amendment by Cllr Baker, the committee then debated whether to add it to the substantive motion.

During the debate on the amendment, the differences between the subject site and site of application PL/2024/04926 were discussed in further detail. The impact on the views from the rights of way running through the site were also highlighted.

At the conclusion of the debate on the amendment, the committee voted to add the reason for refusal relating to landscape harm to the substantive motion. Cllr Muns abstained from this vote and requested that this be recorded.

The committee then resumed debate on the substantive motion, as amended.

In response to a query about whether the Potterne Neighbourhood Plan could be used as part of a reason for refusal, given the priority it gave to agriculture, landscape protection and tourism, officers highlighted that most of the proposed development fell outside of the area covered by Potterne's Neighbourhood Plan, but the Planning Manager advised that it would be open to the committee to consider the relevance of the neighbourhood plan and if conflict existed, it could be added to the reasons for refusal on landscape harm, rather than a standalone reason for refusal.

Cllr Newbury then moved that the proposed development's conflict with the Potterne Neighbourhood Development Plan be added as an additional reason for refusal, given its relevance to a section of the application site.

Cllr Baker observed that he was unable to find the relevant sections relating the agriculture, landscape protection and tourism in the Potterne Neighbourhood Development Plan. Cllr Baker stated that he would require additional information to make a judgement on whether to accept Cllr Newbury's proposed amendment as a friendly amendment.

Cllr Newbury's proposal to add an amendment to make reference to the conflict with the Potterne Neighbourhood Plan to the substantive motion was then seconded by the Vice-Chairman.

A vote to add the amendment was won and it was therefore added to the substantive motion. Cllr Muns abstained and requested that this be recorded.

The debate then returned to the substantive motion to refuse as further amended to include the landscape harm and conflict with the Potterne Neighbourhood Plan.

At the conclusion of the debate, it was then:

Resolved

That planning permission for the application for the installation of a solar farm, comprising ground mounted solar PV panels with a generating capacity of up to 49.9 MW, be REFUSED for the following reasons:

- **The application fails to provide sufficient information to assess the potential impact of the proposed development on archaeological assets within the site. The County Archaeologist has confirmed that further detailed investigation is required to understand the archaeological significance of the area, particularly given that the proposed development involves ground disturbance through pile driving and subsoil boring, which may affect buried heritage assets.**

Paragraph 213 of the National Planning Policy Framework (NPPF, 2024) requires that any harm to the significance of a designated heritage asset must be clearly and convincingly justified. In this case, no such justification can be made in the absence of a comprehensive understanding of the archaeological context. Despite being given reasonable opportunity to address this issue, the applicant declined to proceed with the agreed trenching strategy and failed to commission the necessary further investigations. The subsequent submission did not resolve the concerns raised by the County Archaeologist.

In accordance with paragraph 215 of the NPPF, the potential harm to heritage assets must be weighed against the public benefits of the proposal. While the renewable energy benefits of the scheme are acknowledged and carry significant weight, the lack of essential archaeological information prevents the ability to carry out a balanced and informed assessment. As such, the Local Planning Authority must also give significant weight to the protection of heritage assets.

The proposal is therefore contrary to Core Policies 42(v), 57(iv), and 58 of the Wiltshire Core Strategy (2015), as well as Section 16 of the NPPF, and is recommended for refusal on this basis.

- **The proposed development would result in significant and unacceptable harm to the character, quality, and visual amenity of the local and wider landscape. The site is a valued landscape, including heritage value, located in a prominent position within a sensitive rural setting, forming part of the setting of a designated National Landscape. The introduction of a large-scale solar installation, along with associated infrastructure and extensive**

mitigation planting, would create a conspicuous and urbanising form of development that is out of keeping with the prevailing landscape character.

The site lies partially within the designated Potterne Neighbourhood Plan area. The proposed development is considered contrary to Paragraph 2.1.2 of the Plan, as it does not prioritise the protection of agricultural land. Furthermore, the scheme fails to safeguard key countryside views, does not adequately limit development in other parts of the Parish, and undermines the distinctive character of the village and its rural setting by introducing inappropriate development in an unsuitable location.

As such, the proposal is contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy (2015). The scheme also fails to comply with Core Policy 42, which supports renewable energy development only where it can be demonstrated that there would be no unacceptable landscape harm.

Cllr Muns asked that his abstention on the vote on the substantive motion to refuse the application be noted.

Cllr Newbury left the meeting at the conclusion of the item.

The Chairman adjourned the meeting until 15:30.

Supporting documents:

- PL.2023.10332 - Land South of Potterne Park Farm, Devizes - Committee report, item 56. PDF 3 MB
- PL.2023.10332 - Location Plan, item 56. PDF 714 KB