Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2023/10077

Decision Date: 20/03/2025

Applicant:	Exagen Development Limited 17th Floor, Millbank Tower, London, UK, SW1P 4QP
Particulars of Development:	Construction and operation of a renewable energy park comprising ground mounted solar photovoltaics (PV) together with associated infrastructure, access, landscaping and cabling.
At:	Land West of Lyneham Substation, West of Dauntsey Lock, Wiltshire

In accordance with paragraph 39 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):

Refusal Reason(s)

1 The site is visible from the public highway and a number of public rights of way in the locality. The introduction of solar panels onto the site will result in landscape harm as well as harm to visual amenity, and as such the application proposal conflicts with Core Policy 51 and Core Policy 42(i) and (vii).

2 There are a number of designated heritage assets within the vicinity of the site, some of which are adjacent and / or within close proximity of the site. The proposal

does not conserve or enhance the setting of these assets and as such the application conflicts with Core Policy 58, Core Policy 42(v) and Core Policy 57(iv).

Parvis Khansari - **Corporate Director, Place**

NOTES

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - Appeal a planning decision: Overview - GOV.UK (www.gov.uk)).

Wiltshire Council

AGENDA SUPPLEMENT (1)

Meeting: **Strategic Planning Committee**

Place: **Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN**

Date: **Wednesday 19 March 2025**

Time: **10.30 am**

The Agenda for the above meeting was published on Tuesday 11 March. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Democratic Services of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line or email tara.hunt@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

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9 **PL/2023/10077 - Land West of Lyneham Substation, West of Dauntsey Lock, Wiltshire**

Note: A revised version of the Report has been uploaded with amended Conditions *(Pages 3 - 64)*

DATE OF PUBLICATION: 14 March 2025

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REPORT TO THE STATEGIC PLANNING COMMITTEE

Date of Meeting	19 March 2025
Application Number	PL/2023/10077
Site Address	Land West of Lyneham Substation, West of Dauntsey Lock, Wiltshire
Proposal	Construction and operation of a renewable energy park comprising ground mounted solar photovoltaics (PV) together with associated infrastructure, access, landscaping and cabling.
Applicant	Exagen Development Limited
Town/Parish Council	CHRISTIAN MALFORD CP / DAUNTSEY CP
Electoral Division	Kington / Brinkworth
Type of Application	FULL
Case Officer	Peter Crozier

Reason for the application being considered by Committee

Under the Scheme of Delegation Specific to Planning the Director for Economic Development and Planning (and any officers designated by that officer under a Scheme of Sub Delegation) is authorised to determine any planning application under delegated powers. This does not apply where an application has been referred to Committee by the Wiltshire Council Division Member, or where the proposal constitutes 'major' development.

The site straddles the boundary of Christian Malford and Dauntsey parishes and, as the relevant Member for this area, Cllr Howard Greenman has referred this application to Committee should the recommendation be for approval.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to the imposition of planning conditions.

Christian Malford Parish Council has objected to this application proposal whilst Dauntsey Parish Council has stated no objection in principle. Across the original submission and revised plans a total of 60 representations were received, although a number of these coming from the same representors. 3no. of these representations were in support; the remainder being in objection.

2. Report Summary

The application is for the construction, operation and subsequent decommissioning of a renewable energy park comprising approximately 23MW of ground mounted Solar PV, together with associated infrastructure, including inverter units, auxiliary transformers, substation compound with 33kV transformer and associated switchgear building/ kiosk, security cameras, fencing, access, ground engineering and landscaping. The proposed solar farm will be connected to the existing Lyneham

substation via an underground cable running along Main Road. The planning issues arising for consideration are as follows:

- Principle of development
- Best and most versatile agricultural land
- Cumulative impact
- Impact on heritage assets / Archaeology
- Landscape & visual impacts
- Residential amenity, inc. air quality, noise and odour impacts
- Highways and Rights of Way
- Glint and glare
- Flood risk and drainage
- Ecology
- Impact on tourism
- Other matters

3. Site Description

The site comprises some 46.4ha of agricultural land, characterized by arable fields (10 fields in total) and interspersed hedgerows. Broadly the site is located between the Great Western mainline railway line to the south and Main Road (B4069) to the north. To the immediate east of the site is land to be retained in agricultural use before meeting Main Road which heads south to cross the railway line into Dauntsey Lock. To the west of the site is the farmstead and land associated with Swallett Farm. As well as the residential property of Swallett Farm to the west, the properties of Swallett Farm Cottages and Malford House immediately abut the site to the north, being situated on the southern side of Main Road; a number of other properties are within relatively close proximity of the site. Access is taken from an existing farm access off Main Road.

Lyneham substation is located towards the east of the site. At the north-east corner of the main parcel of the site, a spur of land included within the red-line boundary follows the alignment of the highway for some 750m to meet with the electricity sub-station located on the eastern side of the road some 170m north of the railway line. The M4 motorway is some 0.7km to the north of the site.

The topography of the site is low lying and gently undulating falling generally from north to south, with the fields forming part of a wider network of relatively open farmland and fields with hedgerow boundaries of varying quality and density. North of the site the landform is essentially flat, whereas to the south the land progressively steepens as it rises up the northwest facing scarp slopes which rise gently above the site towards a local escarpment.

The site is outside of any defined settlement boundary and therefore within the open countryside for planning purposes. Although not covered by any Conservation Area, there are a number of listed buildings within proximity of the site, as set out in the response from the Conservation Officer.

The land is generally within Flood Zone 1, but includes some land within Flood Zone 2 towards the northern extent, and also some areas recorded as being at risk of surface water flooding. There is a designated County Wildlife Site towards the south of the site; however, this is not currently functional as wildlife habitat as a result of the use of the site for agricultural purposes. Public Right of Way (footpath) CMAL12 passes through the middle of the site in an east-west direction; there are a number of other Rights of Way within the wider locality.

The site straddles the Parishes of Christian Malford and Dauntsey; the solar panels themselves are sited on land within the former, with proposed routing for grid connection straddling into the latter.

4. Proposal

The proposal involves the construction, operation and subsequent decommissioning of a renewable energy park comprising approximately 23MW of ground mounted Solar PV, together with associated infrastructure, including inverter units, auxiliary transformers, substation compound with 33kV transformer and associated switchgear building/ kiosk, security cameras, fencing, access, ground engineering and landscaping. The proposed solar farm will be connected to the existing Lyneham substation via an underground cable running along Main Road.

The solar array would comprise 'strings' of solar panels, to a maximum height of 3.1m above ground level, spaced between 3 – 6m apart and mounted on metal frames which themselves will be driven or screwed into the ground to a depth of 1 – 2m. Each panel would sit c.0.8m off the ground, with a tilt of between 10 and 35° (but generally shown to be at 20°) and with a length of 4.9m would rise to a maximum height of 3.1m above ground level.

Some 15no. inverter units are interspersed through the site and a compound area housing 2no. 33kV substations, a 33kV transformer and auxiliary transformer is proposed towards the southern end of the eastern site boundary of the site – the compound itself measuring some 56m by 14m. Around the solar panel areas will be timber post and wire deer mesh fence up to 2.4m and around the substation compound will be palisade security fencing up to 2.5m. Pole mounted CCTV cameras up to a height of 3m will be placed around the solar farm, and up to 4m at the substation compound along with a motion activated and infra-red lighting post measuring 4m.

An underground cable route linking the solar farm with existing Lyneham substation is proposed, as well as a permeable access track (4m) and vehicle parking at the compound area. (Although a Battery Energy Storage System (BESS) was included at pre-application stage, it does not form part of this application proposal as it is understood that the grid offer did not include an import capacity required for BESS). Landscape planting including species rich grassland, wildflower grassland meadow, hedgerows and trees is also proposed. The application seeks permission for an extended implementation period due to delayed connection dates arising from grid applications.

The application is supported by the following information:

- Planning, Design & Access Statement
- Landscape and Visual Assessment
- Ecological Impact Assessment Report, including Biodiversity Net Gain Assessment
- Historic Statement and Archaeological Desk-Based Assessment
- Construction Traffic Management Plan and Transport Statement
- Arboricultural Impact Assessment & Method Statement
- Agricultural Land Classification Report
- Glint and Glare Assessment
- Noise Assessment
- Geophysical Survey Report
- Flood Risk Assessment and Surface Water Drainage Strategy

Revised plans and details were submitted during the course of determination to address comments made by both Officers (in particular Landscape, Conservation and Ecology Officers) as well as other representations made. The revisions show (in summary):

- revised alignment of Public Right of Way;
- clarification regarding different lighting posts;
- removal of panels in Field 2 removed from the section directly south of the Grade II listed Great Ridgeway Farmhouse, along with re-instatement of historic hedgerow and revision of access tracks an inverters;
- panels in Field 10 expanded towards the western boundary in order to offset some of the above;
- re-alignment of the track in Field 1 to minimise the length in the area of higher archaeological potential / small section of track removed from Field 3;
- re-location of 2no. inverter/ transformer containers from Field 1 to an area outside the area of higher archaeological potential (to reduce level of sub-ground impact in that area);

- landscaping updated to accord with the above amendments.

5. Planning Policy

Local Planning Policy

Christian Malford Neighbourhood Plan (March 2018)
[8.1 Rural Look and Feel / 8.2 The Historic Environment]
Policy D1 – Design

[There is no made Neighbourhood Plan for Dauntsey parish]

Wiltshire Core Strategy (adopted Jan 2015)

CP1 Settlement Strategy
CP2 Delivery Strategy
CP3 Infrastructure Requirements
CP10 Spatial Strategy: Chippenham Community Area
CP41 Sustainable Construction and Low Carbon Energy
CP42 Standalone renewable energy installations
CP50 Biodiversity and Geodiversity
CP51 Landscape
CP52 Green Infrastructure
CP55 Air Quality
CP57 Ensuring High Quality Design and Place Shaping
CP58 Ensuring the Conservation of the Historic Environment
CP60 Sustainable Transport
CP61 Transport and New Development
CP62 Development Impacts on the Transport Network
CP64 Demand Management
CP67 Flood Risk
CP68 Water Resources

North Wiltshire Local Plan 2011 (saved Policies) (NWLP, Adopted June 2006)

NE14 Trees and the control of new development
NE18 Noise and Pollution
T5 Safeguarding

Material considerations

National Planning Policy Framework ('NPPF')
Sections 2, 4, 6, 11, 12, 14, 15, 16
National Planning Policy Guidance (PPG)
National Policy Statements (NPS) for energy infrastructure (EN-1 / EN-3)
Written Ministerial Statement (WMS) UNI HCWS466
Wiltshire Local Transport Plan 3 (LTP3)
National Design Guide (NDG)
Wiltshire Climate Strategy 2022-2027
Wiltshire Infrastructure Delivery Plan 3 (2011-2026)
Wiltshire Biodiversity Action Plan (2008) (BAP)
Green and Blue Infrastructure (GBI)
Wiltshire Design Guide (WDG)
Landscape Character Assessments (underpinning WCS, Core Policy 51)

- Wiltshire Landscape Character Assessment (1:50,000) Land Use Consultants – Landscape Character Type – 12: Open Clay Vale / Area 12B – Avon Open Clay Vale

- North Wiltshire Landscape Character Assessment (1:25,000) White Consultants – Landscape Character Type – Lowland River farmland / Area 11: Avon Valley Lowland

Historic England Guidance: The Setting of Heritage Assets (GPA 3)

6. Relevant planning history

There is no planning history associated with the site other than the following request for an EIA Screening Opinion:

- **PL/2023/04291:** EIA Screening Opinion Request for the development of renewable energy development to be known as 'Swallett Energy Park' to include a ground mounted solar photovoltaic (PV) array, substation, landscaping and underground cable linking the site to the point of connection which is the Lyneham Substation to the east of the Site – EIA Not Required – 20/06/2023

The response to this Screening Opinion Request was issued by the Council on 15/06/2023 and confirmed that the proposed development was not EIA development and as such any subsequent application would not be regarded as EIA development and an Environmental Impact Assessment would not be required. At the request of a third party, this decision was reviewed by the Secretary of State which confirmed by letter dated 08/03/2024 that based on the decision on that application, coupled with the information submitted pursuant to this current application, *"… do not consider these indicate a need for the Secretary of State to exercise his power under regulation 5(6), and therefore the Secretary of State declines to issue a screening direction in response to your request."*

7. Consultations

Christian Malford Parish Council – Objection, stating:

"Contents
➢ *Introduction*
➢ *Solar Strategy*
➢ *Grid Connection Date & Grid Capacity*
➢ *Other Considerations*
➢ *Summary*

Introduction
Christian Malford Parish Council ***Object*** *to planning application PL/2023/10077 on the grounds that:*
1) There is no Solar Strategy in place for Wiltshire County Council.
2) The proposed grid connection date of 2036 is too far into the future to allow this application to be considered viable, as it does not address future technological developments, that would materially change the application.
3) The proposal is in contravention of Wiltshire Core Policies 41,48 and 51.
4) There are significant issues with the proposal regarding flood assessment, 106 agreement and inconsistencies within the application.

Solar Strategy
In our objection to this application dated 9th January 2024, we stated that

"Currently across Wiltshire new solar plans are being approved in a rather ad hoc manner, without an overarching strategy or plan".

The Parish Council are not opposed to solar parks in principle; however, the council cannot support these applications without a clear strategy in place.

In the intervening months, nothing has been published by Wiltshire Council that changes this decision. Additionally, Wiltshire Council has already exceeded its target for solar generation and this proposal does not contribute to the 2030 carbon neutral targets.

Without a cohesive strategy, ad-hoc solar farm developments lead to:
- *Inefficiencies: Projects not aligned with the county's or country's broader sustainability objectives.*
- *Public Opposition: Poorly planned projects face resistance due to perceived impacts on landscapes, heritage sites, or agricultural land.*
- *Overdevelopment: A large concentration of solar farms in a particular area will lead to a severe environmental impact in these areas.*
- *Inability to Connect to the SSEN Network: Projects are unviable as output cannot be transmitted or distributed across the network.*

A clear strategy would establish guidelines for:
- *Location selection that minimises environmental and visual impacts.*
- *Location selection that aligns to the SSEN network capacity and development.*
- *Stakeholder engagement to address community concerns.*
- *Integration of solar energy into Wiltshire's local development plans.*

Solar farms represent a significant revenue opportunity. Wiltshire County Council could:
- *Lease council-owned land for solar development.*
- *Insist developers include solar panels on large buildings/distribution centres, brownfield sites.*
- *Invest directly in solar farms to generate income from energy sales or feed-in tariffs.*

A well-defined solar farm strategy will enable Wiltshire County Council to harness its renewable energy potential, meet climate commitments, and deliver economic and social benefits for its residents. It ensures a balanced, sustainable, and equitable approach to the development of solar energy infrastructure in the region.

2036 Grid Connection Date & Grid Capacity
It is predicted that in the next 12 years, the following technologies will become available:
- *High Efficiency Solar Panels – Perovskite Solar Cells, Quantum Dot Technology, Multi Junction Cells*
- *Material Innovations – Transparent Cells, Bi-Facial Panels*
- *Energy Storage Integration – Lithium-sulfur Batteries, Thermal Storage*
- *Solar Concentration – Agrivoltaics, Concentrated Solar Panels (CSP)*
- *Energy Harvesting Innovations – Solar Skins, Solar Paint*
- *Decentralised and Off Grid Solutions*

These advancements will collectively contribute to the acceleration of solar adoption, improved energy efficiency, and a ***reduced environmental impact****. Consequently, the design, look, size and impact of the site on the environment will be materially different.*

The application and Exagen's website state that the park will be connected to the local network, managed and operated by SSEN, via a short underground cable, giving the impression that connection is a relatively simple exercise. This is misleading:

Analysis of SSEN's network shows that for the Lyneham substation, both the transmission and distribution capacity are currently constrained and that all substations within the Chippenham Bulk Supply Point (BSP), which would be used to distribute supply from Lyneham, have either or both transmission and distribution constraints.
https://network-maps.ssen.co.uk/

Consequently, even if the connection was made to Lyneham substation, further upgrades would be required by SSEN to other substations within the BSP.

The developers need to confirm that in addition to a connection date, upgrades to the BSP are planned that enable the transmission and distribution of output.

Currently, the proposal is not viable and is in contravention to Wiltshire Core Policy 41.

Therefore, the planning application should be rejected and the developers instructed to resubmit an application nearer the ***confirmed*** *grid connection date and* ***confirmed*** *BSP upgrade, designing it around the most up to date and relevant technology.*

Other Considerations

We recognise the fact that the developer has made some improvements in their application in respect of screening, ecology, wildlife, landscaping, footpaths and archeology. However, the proposal does not:

- *Protect the countryside and maintain its local distinctiveness; through its 40 year lifespan it cannot be considered temporary and is therefore in contravention of Wiltshire Core Policy 48.*
- *Support tourism and hence does not support the community in taking ownership of local services, again contrary to Wiltshire Core Policy 48.*
- *Does not protect, conserve or enhance Wiltshire's distinctive landscape, by creating an overtly utilitarian industrial landscape, in contravention to Wiltshire Core Policy 51.*

The proposal also has the following issues:

- *There is inconsistency with regard to the grazing with sheep within securely fenced individual panel compounds and deer outside to roam relatively freely.*
- *The request to add a condition extending the Planning Permission validity to 7 years from the standard 3 years, which cannot take into account future changes to WCC policies. Furthermore, Government policy is that: "A longer time period may be justified for very complex projects where there is evidence that 3 years is not long enough to allow all the necessary preparations to be completed before development can start." This is obviously not the case for a small solar park project which can be constructed in 6 months. This condition must, therefore, be rejected.*
- *Mitigation has not been applied in a consistent manner to the 3 buildings closest to the site. Substantial mitigation has been applied to Great Ridgeway Farm in terms of retaining historic outlook, however the same has not been applied to Malford House nor Swallett Farmhouse. Therefore, additional compensating adjustments are required, which will require further panels to be removed from the proposal.*
- *The Flood Assessment submitted is based upon "desktop" exercises carried out in October 2023. Given the flooding incidents throughout 2024 and the fact that all ditches bordering the site were full of water and water was across the B4069, this assessment is no longer relevant and site visits and assessments are now required.*
- *Exagen's documents to support the application are outdated after 12 months of their submission. Highways data (with the re-opening of Lyneham banks). Ecology documents (wild animals' movements do not remain static) change and would require a re-survey to protect Wiltshire's unique wildlife.*
- *No decommissioning details have been submitted by Exegen & no deposit or bond has been secured for the decommissioning of the solar park.*
- *Wiltshire Council have indicated that they expect the submission of a 106 Agreement and a Decommissioning Plan for Swallett Energy Park. However, Exegen have refused Wiltshire Councils proposal for the 106 Agreement, offering instead a Community Benefit Fund, with a monetary offering which is likely to be significantly lower than the amount proposed and will be at Exegen's discretion.*

Summary

Christian Malford Parish Council, in principle, support the establishment of solar farms across Wiltshire. However given the lack of solar strategy, a grid connection date of many years into the future coupled with a distribution network that has existing constraints, this application is both unviable and untenable.

Not withstanding the unviable and untenable nature of this project the application is seriously lacking in its response to:

- *Flood Assessment*
- *Mitigation Actions*
- *106 Agreement*
- *The extension of the planning permission period to 7 years"*

Dauntsey Parish Council – No objection, stating:

"The Council has no objection in principle to this proposal.

There has been a significant amount of information provided by the applicant, including pre-application local community consultations and the Council acknowledges that alternative energy sources need to be found.

However, in order to gain support developments of this nature need to be situated in the right place.

In this case the development is of a large scale in a highly visual position, within lowlying land, in close proximity to a main road and visible from surrounding higher levels with the potential to destroy the unique character of the rural surrounds.

Council Members noted that there was a considerable amount of technical information submitted with the application that they did not have the expertise to comment on and so rely on your own Council departments and external consultees/advisors to assess the merits or otherwise. This is particularly important in regard to flooding and drainage and archaeological issues.

The Council accepted that it is often the case for solar farms to be sited on rural land leading to the loss of agricultural uses, albeit that some limited grazing is retained, but the increasing number of ad-hoc proposals destroying the open character is deplored and they feel that a coherent Policy for Wiltshire should be introduced as soon as possible.

It is also often the case that proposals contain suggestions that impact is minimised by the landscaping proposals. The Council has serious doubts that the present proposals to hide this development from the B4069 and surrounding panoramic views for the next 40 years can and will be achieved.

With this in mind the Council, in offering support in principle, need to be assured that the landscaping proposals are sufficient to assimilate the development into the rural scene. This reflects the Wiltshire Local Plan policy that proposes that villages and Parishes should be maintained within their rural setting.

The Council accepts that the creation of renewable energy sources need to be supported but, as mentioned above, this should not bring wholesale changes to the character of the landscape setting to the Parish. The Council felt that on balance this could be a suitable site with the caveat that the quality of the landscaping proposals, including the maintenance of such, is a fundamental requirement.

The Parish Council trusts that their observations will be taken into consideration when the application is determined."

Wiltshire Council Highways – No objection, stating:

"The application seeks to install a solar panel farm on land previously used as agricultural land, and to include connection to a National Grid substation. The proposal does not include alteration of the access to the sub-station. The initial impact of this proposal will be felt during

the construction phase, information for which has been included in a Construction Management Traffic Plan that forms part of the submission by the applicant.

Although there are likely to be some adverse impacts of increased traffic during the construction phase of the project as the length of this phase is only 24 weeks it would be hard to prove long term damage to the highway occurring entirely due to the construction traffic of this proposal. However, provision has been made within the Construction Management Statement condition for damage to the highway to be rectified by the applicant after the construction phase has completed.

The environmental weight limit along the section of the B4069 referenced in this proposal does prevent HGV through traffic but allows for access, therefore the existence of TRO 3089 is not a reason for refusal. Given that the expected completion of the Lyneham Banks project is likely to be sometime in 2025, construction traffic associated with this major project will cease. Therefore, any traffic movements associated with the above proposal will not be seen as a cumulative negative impact on highway safety.

Adequate provisions have been shown in the form of the employment of a Banksman, Chapter 8 signage and the willingness to apply for a temporary TRO for speed restriction during the construction period, to align with the achievable visibility splay. This does alleviate the concerns of the LHA that an appropriate access can be demonstrated. I understand that the access was favoured over the field access opposite the Great Ridgway Farm to alleviate heritage concerns.

There is no over-arching strategy for county wide provision of solar farms, but renewable energy schemes are supported by policy subject to satisfactory resolution of all site specific constraints. The suitability of such plans is assessed by application of policy CP42 within the current core policy document and is included in the revised draft Wiltshire Local Plan. The policy covering solar farms includes other sources considered renewable energy providers, such as wind turbines, biomass generators and waste to energy facilities.

I note that Rights of Way have responded to the application as the pROW CMAL12 runs through the site and is included in the layout plans and is to be fenced off from the construction site but remain accessible throughout. The rights of way team countryside officer should be contacted directly to confirm the official line of CMAL12 and the area that should be protected around the line of the ROW to allow the full legal width of the right of way to be maintained.

Access is to be taken directly from the B4069 from an existing field gate access approx. 400 m west of the junction with the classified road C45 at Swallett Gate. The visibility splay demonstrated shows a splay distance of 140m can be achieved across land under the applicant's control. This would meet DMRB standards for a road of 40 mph. The alignment of the road and the geometry would seem to suggest that speeds would be reduced from the 60-mph national speed limit. The closure of the B4069 at Lyneham Banks and subsequent reduction of through traffic passing the proposal site in conjunction with the appropriate Chapter 8 signage and other safety measures, combined with a temporary speed restriction to 40 mph would be recommended and the achievable visibility splay would be considered adequate.

The routing of the construction traffic is acceptable and is routed to the site via junction 17 of the M4 and then via the B4122 and B4069 through Sutton Benger and Christian Malford. I note the intension of the construction phase to avoid deliveries with larger vehicles during school start and finish hours as there is a lot of pedestrian traffic associated with these peak school times within both Sutton Benger and Christian Malford. This should form part of the Construction Method Statement which will be a living document that will form the basis of required site management during the construction phase. While temporary traffic inconvenience may happen during times when deliveries are occurring, this will be temporary and is not considered a significant highway safety concern.

The indicative plan for the cabling which will run along the B4069 to the substation at Dauntsey Lock is broadly acceptable as shown. The applicant will be expected to apply through the licence process with Highways Streetscene to secure the required rights to work within the public highway to install the necessary cabling along the route. The applicant should apply for a temporary traffic order to reduce the speed limit during the construction phase of the project.

The access to the site will need to be upgraded in order to provide an adequate access for an increase in the number and the size of vehicles expected during construction. The access should be consolidated with sufficient coverage across the drainage ditch and any surface drainage from the hardstanding should be prevented from draining onto the highway.

The glint and glare report appears to be an adequate provision of information on key nearby receptors. While glint may be expected prior to the full maturing of the planted screening, the nature of the likely effect will be transient and temporary and is not expected to cause a significant negative highways impact. I am satisfied with the findings of the glint and glare report and in the opinion of the LHA this is not a cause to raise a formal objection on highway safety grounds.

For the reasons given I raise no highway objection subject to the following.

No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The plan/statement shall provide for:

- *A construction programme including phasing of works;*
- *24-hour emergency contact number; LHA CONTACT - highwaysdevelopment@wiltshire.gov.uk*
- *Hours of operation;*
- *Expected number and type of vehicles accessing the site:*
  - *Deliveries, waste, cranes, equipment, plant, works, visitors;*
  - *Size of construction vehicles;*
  - *The use of a consolidation operation or scheme for the delivery of materials and goods;*
  - *Phasing of works;*
- *Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads; to include details in the CTMP that restrict deliveries during school drop off and pick up times;*
- *Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;*
- *Locations for storage of plant/waste/construction materials;*
- *Arrangements for the turning of vehicles, to be within the site unless completely unavoidable; as demonstrated in the CTMP;*
- *Arrangements to receive abnormal loads or unusually large vehicles;*
- *Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;*
- *Any necessary temporary traffic management measures;*
- *Pre-construction photo survey around the access to the site, any damage to verge to be put right within 6 months of the completion of the construction phase;*
- *Method of preventing mud being carried onto the highway;*
- *Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.*

Reason: In the interests of safe operation of the adopted highway in the lead into the construction phase of the development.

Before the development hereby approved is first brought into use: -

a) the first 15.00 metres of the vehicle access measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed of consolidated material, not loose stone or gravel.
b) the widening of the existing access shall have been completed to a specification previously submitted to and approved in writing by the local planning authority.
The said access shall thereafter be retained for the lifetime of the development.
Reason: In the interests of highway safety

If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and ancillary equipment, except for the Substation, shall be submitted within 6 months of the end of the cessation period to the local planning authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.

Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a Scheme for the decommissioning of the solar farm and its ancillary equipment, except for the substation, and how the land is to be restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to and agreed in writing by the local planning authority.

The solar farm and its ancillary equipment, except for the substation, shall be dismantled and removed from the site and the land restored in accordance with the approved Scheme and, in any event shall be removed within a period of 40 years and 6 months following the first export date.

Informative
The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at http://wiltshire.gov.uk/highways-streets to make an application.

Informative.
The proposal includes proposed closures to the public highway, and a scheme for reducing the speed limit to 40 mph during construction, consent hereby granted shall not be construed as authority to carry out closures to the highway. The applicant is advised that an application must be cleared with Wiltshire Council Traffic Orders (www.wiltshire.gov.uk/highways-road-closures) prior to a temporary closure order. Please contact the traffic orders team on telephone 01225 713104 / 0300 456 0105 or email to:TTROapplication@wiltshire.gov.uk for further details. Temporary Traffic Orders team require a 12 week lead in so sufficient time should be factored in for the necessary orders.
For further information please contact mailto:Streeworks@wiltshire.gov.uk for any additional information.

Informative
The applicant is advised to seek the relevant drainage approval regarding the piping of the highway ditch on drainage@wiltshire.gov.uk

Rights of Way Officer – No objection, stating:

"I'm pleased to see that the Public Footpath CMAL12 has been accommodated within the definitive map line. The PROW should have all pieces of access furniture (stiles field gates) removed where they are no longer required for stock control purposes within the sites red line boundary. This is to make the path as accessible to as many users as possible.

Please find below the policy's which back up the request for a section 106 contribution towards the Restoration of the Wilts and Berks Canal.

Wiltshire Core Strategy 2015:
Core Policy 53 supports the restoration and reconstruction of the Wilts and Berks canal it states that restored canals can bring significant benefits in terms of attracting visitors to Wiltshire, contributing to the local economy, promoting sustainable transport through the provision of walking and cycling routes and providing an important element of the strategic green infrastructure network. The restored canal network will provide opportunities for standing open water and marginal habitat.

Core Policy 52 supports the delivery of green infrastructure projects and initiatives. The planning and delivery of these projects will need to address any potential negative environmental impacts, particularly in relation to disturbance of wildlife, flood risk, water quality, landscape character and tranquillity."

Initial comments:

Thank you for the opportunity to comment on this application, CMAL12 crosses the site I will look into the position of CMAL12 as it may be recorded slightly further South than where it runs. The developer may wish to contact the Public Rights of Way team for a new shape file showing the position of the footpath. I would request that all stiles are removed from CMAL12 within the site all gates are to be left open or removed unless they are required for the purpose of livestock control. The proposed Solar farm is very close to the Wilts and Berks Canal I would think a section 106 contribution of £20,000 per year (index linked) that the solar farm is in use, to be used towards the restoration of the Wilts and Berks canal and its towpath."

Ecology Officer – No objection, stating:

"Thank you for consulting Ecology, I have reviewed the application and supporting documents against OS Maps and aerial photography of the site and surrounding area, together with GIS layers of statutory and non-statutory sites and existing records of protected species.

The following submitted documentation was reviewed to inform this response:
- *Ecological Impact Assessment. November 2024. Tyler Grange*
- *Indicative Landscape Mitigation Plan. November 2024. Exagen*
- *Site Layout Plan. November 2024. Exagen*
- *Summary of Changes and Response to Consultee Comments. December 2024. Exagen*
- *Skylark and BNG Response Note. June 2024. Exagen*
- *Arboricultural Impact Assessment. November 2023. Barton Hyatt Associates*
- *The Biodiversity Metric 4.0. Submitted December 2024. Tyler Grange*

Protected Species
We welcome the surveys undertaken in relation to GCN and note that records exist in close proximity to the site. All water bodies will be retained and therefore there will be no direct impacts to any aquatic habitat. Terrestrial habitat suitable to support GCN will also largely be retained with the exception of small sections of hedgerow to be removed for access. We note that a Precautionary Working Method Statement will be provided to ensure risks are minimised during construction, this will be secured via a condition.

A number of bat species were identified on site, largely foraging and commuting along the hedgerow boundaries. All hedgerows and trees will be retained within the scheme design except for a section of hedgerow to be removed for access. We welcome the proposals to

include bat boxes and that no external lighting is proposed. In addition, the habitats to be created will be suitable to support foraging and commuting bats. No indication of the location of the bats boxes has been provided, however this could be secured through condition. The lighting detail to ensure dark foraging and commuting routes for bats are retained could also be secured via a condition.

We note the commitment to install the inverters associated with the solar array away from hedgerows to reduce potential noise impacts, however, a number of inverters appear to be located directly adjacent to hedgerows. Clarification has been provided in an email dating 4/7/2024 from Tyler Grange stating that all inverters will be sited a minimum of 5m from the boundary features, which is welcomed.

Skylark were recorded on site with an estimated 8 breeding territories. The addition of the solar arrays would likely deter nesting in these areas. However, it is noted that 12.12ha of the site will be retained without panels. The management of this habitat will allow for the scheme to provide sufficient mitigation to support skylark on site, however skylark should be considered specifically within the HMMP.

No additional protected species were identified on site, however additional precautionary working methods were recommended for inclusion into the CEMP for badger, dormice and reptiles which is welcomed.

BNG
Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and for major applications the expectation is that development will deliver a net gain. At the current time therefore, the Council expects all applications to demonstrate no net loss of biodiversity and where appropriate to deliver a net gain.

A completed statutory metric calculation (The Biodiversity Metric 4.0. Submitted December 2024. Tyler Grange) confirming the baseline and predicted post- development biodiversity units of the site has been submitted. The scheme now demonstrates that there are no net losses of high distinctiveness hedgerow habitat through avoidance and habitat creation. In addition, details have confirmed that the access route will run along the existing road and there will be no additional impacts upon the verge habitat and so will not require inclusion within the metric.

A number of proposals have been recommended to enhance biodiversity on site through the use of the BNG Assessment. However, as this application was prior to mandatory BNG, the BNG deemed condition will not be secured to any permissions granted Therefore we advise that a HMMP is included as a condition to secure the proposed mitigation and enhancement measures outlined within the landscape strategy and metric.

Swallet Farm Meadow County Wildlife Site (CWS)
We note that the area set aside to replace Swallet Farm Meadows CWS will include 1.27ha of neutral grassland and that this area has been excluded from the metric. However, no additional information in relation to the creation and management of this site has been provided. Additional information identifying how habitats will be created and how management will be delivered and secured for the lifetime of the development will be required within the HMMP.

Conditions:
1. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
b. Precautionary Working Method statements for protected/priority species, such as nesting birds, badgers, dormice reptiles and amphibians.
c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.
Development shall be carried out in strict accordance with the approved CEMP.
REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

2. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.
The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.
REASON: To avoid illumination of habitat used by bats.

3. The development will be carried out in strict accordance with the following documents:
- *Indicative Landscape Mitigation Plan. November 2024. Exagen*
- *The Biodiversity Metric 4.0. Submitted December 2024. Tyler Grange*

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

4. Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of bat roosts and nesting opportunities for birds (e.g. bat and bird boxes) shall be submitted to the local authority for approval. The approved details shall be implemented before occupation of the final works.
REASON: To provide mitigation /enhancement for biodiversity.

5. No development shall commence on site until a Habitat Management and Monitoring Plan (HMMP) is submitted and approved in writing by the Local Planning Authority to include:
- *The long term objectives and targets of the landscape Strategy and County Wildlife Site;*
- *the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- *the planned habitat creation and enhancement works to create or improve habitat to achieve the Landscape Strategy proposed.*
- *the management measures to maintain habitat for the lifetime of the development; and*
- *the monitoring methodology, incorporating management prescriptions, review and adaptive management methodologies, including habitat assessment reports to be submitted to the LPA for the lifetime of the development has been submitted to, and approved in writing by, the local planning authority.*

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting season after completion of the development if not before:

- *All vegetation [and biodiversity mitigation/enhancement features] shall be maintained in accordance with the Habitat Management Plan for the duration of the development from the commencement of the scheme and shall be protected from damage.*
- *Any trees or plants which, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.*
- *The installation of the biodiversity mitigation and enhancement measures will be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development.*

REASON: To ensure a satisfactory implementation and maintenance of the Landscape Mitigation Plan.

7. Within 6 months of the date of expiry of any planning permission, or, if sooner, the cessation of the use of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the inverter stations, security equipment, poles and fencing shall be removed from the land and the land restored in accordance with a scheme of work to be submitted to, and approved in writing by, the local planning authority. The scheme of work, including a restoration plan and a decommissioning scheme that takes account of a recent ecological survey, shall be submitted to the local planning authority not less than six months before the removal of the installation.
REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

Informatives:
Amphibians/Reptiles
There is a residual risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible in line with the recommendations made in (insert details of ecological report). If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk).

Nesting Birds
The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding.
Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Artificial Lighting
The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and

Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals."

Climate Officer – Support, stating:

*"**Overall: Support.***
Additional comments:
It's 12 months since I previously commented and since then, we have had several material changes in the policy context. The starting point for this decision remains the development plan and this has not changed in the past year. It remains supportive subject to satisfactory resolution of all site-specific constraints. To achieve this, it is important to be conscious of the context for delivering ground mounted solar PV proposal. The context includes 2 changes to the National Planning Policy Framework, updates to the national planning policy statements and a change in UK government leading to the publication this week of the UK government's Clean Power 2030 Action Plan: A new era of clean electricity.

The December 2024 NPPF shows the UK government's commitment to delivering renewable energy. Paragraph 161 now states that the "planning system should support the transition to net zero by 2050", not just the transition to a low carbon future. The Clean Power 2030 Action Plan sets a route map for the transition to net zero by 2050. We will see a huge increased demand for electricity in the 2030s and 2040s as part of the transition to net zero, so it's imperative that we have the foundations in place by 2030, including a strong base of electricity generation. The Clean Power 2030 Action Plan states that part of the renewable energy mix will include "45-47GW of solar power". There remains a significant gap between both current and committed capacity and this target (as illustrated below):

*Paragraph 168 of the NPPF now states (new text underlined) that "local planning authorities should… not require applicants to demonstrate the overall need for renewable energy or low carbon energy, and give **significant weight** to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future".*

The benefits include addressing climate change, but also includes energy security, addressing fuel poverty, economic growth, reducing air pollution and pressure on the NHS.

Applications for planning permission must be determined in accordance with the relevant policies of the development plan unless material considerations indicate otherwise (ref: Section 38(6) of the Planning and Compulsory Purchase Act 2004). Section 19 of this Act places a legal duty on development plan documents, taken as a whole, to include policies designed to secure development that contributes to the mitigation of, and adaptation to, climate change.
Development Plan:

At paragraph 1.3 of the Wiltshire Core Strategy (WCS) key principles that underpin the strategy to help build more resilient communities are identified including:

- *"Working towards lowering Wiltshire's carbon footprint through the appropriate location of development, and through renewable energy and sustainable construction."*

*Paragraph 1.10 states: **"The overarching priorities are to help build and protect resilient communities through….. tackling the causes and effects of climate change"***
*Paragraph 2.10 states: **"Climate change is a central issue to be addressed by the WCS…..** The basis of this strategy is to achieve sustainable patterns of development in order to reduce carbon emissions."*
*The WCS sets out that addressing climate change as a strategic objective stating at paragraph 3.5 that: **"Climate change is possibly the greatest long-term challenge facing the world today."***

Core Policy 42 *sets out that the principle of stand alone renewable energy projects is acceptable and will be encouraged and supported. It sets a clear criteria-based framework to encourage greater investment by the renewable energy industry within Wiltshire.*

In addition, the Wiltshire Core Strategy contains specific policies in relation to ***biodiversity (CP50), green infrastructure (CP52), high quality design (CP57), flood risk (CP67) and water resources (CP68).*** *These all relate to reducing Wiltshire's contribution to climate change and/or adaptation. To be compliant with these policies regard should be had to the implications of the development on climate change. As set out previously climate change is the central issue to be addressed by the development plan.*

Other material considerations:
As set out above planning legislation establishes that ***other material considerations*** *should be taken into account in the determination of planning applications. As such, these need to be kept in mind as developments are planned and formulated. Other material considerations may include other local planning policy and guidance, the emerging Wiltshire Local Plan Review, UK government legislation or Written Ministerial Statements and national planning policy and guidance such as the National Planning Policy Framework.*

The Council is carrying out a ***Local Plan Review****. A draft version has now been approved by cabinet and full council to proceed to the Regulation 19 stage of public consultation. This consultation has commenced. A suite of ambitious new and replacement policies to further reduce Wiltshire's contribution to climate change and foster better community resilience to impacts from climate change are now emerging. The direction of travel is reflective of wider strategic policy already adopted by Wiltshire Council, such as the Wiltshire Climate Strategy, adopted February 2022. This builds on the Council's February 2019 resolution to acknowledge a climate emergency and subsequent commitment to seek to make the county carbon neutral by 2030.*

To further underline this the ***Climate change act 2008 (2050 Target Amendment) Order 2019*** *raised the* ***duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline*** *(previously 80%).*
The ***National Planning Policy Framework (September 2023)*** *(NPPF) sets out the UK government's position on planning in England.*

Paragraph 7 of the NPPF states: "The purpose of the planning system is to contribute to the achievement of sustainable development" and paragraph 8 makes it clear that ***mitigating and adapting to climate change is a core planning objective****.*
Paragraph 152 states: "The planning system should support the transition to a low carbon future in a changing climate…. It should ***help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions****, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings;* ***and support renewable and low carbon energy and associated infrastructure.****"*
In support of national policy, the UK government has also produced planning practice guidance for England on Renewable and low carbon energy. This sets out technical issues affecting their siting , such as proximity to grid connection infrastructure, and criteria that should be addressed, in line with extant policy CP42 considerations.
In terms of the future national direction of travel the ***10 Point Plan****,* ***Net Zero Strategy****,* ***Heat and Buildings Strategy****, the* ***Sixth Carbon Budget, British Energy Security Strategy*** *and* ***Powering Up Britain*** *are very clear. The intentions include:*

- *More journeys by public transport, walking and cycling;*
- *More electric cars; and*
- *More renewable energy and storage technologies.*

Comments on the submission:
The climate team actively and strongly encourages developers of all scales to put the mitigation of and adaption to climate change as a golden theme to run through their development project. This is a proposal that could supporting the council's goal to seek to

make the county carbon neutral by 2030. This is a goal set out in the adopted Climate Strategy. The Climate Strategy is part of the council's constitution and is a non-statutory plan of equal standing as the Business Plan. Delivering on the council's climate change commitments will support the delivery of the Business Plan and reflect the council's 2019 acknowledgement of the Climate Emergency.

In short, Wiltshire Council has embedded addressing climate change into its constitution and needs to use its spheres of influence, such as its regulatory planning powers to affect positive change. Its statutory planning decision tool, the Wiltshire Core Strategy, provides a positive framework for standalone renewable energy proposals such as this.

Despite the repeated references in the submission about the need for the development being clear; there is actually no requirement to demonstrate a need for this scheme. Rather, what the applicant is meaning here is that the proposals will positively meet the spatial planning objective of addressing climate change. This ought to be afforded weight in favour of granting planning permission in any planning balance.

The proposal will generate a significant amount of renewable energy. The developer reasonably suggests that this is likely to be in the region of enough power to service the equivalent of over 11,000 typical homes. At this stage, suffice to state that by reducing the need to generate electricity through the burning of fossil fuels, which result in the emission of greenhouse gases, this scheme will mitigate climate change. The science of climate change is now irrefutable, the emission of greenhouse gases, such as carbon dioxide, through human activity is demonstrably warming our climate. The consequences of this negatively impact our economy, our society and our environment. This is an issue at the heart of sustainable development. The delivery of sustainable development is what underpins the planning system. Therefore, the NPPF is clear at paragraph 152 that the planning system needs to support the transition to a low carbon future through shaping places in ways so as to contribute to radical reductions in greenhouse gases.

The provision of renewable energy will be key in meeting this challenge. For example, the UK government sets out in its March 2023 document, Powering Up Britain that we will need to aim for a 5-fold increase in solar PV generation by 2035. This means the UK will need up to 70GW of power, enough to power around 20 million homes. Place this into a Wiltshire context, where solar PV has historically been by far the greatest source of renewable energy (Wiltshire County Report – Wiltshire Carbon Emissions Baselines and Reduction Pathways, March 2022), and is set to remain so, then this proposal would represent a positive contribution to net zero ambitions.

Whilst the delivery of solar PV in Wiltshire has been strong, this is not reflected in other forms of renewable energy, for example wind. The UK government reviewed its national position in the NPPF this year but did not reverse its 'de-facto ban'. The carbon reduction pathway for Wiltshire sets out a reliance on wind coming forward and this now seems unlikely. So, realistically, solar PV will be the main source of renewable power for Wiltshire in the foreseeable future and will need to compensate for the lack of other renewable energy sources in Wiltshire in the transition to net zero. In short, a net zero future for Wiltshire will mean we need more solar on the roofs of buildings, and we will need more standalone installations like this too.

Without these types of proposals coming forward, providing a pipeline of deliverable projects, society will have an unrealistic task of firstly reaching net zero, but then adapting to the environmental consequences of delayed action. This will include more extreme weather causing overheating and flooding. Issues that will harm our built and natural environments, causing economic, social and environmental loses.

This proposal will not only help to decarbonise the grid by the 2035 UK Government target, but it will also support energy security by reducing our reliance of fossil fuels, which are often bought from foreign markets that have become increasingly volatile driving higher energy

prices. Furthermore, of particular note is that the scheme could help to deliver strong levels of biodiversity net gain which will help to address the concurrent Ecological Emergency. This relates directly to one of the key criteria for assessing renewable energy proposals set out in the development plan and national planning practice guidance. The development, through the landscaping strategy will provide carbon sequestration too.

Indeed, it is clear from a review of the submission that the developer has recognized the need to minimise and mitigate any potential impacts on wider planning considerations such as heritage assets. If residual impacts are found in any planning assessment, then the council should be positive and proactive in any discussions with the developer to mitigate impacts as far as practically possible. If harm remains, then each benefit of the scheme needs to be apportioned positive weight in favour of granting approval in accordance with the NPPF approach of balancing heritage impacts and public benefits. The annual carbon reductions of this scheme for example ought to be afforded significant weight because climate change is the central issue to be addressed by the development plan and the importance of the issue has only increased since the extant plan was adopted in 2015.

Landscape Officer – No objection, stating:

"Further to my former landscape colleagues (Dan Lu) landscape consultation response for this planning application dated 08th April 2024, I provide the following further landscape comments in relation to the additional and revised information uploaded onto the Council's website, in order to address the reasons for the previously advised landscape holding objection, which advised that minor revisions were required to the submitted layout and landscape mitigation plans for the purpose of achieving greater planning certainty and in the interests of proper planning.

I have reviewed the revised landscape mitigation plans, in light of the original landscape officer comments and in the context of those issues originally highlighted, alongside the minor changes proposed to the panel areas (i.e. removal / further set back of panel areas in front of the listed building, and resulting additional panel areas extending west in field 10 etc.)
I consider that the issues which justified the previously highlighted landscape holding objection have been suitably addressed. The previously advised landscape holding objection is removed.

There is no objection to this development proposal, subject to the usual imposition of standard planning conditions, requiring implementation of the approved landscape mitigation and enhancement scheme to an agreed timeframe, and regular inspection, replacement of any dead and dying plants on an annual basis for the first 5 years etc. alongside a scheme for the management of landscaping within the site, and a further condition requiring the submission of an acceptable decommissioning and land restoration scheme to be approved by the LPA, and its subsequent implementation to an agreed timeframe / or cessation of the approved scheme for renewable energy production / use, whichever occurs first."

Initial comments as follows:

***Recommendations:** A holding objection is advised to be necessary until minor revisions are made to the submitted layout and landscape mitigation plans for the purpose of achieving greater planning certainty and in the interests of proper planning.*

***Matters Considered:** Landscape features, landscape character and public visual amenity.*
Relevant Landscape Character Assessments
National Character Area Profile (Scale 1:250,000)
- *117 Avon Vale*

Wiltshire Landscape Character Assessment (Scale 1:50,000)
- *LC Type – 12: Open Clay Vale*
- *LC Area – 12B Avon Open Clay Vale*

North Wiltshire Landscape Character Assessment (Scale 1:25,000)

- *Type – Lowland River farmland*
- *Area – 11: Avon Valley Lowland*

Public Rights of Way
Public Footpath CMAL12 – Passes through the site area on a SW-NE alignment. It crosses the mainline railway via a bridge to the south to join City Road (Bright's Farm Road).
Public footpath DAUN29 – Adjoins the eastern end of the site and links to northern end of CMAL12.
Public Bridleway CMAL14 – is located to the SW of the site and provides a link from City Rd. / Bridge (Brights Fm. Road) to the wider network of local public bridleways that pass up and down and across the limestone ridge to link with Foxham, Bradenstoke Lyneham and beyond.
Public Footpath CMAL13 – is located to the SW of the site overlooking the site from a high elevation and joining the path running along the edge of the disused Lyneham Airfield.
Public Bridleway LYNE35 – is located to the SW of the site overlooking the site from a high elevation and joining the path running along the edge of the disused Lyneham Airfield.

General Comments
The application site is not included within a local or national landscape designation and will not impact upon the setting of a national or local landscape designation.
The application responds positively to address many of the comments offered within pre-application landscape planning advice and uses opportunities available on the site to restore important landscape features appropriate to the local character of the landscape as part of the development and has taken care to minimise and mitigate against harmful visual effects for many public visual receptors through establishment of new hedgerows, introduction of hedgerow trees into existing retained hedgerows, creation of new hedgerows incorporating hedgerow trees and creation of new screening woodland.

Landscape Effects
There will be some harm to landscape character arising from this development proposal, but in this instance, I do not consider this harm would be unacceptable in policy terms, given the application avoids the proposed use of the higher more sensitive rising land, avoids introduction of skyline effects. The resulting effects are localised and fully reversible and non-cumulative in nature.

Throughout the LVA there is mention of planting indigenous native tree and hedgerow species within existing and proposed hedgerows and within new woodland planting areas. Re-introduction of hedgerow trees will help restore the loss of this important landscape feature, following their loss due to Dutch Elm Disease during the 1970's, which is welcomed.

I also welcome the proposal to restore the existing County Wildlife site that has since been lost to arable farming in a different location along the footpath running through the site. However, as the proposed site use as a solar farm is temporary in nature (40 years), with the development reversible for future agricultural use, it is unclear whether the intention is to restore the CWS back to agricultural use also. The applicant should provide further clarity on whether the new CWS landscape enhancement provided is intended to be a temporary / reversible or permanent beneficial effect arising from this development proposal.

Visual Effects
There are a number of views from PRoWs, the road, and nearby dwellings that overlook the site that have been assessed in the submitted LVA as resulting in 'Moderate to Major Negative' and 'Major Negative' effects for receptors following the introduction of this new development into the site at year 1, but these are likely to become increasingly screened by year 8 and 15, and would therefore not raise any landscape or visual concerns from a public visual amenity perspective over the medium and longer term.

However views from the higher sections of public footpath CMAL13 and public bridleway LYNE35, located south of the site, continue to be visible at Year 15, as is evident from Figure 8-2e:Viewpoint 4 and Figure 8-3e: Viewpoint 5. Due to the higher elevation of these viewpoints

looking down to the development, it would be unlikely that onsite planting could provide effective screening to mitigate for these visual effects experienced by these elevated receptors. On balance, I consider the development would constitute a worst case 'Moderate Negative' visual effect for these receptors due to the limited footprint of the proposed development relative to the wider landscape panorama experienced from these Viewpoints.

Other Matters

Boundary Treatments

The proposed boundary treatment surrounding the solar panels is a character appropriate rural timber post and wire netting deer proof fence. The use of palisade steel fencing has been limited to surround the substation only. It is noted that the palisade fencing is proposed to be painted in a dark green or similarly acceptable colour agreeable with the Council. Paint colours for the palisade fencing, along with other proposed structures such as CCTV / lighting columns and inverter units, should be secured via condition to ensure that the visual impact of these elements is reduced as far as possible by agreeing darker neutral earth colour tones to minimise backgrounding visual contrast.

External lighting

One issue causing some potential confusion is the reference to 'CCTV & Lighting Post' on the key on the submitted 'Site Layout Plan' (drawing no. LLY01A-EXG-04-00-D-K001 Rev: P04). It is assumed that the only required external lighting and lighting posts would be limited to use within the sub-station compound itself, and only for essential / occasional use to provide a safe means of maintenance/emergency access to this infrastructure etc. There should be clear differentiation on the drawing key & symbols used between poles proposed for 'lighting and CCTV' and those for 'CCTV/Infrared security' to provide consistency with the submitted 'Planning, Design and Access Statement' and Landscape and Visual Appraisal' and certainty to the LPA for a clearly enforceable planning scheme. (i.e. The inclusion of external lighting mounted on each CCTV pole would be completely unacceptable in landscape and visual terms. ***The LPA should seek amendment and further clarity on the submitted layout and landscape mitigation plans over this specific point (and re-consult the landscape team only if necessary). I suggest the drawings / keys should be amended to better define the proposal.***

Soft planting proposals

I consider the soft planting proposals as currently illustrated and scheduled on the submitted 'Landscape Mitigation Plan - Drawing No. LLY01A-EXG-95-00D-K001' to represent an acceptable soft landscaping scheme. However, the ***location of specific tree species introduced as hedgerow trees should be further detailed in terms of percentage mixes and species locations labelled on the plan to ensure an enforceable planning scheme is provided.***

Suggested Conditions

Should the LPA consent to the proposed development then the following planning conditions are advised to be necessary;

- *Implementation in full of the 'Landscape Mitigation Plan' Drawing No. LLY01A-EXG-95-00DK001 to an agreed timeframe, and maintained thereafter for the life of development (pending revision of this plan).*
- *Submission of a 'Landscape Management Plan' in general accordance with the requirements of Wiltshire Council's Model Planning Condition WC8. However, to avoid repetition and potential management confusion, it would be sensible to provide a single overarching and consistent management plan. I therefore recommend that landscape enhancement and visual mitigation objectives and management requirements and steps to achieve these outcomes be incorporated into a single 'Landscape and Ecology Management Plan' (LEMP).*
- *Final details pertaining to the finished colour, materials, and final detailed appearance of all currently submitted 'typical details' such as fencing, CCTV poles, DNO/substation buildings, cabinets, containers and enclosures shall be submitted to the LPA for final written approval prior to commencement of development.*

- *A condition requiring the submission of a 'decommissioning and restoration scheme' to be submitted for the written approval of the LPA. This would include planned removal and recycling of all renewable energy related infrastructure, ancillary buildings, tracks, and equipment from the land and restoration of the land back to farming or other agreed Agrienvironment uses within an agreed timeframe linked to the date of planning consent, or within an agreed timeframe following the cessation of renewable energy production/storage on the land, whichever is the sooner. The subsequent implementation of the approved 'decommissioning and restoration plan' should be conditioned to be completed in full within an agreed timeframe or end date.*

Conservation Officer – No objection, stating:

"Scope of comments: *the following comments relate to the built historic environment.*

Site Description:
The site is formed from a number of field parcels boarded by established hedgerows and is for the application known as Swallett Energy Park. It is located to the south of the B4069 near to Dauntsey Lock. The Great Western Railway mainline borders the site to the south and to the east and west are historic field patterns with hedgerows. There are a number of historic farmsteads to the north on the B4069 and to the south east about 250 m is Dauntsey Lock.

The land is relatively level with a gentle slope to the south and then to the south of the railway line is a hillside topped with Round Wood and Horse Leys Wood.

Heritage Assets:
Great Ridgeway Farmhouse (B4069) grade II
Malford House (B4069) grade II
Swallett Farmhouse (B4069) grade II
Swallett House (B4069) grade II
Bridge near Dauntsey grade II
Dauntsey Road Bridge grade II
Milestone 100 m south west of Swallett Farm grade II
Brights Farmhouse grade II
Former Stable w of 1-2 Lockside Cottages Dauntsey Lock grade II
No. 1 & 2 Canal Cottages Dauntsey Lock grade II
Weighbridge House and Weighbridge Dauntsey Lock grade II
Hope House Dauntsey Lock grade II
The Peterborough Arms Dauntsey Lock grade II

Relevant Planning History:
N/A

The Proposal:
Construction and operation of a renewable energy park comprising ground mounted solar photovoltaics (PV) together with associated infrastructure, access, landscaping and cabling.

Policy:
The NPPF outlines government policy, including its policy in respect of the historic environment. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development.

Paragraphs 213 – 215 of the NPPF 2024 requires a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved.

Paragraph 210 requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance."

Wiltshire Council's Core Strategy Policy CP57 'Ensuring high quality design and place shaping': A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

Historic England Advice Note 2 – Making changes to Heritage Assets illustrates the application of policies set out in the NPPF in determining applications for PP and LBC.

Historic England Advice Note 3 The Setting of Heritage Assets - HE Good Practice Advice in Planning Note 3 (2nd Ed)

Issues: *Impact on the setting of Listed Buildings.*

Significance of assets and contribution of setting: *The NPPF defines significance as the "value of a heritage asset to this and future generations because of its heritage interest.*

The interest may be ***architectural****, or* ***historic*** *as set out in the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 S 1.*

The NPPF defines significance as the "value of a heritage asset to this and future generations because of its heritage interest. The interest may be, ***architectural****, or* ***historic****. Significance derives not only from a heritage asset's physical presence, but also from its setting." Historic England assesses significance in a similar manner, referring to evidential, historic, aesthetic, and communal values of a place.*

The significance of the heritage assets is defined in the applicants Heritage Statement into groups and the assets in relation to their proximity to the site and the likely impact on their settings.

The two assets closest to the development site are Great Ridgeway Farmhouse and Malford House both grade II listed buildings.

Swallett Farmhouse and Swallett House both grades II are located slightly further away from the development to the north west and are notably less impacted in respect of significant views and in their general experience in relation to the field parcels. Although the site name suggests the ownership of the land relates to the Swallett Famhouse or House.

The listed assets grouped around Dauntsey Lock the Former Stable west of No.s 1-2 Lockside Cottages, No. 1 & 2 Canal Cottages, Weigbridge House and Weighbirdge, Hope House, and The Peterborough Arms all grade II are assessed by the applicant Heritage Statement as a group due to their location and the similar distance and likely impacts of the development on their settings.

Assessment:
Paragraph 207 requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. This should include sufficient information to provide a clear understanding of the significance of the heritage asset and its setting and the potential impact of any proposals on that significance.

Paragraph 208 also provides for the local planning authority to make its own assessment of impact and the following heritage recommendations are offered on this basis.

The applicant has provided a thorough application with an extensive heritage statement and landscape visualisations. The heritage statement identifies the relevant heritage assets and systematically assess the impact of the proposed solar farm distribution on the heritage assets.

I generally concur with the assessment but had following a site visit considered the impact on Great Ridgeway Farmhouse a large and prestigious early 18th century farmhouse largely intact with preserved architectural features and plan form.

The south elevation is described as austere symmetrical configuration of mullioned windows with hood mouldings, ashlar quoins and porch. The farmhouse is described as a 'classicising' of Wiltshire vernacular. 'An early example of Queen Anne Style in a rural context'.

Great Ridgeway Farmhouse is located orientated very particularly to the south and views across the application site toward the wooded hills beyond. This specific planning and response to landscape is significant and the Heritage Statement comments that the 'Farmhouse currently benefits from along unimpeded views across fields toward the high ground south of the railway line.

The revised application has removed solar panels from the field directly opposite and south of the Farmhouse pushing them back beyond the historic hedgerow that currently forms the first break in the views about 200 m south of the asset.

It also reinstates the native hedgerow that based on historic mapping, google mapping and site evidence was removed based on mapping evidence between 1960 and 1981 – 83 that ran in a south east direction from the fenced triangular Wessex Water Pumping Station site and down to the established south edge of the land parcel.

This amendment will provide views and a visual experiencing of the farmhouse looking out across an unbroken view across the wider landscape. This open field parcel provides the significance to the farmhouses immediate setting and its retention is welcome as it preserve the interaction between the two elements.

This amendment based on my assessment would produce a more natural landscape one that was historically justified, and that provided the appropriate level of visual mitigation to overcome the harm to setting of the Great Ridgeway Farmhouse.

This revision to the layout of the solar farm substantially preserves the level of significance to the setting currently available to the asset from the open views across the landscape to the existing hedgerow buffer to the south and beyond to the wooded hillside.

In addition it reinstates an historic field patterns in the immediate setting of the Great Ridgeway Farmhouse and significantly reduced the landscape intervention into the historic field parcels currently proposed.

In respect to Malford House however I consider that its orientation and siting is not as strongly connected to the views to the south and it sits in its own semi treed plot that reduces the connections to the adjoining field network, I am therefore satisfied that the proposed more limited buffer area with wildflower planting would suffice.

I also note the replacement of palisade fencing with a new length native hedgerow across the existing field roughly east west in this field parcel No. 89 in the 1st Edition OS mapping 1880 while relatively arbitrary and cuts across historic land parcels and offers limited benefit to the setting of Malford House I do not consider the harm to be sufficient not to be overcome by the public benefits of the solar farm.

In the summary the revised an updated Heritage Statement comments 'The buffer will retain a degree of openness and rural character within their respective settings following the construction of the development'

Summary: *The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification.*

This revised layout of the solar farm I consider achieves the appropriate balance between the development and the setting of the heritage assets and while there is acknowledged a reduced level of harm to setting from the original submission this is now considered to be overcome by the public benefits derived from the solar farm and production of low carbon electricity.

Archaeology Officer – No objection, stating:

"I have been able to review an updated version of the report detailing the results of an archaeological trial trench evaluation undertaken on the application. Further information characterising the archaeological potential of the site has been provided by a desk-based assessment and a geophysical survey.

Taking on board the information provided by these pieces of work, I am content to withdraw the objection I previously lodged to this objection. I would therefore advise that four areas of archaeological strip, map and record excavation should be undertaken to mitigate damage to archaeological remains:

Area A: Strip, Map and Record archaeological excavation to be undertaken on an area targeting the archaeological features identified in Trenches 1, 5 19 and 20. This area is to include a 5m contingency beyond the last archaeological feature identified within the stripped area.

Area B: Strip, Map and Record archaeological excavation to be undertaken on an area measuring 30m by 30m targeting the archaeological features identified in Trench 53. This area is to include a 5m contingency beyond the last archaeological feature identified within the stripped area.

Area C: Strip, Map and Record archaeological excavation to be undertaken on an encompassing the archaeological features identified in Trenches 72-82 and 102 in the north-eastern field of the application area. This area is to include a 5m contingency beyond the last archaeological feature identified within the stripped area.

Area D: Strip, Map and Record archaeological excavation to be undertaken on area targeting the archaeological features identified in Trenches 92-95. This area is to include a 5m contingency beyond the last archaeological feature identified within the stripped area.

This Programme of Archaeological Excavation should be secured via a condition to be attached to any planning permission that may be issued. Such a condition is to be worded thus:

'No development shall commence within the area indicated by application PL/2023/10077 until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.
REASON: To enable the recording of any matters of archaeological interest.'

This work is to be carried out following the Standard and Universal Guidance for Archaeological Excavation as set out by the Chartered Institute for Archaeologists (CIfA). The costs of this work are to be met by the applicant."

Drainage Officer – No objection, stating:

***Matters Considered**:*
Documents Reviewed:
- *Flood Risk Assessment*
- *Outline Surface Water Drainage Strategy 1 to 4*

The application has been supported with a Site-Specific Flood Risk Assessment (FRA). It should be noted that our comments below are reliant on the accuracy and completeness of the FRA and we do not take any responsibility for incorrect data or interpretation made by the authors.

***Conditions**:*
The drainage team have the following conditions which need to be addressed by the applicant:
1. No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.
In order to discharge the above drainage condition the following additional information must be provided:
- *A robust soil, grass, and/or land management plan which details vegetative areas in between the solar arrays at a long length to help interrupt and prevent channelised flows, reducing erosion and also enhance and promote the infiltration and interception capacity*
- *Details of the regime for monitoring vegetation cover including frequency of visits, and set out remedial measures that could be implemented if problem areas are identified*
- *A construction management plan showing:*
    - *How surface water will be managed during the construction phase in order to prevent an increase in pollution / flood risk to local receptors, and;*
    - *How the applicant going to ensure that compaction of the soil during construction does not occur / will be remediated so that there is not an increase in runoff."*

Public Protection Officer – No objection, stating:

"Public Protection have reviewed application PL/2023/10077 following comments relating to noise from construction traffic and construction noise of the project.
Construction noise is inherently noisy, and only occurs for the duration of the construction phase. I note in the Planning, Design and Access Statement dated November 2023 the construction phase is limited to 6 months and therefore temporary noise. The Construction Management Traffic Plan dated November 2023 has appropriate measures to control noise and vibration during construction using best practicable means. It is expected the construction will meet the requires for BS5288, additionally hours of work are restricted and in line with our standard hours.
Having reviewed all the documents submitted I am satisfied that the conditions set out in comments submitted on 19/01/2024 are adequate."

[Comments from 19/01/2024 stated]

"Thank you for consulting the Environmental Control and Protection Team regarding this planning application. Having reviewed the Noise Impact Assessment and accompanying

information, we suggest the following conditions be applied to ensure appropriate levels of noise amenity are achieved both during and after construction.

Noise emissions attributable to the renewable energy park at Land West of Lyneham Substation shall be limited to a level not exceeding -
- Noise rating 25 between 07:00 and 23:00 hours daily &
- Noise rating 20 between 23:00 and 07:00 hours daily
Within any neighbouring residential property existing or proposed at the time of the consent, with windows open.

No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
i. The movement of construction vehicles;
ii. The cutting or other processing of building materials on site;
iii. Wheel washing and vehicle wash down facilities;
iv. The transportation and storage of waste and building materials;
v. The recycling of waste materials (if any)
vi. The loading and unloading of equipment and materials
vii. The location and use of generators and temporary site accommodation
viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.
Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable."

Arboricultural Officer – No objection, stating:

"North Wiltshire Local Plan (2011)
- *Core Policy NE14: Trees, site features and the control of development (Saved Policy).*

Wiltshire Core Strategy (2015)
- *Core Policy 52: Green infrastructure*
- *Core Policy 57: Ensuring high quality design and place shaping*

National Planning Policy Framework (2023)
- *NPPF Section 15, Conserving and enhancing the natural environment.*

The proposal is for the construction and operation of a renewable energy park comprising ground mounted solar photovoltaics (PV) together with associated infrastructure, access, landscaping and cabling.

Ninety-four individual trees, 17 groups and 96 hedges were surveyed on site.

No trees, groups or entire hedgerows are to be removed to facilitate this proposal.

A four metre internal access track is proposed linking each parcel of land. The existing access points have been used to limit the amount of hedgerow lost.

Of the eleven access points to be utilised by the internal track, nine will use existing access points. The access track linking fields 6 and 7 will require the removal of 4 metres of H43 and four metres of H52 which will link the central field with field 6. H52 has been given a 'U' category.

The underground cable which will link the development with Lyneham substation will involve the partial removal of up to three metres of H1. It is noted that the section of removed

hedgerow will be restocked with species such as Hawthorn and Blackthorn. Further details of the route of the underground cable should be provided as part of an AMS.

As the proposed security fencing spans 12 sections of hedgerow, it is anticipated that up to 12 metres of hedgerow will be lost but this is considered that there will be no lasting effect as it is anticipated that the existing hedgerow will re-establish itself through growing seasons. Minor pruning of less than a metre to hedgerows to allow for construction and use of the internal access track. All hedgerows are noted in the AIA.

The access point from the main road B4069 will require the re-pollarding of G3 six Crack Willow to allow for visibility splay. I have no objections to these works as Willow respond well to re-pollarding.

Soft landscaping is proposed with some parts being located within the RPA of existing trees. Further clarification will need to be provided.

The security fencing is proposed to act as tree protection fencing for internal and external perimeters of the development although '6.2 states - Sections of hedgerows and trees growing in boundaries between fields 1, 2, 8, 9 and 10 and fields 3, 4, 5, 6 and 7 will not be protected from construction by the proposed security fencing. Clarification on what tree protection fencing will be used to protect these trees and hedgerows through the construction stage.

WC13 ARBORICULTURAL METHOD STATEMENT
No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-
♣ A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing along with the location of the access track;
♣ A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837:2012;
♣ A schedule of tree works conforming to British Standard 3998:2010;
♣ Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
♣ Plans and particulars showing the siting of the cable route along with method to be used;
♣ Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
♣ Details of all other activities, which have implications for trees on or adjacent to the site.
♣ In order that trees to be retained on-site are not damaged during the construction works and to ensure that all the work are carried out prior to no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant and designated site foreman to discuss details of the proposed work and working procedures.
REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

Network Rail – No objection, stating:

"Following additional discussions with the applicant regarding our concerns with the drainage at this site. Network Rail removes its objection to the above application on the basis that the

ditches for each syphon will be cleared of vegetation and siltation to enable each syphon outlet to freely discharge by the developer to enable the calculated discharge rate of 220l/s from each syphon to be accepted.

Network Rail therefore have no objections in principle to the scheme.

Below I have included additional comments which should be included as informatives on the decision notice.

SAFETY
Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basic Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

LANDSCAPING
It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

Permitted:
Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrs Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat "Zebrina"

Not Permitted:
Alder (Alnus Glutinosa), Aspen – Popular (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

SOLAR PANELS
The provision of any reflective material used in the solar collecting equipment should not interfere with the line of sight of train drivers and the potential for glare or reflection of light from the panels that may impact upon signalling must be eliminated."

[Previous comments]

"In consultation with our drainage engineer, Network Rail objects to the above application for the reasons outlined below.

The Outline Sustainable Drainage Strategy dated November 2024 makes reference to the LLFA comments about Network Rail interests at the location in section 1 on page 1. However, very little consideration appears to have been given to any railway drainage assets at this location throughout the rest of the document. We have 3no 457mm internal diameter cast iron syphons which pass beneath the railway and discharge at the following locations:
a) Syphon 1, X: 399117.05521 Y: 180190.45096
b) Syphon 2, X: 398807.38382 Y: 180059.51201
c) Syphon 3, X: 398448.50183 Y: 179877.77096

None of the above syphons have been indicated within the above noted document or any associated plans. The outlet ditches for each of these syphons which are within the applicants site are currently in less than optimal condition and require regrading to facilitate unimpeded flow from each of the syphons. To note the syphons don't accept any railway drainage and

simply convey surface water from beyond the railway line to the South. Assessment of each syphon has been completed which indicates the peak flow rate is circa 220 l/s.

Network Rail would be prepared to remove our objection once a suitable response has been made which demonstrates how the 220 l/s at each syphon outlet will be accepted into ditches within the applicants site. It is envisaged that ditch regrading works will be necessary by the applicant."

National Grid Electricity Transmission – No objection, stating:

"There are no National Grid Electricity Transmission assets affected in the area."

National Grid Assets – No objection, stating:

"Regarding planning application at site location PL/2023/10077 there are no National Gas assets affected in this area."

Ministry of Defence – No comment, stating:

"The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of Defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

I can confirm that, following review of the application documents, the proposed development falls outside of MOD safeguarded areas and does not affect other Defence interests. The MOD, therefore, has no objection to the development proposed.

The MOD must emphasise that this email is provided specifically in response to the application documents and supporting information provided on the Wiltshire Council website as of the date of this email.

Amendments to any element of the proposed development (including the location, dimensions, form, and/or finishing materials of any structure) may significantly alter how the development relates to MOD safeguarding requirements and may result in detrimental impact(s) on the operation or capability of Defence sites or assets.

In the event that any:
- *revised plans;*
- *amended plans;*
- *additional information; or*
- *further application(s)*

are submitted for approval, the MOD, as a statutory consultee, should be consulted and provided with adequate time to carry out assessments and provide a formal response whether the proposed amendments are considered material or not by the determining authority."

Note on consultees

The following consultees have been consulted on this application but at the point of determination no response has been received:
- Wiltshire Fire & Rescue Service

Whilst no response has been received from the Fire & Rescue Service, it is noted that the process fire safety, including any operational plan, would be regulated by the HSE with the D&W Fire and Rescue providing an emergency response to any incident. The Applicant is advised by way of Informative to liaise with Fire & Rescue in relation to the operational and decommissioning plans.

8. Publicity / Representations

A total of 39 representations were received in response to the application as originally submitted, these coming from 32 representors. Following revised plans re-consultation, a further 21 representations were received, from 13 representors. 3no. of these representations were in support; the remainder being in objection, raising the following points:

- The loss of 'appropriate' use of agriculture land, as well as BMV agricultural land
- Impact on residential amenity
- Ecological impacts, including on designated County Wildlife Area
- The proximity to Lyneham banks and potential ground movement issues
- Flooding and drainage
- Construction phase impacts: highway safety / noise / vibration
- Visual and landscape impact / landscaping insufficient/ inaccuracies in the assessment
- A comprehensive strategy is required by the Council to appropriately identity suitable sites
- Heritage and archaeological impact: some assets not been appropriately considered / setting of listed buildings not appropriately considered / lack of sufficient surveys
- Connection date will not help meet the immediate demand
- Size and scale (too big)
- Adverse impact for users of the PRoW(s)
- Cumulative impact
- No local benefit arising
- The development is not considered to be 'temporary'; concerns regarding post-development use
- Commercial viability of proposal / solar is inefficient
- Better placed on industrial roofs rather than on agricultural land
- Noise impact (construction and operational phases)
- Impact on ancient woodland
- PV panel life makes this an unsustainable proposal
- Impact on local tourism, including on the Wiltshire & Berkshire Canal
- Glint and glare impacts
- Proposal will not power enough homes
- No access to the railway line / drainage ditches

Some representations referenced issues of land values and right to a view; however, the PPG provides the following advice regarding the view of courts as to what may constitute a 'material consideration', stating: *"… However, in general they* [the courts] *have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations"* [Paragraph: 008 Reference ID: 21b-008-20140306]. Concerns were also raised regarding due process of the application and consultation; however, the application has been dealt with under standard mandatory procedures, with all consultation responses being given due consideration.

Reference was also provided regarding an application made directly to the Secretary of State (SoS) for determination under s62A of the Town & Country Planning Act 1990 due to the local authority being designated.[1] Although that application was refused due to harms caused on a number of material planning matters, and these harms not outweighing the benefits, that case is not considered to be of any direct relevance to this application proposal given the site specific nature of the impacts.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

[1] s62A/2022/0011: Land East of Pelham Substation, Maggots End, Manuden (Uttlesford District Council)

In this case, the Wiltshire Core Strategy (WCS), including those saved policies of the North Wiltshire Local Plan, and the Wiltshire Housing Site Allocations Plan (WHSAP) form the relevant development plan, along with the Christian Malford Neighbourhood Plan; there is no Neighbourhood Plan for the Parish of Dauntsey. The NPPF is a relevant material consideration.

Principle of development

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions on applications for planning permission to be made in accordance with the development plan, unless material considerations indicate otherwise. Any conflict identified with development plan policy must be given weight in the planning balance.

Paragraph 165 of the NPPF requires local plans to help increase the use and supply of renewable and low-carbon energy whilst ensuring that adverse impacts are addressed appropriately. Paragraph 168 of the NPPF expresses that there is no requirement for an applicant to demonstrate the overall need for renewable or low carbon energy and broadly requires LPAs to approve applications for renewable and low carbon development where impacts of the development are (or can be made) acceptable.

In line with national legislation and guidance, Wiltshire Council has made a firm commitment to becoming a carbon neutral council by 2030. The Wiltshire Climate Strategy reiterates this commitment and expresses objectives that include renewable energy generation as part of the efficient and environmentally sensitive use of land, providing for the needs of an increasing population and nature.

Policies CP1 and CP2 of the WCS relate to the spatial strategy for Wilshire, setting the policy foundations for the promotion of sustainable development within the county. The scheme is for a standalone renewable energy installation and will not directly impact existing housing or employment sites. The scheme will result in some employment provision in the form of construction jobs but does not relate explicitly to employment development. There are no specific policies or sections within the Christian Malford Neighbourhood Plan (CMNP) relating to the principle of solar farms within the parish.

Policy CP42 of the WCS expresses that proposals for standalone renewable energy schemes will be supported where it has been demonstrated that impacts (both individual and cumulative) specific to following factors (relevant to this scheme) have been satisfactorily considered:
(i) The landscape, particularly in and around AONBs
(iv) Biodiversity
(v) The historic environment […]
(vi) Use of the local transport network
vii) Residential amenity, including noise, odour, visual amenity and safety
(viii) Best and most versatile agricultural land

The application has been submitted with supporting information which includes (but is not limited to) the following:

- heritage assessment, landscape and visual appraisal, arboricultural impact assessment, ecological impact assessment and BNG information;
- construction traffic management plan
- glint and glare report, flood risk assessment and drainage strategy, noise impact assessment etc
- agricultural land classification report

Sufficient information has been provided by the applicant to demonstrate that criteria of CP42 has been reasonably considered prior to making the application.

In principle, the installation of a solar farm is acceptable subject to there being no significant effect and, where any impact is identified, appropriate mitigation measures are provided. Detailed assessment around impacts of the development related to the criteria of CP42 are addressed in subsequent sections of this report.

CP42 advises that if proposals can demonstrate 'satisfactory resolution of all site specific constraints, as set out above. CP42 also confirms that: *"Applicants will not be required to justify the overall need for renewable energy development, either in a national or local context."*

The positive presumption set out at Core Policy 42 is echoed in the response from the Council's Climate Officer, who concludes that (key extracts):

> *"The proposal will generate a significant amount of renewable energy. … This proposal will not only help to decarbonise the grid by the 2035 UK Government target, but it will also support energy security by reducing our reliance of fossil fuels, … Furthermore, of particular note is that the scheme could help to deliver strong levels of biodiversity net gain which will help to address the concurrent Ecological Emergency. This relates directly to one of the key criteria for assessing renewable energy proposals set out in the development plan and national planning practice guidance. The development, through the landscaping strategy will provide carbon sequestration too.*
>
> *Indeed, it is clear from a review of the submission that the developer has recognized the need to minimise and mitigate any potential impacts on wider planning considerations such as heritage assets. If residual impacts are found in any planning assessment, then the council should be positive and proactive in any discussions with the developer to mitigate impacts as far as practically possible. If harm remains, then each benefit of the scheme needs to be apportioned positive weight in favour of granting approval in accordance with the NPPF approach of balancing heritage impacts and public benefits. The annual carbon reductions of this scheme for example ought to be afforded significant weight because climate change is the central issue to be addressed by the development plan and the importance of the issue has only increased since the extant plan was adopted in 2015."*

At the same time as the new NPPF was published (December 2024) the government also published their Clear Power 2030 Action Plan. It can be read with the changes within the NPPF around the importance of addressing climate change and the need to place significant weight on the benefits of renewable and low-carbon energy developments. Energy development proposals should be considered in the context of significant weight needing to be attached to the benefits of renewable and low-carbon energy in terms of net zero 2050 targets. There is a national drive to achieve, in the words of the UK Government: *"deployment at a sharply accelerated scale and pace"* to align with the Climate Change Act 2008 (2050 Target Amendment) Order 2019 target of net zero by 2050.

<u>Best and most versatile agricultural land</u>

The 'Overarching National Policy Statement for Energy (EN-1)' was published in January 2024 and is a material consideration in determining applications under the Town and Country Planning Act 1990 (TCPA), being relevant for both NSIPs and small-scale development determined at a local level. Following its publication, in May 2024, a Written Ministerial Statement (WMS) was made by the Secretary of State for Energy Security and Net Zero. The WMS sets out further detail on balancing the competing priorities of energy security and food production including the following point:

> *"Due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary."*

The NPS and NPPF defines best and most versatile (BMV) agricultural land as: *land in grades 1, 2 and 3a of the Agricultural Land Classification.* Footnote 65 of the NPPF expresses the following:

> *"Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality."*

Paragraph 013 (ID: 5-013-20150327) of the PPG includes the following guidance for local planning authorities in terms of what particular factors should be considered:

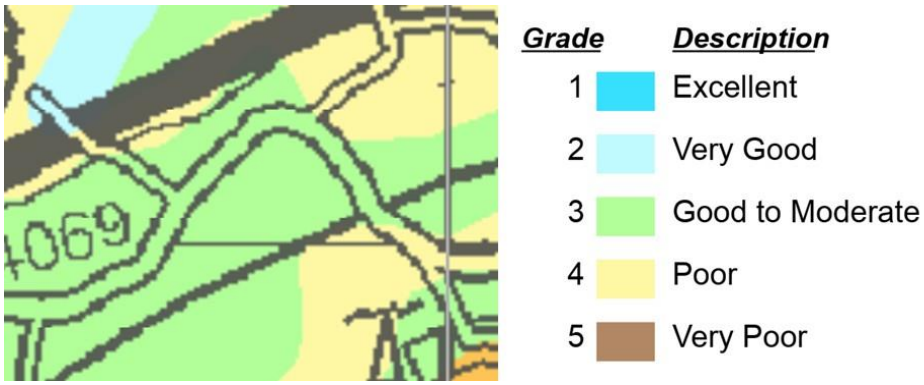
- *"encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015.*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;…"*

Policy CP42, criteria(viii) of the WCS expresses the need for proposals for standalone renewable energy schemes to satisfactorily consider BMV agricultural land. The Wiltshire Climate Strategy (2022-2027) includes the following objective relevant to the natural environment, food and farming:

> *"Efficient and environmentally sensitive use of land, providing for the needs of an increasing population and nature; food production, renewable energy generation, housing and transport alongside woodland creation and nature recovery."*

Representations made with regard to the application have included objections to the loss of productive agricultural land. These reference (inter alia) the classification of the land in the DEFRA Agricultural Land Classification Map as the area being within grade 3, and express concern regarding the loss of productive food capacity land. They also maintain that non-agricultural land would be better used for solar power generation.

The Natural England Agricultural Land Classification (ALC) map shows the site to be within grade 3: 'Good to Moderate', as shown on the plan extract below:



However, the explanatory note is very clear that the map: *"…. Represents a generalised pattern of land classification grades and any enlargement of the scale of the map would be mis-leading. This map does not show sub-divisions of Grade 3 which are normally mapped by more detailed survey work."*

That is not to suggest that the map is redundant for purposes of assessment – the ALC map shows there is no land within Grades 1 or 2 abutting or near to the site; it also provides an initial indication that the site could be BMV land, should it fall within Grade 3a rather than 3b. To establish the specific Grade detailed site-specific surveys are vital to aid further assessment.

In this context, the necessary site-specific surveys have been carried out as part of the application submission and findings have been outlined in an ALC report. This report, prepared by Davis Meade, sets out the findings based on assessment of each of the 10 separate fields comprising the application site. The overall conclusion from that assessment is that: *"The soil is similar throughout this survey and only soil depth varies,"* noted as being of clay consistency, with *"Waterlogging of cereal crops and soil depth keeps the grade below 3a"* (paragraph 7.1). The conclusion sets out that the land is assessed to be Grade 3b: moderate quality agricultural land.

Based on the strategic context of the site, in particular with land classified as 'Grade 4: Poor' to the east and south on the strategic mapping, there is no reason to dispute the findings of this assessment. Thus, whilst previously developed and non-agricultural land should be prioritised over agricultural land for development of ground based solar farms schemes, there is limited capacity of such land within the County and it has been demonstrated that this application would not lead to the loss of BMV land.

Whilst there is an existing solar farm some 1.25km to the south of the site, the general context will remain one of agricultural land both in the immediate and more general surroundings. Furthermore, it is possible for some agricultural use of the land to continue, and it is likely that the overall soil quality will improve during the life of the solar farm. Moreover, whilst a relatively long time-horizon, it is noted that the proposed development is temporary in nature and appropriate conditions can require the return of the land to agricultural use post-use, and the removal of the installations when no longer in use.

With regard to food security the independent National Food Strategy Review (July 2021) concluded that solar farms do not present a risk to the UK's food security, and in fact: "… *climate change and other environmental pressures like soil degradation, water quality and biodiversity"* represents a far greater threat to food security. It is evidenced that currently solar farms occupy less than 0.1% of the UK's land. To meet the government's net zero target, the Climate Change Committee estimates that we will need between 90GW of solar by 2050 (70GW by 2035), which would mean solar farms would at most account for approximately 0.6% of UK land.

Overall, the scheme is broadly in line with the aims of NPPF, national energy policy and policy CP42(vii) of the Wiltshire Core Strategy.

Landscape and visual impact

Section 15 of the NPPF deals with conserving and enhancing the natural environment and advises at paragraph 187 that:

> *"Planning policies and decisions should contribute to and enhance the natural and local environment by:*
> *a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
> *b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;…"*

Within this context, Core Policy 51 of the Wiltshire Core Strategy notes that proposals should:

> "… *protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures*."

The site does not fall within any designated landscape area but nevertheless landscape impact remains an important material consideration and has been fully considered and assessed from pre-application phase through to application submission and subsequent revisions to plans. Landscape mitigation measures incorporated within the scheme include:

- protecting and retaining existing vegetation (aside from where means of access is required);
- significant reduction of panels from Field 2 (in part to reduce the impact on the setting of listed assets);
- increasing the height of the existing onsite hedgerows to 3m;
- suitable colouration of inverter units (likely green) to help assimilate them into the landscape.

Furthermore, landscape enhancements include the addition of hedgerow trees along both existing and new hedgerows, relocating and enhancing the on-site County Wildlife Site, and replacing existing arable habitat with species rich grassland.

Landscape impacts have been fully set out and considered within the submitted Landscape and Visual Appraisal (LVA) and a Landscape Mitigation Plan has been provided which illustrates proposed planting to be provided alongside the infrastructure. This proposed planting, alongside the existing vegetation, will add to the screening of the site to the extent that road users are only anticipated to receive glimpsed views.

As noted in the application submission (and various appeal decisions on this matter), it is generally accepted that it is inevitable that a solar farm of this scale in the countryside would have some adverse impact on landscape character, and this matter is thus considered in the overall planning balance.

However, the site is currently somewhat visually contained and the landscaping proposals will strengthen this visual containment, albeit over a period of time. The additional mitigation planting helps improve the condition of the local landscape reducing the adverse effect on the landscape character to its immediate setting. In this context, the potentially long implementation horizon may be beneficial in terms of securing at least some of the landscape mitigation planting in the earliest of phases. The character of the land will still be able to be read as former agricultural land, and, whilst extending over a relatively long time period, the proposal is for a scheme which is temporary in nature and reversible.

Following submission of the application in its original form, the Landscape Officer provided a response which confirmed that revisions would be necessary to the submitted layout and landscape mitigation plans to ensure acceptability in terms of landscape impact. Revised plans submitted addressed these concerns and the Landscape Officer's comments regarding the revised scheme confirm that there is no objection on landscape grounds, subject to conditions requiring implementation of the approved scheme, alongside a scheme for its on-going management, plus submission of an acceptable de-commissioning and land restoration scheme.

In conclusion, on balance despite the landscape mitigation and enhancement planting proposed, there remains some level of landscape impact which needs to be considered in the planning balance. This is confirmed in the original Landscape Officer comments, which concludes that the proposal responds positively to the constraints and impacts, but that *"There will be some harm to landscape character arising from this development proposal, but in this instance, I do not consider this harm would be unacceptable in policy terms, given the application avoids the proposed use of the higher more sensitive rising land, avoids introduction of skyline effects. The resulting effects are localised and fully reversible and non-cumulative in nature."*

The landscape impacts relate to predominantly local effects and the landscape is not designated. As such, the development is not considered to fundamentally conflict with Core Policy 51 of the Wiltshire Core Strategy.

Cumulative impact

Cumulative impact is not clearly defined and is generally considered and assessed on a case-by-case basis. In addition to providing further guidance around protecting the BMV land, the WMS referenced previously provided the following summarised comment on addressing cumulative impacts:

> *"[…] we are increasingly seeing geographical clustering of proposed solar developments in some rural areas. […] When considering whether planning consent should be granted for solar development it is important to consider not just the impacts of individual proposals, but also whether there are cumulative impacts where several proposals come forward in the same locality."*

At its Full Council meeting on 21/05/24, Wiltshire Council voted to support a motion calling for further guidance over its strategy for delivering solar farms. The motion (no. 2024-03 – Solar Farms) is summarised below:

"[…] this Council is increasingly concerned at the concentration of solar farms, battery storage and associated infrastructure in Wiltshire. Some villages are now completely surrounded by solar farms and their continued concentration represents a significant cumulative impact and industrialisation of the countryside.
Wiltshire Council therefore calls on the Secretary of State for the Department of Levelling Up, Housing and Communities to define more closely what is meant by 'cumulative impact' regarding solar farms and to take clear steps to ensure that solar developments are more evenly spread across the UK […]

This recommendation has come before Committee before the government has provided a specific response on cumulative impacts, but revisions to the NPPF have been made along with Written Ministerial Statements. Indeed, although not touching upon cumulative impacts, it should be noted that the notes accompanying the Autumn Budget (issued 30/10/24) repeatedly references the need to invest in clean energy. In this context, this report provides some analysis and consideration of cumulative impacts of solar farms in Wiltshire.

Policy CP42 of the Wiltshire Core Strategy is explicit that assessment of factors relating to standalone renewable energy installations should include assessment of any cumulative effects.

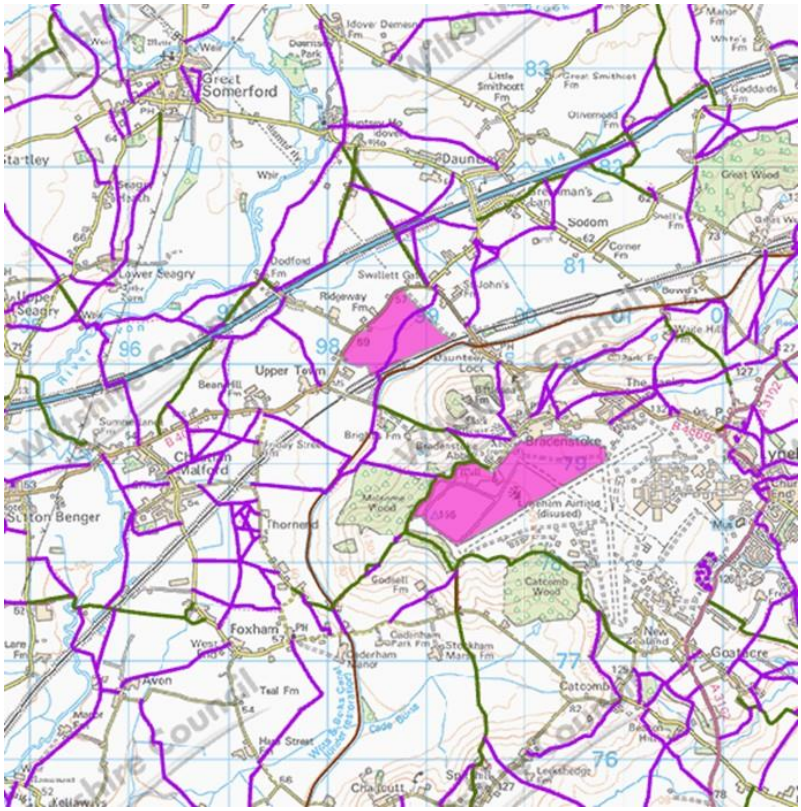
The PPG offers the following summarised guidance in relation to assessing consideration of cumulative landscape and visual impacts of renewable energy development:

- *The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.*
- *Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point or will be visible shortly after each other along the same journey. […]*

Representations have referenced cumulative impact of the proposal, alongside somewhat related landscape objections.

Although 'locality' as specified within the WMS is not defined, Wiltshire Councils motion indicates that separate development proposals for solar farms within, or surrounding, the same village have collectively impacted that setting. Other solar farm applications have considered a radius of 2.5km from the sites edge to be considered an appropriate distance for assessment of cumulative landscape impact for development, but this is not a firm threshold. 'Locality' should be interpreted as *"sites in close proximity, or sites within the same neighbourhood"* for the purposes of assessing cumulative impact on village setting and *"within a radius of 2.5km from the sites edge"* when assessing cumulative impact on the countryside setting.

The plan extract below shows the extent of other solar farms within proximity of the site, the only one being Lyneham Airfield which is located some 1.25km to the south-east of the site:



Roads (yellow, orange and blue lines) and Public Rights of Way (purple and green lines) in proximity to the site; the existing solar site at Lyneham Airfield is shown some 1.25km to the south-east (map extract measures approximately 7.5km square)

Given the distance between the two, and the nature of the landform and levels which means there is no direct inter-visibility between the two sites, there is not considered to be any cumulative on any village setting; there is however, potentially some impact on the countryside setting. Whilst this cumulative impact might be encountered on a single walk, it remains the case that the two sites sit within a context which will remain predominantly agricultural with dispersed settlements and dwellings. By virtue of the number of agricultural parcels within the parishes, the predominant character, as seen when walking (or driving) around the villages will remain as agricultural and clear visibility of all solar sites from one location (other than when viewed aerially) is unlikely.

Renewable energy development will be identifiable within the setting but will not becoming a defining characteristic of the landscape. It is concluded that the predominant visual character for most of the surrounding setting will remain as rural agricultural land that there is a sufficient degree of separation between each of these solar sites such that solar will not likely become the significant or defining characteristic of the wider setting.

The Council's Landscape Officer has confirmed that whilst there be some harm to landscape character (as set out above), *"... the resulting effects are localised and fully reversible and non-cumulative in nature."*

More widely, there are other proposals for solar power schemes at various stages of planning, one notable scheme being the large 'Lime Down Solar Park' scheme for which an application is anticipated later in 2025. However, that scheme is some distance to the north and west of this site and in any case could not be considered as part of the cumulative impact relating to this application proposal given its early stage in the planning process and thus unconfirmed status.

Given the degree of separation, it is concluded that there would not be an unacceptably detrimental, cumulative impact to the village or Parish settings should the scheme be permitted.

Impact on heritage assets / archaeology

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66) as well as giving special attention to preserving or enhancing the character or appearance of the conservation area (s.72).

Section 16 of the NPPF sets out national planning policy guidance regarding the historic environment. Paragraphs 207 and 208 of the NPPF require local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 214 and 215 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset.

Core Policy 58 requires that new development must be sympathetic to and conserve historic buildings, requiring that: *"Development should protect, conserve and were possible enhance the historic environment,"* continuing that: *"Designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance."* Criteria (v) of Core Policy 42 of the WCS requires standalone renewable energy installations to take into account the historic environment and Core Policy 57 of the WCS requires high quality design and place shaping for all new development with criteria (iv) placing a specific requirement on development being sympathetic to and conserving historic building and historic landscapes. Sections 8.1 and 8.2 of the Christian Malford Neighbourhood Plan (CMNP) relate to the rural look and feel of the parish alongside the historic environment. In terms of the latter, this provides a reference back to CP58, with analysis of heritage assets focussed predominantly on the village itself.

Historic England's Advice note 15 relates to Commercial Renewable Energy Development and the Historic Environment, paragraph 53 advising the following:

> *When informed by relevant assessments, the design of a scheme can help to mitigate the visual impact of a proposal, for example through the use of landscape bunds or tree planting. This is likely to be particularly important in areas known and valued for their historic character, such as conservation areas, registered parks and gardens or registered battlefields. However, such measures need very careful consideration as they are not appropriate in all situations. Bunds, for instance, can themselves be intrusive features in the setting of a heritage asset. Any proposed landscape mitigation needs to be appropriately visualised and presented in the visual impact assessment. […]*

The application submission includes a detailed Heritage Statement which concludes overall that:

> *"The assessments contained within this report have found that levels of less than substantial harm will be caused by the proposals, although the severity of the harm levels is greater for some assets than for others" (paragraph 5.2).*

Based on the originally submitted plans, the Conservation Officer made a number of recommendations as to how the scheme could be amended to reduce the impact on the designated heritage assets. These comments sit alongside the comments and objections made by third parties with regard to heritage impact.

Following a site visit, the Conservation Officer referenced in particular the harm caused in relation to the potential harm to the Grade II listed Great Ridgeway Farmhouse, located directly north of Main Road and the site. The recommendation was that the panels were set further back to maintain open views to the south from the asset due to their historical connectivity which in turn mitigates the harm to the setting of the asset. In response to these comments, the revised layout shows a field of panels having been removed from the design, as well as a historic hedgerow being re-instated. To compensate, some of these panels have been 're-located' to the west and north of the site.

The Heritage Statement and Archaeological Desk Based Assessment were updated to reflect the revised layout. Alongside the comments of the Conservation Officer, representors raised concerns regarding the scope of the assessments and the impact on other designated heritage assets, in

particular: Malford House, Swallett Farmhouse, the Wilts and Berks Canal and associated assets, and Bradenstoke Priory.

In terms of Malford House, although this asset sits within a partly-treed plot which offers some screening, the revised plans show panels removed from the southeast of the asset, in combination with the concerns regarding the impact on Great Ridgeway Farmhouse, such that the panels are now located between 60 and 170m to the south, thus retaining a degree of openness and rural character.

Swallett Farmhouse is set further back from the site boundary than both Great Ridgeway Farmhouse and Malford House, at approximately 95m. The immediate setting of that asset is formed of a group of buildings, some of which are understood to have been converted from agricultural to other uses. Between the site and Swallett Farmhouse is an established line of vegetation which reduces intervisibility and the revised plans show some additional panels closer to the western boundary than the originally submitted plans, such as to 'offset' some of the panel losses from the mitigation associated with Great Ridgeway Farmhouse, as above.

The submitted Heritage Statement includes a number of assets associated with the Wiltshire and Berkshire Canal which have been assessed. These include (inter alia): The Peterborough Arms Inn, Bridge near Dauntsey and Dauntsey Road Bridge, and the overall conclusion from the assessment was that Dauntsey Road Bridge is impacted most, with the level of harm being 'less than substantial'.

A number of representations made reference to the potential impact of the proposal on the Scheduled Monument of Bradenstoke Priory[2] and have raised the query as to whether consultation with Historic England would be necessary. Schedule 4 of The Town & Country Planning (Development Management Procedure)(England) Order 2015 sets out the necessary consultations required prior to the grant of planning permission and in particular the circumstances for which Historic England would need to be consulted. This application proposal is not considered to trigger any of the specified thresholds: these being: (q)(r) or (s) for necessary consultation with that statutory body. Given the clear visual separation of the site from that designated heritage asset, and the intervening topography, railway line and woodland, the proposal is not considered to contribute in any meaningful way to the setting of that asset. Reference to a Court of Appeal Case[3] regarding the setting of a Grade I listed building is not considered to be of direct relevance to the circumstances of this particular proposal given that case related to a proposal for permanent housing development rather than solar panels of a temporary nature, and also the lack of any identified connection between this site and that designated heritage asset in terms of setting.

On a more detailed technical level, it is noted that the height of the panels presented at pre-application stage was to a maximum of 3.5m. In response to comments made by the Conservation Officer at that stage, the plans submitted with this formal application show a panel height to a maximum of 3.1m, thus reducing the overall impact.

Overall, the Conservation Officer's assessment is that:

> *This revised layout of the solar farm I consider achieves the appropriate balance between the development and the setting of the heritage assets and while there is acknowledged a reduced level of harm to setting from the original submission this is now considered to be overcome by the public benefits derived from the solar farm and production of low carbon electricity.*

There is conflict arising with Core Policy 58 as the proposal does not conserve or enhance the historic assets. The level of harm caused by the proposal is overall considered to be 'less than substantial'; the planning balance set out at Section 16 of the NPPF which is triggered in such circumstances is considered in the following Section of this Report.

[2] Bradenstoke Priory and fishponds and an associated motte and earthworks at Clack Mount.

[3] Catesby Estates Ltd v Steer and Secretary of State for Communities and Local Government v Steer (Historic England intervening in both appeals): [2018] EWCA Civ 1697

In terms of archaeological impacts and assessment, Historic England's Advice note 17 relates to Planning and Archaeology and sets out advice regarding the range of issues to consider in terms of assessing and dealing with archaeological impacts and issues.

Following receipt of further information regarding the archaeological impacts, including desk-based assessment, geophysical survey and trial trench evaluation, the Archaeology Officer has confirmed their initial holding objection is withdrawn, but has provided advice that: *"… four areas of archaeological strip, map and record excavation should be undertaken to mitigate damage to archaeological remains."* This further work and detail can be appropriately covered by way of Condition and, subject to this, there is no objection from the Archaeology Officer.

Residential amenity: inc. air quality / noise / odour

Criteria (vii) of Policy CP42 of the WCS requires development to address and take into account residential amenity including noise, odour etc. and criteria (vi) of Policy CP57 of the WCS requires development to have regard to the compatibility of adjoining buildings and uses. Saved policy NE18 of the NWLP requires development to not generate, or itself be subject to, harm upon public health or cause pollution to the environment by the emission of excessive noise, light intrusion etc.

Objections received raise concerns that the development will result in impact on nearby residents in terms of noise and disturbance in particular, these being focussed on the construction phase; issues relating to glint and glare are considered separately in this report below.

CCTV and infra-red cameras are dispersed across the site as shown on the Site Layout Plan; external lighting is proposed at the location of the proposed sub-station in the form of 4no. lighting posts.

Noise and disturbance

The application is supported by a Noise Assessment prepared by Metrica Environmental Consulting. This concludes that:

> *"It has been found that predicted noise levels at nearby noise-sensitive receptors would be low, and likely to be inaudible in practice due to the shielding provided by the presence of the solar panels themselves and the masking afforded by existing sources of background noise in the local area. As such, there is no reasonable prospect of adverse impacts from noise due to the Development."*

That notwithstanding, the report does suggest that a planning condition would be appropriate to ensure that appropriate noise limits are adhered to.

The Public Protection Officer has noted that the submitted documentation (Design & Access Statement) confirms that the construction phase is limited to 6 months and therefore any noise impacts arising on this basis are temporary. That notwithstanding, it is natural that some construction phase impacts will arise; however, in this instance the Public Protection Officer has confirmed that these can be suitably addressed and managed by way of planning condition relating to in particular the control of noise and vibration – in part through the Construction Traffic Management Plan submitted as part of the application, as well as hours of operations, as set out therein.

On balance, with the inclusion of carefully worded conditions, the proposed development meets the aims CP42(vii) CP57(vi) of the WCS and saved policy NE18 of the NWLP.

Air quality / odour

As with noise impacts, these are likely to be very much focused on the construction phase and are thus considered to be temporary in nature. The Public Protection Officer has not raised any concerns regarding these specific impacts, and it is considered that any potential impacts can be suitably mitigated through the Construction Traffic Management Plan.

Glint and glare

The application is supported by a Glint and Glare Assessment, prepared by Metrica Environmental Consulting. This has been prepared in line with recognized standards and guidance and considered residential receptors, road and rail infrastructure, aerodromes and aviation infrastructure and exclusion areas. The additional proposed screening has not been included in the assessment (paragraph 7.2), and on this 'worst-case scenario' basis the report concludes (paragraph 10) that:

> *"… effects have been found to be acceptable at all receptors. Furthermore, those effects which have been identified are anticipated to reduce further at a number of receptors as the Development's proposed woodland planting becomes established.*
> *The Development is therefore acceptable in terms of glint and glare."*

With specific regard to the rail line, the assessment concludes that no glare is predicted at point along this due to the screening provided by the existing vegetation and the rail line cutting. In terms of impact on the highway users, the Highway Officer has confirmed that…

> *"The glint and glare report appears to be an adequate provision of information on key nearby receptors. While glint may be expected prior to the full maturing of the planted screening, the nature of the likely effect will be transient and temporary and is not expected to cause a significant negative highways impact. I am satisfied with the findings of the glint and glare report and in the opinion of the LHA this is not a cause to raise a formal objection on highway safety grounds.*

In general terms, the report concludes that (paragraph 9):

> *"… all receptors are likely to experience glint and glare effects for less than 30 hours (1,800 minutes) per year. In addition, the daily duration of glare is substantially less than 30 minutes at all receptors, … Predicted glint and glare effects are therefore compliant with the respective assessment criteria specified at all receptors. In addition, and as discussed in Section 7.2, the duration of glare is anticipated to reduce further at receptors OP 1, 3, 4 and 6 as the Development's proposed woodland planting becomes established.*

On this basis, there is not considered to be any particularly adverse glint and glare impacts which would warrant refusal of the application in terms of the relevant policies, in particular CP42 and CP57 of the WCS.

Highways and Rights of Way

Section 9 of the NPPF relates to transport and generally encourages that transport considerations are: *"… an important part of early engagement with local communities"* (paragraph 109), and that sustainable modes of transport should be encouraged wherever possible.

Core Policy 61 (WCS) requires that applications demonstrate:

> *"…ii. That the proposal is capable of being served by safe access to the highway network.*
> *iii. That fit for purpose and safe loading/unloading facilities can be provided where these are required as part of the normal functioning of the development.*

Core Policy 62 (WCS) requires that:

> *"Developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages."*

Vehicular impacts are likely to be most acute during the construction phase, in particular with the proposed connection to the national grid sub-station. The application is supported by a Construction Traffic Management Plan (CTMP) which sets out how anticipated construction phase impacts will be suitable managed and mitigated.

The Applicant has noted that the length of the construction phase is scheduled to be 6 months and has confirmed in principle agreement to a condition relating to pre- and post- road condition, and the rectification of any damage caused; the Highway Officer has confirmed acceptability of the proposed construction vehicle routing. The hours of work can also be controlled by a specific Condition relating

to these. More generally, The CTMP can form part of the approved documents and be controlled (and enforced as necessary) by way of Condition

The Highway Officer has considered the implications of the works on-going at Lyneham Banks, concluding that as this is due to be completed in 2025 there will not be any overlap of construction works and vehicle movements with those currently on-going works.

Access to the site is proposed to be taken directly from a modified and upgraded existing field gate from the B4069. This will need to be: *"… consolidated with sufficient coverage across the drainage ditch and any surface drainage from the hardstanding should be prevented from draining onto the highway."* The Highway Officer has confirmed accessibility of the details and visibility of this access and the CTMP sets out the use of a Banksman and temporary speed restriction.

Overall, with no objection from the Highway Officer subject to appropriate detail being provided, and enforceable, by way of Condition, there is not considered to be any justifiable reason for refusal on highway grounds in the context of Core Policies 60, 61 and 64 (WCS) and saved Policy T5 (NWLP).

Public Rights of Way

Footpath CMAL runs through the site in a north-east to south-west direction, from the B4069 opposite Swalletts Gate Farm (where it is initially DAUN29 until joining the site boundary) to cross over the railway line some 270m east of Swallett Farm to join up with Brights Farm Road. The scale of use of the footpath is not quantifiable, although it has been evident from site visits that it is not always fully accessible due to vegetation growth, particularly from Brights Farm Road.

The impact on the Public Right of Way (PRoW) relates to both construction and operational phases and it is clear that the immediate context of the site will change for users of the route. Users of the path would see large areas of solar panels, particularly whilst any of the proposed mitigation planting becomes established. The Site Layout Plan shows the detail of the deer fencing which would largely bound the PRoW – indicative plans of the deer fencing have been submitted and show this to be 2.4m high, with posts set 3.5m apart. However, when overlaid with the Indicative Landscape Mitigation Plan it is clear that this will be generally screened by either existing or proposed hedgerow planting.

In terms of the design of the scheme, consideration of an appropriate 'corridor' for the route has been on-going through the design and evolution, with the Rights of Way Officer providing clarity on that exact route and also seeking confirmation that the corridor is a minimum of 10m wide, with its design also appropriately reflecting landscape, ecology and heritage considerations.

The revised plans show the corrected alignment of the footpath (and allows for both the public alignment mapping and the Wiltshire Council mapping) and with an ecological corridor varying in width from between 10m to 75m which will incorporate wildflower, hedgerow and woodland planting. Ecological implications and benefits are considered in more detail below, but it is relevant that the site will deliver improved ecological connectivity along this corridor, including the instigation of the replacement County Wildlife Site which is shown within this corridor towards the eastern boundary.

Users of the canal path will also have sight of the panels; however, existing boundary vegetation will help to screen panels, particularly during summer. Given the off-set of the canal from the site and the length of that route, the solar panels would remain set in a context of generally agricultural land, but with existing strategic infrastructure such as overhead electricity lines and the mainline railway. In terms of development plan policy, the proposal would not lead to any conflict with Core Policy 53, which seeks to ensure the protection of the canal route and its associated structures, or make restoration more difficult.

In conclusion, whilst there will be some localized visual impact for users of the PRoW due to the changed character of the site, this has been mitigated as far as practicable such that the Rights Of Way Officer has not raised any objection, and this impact is directly off-set to some degree by the

ecological benefits. The proposal is not considered to give rise to any direct conflict with Core Policies 52 and 53 (WCS).

Flood risk and drainage

Policy CP67 of the WCS relates to flood risks and outlines the expectation that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make those measures unsuitable.

The Environment Agency mapping service shows that all but two small parcels of land at the northern extent of the site along Main Road the site is within flood zone 1, as shown on the map extract below:



EA flood map extract showing extent of land within Flood Zone 2

Given the size of the development site and that there are parts of the site, albeit very minor, which are not within Flood Zone 1, a site specific Flood Risk Assessment has been submitted in support of the application. In addition, following initial comments made by the Drainage Officer, an Outline Surface Water Drainage Strategy was submitted alongside the revised plans.

All of the development footprint is to be located on land within Flood Zone 1, at a low risk of fluvial flooding, and as such is an appropriate location for essential infrastructure development (which includes solar farms). Similarly, the mapping confirms the majority of the site is at zero or very low risk of groundwater flooding, and low risk of pluvial flooding, as considered in the Flood Risk Assessment and Outline Surface Water Drainage Strategy.

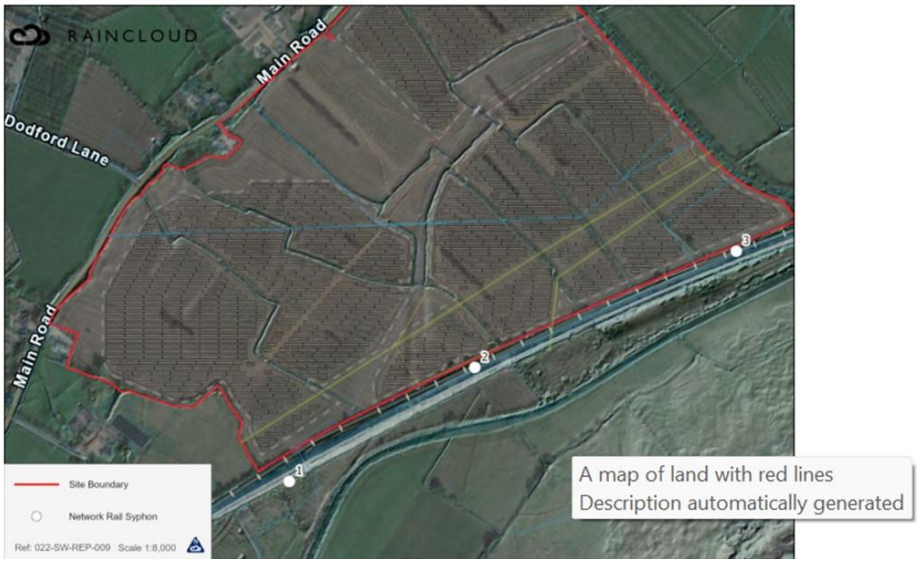
In terms of the need for any Sequential Test, the site has only small areas of surface water and groundwater flood risk. Coupled with the fact that the 'built form' falls entirely within flood zone 1 leads to a conclusion that there is no justifiable reason to require a Sequential Test to be undertaken.

In terms of flood risk and drainage, the Applicant has confirmed the following:

> *"The FRA concludes that overall, the risk of fluvial flooding is negligible and pluvial flooding is low. Climate change has also been factored into the flood modelling to ensure that flooding now and in the future has been addressed. Sustainable drainage methods will be implemented onsite to enhance surface water management including the use of swales. The swale modelling shows that a beneficial impact on the current pluvial flooding scenario will be provided, including to offsite residential properties north of the B4069 and the road itself. … Overall, the Development will not significantly impact surface water runoff rates and patterns at the Site and will in fact reduce pluvial impact and offsite flooding. Development therefore has the potential to provide betterment in terms of surface water runoff rates."*

Consultation with the Councils Drainage Engineer was carried out and their representation raised no objection subject to a condition requiring the implementation, maintenance and management of the sustainable drainage scheme, which includes a Construction Management Plan demonstrating how surface water will be managed during the construction phase.

Representations from Network Rail initially raised concern regarding the management of water relating to the syphons which assist with managing this flow. It is noted that an adjacent landowner has also made representations on this issue and the land ownership, outside of the application site, is unconfirmed. The updated FRA deals with this matter at Section 2.5, mapping the syphons as per the extract below:



The FRA concludes that there will be no detriment to the conveyance of water within the ditches on-site and no detriment to Network Rail assets during times when the syphons are operational / discharging. The syphons themselves are not within the control of the Applicant and they fall outside of the application site boundary.

The Applicant has made a commitment to clear any drainage ditches falling within their land of vegetation and siltation on an annual basis, in order to maintain conveyance of flows – this can be secured by way of Condition. However, the Drainage Officer has noted that in fact and in any case, under the Land Drainage Act (LDA) the Applicant is required to undertake frequent inspections and remedial maintenance of any channels within their ownership as necessary. Under the LDA the Applicant is also obliged to accept natural flows and must ensure that the ordinary watercourse in line with their riparian duties is maintained and kept free of debris so as not to increase upstream flood risk.

The proposed development will not increase flows through the syphons into the ordinary watercourse, nor will there be any significant impact on flow within the ordinary watercourse and fundamentally there is no change from the existing scenario. In terms of the onward flow of water along channels outwith the application site, under the Land Drainage Act 1991, riparian owners have specific responsibilities to maintain watercourses on to their land. These rules would apply equally to adjacent landowners as well as the Applicant in this instance – the Applicant cannot be held responsible or for lack of maintenance on adjacent land outside of their control.

With the inclusion of reasonably necessary conditions, the scheme complies with the aims of CP67 of the Wiltshire Core Strategy.

Ecology

Section 15 of the NPPF sets out advice regarding the enhancement of the natural environment, with paragraph 192 outlining how plans should protect and enhance biodiversity and geodiversity. In

carrying out its statutory function, the local planning authority must have sufficient information to judge whether the proposal would be likely to result in any adverse impact to protected habitats or species.

Policy CP50 of the WCS identifies the need to protect Wiltshire's natural environment, including features that provide an ecological function for wildlife and requires development proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. CP50 further includes the requirement for all development to seek opportunities to deliver a net gain in biodiversity. CP52 seeks to protect and enhance the County's Green Infrastructure Network.

Although this application was validated prior to the date upon which biodiversity net gain became a mandatory requirement (as per Schedule 14 of the Environment Act 2021), the relevant development plan policies require suitable and appropriate considered of impacts and any necessary mitigation to ensure no net loss of biodiversity. For this reason, whilst the BNG Assessment completed for the site has been informative, as the deemed BNG Condition will not apply, an HMMP is recommended by the Ecologist in order to secure the proposed mitigation and enhancement measures outlined within the landscape strategy and metric.

It is noted that, following comments made by the Ecologist during the pre-application process, the Swallet Farm Meadows County Wildlife Site (CWS) has not been included within the above metric figures – it is noted that whilst this is recorded as being within the site boundary, the habitat for which it was designated is no longer present. The proposals include an area set aside for the replacement of the designated CWS, including 1.27ha of neutral grassland. However, as no additional information in relation to the creation and management of this site has been provided, additional information identifying how habitats will be created, managed and secured for the lifetime of the development will be required to be provided within the HMMP prior to commencement of development.

The application was supported by an Ecological Impact Assessment (EcIA) which includes a number of baseline surveys as well as a biodiversity net gain assessment. It is acknowledged that a number of representations referenced the ecological impact of the scheme and the Applicant has provided a rebuttal to a number of the ecology objections raised by third parties, summarised as follows:

- Deer – the panels are fenced into groups (rather than one large perimeter fence), this allowing deer to move through the site along corridors and field boundaries, although it is noted that these groupings are large and significant areas will become inaccessible.
- Birds – the identified species largely nest within the hedgerows and trees onsite and the scheme would provide a significant increase in hedgerow, tree and woodland habitat throughout the site, resulting in an increase in habitat.
- Skylarks – these generally favour large open fields and the panels are likely to disrupt this breeding space; however, there will be over 12 ha of grassland proposed throughout the site which should provide sufficient area for Skylark to continue breeding onsite. The Council's Ecologist has requested that Skylarks be explicitly referenced in an HMMP which can be required by Condition.
- Barn Owl survey – no evidence of breeding barn owl has been identified onsite, therefore no species-specific mitigation is required.
- Newts and reptiles – All on-site waterbodies were either ruled out as unsuitable or returned a negative eDNA result; however, all ditches onsite will be retained so the aquatic habitat is still available for the 40-year period that the site is operational. GCN presence was confirmed in two ponds, both of which are offsite, although it could be assumed that GCN are using the site. During construction any vegetation removal will be undertaken under a Precautionary Working Method Statement. If any GCN is identified during vegetation removal in the construction phase, then works must stop until a Natural England licence is in place. The mitigation actions already in place for GCN will also be relevant for any onsite reptiles too. Overall, terrestrial habitat onsite will be enhanced as part of the development through the planting of new hedgerow, trees and woodland. Large areas of permanent grassland will also benefit reptiles, compared to the current arable use. This means that newt and reptiles are still able to use the site, and their habitat will be enhanced.

- Insects – the creation of broadleaved woodland, modified grass, and other neutral grassland in place of arable would improve the availability of insects across the site.

The application is accompanied by a completed statutory metric calculation confirming the baseline and predicted post-development biodiversity units of the site. The scheme demonstrates to the satisfaction of the Council's Ecologist that there are no net losses of high distinctiveness hedgerow habitat through avoidance and habitat creation. Based on the data and evidence in the submitted EcIA, this concludes that: *"… based on the habitats present on site that will be lost and those to be created, the development would result in a gain of 75.68 habitat units, and a gain of 10.21 hedgerow units – a percentage gain of 80.89% in habitat units and 15.43% in hedgerow units"* (paragraph 4.8).

The Applicant's overall conclusions are that:

> *"Overall, there will be a biodiversity improvement across the Site including new woodland, grassland, hedgerow and trees. This will improve available habitat for a number of species. Mitigation will be in place during construction, particularly for any vegetation clearance, in order to ensure that no harm will come to protected species such as GCN. The planning application has demonstrated that the Development complies with Core Policy 50 of the Wiltshire Core Strategy and provides significant enhancement onsite."*

The response from the Councils Ecologist confirms no objection to the scheme, subject to conditions relating to precautionary working practices, further details regarding enhancement measures and habitat creation and control of lighting. Clarification has been provided regarding the location of inverters being sited a minimum of 5m from the boundary features, which is confirmed as being acceptable.

Further information has been provided throughout the life of the application to respond to queries and concerns raised, and this has allowed the Council's Ecologist to reach a positive conclusion, subject to the imposition of conditions. The recommended Conditions include requirements for further information to be submitted (as part of a CEMP and HMMP) and approved prior to commencement of development (including ground works/excavations). The ecological enhancements go beyond what is required by policy and the Environment Act and are regarded as a benefit of moderate to substantial weight.

Given the scale of the development being proposed, the local concerns raised are understood, and in this case, it is concluded that the scheme has been amended and revised to ensure that biodiversity matters have been considered throughout the design and planning processes, ensuring that ecological surveys were carried out at appropriate times within the year, and prior to submission of this application where necessary. With the inclusion of reasonably necessary conditions the proposed development is considered to meet the aims of CP50 of the Wiltshire Core Strategy and the requirements of the NPPF.

Impact on Tourism

Several representations have referenced that the local area is popular with tourists including a number of holiday rentals, cyclists, visitors to the canal etc., the point being made that whilst the site itself is not a tourist attraction, it does form part of the rural environment which is considered to contribute to the overall attractiveness to tourists. Some representations have also referenced a potential loss of tourist income should the scheme go ahead.

Core Policy 39 (WCS) identifies that tourism is an important part of Wiltshire economy and that "*effective management and conservation of the environment*" is required to facilitate effective tourism in the county. It is accepted that there will be some disruption during the construction phase, which is estimated to be some 6 months. Once operational, whilst there will be some change to the character of the immediate local area, the overall context of the wider locality will remain generally one of agricultural land with dispersed settlements and built form, as considered in the cumulative impact section above.

Whilst it is possible that there may be some impact on tourism, any impact is somewhat unquantifiable. The development itself will not impact the canal route or local roads and impacts, should they occur, would likely be restricted to the immediate local area. It is possible of course that there may impacts to specific tourist offer, but these are not considered likely to be significant, particularly once the scheme is operational. Representations have noted potential impact on visitors / viability of Swallett Farm holiday accommodation.[4] However, it is noted that there is no direct Public Right of Way linkage from that site through to the application site (or any adjacent land) and visitors – either on foot or by vehicle – would thus access via Main Road. Consequently, the impact on visitor experience is likely to relate much more to any visual impact rather than experiential, particularly given the range of alternative routes and Public Rights of Way available.

The Applicant has noted that eco-tourism is becoming increasingly popular, whereby some tourists are specifically drawn to a place due to the presence of renewable energy, although it is acknowledged that this is likely to be a niche demand. As such, potential impacts on attractiveness to tourists needs to be considered in the overall planning balance, as set out in the following section of this report.

Other matters

Time period for implementation

By way of justification and rationale for the application submission at this stage, and with the longer than standard time period for implementation being sought in this instance, the Applicant has provided the following clarification:

> *Exagen have agreed a grid connection offer to connect to the Lyneham Substation which is to the east of the Site. At present, the proposed connection date is for 2036, however, wider grid reforms are currently taking place whereby the grid connection queue for the whole network is being reviewed to assess whether projects can be brought forward if their planning permission is suitably progressed. This may provide an opportunity to connect the project significantly earlier than 2036. It is acknowledged that grid reforms are required to ensure that the UK can meet net zero targets by 2050 and sooner upgrades are needed to meet targets which have been set for 2030. This is a wider industry issue, and the wider grid reforms will help contribute to solving this issue. Exagen are seeking approval for the application at this stage in the hope that the grid connection is brought forward and the project implemented sooner. If projects are significantly delayed before or during planning, and didn't progress, then they would naturally fall to the bottom of the queue, hence why an application has been progressed at this stage.*
>
> *Even if the project was implemented after 2030, long term electricity usage is likely to increase (particularly as petrol and diesel cars are phased out and there is growth in electric vehicles) so securing renewable infrastructure now is essential sustainable planning for the future. The Site will also help to meet the longer Net Zero goals, as established by the Government.*
>
> *Objectors queried that the land would remain baron for 12 years, ahead of 2036 or that construction would start immediately, and the Site would remain there, not connected to the grid. This is not the case; the land will remain in agricultural use until construction starts which would commence 6 months prior to the energisation date."*

The Applicant has also provided examples from elsewhere[5] as to where longer time periods for implementation of solar farms have been considered to be acceptable.

In response, the Council's Climate Officer has confirmed that this approach is a reasonable one, stating that:

[4] Evidence of visitors to this accommodation has been provided, although various internet searches have not provided any direct links.

[5] Dorset Council: P/FUL/2022/06179 – Battery Storage facility - 12 years to allow for Grid Connection; and Darlington Council: 22/01329/FUL solar farm – 7 years to allow for Grid Connection.

"Even if the longer grid connection date is what occurs then the scheme will make a valuable (albeit delayed) contribution to the future energy scenarios and addressing climate change. That delay should not reduce the 'significant weight' to be afforded to the benefits of renewable energy and low-carbon development. It's effectively a neutral consideration. In terms of timing, I consider that if the development can be connected very quickly then that might be considered positively; but otherwise connection times are not a significant issue in the decision-taking process.

The 'delay' is reflective of the current national grid infrastructure, which needs investment, with or without measures to address climate change, to meet growth. All forms of development are finding it difficult to get timely grid connections. The system for getting grid connections is under review (I think under the proposed Planning and Infrastructure Bill), but there is basically a queue system in operation and as far as I know no system for prioritising one development over another. So this is a problem that can impact housing delivery, or employment, just as much as it impacts energy. Clean Power 2030 Action Plan states that "over the last 5 years the grid connection queue has grown tenfold … many of the projects are speculative or do not have the necessary funding or planning permission to progress … delaying viable projects behind them."

Furthermore, I think it's important to understand that future energy scenarios from the network operators and government indicate that we will be electrifying our energy sources (e.g. less reliance on gas for space and water heating, and electrification of transport). This means that not only do we need to decarbonise the grid (how we meet existing energy demand), but the grid will need to increase capacity significantly too through the 2030s and 2040s. This growth of grid capacity will need to be consistent with net zero so that we decarbonise our economy by 2050. So even if this project doesn't support the initial grid decarbonisation, it will help match the increasing energy demand in coming decades to hit net zero 2050."

Although it is possible that the development will not contribute towards Wiltshire's 2030 carbon neutral targets, it is equally possible that the proposed development could be accelerated and grid connection could be expedited. In either scenario, additional renewable energy provision will be required, whether that be before or after 2030. Based on this rationale and the clarification provided by the Council's Climate Officer, it is considered that given the circumstances of this particular case, a refusal on the grounds of requiring a longer time for implementation would not be justifiable.

Discussion have been undertaken with the landowner to establish whether any mitigation planting can be undertaken at an earlier stage but it is understood that this is unlikely to be substantively possible due to the site remaining in agricultural use until commencement of construction, as well as issues of land lease. However, the landowner has agreed that all existing hedges can be left to grow to a higher height prior to commencement of construction.

The requirements in terms of grid connection are of course balanced against both the situation of local residents and also the validity of the submitted technical information and, if on balance the proposal is considered to be acceptable, there would be a clear imperative of delivering the development as early as possible, not least to assist with meeting renewable energy targets. It is recognised that the grant of planning permission provides some certainty to the Applicant; however, in the means of balancing this certainty with the situation of local residents, and with a time horizon of seven years having previously been considered acceptable elsewhere, it is considered that in this instance, a commencement of development Condition relating to seven years is considered to be appropriate and reasonable.

Overall Council strategy for solar power

Solar farms can only be located where there is sufficient grid availability to accept the connection. This means that solar farms cannot be located anywhere, sites are confined to whichever grid infrastructure has capacity. The grid in the UK is extremely constrained and it is understood by the Government that significant upgrades are required in order to meet the net zero goals. The Applicant

has confirmed that this site has a confirmed connection offer to connect into the existing Lyneham substation.

Representations have noted the long lead-in period for this application proposal (as above), as well as the fact that Wiltshire is currently subject to a number of applications for renewable energy facilities, in particular solar farms. The principle of supporting renewable energy facilities – where the impacts can be acceptably mitigated – is set out previously in this report; that reflects national policy guidance. Whilst the lack of any over-arching strategy for the provision of solar farms across the County is noted, this would not be reasonable grounds for a refusal of planning permission within this planning policy context. That notwithstanding, the specific site constraints and impacts are considered during the determination of each planning application on its merits, and clearly applications for such facilities in protected or designated areas (such as National Landscapes or Conservation Areas) would be more strongly resisted than in areas which do not benefit from such designations.

The wider context is that solar farms can only be provided where a grid connection offer is available, meaning that sites cannot be located anywhere, as recognised in the Site Selection Fact Sheet which has been prepared by Solar Energy UK[6]; it is also the case that rural counties and areas will generally have more scope for the provision of such facilities than more urban areas. Although solar should also be provided on roof tops, industrial buildings and new houses, to meet the volume of new solar generation needed, areas of greenfield land will unfortunately also be required.

Section 106 agreement

The Public Rights of Way Officer has requested that a sum of £20,000 per year be made available to support the continued restoration of the Wiltshire & Berkshire Canal via a Section 106 Agreement. Whilst the canal does run within relatively close proximity of the site (between 70m and 110m from the southern boundary, south of the railway line), it is not considered that the continued restoration is explicitly necessary to make the development itself acceptable. As such, it would not comply with advice set out in the PPG which advises that planning obligations must be:

- *"necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development."*

For this reason, this request has not been pursued with the Applicant.

The Applicant's supporting documents[7] indicate that a 'community benefit' fund could be set up, stating:

> *"Exagen is aware that any form of community benefit, financial or otherwise, is not considered a material planning consideration so is not included as part of the planning application. However, the project will provide a substantial community benefit as part of the Development of the scheme. We will work with local communities and groups to agree a mechanism for access to the funds and the types of projects that could benefit."*

As stated, such community benefit fund should not be taken into account in the planning balance of whether permission should be granted or refused.

Challenge decision

Reference has been made in representations to a decision for a solar farm which was determined by the Secretary of State under circumstances where a local authority had been designated.[8] That

[6] Factsheet – Site Selection, Solar Energy UK, June 2024

[7] Statement of Community Engagement

[8] Application ref. no. s62A/2022/0011: Land East of Pelham Substation, Maggots End, Manuden: *'Construction and operation of a solar farm comprising ground mounted solar voltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping.'* (11/05/2023)

application was refused planning permission due to the benefits being 'clearly outweighed' by the harms arising, which in that case related to matters of: character and appearance, landscape and visual matters, the settings of designated heritage assets, archaeological remains, loss of BMVAL, highway safety, biodiversity and noise.

Whilst that case has been noted, it was taken under materially different circumstances in that Wiltshire Council is not designated as was the local planning authority in that case. Furthermore, each planning application is treated on its own merits in terms of the specific benefits and harms arising and the referenced case is not considered to give rise to any particular issues which are either of precedent or are directly relevant to this application.

EIA

Prior to submission of this planning application, a Screening Opinion request was submitted to Wiltshire Council as to whether the proposed development would constitute EIA development. That application was considered under PL/2023/04291, with the decision being that the proposed development was not considered to be EIA development.

Subsequent to the submission of this application, a third party sought a Screening Direction from the Secretary of State. In their response dated 8 March 2024, the Secretary of State confirmed that:

> *"I have considered the points you raise in your assessment provided in you request 30 January and the content of the Wiltshire Council screening opinion of 16 June 2023 together with the range of assessments provided in support of the subsequent planning application PL/2023/10077 and do not consider these indicate a need for the Secretary of State to exercise his power under regulation 5(6), and therefore the Secretary of State declines to issue a screening direction in response to your request."*

Fire risk

Although at pre-application stage the proposals included a Battery Energy Storage System (BESS) element, this was removed as part of this formal planning application submission. As such, the lack of any response from the Dorset and Wiltshire Fire & Rescue Service is not considered to represent any specific concern. It is noted that the process fire safety, including any operational plan, would be regulated by the HSE with the D&W Fire and Rescue providing an emergency response to any incident. The Applicant is advised by way of Informative to liaise with Fire & Rescue in relation to the operational and decommissioning plans.

10. Planning Balance and Conclusion

The proposed development is for the installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays together with ancillary infrastructure. The proposed development is sustainable development that will make a significant contribution to the supply of renewable energy helping to reduce carbon emissions required to meet the Climate Change Act 2050 net zero target.

The principle of the proposed development is in accordance with local planning policies, which are supportive of renewable energy schemes, particularly policy CP42 to the Wiltshire Core Strategy, supporting Wiltshire's Green and Blue Infrastructure and climate strategies. Further, the scheme is also aligned with the NPPFs requirement for the planning system to support the transition to a low carbon future as well as other national policies, such as the National Policy Statement for Energy, EN-1 and EN-3 which offer significant support for renewable energy development and, whilst falling below the thresholds of NSIP development, arguably should be given weight as a material consideration in the determination of this application.[9] Further, both the last and the current

[9] In recent appeal decision APP/U2235/W/23/3321094 'Land north of Little Cheveney Farm' (05 February 2024), the Inspector states (para.12) that: *"in assessing nationally significant infrastructure projects (NSIPS) EN-1 also*

government have issued Written Ministerial Statements confirming the importance of renewable energy development and the intention to revise the NPPF to boost the weight that planning policy gives to the benefits associated with it. Written Ministerial Statements are capable of being given weight in the planning balance.

The site would provide nearby grid connection opportunity and limited impact to surrounding features. It is not on or near any designated landscape (such as a National Park or National Landscape), nor is it near any statutory ecological site (such as a Site of Special Scientific Interest). Whilst there are a number of listed buildings within the vicinity of the site, it is set away from any major heritage assets such as World Heritage Sites / Registered Parks & Gardens or Grade I listed buildings. It is shown to be at low risk of flooding, is not within the designated green belt and has suitable access onto the local highway network, as well as providing sufficient space for the connection size which has been offered by the network operator.

In terms of the benefits of the proposal, the development will generate up to 23MW of renewable energy and, as is advocated by national policy and guidance and well established by appeal decisions, significant weight should be given to the nature of the proposal as a renewable energy generating development. The development will contribute to the national target to generate 32% of overall energy generation from renewable energy, assisting with the government objective to move to a low carbon economy and cutting greenhouse gasses. Such public benefits are 'public' benefits and must be regarded as substantial.

The scheme proposes ecological enhancements which comply with and go beyond the minimum requirements of policy CP50 to the Wiltshire Core Strategy and the Environment Act. This should be given moderate to substantial weight in favour of the proposals. There are also local economic benefits associated with the development during the construction phase, which should also be given low to moderate weight.

The proposals will not lead to any increased flood risk and the FRA concludes that overall, the risk of fluvial flooding is negligible and pluvial flooding is low. Swales are proposed and the modelling of their use shows that a beneficial impact on the current pluvial flooding scenario will be provided, including to offsite residential properties north of the B4069 and the road itself. They are on this basis assessed as being in accordance with the requirements of Core Policy 67 and the relevant sections of the NPPF, and being of moderate benefit.

Of neutral weight is the temporary loss of grade 3b agricultural land, which is not objectionable or contrary to the policies as set out within the development plan and the NPPF. Subject to the imposition of planning conditions, the potential of impacts from noise and dust during construction as well as from glint and glare from the panels when installed is not considered to be unacceptable and will comply with the requirements of policies CP42(vii) CP57(vi) of the Wiltshire Core Strategy and saved policy NE18 of the North Wiltshire Local Plan.

The treatment of the Public Rights of Way are acceptable and, subject to the imposition of conditions, the construction and operational traffic and access arrangements will not cause an unacceptable impact on highway safety, or cause the residual cumulative impacts on the road network to be severe, thereby meeting with the requirements of policies CP42(vi), CP57(ix), CP60(vi), CP61(ii), CP64 of the Wiltshire Core Strategy and saved policy T5 to the North Wiltshire Local Plan. Sufficient information has been provided as part of the application to make a provisional assessment of the archaeological impacts of the development; however, it is necessary to condition an Archaeological Management Plan to enable the protection of matters of archaeological interest.

Turning to the adverse impacts associated with the development, it is evident that there will be less than substantial harm caused to the setting of several designated heritage assets, in particular (but not exhaustively): Great Ridgeway Farmhouse, Malford House and Swallett Farmhouse. The application proposal has been revised to help ensure any impacts are minimised, but it remains the

makes it clear that the NPSs may be a material consideration in dealing with cases [under the Town and Country Planning Act] such as that before me."

case that, as is concluded by the Council's Conservation Officer, harm is assessed as being less than substantial, but as such would lead to conflict with Policies CP42(v), CP57 (iv) and CP58 to the Wiltshire Core Strategy. Although to be considered on a case-by-case basis and no general conclusions can be reached, it is clear that there are numerous appeal decisions which demonstrate that the substantial public benefits of renewable energy generation have outweighed localised heritage harm. This is partly on the basis that although not short-term, the proposals are temporary in nature and can be controlled as such.

Further harm is caused to the landscape and visual effects from the development. The landscape is not designated, with the Council's Landscape Officer concluding that following amendments to the proposals and the imposition of planning conditions, the impacts to the landscape and visual effects are localised and therefore the harm caused is regarded as being at the lower end of scale. To that extent there remains a conflict with policies CP51 and CP57 of the Wiltshire Core Strategy and consequently neither can it meet the requirements of criterion (i) of CP42 of the Wiltshire Core Strategy. Although unquantified, there may potentially be some impact on tourism to the local area, although this is more likely to be during the construction than operational phase.

Taking the benefits and adverse impacts into a balanced account, it is clear that the public benefits associated with the development are demonstrable and substantial; greatly outweighing the more limited harm and conflict with local policy identified. The substantial public benefits of the scheme are considered to outweigh the less than substantial harm caused to the setting of the heritage assets and as such, the scheme complies with the aims of section 16 of the NPPF, in particular paragraph 215. Given the weight that must be ascribed to the meaning and compliance with paragraph 215 of the NPPF, it is also concluded that the conflict identified with policy CP58 to the Wiltshire Core Strategy (which affords no ability to weigh public benefits) is outweighed.

Taking the benefits and adverse impacts into a balanced account, it is clear that the benefits associated with the development are demonstrable and substantial; greatly outweighing the more limited harm and conflict with local policy identified. On this balanced judgement, therefore, the proposal development is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION: Planning Permission to be GRANTED subject to the following conditions:

Scope of permission

1. The development hereby permitted shall be begun before the expiration of seven years from the date of this permission.

   REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The permission hereby granted shall be for a temporary period and shall expire 40 years from the date that electricity from the development is first exported to the electricity distribution network ('First Export Date') or no later than 50 years from the date of this decision, whichever is the sooner. Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after that First Export Date. Within 6 months of the date of expiry of this planning permission, or, if sooner, the cessation of the use of all of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the substations, customer cabin, spare parts container, security equipment, poles and fencing shall be removed from the land and the land restored to its former agricultural condition in accordance with a scheme of work to be submitted to, and approved in writing by, the local planning authority. The scheme of work, including a restoration plan and a decommissioning scheme that takes account of a recent ecological survey to protect wildlife and habitats, as well as including the management and timing of any works and a traffic management plan to address likely traffic impact issues during the

decommissioning period, shall be submitted to the local planning authority not less than six months before the removal of the installation.

REASON: In the interests of amenity and the circumstances of the use and to ensure the long-term management of and ecological features retained and created by the development and in the interests of the significance of the heritage assets, their setting and the wider landscape.

3. The development hereby permitted shall be carried out in accordance with the following approved plans and documents –

- LLY01A-EXG-00-00-D-K015: Site Location Plan
- LLY01A-EXG-04-00-D-K001-P07: Site Layout (received 02/12/2024)
- LLY01A-EXG-95-00-D-K001-B: Indicative Landscape Mitigation Plan (received 02/12/2024)
- LLY01A-EXG-05-ZZ-D-K001-P01: MV Inverter
- LLY01A-EXG-05-ZZ-D-K002-P01: Substation Building
- LLY01A-EXG-05-ZZ-D-K003-P01: 33kV Transformer
- LLY01A-EXG-05-ZZ-D-K004-P01: AUX Transformer
- LLY01A-EXG-05-ZZ-D-K005-P01: Substation Fence and Access
- LLY01A-EXG-05-ZZ-D-K006-P01: Substation CCTV and Lighting
- LLY01A-EXG-05-ZZ-D-K007-P02: Solar Panel
- LLY01A-EXG-05-ZZ-D-K008-P02: Solar Fence and CCTV

(received 05/12/2023 unless otherwise specified)

REASON: To clarify the terms of the planning permission and for the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

<u>Highways</u>

4. No development shall take place, including any demolition works, until a construction traffic management plan ('CTMP') has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall provide for:
    - A construction programme including phasing of works;
    - 24-hour emergency contact number; LHA CONTACT – highwaysdevelopment@wiltshire.gov.uk
    - Hours of operation;
    - Expected number and type of vehicles accessing the site:
        - Deliveries, waste, cranes, equipment, plant, works, visitors;
        - Size of construction vehicles;
        - The use of a consolidation operation or scheme for the delivery of materials and goods;
        - Phasing of works;
    - Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads; to include details in the CTMP that restrict deliveries during school drop off and pick up times;
    - Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
    - Locations for storage of plant/waste/construction materials;
    - Arrangements for the turning of vehicles, to be within the site unless completely unavoidable; as demonstrated in the CTMP;
    - Arrangements to receive abnormal loads or unusually large vehicles;
    - Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
    - Any necessary temporary traffic management measures;
    - Pre-construction photo survey around the access to the site, any damage to verge to be put right within 6 months of the completion of the construction phase;

- Method of preventing mud being carried onto the highway;
- Methods of communicating the CTMP to staff, visitors and neighbouring residents and businesses.

REASON: In the interests of safe operation of the adopted highway in the lead into the construction phase of the development.

5. Before the development hereby approved is first brought into use: -
   a) the first 15.00 metres of the vehicle access measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed of consolidated material, not loose stone or gravel.
   b) the widening of the existing access shall have been completed to a specification previously submitted to and approved in writing by the local planning authority.

   The said access shall thereafter be retained for the lifetime of the development.

   REASON: In the interests of highway safety

6. Prior to the commencement of development, a photographic pre-condition highway survey shall be carried out Main Road (B4069) from the junction of the B4069 with Dodford Lane to the site access. Upon completion of the construction phase of development, a further photographic post-condition survey shall be carried out of the same road. Copies of the pre and post condition surveys shall have been submitted to the Local Planning Authority prior to the first operation of the solar farm.

   REASON: So as to provide photographic evidence of the road network both before and after the construction phase of development in order to inform a rectification of any defects which are attributed to site construction traffic.

Ecology

7. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
   a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
   b. Precautionary Working Method statements for protected/priority species, such as nesting birds, badgers, dormice reptiles and amphibians.
   c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
   d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
   e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
   f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

   Development shall be carried out in strict accordance with the approved CEMP.

   REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry

standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

8. No external light fixture or fitting will be installed within the application site unless details of proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.
   The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

   REASON: To avoid illumination of habitat used by bats.

9. The development will be carried out in general accordance with the following documents:
   - Indicative Landscape Mitigation Plan. November 2024. Exagen
   - The Biodiversity Metric 4.0. Submitted December 2024. Tyler Grange

   REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

10. Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of bat roosts and nesting opportunities for birds (e.g. bat and bird boxes) shall be submitted to the local authority for approval. The approved details shall be implemented before first electricity export from the Development.

    REASON: To provide mitigation /enhancement for biodiversity.

11. No development shall commence on site until a Habitat Management and Monitoring Plan (HMMP) is submitted and approved in writing by the Local Planning Authority to include:
    - the long term objectives and targets of the landscape Strategy and County Wildlife Site;
    - the roles and responsibilities of the people or organisation(s) delivering the HMMP;
    - the planned habitat creation and enhancement works to create or improve habitat to achieve the Landscape Strategy proposed.
    - the management measures to maintain habitat for the lifetime of the development; and
    - the monitoring methodology, incorporating management prescriptions, review and adaptive management methodologies, including habitat assessment reports to be submitted to the LPA for the lifetime of the development has been submitted to, and approved in writing by, the local planning authority.

    REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

12. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting season after completion of the development if not before:
    - All vegetation [and biodiversity mitigation/enhancement features] shall be maintained in accordance with the Habitat Management Plan for the duration of the development from the commencement of the scheme and shall be protected from damage.
    - Any trees or plants which, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

- The installation of the biodiversity mitigation and enhancement measures will be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development.

REASON: To ensure a satisfactory implementation and maintenance of the Landscape Mitigation Plan.

Landscape

13. Prior to commencement of development, details regarding the timeframe and phasing of the implementation of the approved 'Indicative Landscape Mitigation Plan' Drawing No. LLY01A-EXG-95-00DK001-B (or any more detailed plan included within the HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The site landscaping shall be maintained in accordance with these approved details thereafter. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

    REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

14. Prior to commencement of development, details pertaining to the finished colour, materials, and final detailed appearance of all currently submitted 'typical details' such as fencing, CCTV poles, substation buildings, inverters, cabinets, containers and enclosures shall be submitted to and approved in writing by the Local Planning Authority.

    REASON: In the interests of appropriate design and visual amenity and character.

Archaeology

15. No development shall commence within the area indicated by application PL/2023/10077 until:
    a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
    b) The approved programme of archaeological work has been carried out in accordance with the approved details.

    REASON: To enable the recording of any matters of archaeological interest.

Public Protection

16. Noise emissions attributable to the renewable energy park at Land West of Lyneham Substation shall be limited to a level not exceeding -
    - Noise rating 25 between 07:00 and 23:00 hours daily &
    - Noise rating 20 between 23:00 and 07:00 hours daily
    Within any neighbouring residential property existing or proposed at the time of the consent, with windows open.

    REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

Arboricultural

17. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-
    - A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing along with the location of the access track;
    - A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837:2012;
    - A schedule of tree works conforming to British Standard 3998:2010;
    - Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
    - Plans and particulars showing the siting of the cable route along with method to be used;
    - Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
    - Details of all other activities, which have implications for trees on or adjacent to the site.
    - In order that trees to be retained on-site are not damaged during the construction works and to ensure that all the work are carried out prior to no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant and designated site foreman to discuss details of the proposed work and working procedures.

    REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

Drainage

18. No development hereby permitted shall become operational until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall include details of:
    - A robust soil, grass, and/or land management plan which details vegetative areas in between the solar arrays at a long length to help interrupt and prevent channelised flows, reducing erosion and also enhance and promote the infiltration and interception capacity
    - Details of the regime for monitoring vegetation cover including frequency of visits, and set out remedial measures that could be implemented if problem areas are identified

    The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

    REASON: To ensure that surface water quality and quantity is managed throughout construction and so as not to increase flood risk, or pollution of watercourses

Construction

19. Prior to commencement of development, a Construction Environmental Management Plan (CEMP), incorporating pollution and other prevention measures, has been submitted to and

approved in writing by the Local Planning Authority. The submitted CEMP must include safeguarding measures to deal with the following pollution risks and impacts:

a) details of the protection of the watercourse during construction (e.g. fencing)
b) the use of plant and machinery
c) wheel washing and vehicle wash-down and disposal of resultant dirty water
d) oils/chemicals and materials
e) the use and routing of heavy plant and vehicles
f) the location and form of work and storage areas and compounds
g) the cutting or other processing of building materials on site;
h) the transportation and storage of waste and building materials;
i) the recycling of waste materials (if any)
j) the loading and unloading of equipment and materials
k) the location and use of generators and temporary site accommodation
l) the control and removal of spoil and wastes
m) how open excavations on site will be dealt with outside of working hours and after dusk to prevent entrapment of mammals that may cross the site
n) the arrangements to be made for water during the construction phase
o) how surface water will be managed during the construction phase in order to prevent an increase in pollution / flood risk to local receptors, and;
p) how the applicant going to ensure that compaction of the soil during construction does not occur / will be remediated so that there is not an increase in runoff.

The development shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment

20. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable

INFORMATIVES

Plan amendments
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

Private Property Rights
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Public Sewer
The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

Land Drainage Act

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.
An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.
Wiltshire Council's land drainage bylaws can be downloaded here. The land drainage consent application form and guidance notes can be found on our website here."

Public Rights of Way
The Public Rights of Way should have all pieces of access furniture (stiles field gates) removed where they are no longer required for stock control purposes within the sites red line boundary. This is to make the path as accessible to as many users as possible.
If during construction any of the Public Rights of Way need to be closed, then the applicant will need to apply for a TTRO with at least 12 weeks' notice.

Works to the highway
The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and / or 01225 713352 or visit their website at http://wiltshire.gov.uk/highways-streets to make an application.

Road closures
The proposal includes proposed closures to the public highway, and a scheme for reducing the speed limit to 40 mph during construction, consent hereby granted shall not be construed as authority to carry out closures to the highway. The applicant is advised that an application must be cleared with Wiltshire Council Traffic Orders (www.wiltshire.gov.uk/highways-road-closures) prior to a temporary closure order. Please contact the traffic orders team on telephone 01225 713104 / 0300 456 0105 or email to:TTROapplication@wiltshire.gov.uk for further details. Temporary Traffic Orders team require a 12 week lead in so sufficient time should be factored in for the necessary orders.
For further information please contact mailto:Streeworks@wiltshire.gov.uk for any additional information.

Highway defects / repairs
The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

Drainage
The applicant is advised to seek the relevant drainage approval regarding the piping of the highway ditch on drainage@wiltshire.gov.uk

Amphibians/Reptiles
There is a residual risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible in line with the recommendations made in the Ecological Impact Assessment. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk).

Nesting Birds

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding.
Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Artificial Lighting
The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Fire & Rescue
Process fire safety, including the operational plan, is regulated by the HSE. The Applicant is advised to liaise with Fire & Rescue in relation to the operational and decommissioning plans.

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