Planning Inspectorate

Room 3C
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5427
Customer Services:
0303 444 5000

Email: West1@planninginspectorate.gov.uk
www.gov.uk/planning-inspectorate

Planning Appeals
Wiltshire Council
Monkton Park Office
Chippenham
Wiltshire
SN5 1ER

Your Ref: PL/2023/10077
Our Ref: APP/Y3940/W/25/3371113

21 January 2026

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Exagen Development Limited
Site Address: Land West of Lyneham Substation, West of Dauntsey Lock, Wiltshire

Outcome

I enclose a copy of our Inspector's decision on the above appeal(s).

Thank you for your cooperation and patience while we reviewed your case and all relevant documentation.

What Next?

Please note that the Planning Inspectorate cannot change or revoke the outcome of the attached decision as only the High Court can quash this decision. The Planning Inspectorate is not the administrative body for High Court challenges. If you would like more information on the strictly enforced deadline for challenging a decision or a copy of the form for lodging a challenge, please get in touch with the administrative court on 02079476655.

Support

If you have any questions about how we handled the appeal(s), please use our customer contact form / https://contact-us.planninginspectorate.gov.uk/hc/en-gb/requests/new , or call us on 0303 444 5000. Our customer service phone line is open between 09:00 and 16:00, Monday through Friday (closed on weekends and public holidays).

If you do not have Internet access, please write to the customer quality team at the address above.

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We are committed to improving the quality of our service and experience for our customers.

Please take a few minutes to give your feedback via the short survey. As stated in our customer charter, we will learn from our mistakes and work to improve how we do things.

Your feedback makes us better / https://forms.office.com/e/nLDD4REWgf

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Joanna Carter
Joanna Carter

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Planning Inspectorate

Appeal Decision

Hearing held on 16 December 2025

Site visit made on 15 December 2025

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2026

Appeal Ref: APP/Y3940/W/25/3371113
Land West of Lyneham Substation, West of Dauntsey Lock, Wiltshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Exagen Development Limited against the decision of Wiltshire Council.
- The application Ref is PL/2023/10077.
- The development proposed is the construction and operation of a renewable energy park comprising ground mounted solar photovoltaics (PV) together with associated infrastructure, access, landscaping and cabling.

Decision

1. The appeal is allowed, and planning permission is granted for the 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, Wiltshire, in accordance with the terms of the application, Ref PL/2023/10077, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal was amended during the Council's consideration of the application. This resulted in a revised layout plan that has altered the development zones for the solar panels. This essentially excluded solar panels from parts of fields to the immediate south of Malford House and Ridgeway Farmhouse. Revised imagery has been produced at appendix 1 of the appellant's Landscape and Visual Impact Assessment [August 2025] to demonstrate this new relationship.

3. A site visit was undertaken the day before the Hearing. During my visit I walked the site and its surroundings with a representative from the Council and the appellant using a walking route agreed between main parties. I also saw the site from Malford House, Swallett Farmhouse and Great Ridgeway Farmhouse. I therefore have a good awareness of the site and its surroundings.

4. A screening opinion, undertaken by the Council in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 concluded that the proposal was not deemed to be EIA development. Following separate review this position was also confirmed by the Secretary of State. I see no reason, within the evidence, to disagree with this position.

5. A Statement of Common Ground (SoCG) has been submitted before the hearing commenced finding key areas of dispute relating to Landscape and Visual Amenity and designated heritage assets.

6. An objection letter was received from K Forrester beyond the prescribed timeframes but has been accepted following making a reasonable adjustment due to their personal circumstances. Furthermore, an extension of time was also agreed for K Forrester to provide a written response to the SoCG. A responding objection letter was received, and the appellant has been given time to respond to points made before the hearing was closed by correspondence on 13 January. I have paid regard to this further evidence, where relevant, within the decision.

7. At the Hearing I was handed an update from the appellant which responded to the Council's Statement of Case, covering landscape and visual matters, grid connection issues and economic benefits. These clarified certain points of the appellant's evidence, matters that had been previously introduced within existing submissions. After taking views from attendees of the hearing on this document, I accepted this. I am satisfied that no party would be prejudiced by my taking it into consideration as part of the appeal evidence.

8. The Draft National Planning Policy Framework was published the day of the hearing. I have afforded limited weight to this consultation document, being in draft form. Nonetheless, main parties have been given an opportunity to comment on this, and I have taken any comments received into consideration.

Main Issues

9. It is recognised that matters of flooding and drainage are not in dispute between the Council and appellant within the SoCG. Nonetheless, upon review of interested party comments, and following discussion at the hearing, it appears that flood and drainage matters are a main issue in this decision.

10. Accordingly, the main issues are:

- The effect of the proposed development on the landscape character and visual receptors within the surrounding area,
- The effect of the proposal on the settings of nearby heritage assets, and
- The effect of the proposed scheme on local flooding and drainage considerations.

Policy Background

11. This application is not an energy development which is a nationally significant infrastructure project (NSIP) under the Planning Act 2008. Nonetheless, the Overarching National Policy Statement for energy (EN-1) may be a material consideration for applications under the Town and Country Planning Act 1990 (as amended). This sets out the national policy for energy infrastructure and establishes the Government's approach to meeting its net zero objectives. It recognises that to meet the Government's objectives and targets for net zero by 2050, significant large and small-scale energy infrastructure will be required. Furthermore, the National Policy Statement for Renewable Energy Infrastructure (EN-3) sets out national policy in respect of renewable energy and identifies '*an urgent need for new electricity generating capacity to meet our energy objectives*.'

12. Whether policies in EN-1 and EN-3 are material, and to what extent, should be judged on a case-by-case basis. In this case the proposal is for a solar park creating up to 23 megawatts of energy, providing power for approximately 12,418

homes. The site benefits from a connection to the grid by way of a short underground connection to an existing Lyneham substation, running under Main Road. It therefore falls below the threshold for NSIP but due to its scale, EN-1 and EN-3 are deemed to be policy documents of substantial weight.

13. The UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050, and this is also a material consideration. Since the declaration, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change has indicated that there is a greater than 50% chance that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels. The report indicates that delay in global action to address climate change will miss a rapidly narrowing window of opportunity to secure a liveable and sustainable future for all[1].

14. The UK Energy White Paper, 'Powering our Net Zero Future' [2020], describes the costs of inaction as follows:

"We can expect to see severe impacts under 3°C of warming. Globally, the chances of there being a major heatwave in any given year would increase to about 79 per cent, compared to a five per cent chance now. Many regions of the world would see what is now considered a 1-in-100-year drought happening every two to five years".

15. The National Planning Policy Framework (the Framework) explains that the planning system should support the transition to a low carbon future in a changing climate. It states that when dealing with planning applications, planning authorities should not require a developer to demonstrate a need for low carbon or renewable energy projects and should recognise that even small-scale projects can help reduce greenhouse gas emissions. This also explains that such schemes should be approved if its impacts are, or can be made, acceptable.

16. Policy 42 of the Wiltshire Core Strategy [2015] (CS), with respect to renewable energy installations, supports such facilities subject to it meeting site specific constraints. In 2019, Wiltshire District Council declared a climate emergency with its publication of a Climate Strategy and has embedded addressing climate change into its constitution.

17. To achieve the Government's ambitious targets, it is clear that considerable growth in large scale solar parks will be necessary and this cannot be achieved solely by the use of brownfield land or roof top installations. The proposed development would make a valuable contribution to achieving these local and national goals. The policy context, in supporting the delivery of a substantial level of renewable energy projects, provides compelling evidence for the need for solar schemes, such as proposed, and conveys significant weight in favour of the proposal.

Reasons

Landscape and Visual Impact

18. There is a distinction to be made between impact on landscape, which should be treated as a resource, and impact on visual amenity, which is the effect on people observing the development in places where it can be viewed, such as from roads, public rights of way and individual dwellings.

[1] IPCC Sixth Assessment Report - Summary for Policymakers, paragraph D.5.3

Landscape character

19. The appeal site consists of ten fields, the site and surrounding fields are used for a range of arable and pastoral purposes. The fields within the site are arranged in a cluster, bound by Main Road (B4069), fields to the east and Swallett Farmhouse and the Great Western Railway mainline. Purely for convenience I shall refer to the various fields using the numbering convention found in the appellant's Layout Plan[2].

20. The site is relatively flat and appears to gradually slope down north-wards towards the B4069. There are several power lines running through the site and overhead power lines can be seen along the railway line. Also, the M4 runs to the distant north of the site, following the shallow valley floor. Consequently, the site's largely flat landform, and its wider context, includes several man-made interventions.

21. The site is within Natural England's National Character Area 117: Avon Vale, including woodlands, mixed farming and arable land. The site is also within Wiltshire County's Local Character Area: 12B (Avon Open Clay Vale) and North Wiltshire's Area 11: Avon Valley Lowland, being formed of lowland river farmland. This area is defined as consisting of a level open area, with views to the higher ground of the Limestone ridge to the east. The area mostly includes intensively managed pastoral fields of varying sizes and notes that a force of change includes the loss of hedgerow boundaries and mature hedgerow trees. The appeal site appears to generally align with this character assessment and therefore makes a positive contribution towards the area's landscape character.

22. The local landscape includes the M4 corridor and railway lines in cuttings and embankments. The pattern and arrangement of character area 11 forms low-lying land with an elevated eastern ridge. The railway line passes through the landscape within a cutting to the south of the site, diminishing its overall presence but remaining a prominent feature due to its overhead power lines. The proposed development would locate solar arrays within the existing field pattern. It would retain and enhance hedge and tree groups within the site, thereby retaining the structure of field boundaries and keeping field patterns intact. As such, the proposal would have a largely non-invasive and restorative impact on the landscape features defined as important to the character areas.

23. The appeal site, whilst relatively extensive, represents only a small proportion of the county and district character areas. At a district level, the impact on the landscape would be greater, but as the existing natural features of the site would be largely retained and enhanced, the overall landscape effect would be limited. Furthermore, the solar arrays would be low-lying, being open sided features and the development would be temporary in nature. As such, the characteristics of the scheme would limit the overall effect of the scheme on the wider landscape. However, the proposed development would alter the landscape with the introduction of renewable energy infrastructure across a relatively broad area. Therefore, this would result in some localised landscape harm. Consequently, the scheme would result in a minor to moderate adverse impact on the area's landscape character.

[2] drawing number LLY01A-EXG-04-00-D-K001 rev P07

Visual Impact

24. The appellant's visual assessment was undertaken in June when deciduous trees and hedges were in leaf. However, the assessment explains that a visit also took place in February enabling the author to make comparisons between summer and winter views. Furthermore, my visit took place in the winter, and this has enabled me to compare the submitted visualisations with my own observations to understand the effects of the proposal accounting for seasonal variations. Despite some concerns raised by interested parties, as to the accuracy of the visualisations, I have found these to be useful and provide a sufficiently accurate method to understand the visual effects of the proposal.

25. The appellant's Landscape and Visual Assessment[3] (LVA) and the appeal Landscape Statement of Case[4] (LSoC) consider 12 viewpoints (VP) which assess the effect of the scheme on Visual Receptors. The viewpoints have been accepted by the Council as being the most significant in understanding the visual effects of the proposal. However, I am cognisant that these selected viewpoints provide only a snapshot of the site and would not necessarily fully reflect the experience of receptors walking through or around the site and taking sequential views. The site can be seen from a number of viewpoints including road users, cyclists, horse riders, walkers and residents. Several footpaths are close to the site and Public Right of Way (PRoW) (CMAL 12) crosses the site on a northeast/southwest axis.

26. Figure 4 of the LVA, shows the zone of theoretical visibility of the scheme. This demonstrates that the majority of views outside the site would be from an arc from the northwest through to the northeast. A high likelihood of views could also be obtained from high land to the southeast of the site, although woodland, vegetive screening and topography would obscure views of parts of the site. The LVA considers the visual effects of the proposal both at year one and at year fifteen, the second assessment taking into account the growth of proposed landscape screening as it approaches maturity.

27. The general topography of the site and its surroundings, in combination with existing vegetation, provide screening from many wider views forming a degree of enclosure to the appeal site. Furthermore, man-made features, such as housing along Main Road, also obscure some views of the site. The combination of these features would disaggregate and limit views of the site.

28. The PRoW [CMAL 12] is represented by VPs 3, 8 and 9. The layout plan provides a landscaped buffer between development zones, which narrow to a minimum distance of around 16 metres between fields 8/9 and 6/7. Walkers of the footpath, at VP3, would have a medium sensitivity to development, and the scheme would result in a major adverse effect of change in these views. Whilst walkers would experience a major adverse visual effect at year one, this would reduce to a minor to moderate adverse effect at year fifteen. When approaching VP8, the view begins to open up, taking into account the more open vista between fields 2 and 8. This would result in a 'moderate' adverse visual effect at year one, reducing to moderate/minor adverse at year fifteen. Furthermore, the view from VP9 would become relatively constrained and enclosed by the proposal. In this view, the effect at year one would be 'major' adverse, reducing to 'minor to moderate' adverse at year fifteen.

[3] Landscape and Visual Assessment, by exagen, November 2023
[4] Landscape and Visual Assessment, by Turley, August 2025

29. Views from residential properties would overlook the site from some windows. During my visit I was able to see the site from several residential plots. This provided me with a clear understanding as to the extent of the effect on outlook from affected windows and plots. The views from residential properties, deemed to be of medium to high sensitivity, would experience a major adverse effect at year one, especially in views from Malford House and Great Ridgeway Farm despite the extent of recessed panels from these properties.

30. The Council asserts that the scheme would result in an adverse effect on residential amenity. However, it has not demonstrated that a substantial effect, or harm, would occur to occupiers living conditions in consideration of the low-lying scale of the equipment associated with the proposal and the separation distances evident. Nonetheless, from a visual effect standpoint and due to the large magnitude of change, the proposed scheme would result in 'moderate' and 'moderate to major' adverse effects, reducing to a 'moderate' adverse at year fifteen once landscape mitigation has reached maturity.

31. Views from the south of the site are represented by VPs 4, 5 and 6. VP4 is from a PRoW [CMAL 13], on the northern edge of Melsome Wood, at the highest part of the footpath. This shows a wide field in the foreground with tree and hedgerow planting providing substantive screening to the proposed development. The proposed solar arrays would be seen in part between landscape screening and a thin slither of development in views. The visual effect would be 'minor to moderate' and 'moderate' at both years one and fifteen, as mitigating screening would not materially alter this view. VP5, from the public bridleway [LYNE 35] provides a view from the highest part of the bridleway. This would also result in a 'minor to moderate' and 'moderate' adverse visual effect at years one and fifteen. The view from VP6 provides a minor to 'moderate' adverse effect, at both years one and fifteen.

32. The local roads provide visual receptors from motorists and other road users that would primarily be paying due care and attention to other road users and hazards and would have a medium sensitivity to change. Motorists on Main Road (VPs 2, 10 and 13) would observe parts of the site when passing, resulting in an area that would be subject to a 'major' adverse magnitude of change and 'moderate/major' adverse and 'moderate' adverse effect in the first year. Nonetheless, these effects would be significantly reduced following the landscape screening becoming developed resulting in 'minor' adverse and 'neutral' effects at year fifteen.

33. Views of the proposal, at VP 11 and from the PRoW, would be limited. This would cause a minor to 'moderate' adverse visual effect in year one, and a 'neutral' effect by year fifteen. The VP along the minor road to Dodford Farm (VP12) would also experience a 'minor to moderate' adverse visual effect at year one, reducing to 'neutral' by year fifteen.

34. Overall, landscape screening would establish over future years, and the identified adverse effects would mostly reduce to 'minor adverse' after fifteen years. Even if parts of the solar park remained visible these would be likely to be seen as small parcels of development, interspersed by field boundaries and the established new landscaping, within distant views.

35. Whilst the visual impacts of the proposal would initially be 'major' and 'moderate major' adverse from the PRoW through the site, these effects would be diminished

to 'moderate' and 'minor to moderate' adverse once the landscape screening has become established. Consequently, due to the arrangement of local topography the most adverse visual effects would be largely confined to localised effects only. Accordingly, taking all of the above impacts into consideration the visual impact of the proposal would result in moderate harm only.

Cumulative visual and landscape effects

36. Two existing solar parks are within a 5km radius of the site. Further solar parks are noted to be within the wider area, beyond this, but these do not contribute the site's local landscape or visual context. Bradenstoke Solar Park is a 40MW facility around 1.25km to the south of the site and the 5MW Lake Farm solar scheme is around 5km to the southwest of the site. Bradenstoke Solar Park is subject to a planning application for expansion, but this proposal is at an early stage and does not inform the context of the site. The site is within an area identified in the Council's evidence base for its emerging Plan as being of medium sensitivity to receive solar development[5], taking into account the absence of designated landscape features and other considerations.

37. Furthermore, the proposal would be a considerable distance from other similar facilities, preventing clustering. In landscape terms the site would be nestled within the local topography of low-lying ground, enclosed to some extent by the man-made features of the M4 and the railway line and overlaid by existing electrical infrastructure. Therefore, in noting existing solar development in the wider area, the proposal would not result in an adverse cumulative effect on the character of the local or wider landscape.

38. In terms of cumulative visual effects, the proposed development would not be evident in viewpoints that include the existing solar developments. It is noted that Views from the ridge, such as VP6 could take in parts of both the appeal scheme and the Bradenstoke solar park, but any such views would be filtered and require sequential views. As such, the cumulative visual effects would be 'minor' adverse.

39. Consequently, despite its overall scale, the proposal would result in only a 'moderate adverse' effect on the landscape character and moderate harm to the visual appearance of the area. In identifying harm, the proposal would conflict with Core Policy 51 and 42(i) and (vii) of the Wiltshire Core Strategy [2015](CS). These seek, among other matters, for development to not have a harmful impact upon landscape character, to conserve character through sensitive design and landscape mitigation and to satisfactorily address the impacts of solar development on the landscape and on residential amenity.

Effect on Heritage Assets

40. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or setting or any features of special architectural interest which it possesses. The Framework defines the setting of a heritage asset as the surroundings in which the asset is experienced. The proposal has the capability to affect a range of designated heritage assets found around the site. These are Great Ridgeway Farmhouse, Malford House,

[5] Wiltshire Council's Renewable Energy Study, 2023

Swallett Farmhouse, Swallett House and Bridge near Dauntsey. The extent of harm is disputed between parties with the appellant considering that the proposal would result in no harm to the significance of Swallett House.

41. The setting of a heritage asset is not fixed and may change as the asset and its surroundings evolve as explained by the Framework. Guidance from Historic England explains that the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.[6]

42. A number of listed buildings, and other heritage assets, have been identified in evidence as being within a kilometre of the site, including a cluster around Dauntsey Lock. Nonetheless, it is undisputed between main parties that the setting of many of these would remain unchanged by the proposal, I see no reason to disagree with the conclusions drawn with respect to those assets that are set some distance from the site.

Great Ridgeway Farmhouse

43. Great Ridgeway Farmhouse is a Grade II listed building. This farmhouse originates from the 17th Century. It's a roughcast building with ashlar dressings, a hipped stone slate roof and rear stacks. The building includes a raised plinth, rusticated quoins, moulded band and moulded eaves cornice. Due to its architectural interests and age the building has both historical and architectural interest. Its setting consists of its immediate domestic grounds including an arrival driveway to the side and front and rear gardens, with barns and other outbuildings to its side and rear contributing to its wider setting. Fields are located to its rear and sides, placing it within an open rural setting.

44. Although set back from the highway, it directly addresses Main Road over a front boundary hedge providing some vegetative screening. As such, it is prominent from the public realm. From views within the middle of the site, it remains a prominent feature with the site's field boundary hedging creating some, but limited, screening of the building. As a result, the site makes a positive contribution to the countryside setting of the building.

45. The proposed layout includes areas of open fields, directly in front of this building, with the reinstated hedge boundary. From within the site, such as from around VP8, views toward the building would remain open, albeit enclosed by the proposal. From public views I find that the building would be primarily appreciated from the highway, secondarily it would be perceived from the PRoW [CMAL 12] from some retained open views.

46. The proposed scheme would reduce the ability to appreciate the agricultural nature of the farmhouse. The proposed layout includes mitigation consisting of the provision of a new hedgeline alongside field 2, that would screen the solar panels and create a buffer from the development. This would also reinstate a historic field boundary, reintroducing a feature that would benefit the setting of the listed building. Therefore, whilst the proposal would result in a reduction in the ability to

[6] Historic England – The Setting of Heritage Assets 2017

appreciate the dwelling in views from the south, this would be a minor effect within its wider setting. Accordingly, the setting of Great Ridgeway Farmhouse would experience a harmful change, but such change would be at the lower end of less than substantial harm.

Malford House

47. Malford House is a Grade II listed building. It is a 17th Century timber frame building, with painted brick, concrete tiles and an off-centre ridge stack. It includes four bays with triple casements on each floor, and a timber framed single-story wing. Its rear courtyard includes a garage bay and separate converted barn, with a main garden to its side. It is not clearly orientated to the rear and more directly addresses the courtyard and private garden to its sides.

48. Its immediate setting includes its relatively extensive grounds, particularly its garden to the west. It is behind a dense tree and hedge front boundary and is only glimpsed from Main Road. Nonetheless, it is prominent in views from the rear, having only a post and wire fence marking its rear boundary. Therefore, the building's immediate setting and Main Road, make a strong contribution to its context. Nonetheless, views from the PRoW [CMAL 12] demonstrate that the fields to the southeast of the building, and part of the appeal site, also make a positive and important contribution to its wider agrarian setting.

49. The proposed scheme includes a new boundary hedge that would be set between 60m and 170m from the rear boundary of the listed building's grounds. This boundary would include hedge planting that would, in time, screen views of the solar panels beyond. This demonstrates a degree of separation between the listed building's grounds and the development envelope. Also, the separation and gap formed between fields 2 and 8 allow retained views of Malford House enabling it to continue to be appreciated from the footpath. However, the solar panels, its fencing and new hedge boundaries would intrude and enclose such views eroding the building's countryside setting. As a result, the proposal would result in an adverse effect on the setting of the listed building, at the low end of less than substantial harm, harming its significance.

Swallett Farmhouse

50. Swallett Farmhouse is to the southwest of the appeal site. This Grade II listed building is an early 18th Century building consisting of rubble stone and some painted brick, with slate roofs, coped gables and end stacks. The building includes rubble stone with flush quoins and hollow moulded recessed mullion windows. The listing description explains that the building is reported to have belonged to the Hull family for 300 years. Furthermore, the appeal site historically formed part of the landholding farmed by occupiers of Swallett Farm, forming a strong historic link between the listed building and the appeal site.

51. The house is set back from Main Road by a significant extent and set behind barns, other agricultural buildings and holiday accommodation forming a historic farmstead of various buildings. It stands within relatively extensive grounds with paddocks to its rear, side and front. Its grounds also include several round pens for horse training, a horse arena and stables. It has been reported that a modern barn on-site, that provides some screening, has consent to be demolished. Nonetheless I have made my assessment based on the buildings seen on site during my visit.

52. The immediate and wider setting of the listed building are contained by the garden and wider field surrounding the building within the farm's demise. The site has a limited relationship with Main Road, due to its recessive nature and stands within an open countryside setting. The appeal site is beyond a hedge and tree field boundary to the side of the appeal site. The site makes a limited contribution to the wider setting of the listed building in visual terms but has a clear functional link due to the historical use of the appeal site.

53. Therefore, whilst visually the effect on the setting of Swallett Farm would be minor, the overall effect on its significance would be heightened due to the historic links resulting a low-level measure of less than substantial harm.

Swallett House

54. Dating from the early 18th Century, this Grade II listed house consists of rubble stone with ashlar dressings and a hipped stone slate roof. It includes a three-window range with mullion windows, flush quoins, moulded plinth, dripcourse and covered eaves cornice. The two-storey building includes dormer windows and several tall decorative stacks and is set within extensive grounds. A long C19 northeast wing, with original ashlar rear stack on ridge, includes a brick ridge stack and end stack. Whilst largely concealed from Main Road, the house is a good example of a large rural dwelling and is significant due to its architectural and historic importance.

55. The dwelling is positioned on the opposing side of Main Road to the appeal site, with its main elevation facing largely away from the site. Its setting appears to consist of its immediate grounds, adjacent fields to its north and southwest and the highway. Nearby houses and vegetation prevent a clear or direct visual link between the building and the appeal site, with accordingly limited intervisibility. Despite this its roof can be glimpsed in some views from the site, although these are fleeting. For these reasons, the proposal would have no effect on its setting, preserving its significance.

Bridge near Dauntsey

56. The Grade II listed bridge is to the immediate south of the appeal site. It is close to VP9 and outside the appeal site. This is a footbridge that crosses the railway line and provides onward travel for users of PRoW CMAL 12. This consists of handmade brick, includes a humpback profile and elegantly concave elevations, with bullnose purple engineering brick.

57. The bridge dates from around 1839-40 and is an early example of railway structure. The listing description identifies it has group value in consideration of other structures lining the railway and is has a clear relationship with the railway line which is identified as informing its setting. The footpath over the bridge provides a link to the canal beyond but is now of lesser functional importance since the canal is no longer used to move goods and people from nearby farmsteads. It therefore possesses both architectural and historic significance.

58. The bridge has a functional link to the appeal site in providing a connection between the farmland, within the site, and the canal beyond. Nonetheless, the significance of this link is modest only. Its context within the countryside setting would change through the addition of nearby solar panels and new forms of enclosure altering its perception and harming its significance. Nonetheless, its

relationship to the railway would remain unchanged and due to the extent of mitigating planting proposed, the impact on its setting would be at the low end of less than substantial harm.

Bradenstoke Priory

59. Bradenstoke Priory is a Scheduled Ancient Monument set on an elevated area of land to the southeast of the site. The view from the Monument is demonstrated through VP5, showing that only a very limited part of the appeal site would be visible in such views. This change to the view would be evident, but the effect would not be adverse, being only a small part of a wider panoramic view. Therefore, due to the separation distance and intervening woodland and other vegetative screening, the proposal would not have an adverse effect on its significance.

Group value

60. The identified heritage assets are within relatively close proximity of each other and share the same general rural context, set within an area of generally flat land where several shared views can be obtained. Intervening tree and hedge boundaries and the distance between many of these creates a dispersed pattern that diminishes and limits any sense of group value. However, interested parties have identified that Malford House, Swallett Farm and Swallett House were part of the same manorial estate with members of the Hull family living within each. This association adds an interesting historical association between these buildings but does not alter the above finding with respect to effects on setting.

Heritage Balance

61. Core Policy 58, of the CS, relates to the conservation of the historic environment. This states that development should protect, conserve and where possible enhance the historic environment and the significance and setting of heritage assets. This policy is generally consistent with the Framework but excludes the public benefit test applied in the Framework and is therefore of reduced weight. As such, the policy needs to be read alongside the Framework to correctly apply heritage considerations.

62. Paragraph 212 of the Framework states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the reasons set out above, I have found that the proposal would result in harm to the significance of Great Ridgeway Farmhouse, Malford House, Swallett Farmhouse and Swallett House, each for various reasons, being subject to a low level of less than substantial harm. Although the group value of several of these is noted, it does not alter the identified level of harm. The identified harm would also be tempered by the temporary nature of the proposal, which whilst extending over half a lifetime, would cause reversible effects. Nevertheless, it must be noted that even less than substantial harm to a designated heritage asset carries great weight.

63. Under such circumstances, the Framework advises that any harm found should be weighed against the public benefits of the proposal.

64. The proposal would deliver a renewable energy project, creating around 23MW of electricity and powering around 12,418 homes. This would assist in providing a

secure and resilient supply of electricity from a low carbon source. Furthermore, the site is located close to Lyneham Substation where a viable point of connection has been identified and a grid connection offer, with the Distribution Network Operator (DNO), is in place. The benefits of the provision of renewable energy, and the existence of a viable connection offer, attract significant positive weight in favour of the proposal.

65. The appellant also identifies that the proposal would provide employment both during construction and through the operational life of the development. The construction process has been identified as creating around 50 FTE jobs and the operational phase would attract a further 0.3 FTE jobs. The employment roles created on site would be primarily temporary in nature, with respect to the construction period, with a negligible number of employees attracted to the site once operational. Furthermore, the development would require business rates to be paid, providing a modest financial benefit to the Council and would enable the landowner to diversify the existing agricultural operation into wider interests. As such, the economic benefits also attract some, albeit moderate, weight in favour of the proposal.

66. In environmental terms, the provision of new landscaping and green infrastructure would provide biodiversity enhancements. Since 12 February 2024 it has been a requirement of the Town and Country Planning Act 1990 (as amended) for major planning applications to deliver a 10% biodiversity net gain (BNG). Interested parties suggest that this requirement is now 20%. However, this appears to relate to a consultation document for NSIP projects only and is therefore not relevant to this proposal. In any event, the application was made before the statutory 10% provisions came into force and thus the proposal is not subject to these statutory BNG requirements. Nonetheless, the Framework and Core Policy 50, of the CS, require major development to demonstrate a net gain to biodiversity.

67. The provision and distribution of landscape planting enhancement is demonstrated on the indicative landscape mitigation plan (D-K001 B), showing new planting alongside Main Road, a new County Wildlife Site and new hedgerows. A Landscape and Ecological Management Plan could be secured by appropriate condition to detail how these measures would be created and maintained. The proposal would result in the removal of limited pockets of existing vegetation and would provide new landscaping of around 79.74% habitat units and 14.19% hedgerow units. Accordingly, the provision of BNG, substantially in excess of 10%, would be a benefit of significant weight in favour of the proposal.

68. Overall, the benefits of the scheme are afforded significant weight in favour of the proposal. When considered cumulatively, these public benefits would be substantial and would outweigh the harm I have identified to the heritage assets, despite applying great weight to this harm. The proposal represents temporary development, albeit over a substantial 40-year period, and would be reversible at the end of this period to open fields. As such, the proposal would comply with CS policies 57(iv), 58 and 42(v) and the Framework which, among other matters, require development to be sympathetic to and conserve historic buildings and historic landscapes and to enhance the historic environment.

Flooding and Drainage

69. Core Policy 67, of the CS, requires all new development to include measures that would reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground unless site or environmental measures make these measures unsuitable. The Framework requires development proposals to use the opportunity provided by new development to reduce the causes and impacts of flooding, making the most possible use of natural flood management techniques as part of an integrated approach to flood risk management.

70. The appeal site slopes from south to north, by around 8 metres, and drains to The Bourne around 540 metres to the north of the site using a series of unnamed watercourses. The site is largely within flood zone 1, with an extremely small northern section being within flood zone 2. The site is also reported as being at some risk of surface water flooding and I have noted photographs provided by residents showing pluvial (surface water) flooding along Main Road, opposite Dodford Lane and some local drainage ditches operating at full capacity during heavy rainfall events.

71. In fluvial flooding terms the appellant's Flood Risk Assessment [2023] (FRA) identifies that the proposed security fencing will not prevent flows during extreme flooding events and will not displace flood storage. The FRA also demonstrates that pluvial flooding effects only minor areas of northern parts of the site, taking into account filtration losses. This also records that the proposed solar panels would be set 0.8 metres above ground level, where low-level surface water flooding would not affect infrastructure, causing a low risk to the proposed development from pluvial flooding. The assessment concludes that the proposal would not be materially affected by flooding and would therefore comply with the requirements of the Framework and local policy.

72. The appellant's Outline Drainage Strategy [2023] explains that the proposal would include access tracks, of crushed aggregate, forming a permeable surface that would maintain infiltration potential. It also states that soil compaction will be avoided and that the raised nature of the panels would not prevent soil from absorbing rainwater, enabling the same area of soil/grassland for infiltration as the baseline scenario. The Strategy proposes a Rural Sustainable Drainage System (RSDS) that would employ a combination of shallow swales and retained infiltration levels, to intercept and retain surface water. This approach would have a beneficial effect on existing pluvial flooding, benefitting both on-site drainage and surrounding landholdings.

73. The owner of Swallett Farm explains that the site is within a complex and sensitive hydrological catchment. Swallett Farm and its grounds include a series of drainage features, including syphons within the railway cutting, open ditches, culverts, clay pipe sections, and a pond. These drainage pathways eventually lead to an outfall onto the B4069. During my visit I was able to see some of these features, and I find no reason to disagree with the landowner's description of the hydrological context of their site.

74. The owner of Swallett Farm asserts that the appellant's drainage details are incomplete as they do not consider downstream effects of the development, that there is an absence of baseline modelling, that the assessments fail to incorporate local knowledge, the effect of hedgerow removal and the flooding effect of

construction on the wider area. It is also suggested that the entirety of surface water from the proposed development would discharge into the Swallett Farm ditch and drainage system.

75. There is clearly a hydrological link between the appeal site, the railway line and Swallett Farm. The syphons along the railway cutting move water into the appeal site and Swallett Farm as pluvial water travels downhill from south to north. However, the Outline Drainage Strategy demonstrates that most surface water runoff crosses the appeal site from the southeast to the northwest, with only a small pocket of surface water running through the southern part of the site onto the land of Swallett Farm. Furthermore, outfall water is shown to leave the site largely along the northwest boundary onto the B4069 on Plate 8 “slope of site”.

76. During my site visit I noted the hydrological features within the site and surrounding land and understand the site, Swallett Farm, the railway line and other adjacent landholdings each have a role in moving surface water through the area, generally from south to north. Nonetheless, due to the limited extent of surface water movement between the site and the adjacent Swallett farmland, the proposed hedgerow removal on site would be unlikely to materially reduce on-site flood management. Also, the effect of the construction process on flood matters would be modest and could be appropriately mitigated through the imposition of a Construction Environmental Management Plan. Furthermore, the discrepancies identified in the drainage submission are regarded as minor and could be appropriately addressed in a sustainable drainage strategy, that could be secured by condition.

77. Interested parties also identify that the site, and its drainage system, results in surface level flooding during storm periods. It is also asserted that the FRA was undertaken in 2023, before reported flooding incidents of 2024 when the B4069 flooded and adjacent roadside ditches were at capacity. However, the Outline Drainage Strategy demonstrates that on-site water catchment would be increased. This would take place through the provision of new swales, in combination with the retention of most of the grassland areas and the implementation of the RSDS, resulting in off-site pluvial flooding being reduced. Consequently, the proposed details provide sufficient evidence to demonstrate that the proposal would not create off-site flooding and would instead provide an improved hydrological environment for local residents and landowners. This is a conclusion shared by the Council’s drainage team that raised no objection to the proposal subject to the imposition of a condition to secure a sustainable drainage scheme.

78. Accordingly, for the above reasons the proposal would comply with CS policy 67 and the Framework, the requirements of which has been set out above.

Other Matters

Highway Impacts

79. The appellant’s Transport Assessment [2023] (TA) explains that construction traffic would consist of an average of eleven two-way HGV movements and fifteen light goods vehicles a day (over a six-month build period). Traffic during the operational phase of the development would be only eight vehicles a month. The TA also identified that the recorded daily traffic using the B4069 was 2,311 movements, with 445 being HGVs. Concerned nearby residential occupiers suggest that the B4069 has been subject to collisions in the past. The Dodford Lane Nursery is also

referenced as a potentially sensitive use close to the site. It is also asserted that the use of the access for construction vehicles would cause noise disturbance, vibration damage and a hazard to highway safety.

80. Main Road is subject to the national speed limit, and a speed survey demonstrates that vehicles pass the site at 53.3mph and 53.4mph (85th percentile). The access can achieve visibility splays of 165m (northbound) and 166m (southbound), which is below the required standard of 215m. However, the appellant has established that during construction the road around the access would be subject to a reduced speed limit, this would allow the access to operate safely, and this approach has been supported by the highway authority. This can be detailed in a Construction Traffic Management Plan that could be secured by condition. Accordingly, based on the minimal proportional change to local traffic volume during the operational phase, and with the construction period being temporary, any adverse impacts would be negligible.

81. Interested parties identify that Main Road is subject to a weight restriction that would be breached by construction traffic. However, the appellant explains that the weight restriction Order includes exclusions that would enable the construction of the proposal to be undertaken. As such, the local highway network can accommodate the construction requirements of the proposal without difficulty.

Ecological interests

82. The appellant's Ecological Impact Assessment [2023](EcIA) identifies that the site includes a designated County Wildlife Site (CWS), but the habitat for which it was designated is no longer present. The proposal would lead to a small loss of hedgerows, around ten metres, which was deemed to be of limited ecological importance. On site surveys found that the site provides a suitable habitat for commuting and foraging bats.

83. The survey found a broad range of bat species present on site, the majority being common and soprano pipistrelle bats, and bat roosting potential exists within some trees, all of which are proposed to be retained. Surveys for badgers, dormice, birds and reptiles were also undertaken finding the site to be of only local ecological importance. Also, Great Crested Newts (GCN) were recorded in two off-site ponds, following eDNA survey. The Assessment also notes that GCN habitat would be likely to be only found on site within hedgerow bases and ditches. As all waterbodies on site would be retained there would be no direct impact on aquatic habitats.

84. The EcIA finds that the breeding birds species found on site would nest in hedgerows or trees. It also remarks that given the abundance of similar habitat in the area, the local population of skylark would not be reliant on the site as a nesting resource, this statement could also be applied to other breeding, nesting or wintering birds. The proposal includes open grassland that would support habitat for a range of ground nesting birds, such as skylarks. The proposal would also retain adequate habitat for birds such as starlings, which have been seen locally and on-site by interested parties. Furthermore, there would be sufficient gaps between the fenced areas to allow wildlife, including deer, to commute through the site without needing to divert to Main Road. The Council was content with the extent of surveys undertaken.

85. The proposal would include new tree and hedge planting, providing increased habitats on site, and a replacement CWS consisting of neutral grassland that would all provide enhance ecological benefits for the site. Accordingly, the proposal could be suitably mitigated through the imposition of conditions to secure a Construction Environmental Management Plan, details of lighting, compliance with the BNG metric, details of bird and bat boxes, a Habitat Management and Monitoring Plan and details of landscaping. Also, due to the extended implementation period a condition would also be required seeking resurvey work prior to the commencement of construction. With such measures in place the proposal would not result in an adverse effect on wildlife, a conclusion shared by the Council's ecologist.

Impact on agricultural land

86. The Framework requires development to recognise the intrinsic character and beauty of the countryside, including the benefits of the best and most versatile (BMV) agricultural land. The site consists of 'medium clay' and 'clay loam' soil, as demonstrated in the appellant's Agricultural Land Classification report following site analysis. Although evidence from interested parties suggests that the site is within an area broadly classed as being Grade 3 land, it is apparent that the classification falls within the 3b categorisation.

87. It is therefore not deemed to be BMV agricultural land as defined by the Glossary of the Framework. Furthermore, the panels would be mounted at a sufficient height to enable sheep to graze under and around the panels allowing some pastoral farming to be retained on site. Whilst this would require some rotation of livestock, as the panels would be within fenced compounds, this could be readily achieved by a farmer enabling grazing to take place. Furthermore, and as advanced by the appellant, an appropriate grazing regime could be employed to ensure that it is complementary of the implementation and management of the drainage scheme.

Connection issues

88. The proposal benefits from a connection offer to deliver electricity with the relevant DNO. However, it is reported by interested partes that the Lyneham Substation is in a 'red status', meaning that it is currently constrained and has poor asset health and is currently unable to accommodate the requirements of the proposed solar facility. It is also asserted by interested parties that the scheme lacks sufficient connection evidence as there is no confirmed connection agreement or a committed grid upgrade. However, the appellant has already noted that the substation requires upgrade to enable a connection to be made.

89. The appellant informs that all solar energy projects with a connection offer after 2027 are uncertain due to the 'Gate 2 to Whole Queue' reforms, being managed by the National Energy System Operator. The purpose of the reform process is to identify and prioritise those projects deemed to be 'ready' for a connection. 'Readiness' of the project is partly reliant on obtaining planning permission and this would improve the scheme's potential to be prioritised for an earlier grid connection. As such, the existing connection agreement predicts a connection date of 2036/2037. This is regarded by the appellant to be a worse-case scenario and is anticipated to be brought forward.

90. Even though the proposed development would be delayed due to the need to upgrade the Substation, the scheme would still make an important contribution to

renewable energy generation and to the Government's objective to be carbon neutral by 2050. The identified delay is beyond the appellant's control, driven by external factors and would not provide a compelling reason to resist the proposal.

91. Interested parties have raised concerns that the County has many solar parks and doesn't need any more such installations. However, the Framework is clear that it is not a requirement for an applicant to demonstrate the overall need for renewable energy and does not place a cap on such facilities.

Glint and Glare

92. The solar panels would face towards the southern hemisphere largely facing the railway line to the south of the site. Some panels within field 10 would face parts of Swallett farm. A glint and glare assessment [2023] has been submitted in support of the proposal. This explains that solar panels minimise reflection to increase electricity production and reflect as little as 2% of incoming sunlight. The assessment considers the effect of glint and glare from 7 observation points (OP) and from the railway. This demonstrates that the greatest effect, causing a maximum glare duration of 20 minutes, would be observed from OP6 (close to Swallett Cottages). This would accord with the guidance[7] seeking to prevent glare durations that exceed 30 minutes per day and the effect on all receptors would further reduce as landscape mitigation matures.

93. Although the assessment does not specifically consider the effects of the proposal on canal boat users, paragliders or hot air balloonists it is adequately robust in considering the effects of glint and glare on local users. The appellant has also identified that Glint and Glare effects for rights of way users are generally not scoped into assessments as any potential reflections would be limited in area, infrequent, transient and would cause a localised effect only. I find this to be a reasonable position to take on this matter.

94. Furthermore, whilst the effect on horse riders in Swallett Farm was not specifically considered, the assessment considered the effect on receptors at OP1 (within Swallett Farm). This provides a robust assessment of that area despite the amended plan relocating the panels marginally closer to the shared boundary. Accordingly, the assessment demonstrates that the safety of road users and the convenience of nearby receptors would not be materially adversely affected by the proposal in consideration of glint and glare effects.

Noise effects

95. The site is within the open countryside, within a generally quiet and tranquil setting. However, it was not devoid of all noise. During my visit I noted the sound of cars using Main Road, occasional passing trains and that the M4 motorway could be heard as a low distant rumble. The proposal is supported by a noise impact assessment [2023] which explains the type of equipment associated with the proposal and its predicted noise outputs. The assessment demonstrates that noise levels at nearby noise sensitive receptors would be low and likely to be inaudible, due to shielding by the proposed solar panels and masked by background noise recorded in the area.

[7] Measurement and Assessment of Light Immissions [2014]

96. It is reported that construction would be likely to take around 6 months to be completed. During this time some noise effects would be noted by local residents. However, noise and disturbance levels are regarded to be low, with activity able to be appropriately managed through the imposition of hours of construction and Construction Traffic Management Plan conditions.

97. Most equipment on site, such as the solar panels, would operate quietly. The Primary transformer and Centralised Inverter/transformer units would produce noise levels of around 85dB and 88dB respectively. However, these would be a substantial distance from the nearest residential property. As such, the anticipated noise levels, as found by the assessment, would be low. To ensure noise outputs are in accordance with the findings of the assessment maximum noise outputs could be secured by an appropriate condition. This would ensure that the living conditions of nearby residents would not be adversely affected, a conclusion shared by the Council's Public Protection officers.

Tourism effects

98. Concerns have been raised by interested parties as to the effect of the proposal on tourism, referring to supportive CS Core Policies which seek to promote tourism, rural life and protect rural services. Concerns relate to both general tourism/business effects of solar schemes across the district, and effects that would potentially affect tourists staying within accommodation close to the site and the knock-on effect to nearby businesses. It is indicated by the owner of Swallett Farm that on-site tourist accommodation is DEFRA funded and this funding is reliant on certain objectives being met with respect to occupancy levels.

99. Nonetheless, there is insufficient evidence to indicate that the proposal would affect tourism across the wider area, businesses or canal users. In terms of local effects, the scheme would result in a residual 'moderate' adverse visual effect on adjacent residential occupiers, and this effect would also be experienced by tourists staying in nearby accommodation. However, tourists would be staying on a short-term basis only and would make use of local and wider resources in the area. As such, tourists would be likely to experience only limited adverse effects, if any, due to the scheme's proximity.

100. It has been asserted by interested parties, that adverse tourism effects caused by the scheme, would result in conflict with the development plan. In this scenario, it is suggested that the Council has failed to identify policy conflict. However, I see no material conflict with the identified tourism related policies which are permissive and weigh neither for nor against development that is not directly related to the tourism industry.

Swallett Farm objections/representations

101. The owner of Swallett Farm has raised a series of concerns set out within several objection letters and many supporting documents. Within these a number relate to procedural matters including the scope of the Council's evidence, criticism of the Statement of Common Ground, points of agreement between the Council and the appellant and the accuracy of the Council's committee minutes. Although I have seen and considered these comments, they raise issues that either cause limited adverse effects, no effects or effects that can be addressed through the imposition of conditions.

102. Further comments raised in objection relate to the conduct of the Council in preparing its appeal evidence. This asserts that the Council had contrived to limit its scope of evidence to exclude many concerns of interested parties. Whilst this is predominantly a matter between interested parties and the Council, the appeal process requires the Council to primarily defend the reasons that it refused the proposal and to ensure it does not introduce new matters that did not form a reason for refusal. Furthermore, any comments of the Landscape Officer made during the planning application consideration process would have been taken into account, where deemed relevant, by the Council when it prepared it's statement of Case.

Overall Planning balance

103. I have concluded that the appeal scheme would result in moderate harm to the landscape character and convey moderate visual harm to the area. The limited harm identified to the heritage assets would be outweighed by the public benefits of the proposal. Nevertheless, for the purpose of my overall planning balance this harm contributes to the adverse effects of the proposal. The surrounding landscape also includes a range of man-made interventions, such as the railway line and motorway and the overhead power lines that cross the site. These features enable the area to accommodate a degree of change.

104. The proposed scheme would not harm matters of flooding or drainage, weighing neither for nor against the proposal. Furthermore, the other matters identified raise issues that either result in no harm or raise technical matters that could be adequately addressed through the imposition of appropriate conditions to negate the harm.

105. The benefits of renewable energy raise substantial benefits in favour of the proposal. These benefits are recognised in the Council's local policies and national policy in accordance with the Climate Change Act of 2008. It is also supported, in Section 14 of the Framework, to increase the use and supply of renewable and low-cost energy and to maximise the potential for suitable such development. The delivery of suitable renewable energy projects is fundamental to facilitate the country's transition to a low carbon future in a changing climate. These benefits are further supported through the identified BNG and economic benefits of the proposal.

106. Also, a solar park requires grid capacity and a viable connection to operate. As such, this requirement places a locational restriction on site selection that limits the number of appropriate sites for such a facility. The appellant explains that the national grid suffers a lack of viable points of connection. The appellant explains that a point of connection has been offered for the proposed development and is viable from the nearby Substation. The appellant has therefore demonstrated that a rational approach was taken to site selection lending support for the selected site.

107. Accordingly, the benefits of the proposal are of sufficient magnitude to outweigh the moderate harm found to the landscape character and visual effects of the proposal and adverse heritage effects. Consequently, the identified benefits attract substantial weight in favour of the scheme that would outweigh the moderate harm found. Consequently, the proposed development would conflict with the

development plan, but material considerations indicate that a decision should be made other than in accordance with it.

Conditions

108. I have considered the use of conditions in line with the guidance set out in the PPG. I shall take the conditions within the Council's Statement of Case into consideration and impose these with some amendments and adjustments for clarity as discussed and agreed at the hearing. I have applied an implementation period of seven years to reflect the appellants position with respect to the connection agreement and the need for the Lyneham Substation to be upgraded. The need for others to improve off-site infrastructure is beyond the appellant's control and the standard three-year period would not be sufficient to allow all necessary preparations to be completed before development can start. Consequently, an extended period to commence development is warranted in this case [condition 1].

109. I have imposed the standard condition with respect to approved plans as advised by the PPG for clarity and certainty [3]. A condition is also required to limit the temporary nature of the development for a 40-year period [2]. This would cover the operational period and seek details of commissioning following the expiry of the operational phase. Also, a condition is required to agree the final position of the solar panels and associated equipment in the interests of the character and appearance of the area [4].

110. Conditions 5 and 6, for a Construction Traffic Management Plan and to provide a surfaced access, are required in the interests of the safe operation of the highway. Also, details of the recording of the highway condition adjacent to the site entrance is required to ensure that any damage caused during construction is rectified within a prescribed timeframe. These are required to ensure the road is kept in good condition to enable the safe free flow of traffic in consideration of highway safety [7 and 8].

111. Ecological details are required to secure a Construction Ecological Management Plan (CEMP), details of lighting equipment and details of bat roosts and bird nesting opportunities, would be required to ensure the proposal provides suitable protection and mitigation for wildlife. The CEMP would also include the need for updated surveys if development does not commence within two years [9, 10 and 11]. Furthermore, conditions are required to ensure that the proposal complies with the identified Biodiversity Net Gain benefits in accordance with a Habitat and Landscape Management and Monitoring Plan [12 and 13].

112. Also, condition 14 is required to secure details of a landscaping scheme, for the scheme to be provided within a set timeframe and for any failed installed planting to be replaced within five years of it failing, in the interests of the character and appearance of the area. A condition would be required for an archaeological survey and recording, of material (mostly roman pottery), found in localised areas following the initial survey work [15]. A condition to ensure that the noise levels within the Noise Assessment are achieved is required in the interests of the living conditions of neighbouring residential occupiers [16].

113. Also, a condition is required to limit the hours of construction to prevent undue disturbance to neighbour's living conditions [20]. Condition 17 is required to secure and arboricultural method statement to ensure that affected trees that are

proposed to be retained would not be damaged during construction in the interests of the character and appearance of the area. Furthermore, a condition is required for the submission of a sustainable drainage scheme to enhance and promote the infiltration and interception capacity of the site and provide a monitoring regime for assessment of vegetation cover in the interests of flood risk and water quality [18]. Condition 19, seeking the submission of a Construction Environmental Management Plan, is required to prevent pollution, manage flood risk and other environmental effects during construction.

Conclusion

114. As a result, for the above reasons the appeal should be allowed.

B Plenty

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Thea Osmund-Smith	– Barrister, No 5 Chambers
Andrew Ross	– Planning, Turley
Joanna Ede	– Landscape, Turley
Rob Bourn	– Heritage, Orion

FOR THE LOCAL PLANNING AUTHORITY:

Mark Reynolds	- Planning Consultant representing Wiltshire District Council
Charles Potterton	- Landscape
Sasha Berezina	- Heritage

INTERESTED PARTIES:

Cllr Ian Kirkpatrick – Planning, Christian Malford Parish Council

Schedule of Conditions

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

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.

3) The development hereby permitted shall be carried out in general 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,

   LLY01A-EXG-95-00-D-K001-B: Indicative Landscape Mitigation Plan,

   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, and

   LLY01A-EXG-05-ZZ-D-K008-P02: Solar Fence and CCTV.

4) Prior to their installation, details of the final layout, dimensions, design, materials and colour (where appropriate) of the solar panel arrays, cable trenching, transformers, substation, CCTV and other associated works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such for the lifetime of the use.

5) No development shall take place, 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; and 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;

Method of preventing mud being carried onto the highway; and

Methods of communicating the CTMP to staff, visitors and neighbouring residents and businesses.

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

(a) the first 15.00 metres of the vehicle access (as shown on site layout plan ref. LLY01A-EXG-04-00-D-K001-P07) measured from the rear edge of the highway (excluding the vehicle crossing), 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.

7) Prior to the commencement of development, a photographic pre-condition highway survey shall be carried out on 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 Export Date of the solar park.

8) Prior to the First Export Date a scheme for rectification of any defects or damage to the public highway arising from the construction of the development, as identified by the details provided for Condition 7, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include the scope of rectification works to be undertaken, and the mechanism for securing the completion of any necessary remedial works. All identified defects or damage to the public highway attributable to the construction of the development shall be made good to the satisfaction of the Highway Authority within a timescale to be agreed in writing as part of the scheme to be approved.

9) Prior to the commencement of works, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Ecological 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) Measures for the review of prescribed ecological protection measures and mitigation strategies should the development not commence within 2 years from the date of this permission, to include updated habitat surveys to establish any changes in the condition of the site and/or likely presence or abundance of any relevant protected species;

(f) Key personnel, responsibilities and contact details (including Site Manager and ecologist) and

(g) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist and to include photographic evidence.

The development shall thereafter be carried out in strict accordance with the approved CEMP.

10) 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.

11) Prior to the commencement of any works, including vegetation removal, 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.

12) The development hereby permitted shall be carried out in general accordance with the Biodiversity Metric 4.0 document, produced by Tyler Grange (dated June 2025), to ensure that there is a net gain in biodiversity as a result of the development.

13) No development shall commence on site until a Landscape and Habitat Management and Monitoring Plan (LHMMP) is submitted and approved in writing by the Local Planning Authority to include:

(a) the management and maintenance of all landscaped areas/habitats within the site for the lifetime of the development;

(b) the long term objectives and targets for biodiversity mitigation and enhancement within the site (to include the County Wildlife Site);

(c) the roles and responsibilities of the people or organisation(s) delivering the LHMMP;

(d) the planned habitat creation and enhancement works to create or improve habitat to achieve a net gain in biodiversity;

(e) the management measures to maintain habitat and any other landscape measures for the lifetime of the development; and

(f) 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.

14) No development shall take place until a scheme providing full details of the landscaping to be implemented on the site (the ‘Landscaping Scheme’) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be in general accordance with the details illustrated on the previously submitted Indicative Landscape Mitigation Plan (LLY01A-EXG-95-00-D-K001-B). The scheme shall include:

(a) Precise widths of all new hedges and woodland planting;

(b) Details of Hard surfacing including pathways and driveways, fencing, other hard landscape features and materials;

(c) Existing trees, hedges or other soft features to be retained;

(d) A planting plan and specification (including cultivation and other operations associated with plant and grassland establishment) providing schedules for all new planting and seeding noting species, mixes, planting sizes and proposed numbers/densities where appropriate;

(e) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife; and

(f) Compliance with the biodiversity net gain metric; and

(g) A timetable for implementation.

All new planting shall be implemented in accordance with the approved details and implementation programme. If within a period of 5 years from the date of planting, any tree, shrub or hedgerow or any replacement planting is removed, uprooted or dies or becomes seriously damaged or diseased replacement planting of the same species and size shall be planted in the same location in the next planting season.

15) No development shall commence until: (a) A written programme of archaeological investigation, which should include on-site work (within the areas identified as A-D by the Council within the consultation response dated 17th January 2025, when considering planning application PL/2023/10077) 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.

16) Noise emissions attributable to the proposal shall be limited to a level not exceeding: Noise rating 25 between 07:00 and 23:00 hours daily and 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.

17) No 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) 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;

(b) A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837:2012;

(c) A schedule of tree works conforming to British Standard 3998:2010;

(d) Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;

(e) Plans and particulars showing the siting of the cable route along with method to be used;

(f) 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

(g) Details of all other activities, which have implications for trees on or adjacent to the site.

(h) In order that trees to be retained on-site are not damaged during the construction works, no 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.

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) 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

(b) 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.

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 cutting or other processing of building materials on site;

(f) the recycling of waste materials (if any),

(g) the location and use of generators and temporary site accommodation,

(h) the control and removal of spoil and wastes,

(i) 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,

(j) the arrangements to be made for water during the construction phase,

(k) how surface water will be managed during the construction phase in order to prevent an increase in pollution / flood risk to local receptors, and;

(l) how the applicant would 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.

20) No construction 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.

End of conditions