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Planning Appeals
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Your Ref: PL/2023/10332
Our Ref: APP/Y3940/W/25/3376878

20 April 2026

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr Anthony Brindle
Site Address: Land South of Potterne Park Farm, Nr Potterne, Devizes , Wiltshire , SN105QT

I enclose a copy of our Inspector's decision on the above appeal(s), together with a copy of the decision on an application for an award of costs.

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http://planningguidance.communities.gov.uk/blog/guidance/appeals/how-to-make-an-application-for-an-award-of-costs/

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

Yours sincerely,

Jasmine Rogers
Jasmine Rogers

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Planning Inspectorate

Appeal Decision

Site visit made on 13 April 2026

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 April 2026

Appeal Ref: APP/Y3940/W/25/3376878
Land South of Potterne Park Farm, Nr Potterne, Devizes, Wiltshire, SN10 5QT

- 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 Mr Anthony Brindle of Potterne Solar Project Limited against the decision of Wiltshire Council.
- The application Ref is PL/2023/10332 made on 27 November 2023, and refused 3 July 2025.
- The development proposed is described as *'Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.9 MW, including mounting system, permanent on site grid connection hub, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain and environmental enhancements for a temporary period of 50 years.'*

Decision

1. The appeal is allowed and planning permission is granted for *Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.9 MW, including mounting system, permanent on site grid connection hub, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain and environmental enhancements for a temporary period of 50 years* at Land South of Potterne Park Farm, Devizes, SN105QT in accordance with the terms of the application, Ref PL/2023/10332, subject to the conditions in the attached schedule.

Applications for costs

2. An applications for costs was made by the Appellant against the Local Planning Authority. This is the subject of a separate decision.

Preliminary Matters

3. Planning permission was refused for two reasons: insufficient information on archaeology and harm to the character, quality, and visual amenity of the local and wider landscape.

4. At the appeal stage, Wiltshire Council (as the Local Planning Authority), indicated that sufficient information had been submitted in order to address the first reason of refusal relating to archaeology[1]. Having carefully considered

[1] Wiltshire Council's Statement of Case, pages 5 and 6 of 179, paragraph 4.2

this, I find no reason to disagree and have therefore focussed on the remaining contested areas between the main parties.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area; including on its landscape.

Reasons

Policy

6. The adopted development plan for the area comprises the *Wiltshire Core Strategy (Adopted 2015)* (herein CS) and the *Potterne Neighbourhood Plan (made January 2017)* (herein PNP).

7. Core Policy 42 of the CS identifies how standalone renewable energy installations, of all types, will be encouraged and supported. It sets out that proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of all site specific constraints. In particular, proposals will need to demonstrate how impacts on a number of factors have been satisfactorily assessed, including any cumulative effects, and taken into account. These factors include the landscape, particularly in and around AONBs (now National Landscapes), biodiversity, use of the local transport network, residential amenity and Best and Most Versatile Agricultural Land.

8. Core Policy 51 seeks to protect, conserve and enhance Wiltshire's distinctive landscape character. It sets out that development 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.

9. Core Policy 57 sets out that a high standard of design is required in all new developments. This includes the retention and enhancement of existing important landscaping and natural features, (for example trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development.

10. The PNP area, as shown in Plan 1, page 4 of 41 of the PNP only includes the access highway into and out of the site. The appeal site itself lies outside of the Neighbourhood Plan area. Nonetheless, the decision notice refers to Paragraph 2.1.2 of the PNP. However, this is not a policy as such -with the PNP Policies themselves set out in section 4 of the PNP. In this respect, none of the Policies; listed at PNP 1 to PNP6 respectively, refer to the need to safeguard countryside views nor protect the rural setting of the village.

11. Accordingly, the relevance of the PNP is limited; not only by its geographical scope and coverage, but also by its detail which does not appear to contain any policies relating to renewable energy development or to developments occurring outside of its defined area.

12. Furthermore, the scheme fails to safeguard key countryside views, does not adequately limit development in other parts of the Parish, and undermines the

distinctive character of the village and its rural setting by introducing inappropriate development in an unsuitable location.

13. The *National Planning Policy Framework* (the Framework) sets out the government's planning policies. At Paragraph 168, its sets out that local planning authorities should *'not require applicants to demonstrate the overall need for renewable 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'.*

14. This policy does not provide an automatic 'approval' of renewable or low carbon energy schemes, and the decision-maker continues need to balance competing harms and benefits. However, the need for renewable and low carbon energy is clear and significant weight should be given to the benefits arising from such development by the decision-maker when determining the proposal.

Character, appearance and landscape

15. The Appellant, Local Planning Authority; Wiltshire Council[2], and the Potterne Solar Action Group (PSAG)[3] have all submitted landscape and visual appraisal (LVA) reports, or assessments on the Appellant's LVA. I have taken these into account in consideration of this issue.

16. I also note that at the Planning Committee stage, Wiltshire Council's in-house Landscape, Conservation, Arboricultural, Public Rights of Way, Ecology, Land Drainage, Public Protection, Climate Change, Strategic Planning, and Highways Teams/Officers raised no objection to the proposal, subject to the use of appropriately worded conditions.

17. Nonetheless, at the appeal stage, Wiltshire Council's case remains focused on the significant adverse effects on landscape character and visual amenity, including:

- the valley floor pastoral landscape and its recognised qualities of tranquillity and rural character,
- the dense network of Public Rights of Way crossing and adjoining the site, where users would experience prolonged close-range views of industrial-scale development,
- the large geographical extent of the scheme and its long operational duration (50 years),
- the incongruous industrial character introduced into a sensitive rural valley context.

18. The Landscape expert for PSAG considers that the landscape and visual effects have been under-reported by the appellant. Specifically, their statement:

- confirms that the absence of visualisations was a fundamental omission from the LVA, allowing it to underplay the predicted effects;
- emphasizes the importance of the PRoW network;

[2] See *Appendix 6: Report by Council's Landscape Consultant*, LPA's Statement of Case, pages 136 to 179
[3] See PSAG Statement on Landscape and Visual Matters - Appendix B1 (Part 1 of 2) and Appendix B1 (Part 2 of 2)

- considers the LVA to have underestimated the sensitivity of the local landscape, which retains a distinctive sense of place, with valued attributes such as topography, tranquillity and dark skies;
- disagrees with the assertion in the appellant's Statement of Case that the site comprises no more than an "ordinary" landscape;
- highlights the inadequacy of the proposed landscape mitigation; and
- considers the assumption that this development – and thereby the harm it causes - would necessarily be temporary to be disingenuous.

19. The appeal site covers some 79 of land. It is located within Wiltshire landscape character type 11: Rolling Clay Lowland and character area 11C; Trowbridge Rolling Clay Lowland, as set out in the Landscape Character Area (LCA) assessments. These various landscape assessments all reflect characteristics which are seen on the appeal site: comprising flat or gently-sloping terrain under a mix of pastoral and arable fields. These date mainly from 19th Century enclosure and are defined by established hedgerows, many visibly managed.

20. Against this context it can be noted that the appeal site does not fall within any designated landscape; either scenic or ecological. Nonetheless it is visually pleasant and relatively unspoilt. There is a railway line immediately to the south, which forms part of the southern boundary of the proposal. This inevitably impacts upon, and reduces, the sense of tranquillity which is otherwise experienced on the various nearby Public Rights Of Way (PROW) including EAST14, EAST12, EAST10, MLAV1C, POTT5, POTT7, POTT8, and URCH34.

21. As a landscape without formal designation, and without identified features, notable condition or other factors which lead to it being out of the ordinary, it cannot be said to be a 'valued landscape' as such. But that does not mean it has no value.

22. The expert analyses provided on behalf of the Appellant, Wiltshire Council and PSAG generally agree in part on the susceptibility of the landscape to change, and the value of the various elements of the landscape. Similar to the Appellants LVA, I consider that measures on and around the site to retain and incorporate existing key landscape features such as woodland, trees and hedgerows would help to integrate the proposed solar farm and ancillary structures into the landscape. Such features would also help minimise potential impacts on character.

23. Whilst I acknowledge that the appeal site would change from farmland, the characteristic flat, low-lying vale would appropriately accommodate the development and changes would be fully restored following decommissioning. These mitigation and restoration measures can be effectively secured by planning condition. Moreover, the visual effects of the proposal would be relatively contained due to the retained and surrounding trees, hedgerows and vegetation screening views towards the proposals.

24. With regard to PROWs, this is where the greatest level of potential harm could be experienced by users; as identified within the LVA work of the Council and PSAG. These PROW include EAST14, EAST12, EAST10, MLAV1C, POTT5, POTT7, POTT8, and URCH34. Some of these traverse the site, whilst others are in close proximity. For users of short stretches of these PROW, there is

likely to be a high impact. This is because where users of the footpaths are currently able to look across the fields from the PROW in order to see the wider landscape, many of these views would be impeded by the rows of solar arrays and/or fencing or hedging. This is shown on the submitted drawing labelled Landscape Masterplan L100 Rev E.

25. Indeed, in place of single use agricultural land, there would be pasture with rows of 3.2m high solar arrays (at their highest[4]) supported on frameworks sunk into the ground. The arrays would be surrounded by 2.4m high fencing (at its highest) with occasional CCTV installations somewhat higher at around 5 metres[5]. The proposed substation and connection point to the power grid would add further change.

26. Nonetheless, the visual impact and effect on landscape, although extensive, would be very localised in that its influence would not extend far beyond the site boundaries – with the greatest level of impact on users of the PROWs. It has been suggested that the site would be visible from higher land on the side of the valley. However, it would be barely discernible in a wide-vista which includes extensive hedges and trees. Moreover, in order to minimise the impact an extensive mitigation strategy has been drawn up. This includes native hedgerows and native trees.

27. The planting of native species would accord with the general aims of the local landscape character assessments noted above, albeit that the structure of the landscape would not be returned to its historic form in all areas. In my judgement the mitigation planting proposed would be appropriate to the locality (and would significantly improve biodiversity).

28. My overall assessment of the impact of the proposal on the character of the wider landscape is that it would not introduce any more than moderate and very localised harm. There would initially be significant adverse harm within the site itself, not least because of the extent of the development. But as mitigation matures the harm would reduce.

29. On this issue as a whole I find that there would be some harm to the character and appearance of the area, but the area in which the harm would be experienced would be very limited and very localised. Planting would, in time, help to improve local distinctiveness and any negative impacts on the character and appearance of the countryside would be mitigated as far as possible through sensitive design and landscape measures in line with CS Policies 42 and 51.

30. The proposal would also follow the objectives of CS Policy 57 in that it would take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development.

[4] I note that there is a point raised about a discrepancy between 3.2m and 3m within the PSAG submission, Statement on Landscape and Visual Matters, Appendix B1 (Part 1 of 2) at page 44 of 102, in relation to the AOD. However, I do not consider that this unnecessarily prejudices the overall assessments contained within the LVAs or the assessment of this matter as it is clear from the submitted labelled drawings as to the height for the various elements of the scheme.

[5] As shown on drawing General Details Figure 4 Revision C dated 24.11.2023

North Wessex Downs National Landscape

31. With regard to the North Wessex Downs National Landscape; this is located approximately 2km to the north east of the site at its closest point to the site. Section 245 of the *Levelling-Up and Regeneration Act 2023* (LURA23) amended several statutes concerned with the purposes of conserving and enhancing the natural beauty of National Parks, AONBs (now known as National Landscapes) and the Broads. This sets out that decision-makers must 'seek to further' these statutory purposes rather than 'shall have regard' as in the earlier legislation.

32. The statutory purposes of National Landscapes (areas of outstanding natural beauty) are set out in DEFRA's Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes.

33. These are:

> '***conserving and enhancing the natural beauty*** *of the area of outstanding natural beauty.*'[6]

34. Being mindful of my duty to seek to further the statutory purposes of the North Wessex Downs National Landscape, I am satisfied that the application scheme leaves the natural beauty of the KDNL unharmed. This reflects a similar position of Wiltshire Council, who have assessed the findings of the LVA, and are in agreement that there is no significant or unacceptable level of effect due to the distance to the site, the small part of the view that it occupies, and the foil and screening provided by the intervening vegetation.

35. For the same reasons as the Council, I consider that the distance and limited visibility of the appeal site from the North Wessex Downs National Landscape, limits any degree of harm from the proposal on the setting of the North Wessex Downs National Landscape.

36. In this case, there are various mitigation measures which principally revolve around landscaping and planting schemes. These would go some way to helping reduce the impact of the application scheme on the setting of the North Wessex Downs National Landscape – an impact which is . Furthermore, I consider that in this instance, there are justified benefits – which are set out below – which outweigh this extremely limited harm to the setting of the North Wessex Downs National Landscape.

Other Matters

37. A number of concerns have been raised by interested parties; including local residents, Parish Councils and the Potterne Solar Action Group (PSAG). I now consider a number of these, before coming to an overall conclusion.

[6] https://www.gov.uk/government/publications/the-protected-landscapes-duty/guidance-for-relevant-authorities-on-seeking-to-further-the-purposes-of-protected-landscapes#statutory-purposes-of-protected-landscapes Published 19 December 2024

Highway safety

38. Concerns have been raised over the poor access down a single track and that Potterne Park Lane is only about 2.7m wide at its widest point and includes an ancient bridge that forms a physical and historic constraint. Construction vehicles associated with the proposal are likely to be up to 3 metres wide. This is, therefore, considered by interested parties to demonstrate that the route is manifestly unsuitable.

39. I saw during my site inspection that there are two principal areas of concern highlighted. The first is the road off the A360 (including the junction with the A360) which runs along to Stroud Lane. The second is the narrow lane off this, which passes by the Wiltshire Scout Centre in a southerly direction down to the appeal site.

40. With regard to the former, I saw that there are a number of residential properties located along this highway. I also note that there appeared to be stables and/or liveries and barns situated along or nearby to this highway. A highway which narrows further in a number of places and without a footpath for most of its length. There are no obvious marked passing bays along this stretch of highway.

41. In the vehicle (car) I was driving in, I would anticipate that meeting a lorry or similar vehicle coming in the opposite direction would require some impressive manoeuvring and driving skills in order to pass even at low speed. Such situations would not be conducive for the safe operation of the highway – including for pedestrians, cyclists, and horse riders.

42. With regard to the latter road passing the Scout centre, this is a no through road which is even narrower that the road off the A360. Large parts of this lane are bounded by hedgerows. Moreover, there are very limited informal passing areas; which principally rely on non-hardstanding access points into fields. I saw that this lane not only provides access to the surrounding agricultural fields, but also to farms and residential dwellings.

43. It is clear, therefore, as raised by local residents, the Parish Council and the PSAG, that there are potential issues with the local highway network and how access during construction to the appeal site would be achieved safely.

44. To that end, the Appellant has provided revisions to the draft Construction Traffic Management Plan (CTMP), culminating in version P05 dated 27 March 2024, and the submission of a Technical Note 27643-HYD-XX-XX-RP-TP-1002-P02, dated 25 April 2025 (TN). These detail, through swept-path analysis, that vehicles can safely access the site for deliveries and how further mitigation to reduce the impact of construction can be achieved and how passing bays can be provided, again to assist with construction access. In addition, the TN confirms that a holding area is available off-site to manage the flow of HGVs and allows a convoy system, thereby allowing the management of delivery times.

45. The CTMP, (which can be secured via the imposition of a planning condition) sets out a six-week period of construction. This would include additional temporary safety measures, including an off-site holding area, marshals, temporary traffic lights, convoy system and temporary passing places for the

route off the A360. In light of such measures, I am content that the proposal would not result in unacceptable or severe highway impacts.

46. I am reinforced in this view by the fact that the Local Highway Authority agree that the proposed measures will ensure a safe construction process and that no severe highway safety impacts will arise. Moreover, once operational, the site is unlikely to result in any significant traffic movements; with most journeys to and from the site likely to be undertaken by small vans or cars and be limited in duration and scope.

47. Therefore, I do not find that the proposal would result in an unacceptable impact on highway safety which points to the dismissal of the appeal scheme in this case.

48. Nonetheless, the Appellant should be aware and make any contractor and/or operator on the site aware of the existence of PROWs to and from the site, and across the site. This should also include that access to the PROWs and their use should be unfettered; with the necessary permissions sought from the relevant authority if required. The Appellant should also make the same aware of suggested legal covenant(s) protecting right(s) to free and uninterrupted access and for all purposes along and across Potterne Park Lane and Potterne Park Lane Public Right of Way (POTT4) as indicated in the written submissions of interested parties.

49. My attention has also been drawn, by CPRE Wiltshire, to appeal decisions reference T/APP/C/92/E3905/1626133 and T/APP/E3095/A/92/216523. Whilst I do not have the full detail of those schemes from circa 33 years ago, the salient parts are quoted by CPRE Wiltshire. The Inspector in those cases considered that the highway conditions fell 'well below' the nationally recommended standards. I also note the references to various caselaw; including in relation to where the factual nexus remains the same.

50. However, I have not been provided with any detailed information as to what the standards in 1992 were, nor how they concur or depart from any existing standards. Moreover, I do not know what the speed limit was on the A360 at the time of the 1992 appeals, nor what measures were suggested to address the highway safety matters at that time. To the contrary, I have considered the proposal before me in light of the context – both physical and in policy terms – and on the basis of the facts on the ground as they were at the time of my site inspection. In this respect, having carefully considered these in relation to the appeal scheme in 2026, I do not find that they provide justification for the dismissal of the appeal proposal here.

Grid connection

51. Concerns have been raised in terms of the connection date; with the National Energy System Operator (NESO) Existing Agreement Register indicating a connection date of 15 November 2037. It is suggested by PSAG in particular, that this should reduce the weight afforded to the public benefits arising from the proposal.

52. In Appendix 10 of their Final Comments, the Appellant provides a *Grid Connection and Energy Statement*, which sets out the reasons why the third-party claims that the Proposed Development will not be able to connect to the grid until 2037, are incorrect. This points out that the Existing Agreement

Register connection date of 15 November 2037 was based on a connection date prior to the significant grid reforms implemented in 2025 by the NESO. It is confirmed that this project has passed the grid reform methodology checks and will receive a Gate 2 connection offer, which means that the 2037 date has been superseded.

53. This is also confirmed in the National Grid Energy Distribution ("NGED") letter dated 16 January 2026 and included in Potterne Solar Action Group Appendix A, which confirms that the process to connect projects sooner is currently ongoing and that NGED were: 'unable to confirm the detailed outcome of the Gate 2 to Whole Queue process for this project as the process remains ongoing' and that 'NESO is responsible for issuing the final outcomes.'

54. Within this situation, it is clear that there is strong support in local and national policy terms for renewable and low carbon technologies – which are a key component in reducing carbon and other greenhouse gas emissions and moving toward a net zero future. There is little before me that demonstrates that the Appellant is not committed to delivering the scheme as sought, nor that once a connection to the wider grid is available all haste and speed will be used to ensure that the energy generated by the proposal is fed into the wider grid network. Moreover, whilst the exact date for this connection is uncertain – being a matter for the NESO to issue that – it would be odd that all parties involved would not seek to implement such a connection as expeditiously as possible.

55. Within this context, whilst noting the concerns raised on this matter, it does not provide justification in this instance for the dismissal of the appeal. Furthermore, it is entirely possible and plausible that with planning permission being granted efforts would be made to connect to the gird considerably earlier than the November 2037 date originally envisaged prior to the grid reforms in 2025. Accordingly, as a matter of planning judgement, I do not consider that diminished weight should be afforded to the benefits arising from the proposal in this respect.

56. I also note that concerns have been raised in terms of there being an over-concentration of renewables in Wiltshire: Wiltshire leads UK counties with over 820 MW of solar capacity operational or committed, exceeding its 2030 target by 39%. This is a commendable achievement; helping England and the UK in achieving its net zero aspirations and ensuring the supply of renewable energy generated electricity for the wider public good. There is not a 'cap' on what provision of renewable energy specific geographical areas need to provide; but rather that a site by site assessment is undertaken – as has occurred here. Accordingly, this does not constitute a reason for dismissing the appeal scheme.

Agricultural land

57. The agricultural land classification (ALC) was considered within the report submitted by the Appellant. This identified that the appeal site comprises mainly Grade 3b agricultural land; with small areas not proposed to be developed as Grade 3a. Accordingly, the developed area of the appeal site does not comprise Best and Most Versatile Agricultural Land (BMVAL) as defined by the Framework.

58. As such, through avoiding BMV land, the development clearly recognises the benefits of agricultural land and is in accordance with Paragraphs 187, 188, and Footnote 65 of the Framework, which states: *'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'.* Through the avoidance of using BMVAL, the proposal would also comply with Policy 42 of the CS.

59. I note that PSAG have submitted, at Appendix C of its representation, an Agricultural Land Quality report. This acknowledges that the ALC for Potterne Park Farm has been carried out following the guidelines and as such classified most of the land as 3b and hence not BMVAL. It goes on to take issue with the ALC system being dated (1988) and not fit for purpose.

60. However, it is a well-recognised system that is consistently used across England to assess the grade of agricultural land and subsequently whether or not it falls within the category of BMVAL. The Appendix C review also raises concerns that the land was especially wet at the time of the ALC survey in 2022, and that this means that land which has been classified as subgrade 3b could have been, in drier conditions, subgrade 3a.

61. However, there is little within the evidence before me that indicates that the survey work undertaken in the original ALC is flawed or followed an inappropriate methodology. Indeed, as set out in Appendix 8 of the Appellant's Final Comments, *'in Agricultural Land Classification prevailing field conditions at the time of survey are expressly not considered. The conditions at the time of survey have not influenced the grading of the land.'*

62. In light of the totality of the evidence before me on this matter, I consider that the evidence points strongly to the agricultural land classification in this instance being subgrade 3b. As such the proposal would not result in the 'loss' of BMVAL. Moreover, in general terms, it is entirely feasible and reasonable that the site would be used for grazing; and therefore continuing agricultural activity on the site during its operation as a solar farm.

Ecology and Biodiversity

63. PSAG have raised concerns in terms of the adequacy of the ecology and biodiversity evidence submitted by the Appellant. This includes their view that the baseline ecological information is inadequate to assess impacts on protected species; which includes bats. However, it should be noted that this critique of the ecological information appears to be a desk-based assessment rather than the undertaking of specific on-site survey work.

64. I note that following the submission of updated documents by the Appellant, the Ecology Team at Wiltshire Council raised no objections to the proposal on ecological grounds, subject to the use of planning conditions.

65. I also note that the Appellant have submitted an Ecological Technical Note (Appendix 4) which addresses the allegations regarding the adequacy of the ecological reporting submitted with the original application. It explains the extent of the ecological work undertaken, confirms that the assessment was proportionate to the scale and ecological context of the Proposed Development, and demonstrates compliance with British Standard BS 42020:2013 and the

Bat Conservation Trust Bat Survey Guidelines (2023), including in relation to bat surveys.

66. On the basis of the entirety of the ecological information submitted, I am content that a proportionate approach to onsite and desk based assessments have been undertaken. This information includes not only in respect of bats, but included survey work and/or consideration in respect of protected species such as Great Created Newts (GCN), Badgers, and Dormice, and in terms of farmland birds. This survey work established the presence or not of various species on or near to the site; including their habitats. It has also informed the Landscape and Ecological Management Plan (LEMP), which can be secured by condition.

67. Moreover, although Biodiversity Net Gain (BNG) is not a legal requirement for this scheme (given it was submitted prior to February 2024), significant net gain would nevertheless be achieved. The assessment shows that 40% habitat units and 48% hedgerow units could be achieved. These are benefits which weigh in favour of the proposal and which would positively contribute to addressing the biodiversity crisis in England.

68. Taken in the round, whilst noting the concerns raised in respect of protected species and animal life more generally, I do not find that the ecological information submitted by the Appellant provides justification for the dismissal of the appeal proposal. Moreover, I find that the proposal would broadly accord with the duty to conserve (and enhance) biodiversity as required under the *Natural Environment and Rural Communities Act 2006*, as amended.

Summary on Other Matters

69. In taking into account the matters set out above, and all other matters raised by interested parties, I do not find that these provide justification for the dismissal of the appeal scheme.

Conditions

70. Paragraph 57 of the Framework sets out that *'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects…'*

71. The Council have suggested a number of conditions that they consider should be imposed, if permission were to be granted. I consider these suggested conditions in light of Paragraph 57 of the Framework.

72. Conditions relating to time limit for implementation (1) and to be carried out with the submitted drawings (2) are reasonable to provide certainty.

73. A condition granting permission for a temporary period of 50 years, and no more than 54 years from the date of the decision, and thereafter requiring a scheme of work for decommissioning (3), is reasonable and necessary to ensure that at the end of the permitted life (or earlier, if no electricity generation occurs for a continuous period of 6 months) the infrastructure and development on the site is removed in accordance with an agreed scheme.

74. Conditions (4, 5, 6, 7) requiring compliance with the submitted landscaping schemes, Arboricultural Impact Assessment, a to be submitted and approved

Construction Environmental Management Plan (CEMP), and a to be submitted and approved Landscape and Ecological Management Plan (LEMP) are necessary and reasonable in order to protect and enhance habitats, biodiversity, and enhance the local landscape.

75. Similarly a condition relating to the submission and approval of soft landscaping scheme (11) is necessary in order to ensure that landscape enhancements are secured and retained.

76. A condition relating to drainage is necessary in order to minimise the risk of local flooding (8).

77. Conditions relating to the submission and approval of a Construction Traffic Management Plan (CTMP) (9) and a pre-condition survey (10) are reasonable and necessary to ensure local highway safety for all highway users, and that any damage to the nearby highway network arising from the development is suitably repaired.

78. A condition (12) controlling illumination on the site, in order to protect bats that may use the site for foraging or flight is reasonable and necessary in order to minimise any effects on such species. However, I have tweaked the wording so that it covers other nocturnal and dawn/dusk foraging animals in order to minimise the impacts from site illumination on other such species.

79. A condition requiring further details of CCTV cameras is necessary in order to ensure that their specific appearance is acceptable within their rural setting (13).

80. Lastly, a condition (14) requiring the within 12 months completion of archaeological evaluation, a report being submitted is reasonable, necessary and directly related to the proposal in order to record finds of interest on the appeal site.

Planning balance

81. I note the weight attribution table provided by PSAG in their *Appeal Summary Submission.* Respectfully, I do not agree entirely with the weights suggested to be attributed to the factors considered below. Instead, in considering the issues and matters raised in this case and this decision as a whole, I find the following:

82. The proposal would result in a number of benefits. These include the generation of renewable energy which I afford significant weight to, the potential to derive positive biodiversity gains which I afford moderate weight to, the economic benefits (such as job creation during construction and ongoing operations) which I afford moderate weight to, and the fact that the proposal would utilise land not classified as BMVAL which I afford limited weight to.

83. Against this, are negative weight in the form of adverse effects on the character and appearance of the area; including for the users of PROWs. However, this would be limited and localised in nature and can be mitigated through landscaping and planting. I also note that there would be some extremely limited harm to the setting of the North Wessex Downs National Landscape. I afford these harms moderate weight against the scheme.

84. In terms of undertaking a planning balance, I find that the benefits arising in this case would significantly and demonstrably outweigh the harms identified.

Planning Policy consideration

85. The starting point for determining planning proposals is the adopted development plan. This is expressed at s38(6) of the Planning and Compulsory Purchase Act 2004 sets out that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

86. In this case, as considered above, the proposed development would accord with Policies 42, 51 and 57 of the CS. As such the proposal would accord with the adopted development plan for the area. Furthermore, in terms of material considerations it is clear that the proposal accords with the Policies set out in the Framework. Accordingly, the proposal should be approved without delay.

Conclusion

87. For the reasons given above, the appeal should be allowed.

C Parker

INSPECTOR

Appendix A – Schedule of conditions imposed 3376878

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, for the avoidance of doubt and in the interests of proper planning:

   - Site Location Plan - Figure 1 Revision D
   - Site Block Plan - Figure 2 Revision E
   - Proposed Substation Layout and Details - Figure 3 Revision C
   - General Details - Figure 4 Revision C

3. The permission hereby granted shall be for a temporary period and shall expire 50 years from the date that electricity from the development is first exported to the electricity distribution network ('First Export Date') or no later than 54 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 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, DNO substation, 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 necessary up-to-date ecological surveys, shall be submitted to the Local Planning Authority not less than twelve months before the removal of the installation.

   The scheme must include the management and timing of any works; a traffic management plan; and, an environmental management plan including measures to protect wildlife and to retain biodiversity and ecological features on the site.

4. The development shall be carried out in accordance with the following documents, for the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity:

   - General Details. Figure 4 LH22—67 DW03 – Fig 3c Substation & Details.
   - (Lighthouse Development Consulting, 24.11.2023).
   - Potterne Solar Development. Detailed Planting sheets 1 – 2. (TIR Collective Landscape Architects, 01 May 2024).

5. The development shall be carried out in accordance with the Arboricultural Impact Assessment, including the Tree Protection Plan, prepared by Barton Hyett Associates and dated February 2024.

6. No development hereby permitted shall commence (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

   a. Risk assessment of potentially damaging construction activities;

   b. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.

   d. Working method statements for protected/priority species, such as nesting birds and reptiles.

   e. 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.

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

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

   h. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (which may be provided as a set of method statements);

   i. The location and timing of sensitive works to avoid harm to biodiversity features;

   j. The times during construction when specialist ecologists need to be present on site to oversee works;

   k. Responsible persons and lines of communication;

   l. The role and responsibilities on site of an ecological clerk of works or similarly competent person; and

   m. Use of protective fences, exclusion barriers and warning signs, and;

   n. Details of the monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase.

   The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, to that 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.

7. No development hereby permitted shall commence (including any ground works and vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

   a. Description and evaluation of features to be managed;

   b. Ecological trends and constraints on site that might influence management;

   c. Aims and objectives of management;

   d. Appropriate management options for achieving aims and objectives;

   e. Details of appropriate species specific biodiversity enhancement features;

   f. Prescriptions for management actions;

   g. Preparation of a work/implementation schedule (including an annual work plan capable of being rolled forward over a thirty-year period);

   h. Details of the body or organization responsible for implementation of the LEMP;

   i. Ongoing monitoring and remedial measures; and,

   j. An Ecology Mitigation and Enhancement Plan (EMEP).

   The LEMP shall also include details of the mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery.

   The LEMP shall be for the lifetime of the development. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

   The LEMP shall be implemented in accordance with the approved details in order 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.

8. No development shall commence on site, including site clearance, until a drainage plan including exceedance routes has been submitted to and approved in writing by the Local Planning Authority.

   The plan shall include a robust soil, grass, and/or land management plan maintaining vegetative areas to help interrupt and slow the channelised flows, reducing erosion and also enhance and promote the infiltration and interception capacity of the scheme.

   Soakaways, attenuation ponds, septic tanks, as a means of storm/surface water disposal must not be constructed near/within five metres of Network Rail's boundary or at any point which could adversely affect the stability of

Network Rail's property/infrastructure. Network Rail's drainage system(s) are not to be compromised by any work(s). Development shall be carried out in accordance with the approved details.

9. No development hereby permitted shall commence, including any deliveries associated with the development, until a further detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP must include:

   a. construction operating hours, including staff working hours;
   b. construction vehicle details (number, size, type and frequency of movement);
   c. a programme of construction works and anticipated deliveries;
   d. timings of deliveries so as to avoid, where possible, peak traffic periods;
   e. a framework for managing abnormal loads;
   f. the location of the construction site access;
   g. the location and form of the compound, storage areas, construction and visitor parking, turning, on-site holding area for Heavy Goods Vehicles, surfacing and drainage details;
   h. wheel wash and vehicle cleaning facilities, including details of the design, specification, position of facilities and measures for the disposal of resultant dirty water, oils/chemicals and materials;
   i. a vehicle routing plan for all contractors and suppliers to adhere to;
   j. a scheme of appropriate signing of vehicle routes to the site (including the access track);
   k. general signage details, including signage for highway and public rights of way;
   l. temporary traffic management measures where necessary (for example, lollipop stop/go traffic management);
   m. banksmen/ Marshalls to oversee larger vehicle arrivals and departures, and to warn any users of the lane. The details shall include the location, numbers and roles/ responsibilities of the banksmen/ Marshalls, and measures for consideration of horse riders using the access track;
   n. a point of contact for the users of the lane and the local highway authority;
   o. noise restrictions if appropriate;
   p. a Construction Staff Travel Plan to include details of personnel car/van sharing initiative(s) during construction to minimise vehicle movements; and

   The construction phase of the development must thereafter be carried out in accordance with the approved CTMP.

   Furthermore, in the interests of highway safety, no development shall commence on site until a scheme for Chapter 8 (advance warning signage) in positions as approved in writing by the Local Planning Authority have been erected on approach to the junctions identified within the submitted highway and safety information.

   No development shall commence on site until the holding areas are implemented as per the approved details.

10. No development hereby permitted shall commence until a highway pre-condition survey detailing the condition of the roads along the construction traffic route shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highways Authority.

    Details shall include a full photographic dilapidation survey of the bridge (R07/52) and the access route from the A360 to the site.

    A post-construction survey shall be undertaken, and any damage shall be repaired within three months to industry or local highway standards.

    For the avoidance of doubt, the applicant, or their agents or successors in title, will be required to monitor the condition of the roads for the duration of the works and to rectify and repair any damage caused.

    Development shall be carried out in accordance with the approved details.

11. No development shall take place on site until there has been submitted to and approved by the Local Planning Authority a revised scheme of soft landscaping. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting.

    The scheme shall incorporate disease resistant elm; avoid silver birch and beech as hedgerow trees; include species lists, specifications, densities and planting sections; show hedgerow gapping up and replacement; and identify planting along PROWs.

    The landscaping scheme shall be implemented as approved and shall be carried out in the first planting and seeding season following the commencement of development. 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, 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 and Local Planning Authority.

12. To avoid illumination of habitat(s) used by bats and other nocturnal/dawn/dusk foraging or active animals, in the interests of the general amenities of the area in order to minimise unnecessary light spillage above and outside the development site, no external light fixture or fitting shall be installed within the application site (either during the constructional and operational phases) unless details of any 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 protect and enhance bat habitat(s) and other nocturnal/dawn/dusk foraging or active animal habitats.

    Development shall be carried out in accordance with the approved details.

The details and 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, or any subsequent replacement or updated guidance.

13. No CCTV cameras shall be installed within the application site until details of any proposed CCTV cameras have been submitted to and approved in writing by the Local Planning Authority.

    Development shall be carried out in accordance with the approved details.

14. Within 12 months of the completion of archaeological evaluation, a final report and archive of the trial trenching shall be deposited with the Local Planning Authority and the appropriate local Historic Environment Record (HER).

***** END OF CONDITIONS IMPOSED *****

Planning Inspectorate

Costs Decision

Site visit made on 13 April 2026

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 April 2026

Costs application in relation to Appeal Ref: APP/Y3940/W/25/3376878
Land South of Potterne Park Farm, Nr Potterne, Devizes, Wiltshire, SN10 5QT

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Anthony Brindle for a full award of costs against Wiltshire Council.
- The appeal was against the refusal of planning permission for described as *'Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.9 MW, including mounting system, permanent on site grid connection hub, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain and environmental enhancements for a temporary period of 50 years.'*

Decision

1. The application for costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. The respective cases are detailed within submissions. I will not, therefore, restate it here in full. Put simply, the Applicant considers that it was unreasonable for the Council to refuse permission for the two reasons given, and that this behaviour resulted in unnecessary or wasted expense.

The first reason for refusal - Archaeology

4. The Applicant considers that as it was possible to impose a planning condition, and the Council had not followed national policy and failed to consider site-specific evidence and applied a unilateral, unjustified approach to decision-making.

5. The Council set out that the decision notice explained that the scheme involves ground disturbance through pile driving and subsoil boring, and, without field evaluation, the LPA could not lawfully complete the Framework heritage assessment (including the para 213/215 balance).

6. I also note that at the Statement of Case stage (February 2026), the Council had conceded that it was no longer contesting this reason for refusal at the appeal stage.

7. Taking into account the totality of the information before me on this matter, I do not consider that the Council had acted unreasonably. It is clear that the Written Scheme of Investigation (WSI) had been submitted just before the Committee meeting. Indeed, the Applicant would have been aware of the Officer Report to Planning Committee; which included a recommendation with a single suggested reason for refusal. It is likely that this prompted the Applicant to provide further information shortly before the Planning Committee met.

8. However, by that stage the application was before the Planning Committee to determine, and they undertook their duty to determine the application and refused for two reasons. Nevertheless, much of this was activity before the appeal took place. And early on in the appeal process, the Council conceded the first reason for refusal was surmountable by planning condition. In helping narrow the issues, I do not find that the Council acted unreasonably. Therefore, on this first issue, I do not find that unreasonable behaviour by the Council has occurred.

The second reason for refusal – landscape, visual impact, character and appearance

9. On this matter, the Applicant criticises the Planning Committee for not having formally visited the site and having apparently 'copied and pasted' a reason for refusal from another decision.

10. In terms of visiting the site, it is unclear as to whether there is a specific requirement for the Members to have visited the site before determining the proposal. There is, of course, a benefit in visiting a site before determining a proposal in order to understand both the site and its context. However, Planning Committees are typically comprised of elected representatives who live within or close to the Local Planning Authority area. It is not unreasonable for them to apply their local knowledge in determining a proposal nor to undertake site visits on an individual basis should they wish to do so.

11. Furthermore, it is evident that the Planning Committee were provided with a very detailed and comprehensive background to the site and its context within the Officer's report. This is a report which contains not only analysis but provides various drawings, plans and visualisations. It is clear that even if the Planning Committee did not undertake a formal site visit to the site, they had sufficient information before them to make a planning judgement on the scheme. This information included not only the Officer Report, but also representations from interested parties and indeed the Applicant's actual submission. It was not, therefore, unreasonable behaviour for a formal site visit not to have taken place in this case.

12. With regard to the decision of the Planning Committee on the second reason for refusal, fairly detailed minutes of the meeting have been provided. Whilst not a verbatim record of the meeting, from plain reading it appears as though the Planning Committee had given much thought to the issues that they considered arose from the scheme. They were assisted by the professional officers of the Council in this endeavour, who appear to have professionally advised the Committee on various matters as they were raised. This included regarding

landscape matters. Whilst it is clear that this was not a recommended reason for refusal, it is open to the Planning Committee to consider the information before them and attribute different weight to harms arising. In this case, this is what appears to have happened.

13. There is nothing unreasonable about elected members considering the evidence before them and concluding that the concerns raised by the local community provided justification for the refusal of planning permission. Furthermore, there is nothing unreasonable about the Council, as the Local Planning Authority, obtaining expert landscape advice in order to further refine its case at appeal. This expert advice was provided to the Applicant within the set timeframes. I do not, therefore, find that the Council acted unreasonably on this matter.

The second reason for refusal – The Potterne Neighbourhood Plan

14. I note the observations made by the Applicant in terms of the Potterne Neighbourhood Plan having been cited in the second reason for refusal. Yet the main part of the site lies outside of this plan area. Nonetheless, part of the site does lie within it. As noted in the appeal decision letter, there are not any specific policies relevant to solar developments within the Neighbourhood Plan. Accordingly, it is of very limited relevance to the determination of the planning application.

15. However, it is hard to see what unreasonable behaviour has occurred in this respect. The Potterne Neighbourhood Plan is made and therefore forms a part of the adopted development plan for the area. It was not unreasonable for the Council to have considered it as part of its decision-making process. Whilst, on reflection, the reason for refusal could have been more focussed, I do not find that this represents unreasonable behaviour on the part of the Council.

Other Matters

16. The Applicant has directed me to Opinion, other appeal decisions, and other documents in their costs application. I have taken these into account. However, I do not find that they alter my findings as detailed above. Moreover, although the appeal decision has granted planning permission, this does not modify the findings in respect of whether or not costs should be awarded in this case.

Conclusion

17. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted in this case.

C Parker

INSPECTOR