

EN1, EIA and NPPF Reasons for Alternative Sites Assessment

Introduction

Despite repeated requests Acorn have failed to provide details of any alternative sites they have considered. Their “Rationale for the location of the proposed development - technical note” of October 2025 fails to consider alternative sites and only sought to justify the suitability of their site by reference to wholly self-fulfilling criteria. I critiqued this report in my submission of 29 October 2025 and set out objective criteria that could have been a starting point for site selection and which would have ruled out the Ashton Down site. There are large parts of the ten mile radius area of search (314 square miles) that are compliant with my objective criteria. The need for an alternative sites assessment is set out in various policy documents and this note sets out some of the key guidance. The Officer’s Report for the 21st April 2026 meeting failed to consider the need for an alternative sites assessment under NPPF and EN1 criteria and failed to identify all of the reasons under EIA regulations.

EN1 and EIA

The Department for Energy Security & Net Zero - Overarching National Policy, Statement for Energy, EN1, sets out at para 1.2.1 that the document can be a material consideration for schemes that fall for consideration under the Town and Country Planning Act, as the Ashton Down scheme does. Section 4.3, entitled Environmental Effects/Considerations, sets out the general requirements under EIA rules for the Environmental Statement (ES). Para 4.3.15 is quite clear:

“Applicants are obliged to include information about the reasonable alternatives they have studied in their ES. This should include an indication of the main reasons for the applicant’s choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility.”

The Officer’s April 2026 Report, at Section 6.1, refers to Regulation 18 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, but fails to consider Schedule 4 of the same regulations. Schedule 4 sets out the requirements for information to be included in an ES. At para 2 of Schedule 4 the regulations set out the ES should include:

“A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.”

The ES does not include a description of the alternatives or the justification for selecting this site over any others. The need for alternative site assessment is supported by the Landscape Officer in his comments of 18 April 2024. He was quite clear when he stated:

“Developments of this proposed scale and nature need to be located in more suitable locations. In this regard I don’t understand the logic for the selection of the site, which is surrounded by SSSI’s in the heart of this unique Cotswold Water Park landscape, which is clearly being steered and managed for nature, recreation, leisure & tourism alongside agricultural land restoration following cessation of large-scale mineral working over the longer term. There is no reason why a less sensitive location couldn’t be alternatively secured for a development of this scale and nature.”

The grounds for the Planning Officer concluding in Section 6.1 of his Report to Committee that consideration of alternative sites is not required in the ES is neither in line with the regulations or supported by his own Landscape Officer’s concerns.

NPPF

The December 2024 NPPF states at Para 193 a) that:

“When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

Para 193 b) goes on to say:

“b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.”

It is quite clear that significant harm, including the risk of significant harm, can be avoided by locating this scheme at an alternative location within the area of search.

The Draft December 2025 NPPF, which is a material consideration, sets out in its preamble to Section 19 that:

“The objective of the policies in this chapter is to influence the design and location of new development to help drive nature’s recovery and contribute to wider environmental outcomes, safeguarding our most important habitats, species and landscapes and recognising the centrality of natural capital to delivering sustainable growth.”

Transferability of Benefits

There is evidence that the general farming community support the development of an Anaerobic Digestion facility in the area of search. But, as was pointed out at the 21st April Strategic Planning Committee Meeting, all of the farming benefits would be transferrable to an alternative location - sale of crops, residues and animal wastes along with supply of biomethane, digestate and CO₂, whereas the harms, including to the SSSI, the leisure/tourism businesses around it, groundwater protection, landscape impacts and other harms, are locational and many are site specific.

Conclusion

The requirement to undertake alternative site assessments for this proposal is quite clear in the EN1, EIA and NPPF regulations, yet no alternative site selection process has been undertaken. As I highlighted in my comment of the 29 October 2025, the 'Rationale for the location of the proposed development Report' submitted by the applicant *"fails to apply objective criteria, to identify any alternative sites and appears to be no more than a white-wash which attempts to justify the selection of a very compromised site"*. Failure to consider alternative sites is a fundamental error which could leave Wiltshire Council having to defend its position at Judicial Review. This matter has to be taken seriously and alternative sites have got to be considered.