

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	23/01361/FULMAJ Enborne	20 September 2023 ¹	The installation and operation of a solar farm with ancillary equipment including inverter and substation house, security cameras, deer fence, new highway access and landscaping scheme. Land North of Spring Gardens, Andover Drove, Wash Water, Newbury Calleva Community Energy Ltd

¹ Extension of time agreed with applicant until 28th May 2024

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01361/FULMAJ>

Recommendation Summary: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to conditions set out in 8.1

Ward Member(s): Councillor Dennis Benneyworth
Councillor Denise Gaines
Councillor Tony Vickers

Reason for Committee Determination: Call in by Ward Member.

Committee Site Visit: 22nd April 2024

Contact Officer Details

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1. Introduction

- 1.1 This application seeks planning permission for the installation and operation of a solar farm with ancillary equipment including inverter and substation house, security cameras, deer fence, new highway access and landscaping scheme.
- 1.2 The application site forms part of two fields known as Poors Field, located to the north of Spring Gardens and the settlement boundary of Enborne Row. There is an existing vehicular access to the field from Andover Drove to the west.
- 1.3 The northern boundary of the application site is a tree lined hedgerow beyond which are woodlands and a field. The eastern boundary of the application site comprises a tree lined hedgerow beyond which is a tennis court and residential dwelling known as Wash Water House. To the south of the application site is the remaining field area of Poors Field, the southern boundary of which is formed by trees and a small, wooded area, and beyond which are the residential properties of Spring Gardens and Enborne Row. The western boundary of the application site is a mature hedgerow and verge adjacent to Andover Drove. Further to the west is a treed hedgerow and field.
- 1.4 Poors Field is generally a gently sloping south facing field split into two with a post and wire fence and is currently used for sheep grazing and hay production. The applicants advise that Poors Field was historically used to provide fuel for the poor of the parish of Enborne.
- 1.5 There are some existing trees located within the application site, notably in the north-western corner of the field and approximately two thirds along the north boundary from the western edge of the site, as well as a single tree within the southern boundary of the application site. Two of those trees are category A mature oak trees.
- 1.6 The southwestern corner of Poors Field and the application site was located within Flood Zone 2 at the time the application was submitted. However, during the consideration of the application, the Environment Agency have since removed that flood zone and so the application site and Poors Field is located wholly within Flood Zone 1.
- 1.7 The proposal includes the erection of 6,000 solar panels, mounted as 57 static arrays (two panels tall) covering an area of approximately 1.87ha and generating approximately 3MWp (Mega-Watt peak) of electricity. The panels would be mounted on frames that are secured to the ground by screw fixings and face southwards. The highest part of the solar panels would be located approximately 3.6 metre above ground level and the lowest part located approximately 0.9m above ground level. The arrays would be located approximately 3 metres apart.
- 1.8 An inverter/substation is proposed to the western end of the site which comprises a 6.2m by 6.1m building approximately 2.5m in height, site on a 7m-by-7m concrete plinth. The inverter substation building would have two double door openings and be a prefabricated glass-reinforced fibre structure coloured olive green.
- 1.9 The existing access onto Andover Drove is proposed to be stopped up and a new access further north would be created. That new access would have a bell mouth of approximately 12.3m, narrowing to approximately 6.5m. It would be constructed of tarmac to a depth of approximately 22m from the edge of the carriageway, at which point the access would pass through a 4m wide gate onto a permeable surface turning area.
- 1.10 The area around the solar arrays, substation and turning/parking area within the application site would be fenced by a 2m tall deer proof fence. The proposed 4m wide gate would be a 2m tall powder coated mesh gate.

- 1.11 Along each side of the proposed access, and the western elevation of the proposed substation, new hedgerow would be planted. No trees are proposed to be removed as part of the development. Approximately 11m of existing hedgerow will need to be removed to create the proposed access and new hedgerow is to be installed where the existing access is located. It is proposed to gap up and maintain the existing hedgerows along the boundaries of Poors Field to a height of 3m. Additional trees are proposed to be planted in the southwestern and southeastern corners of the application site as well as along the northern boundary, together with a small native species copse approximately 15m by 4m at a location on the southern boundary of the application site. An area of approximately 2.4ha within the application site would be planted with a pollen and nectar rich wildflower mix.
- 1.12 Within the area covered by solar arrays and to the south of the proposed tarmac access, contour ridge and furrow ploughing is proposed to mitigate the impact of surface water runoff as a result of the development. Perimeter infiltration trenches/swales along the southern edges of the application site are also proposed.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
20/00191/PREAPP	Written Stage 1: Installation of 8520 ground mounted solar photovoltaic panels (8520x410 - 3.5mwh) and associated infrastructure including electrical inverter cabins, transformers, switch gear, sub-station storage building, access track. Security fencing and CCTV cameras and landscaping and grid connection.	Response Issued 11/12/2020
22/00101/COMIND	Proposed solar photovoltaic farm and associated infrastructure with ancillary equipment including substation, security cameras, deer fence, attenuation basin, access track and soft landscaping scheme.	Withdrawn

3. Legal and Procedural Matters

Amended Plans and Additional Information

- 3.1 During the consideration of this application and following initial consultation responses received, the applicant submitted a package of amended plans and additional information which sought to address issues raised by consultees and officers. That package included:
- Amended location plan, site plan and landscaping plans submitted increasing the application site area and showing a revised siting and extent of solar panels to be installed, the extent of wildflower meadow, new hedgerow and tree

- planting, ridge and furrow ploughing and infiltration trenching, tree protection details, and permeable turning area proposed.
- Additional plans comprising a temporary construction compound, entrance details and visibility splays, and entrance gate details.
 - Amended Planning Statement, Design and Access Statement, Arboricultural Impact Assessment, Ecology Survey, Transport Statement, Flood Risk Assessment and Surface Water Management Plan, Heritage Statement and Archaeology Assessment, and Landscape and Visual Impact Assessment (LVIA), to reflect the changes to the scheme proposed.
 - Additional information comprising a Glint and Glare Assessment, Biodiversity Metric Calculations and Conditions Assessment and a Construction Vehicle Management Plan.
- 3.2 Consultees were re-consulted in respect of that package. Third parties who had previously submitted representations to the application were also re-consulted and a site notice was also erected notifying the public of the submission of amended plans, as set out below.
- 3.3 **Environmental Impact Assessments (EIA):** Following submission of this application, the Local Planning Authority adopted an EIA screening opinion for the development proposed. Whilst the development proposed is classed as Schedule 2 development within the meaning of the EIA Regulations, taking into account the selection criteria in Schedule 3 of those Regulations, it was determined that the proposal is not likely to have significant effects on the environment in terms of the EIA Regulations. Therefore, the development proposed is not considered EIA Development within the meaning of the Regulations.
- 3.4 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notices were displayed on 6 July 2023 and the deadline for representations expired on 30 July 2023. A press notice was advertised in the Newbury Weekly on 6 July 2023.
- 3.5 Following the submission of a package of amendments and additional information during the consideration of the application, an amended plans site notices were displayed on 19 March 2024 and the deadline for representations expired on 12 April 2024. Members of the public who had previously submitted representations to the application were also notified by letter on 16 February 2024 of the submission of a package of amendments and additional information, providing further opportunity to submit representations.
- 3.6 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.
- 3.7 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new

development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

- 3.8 Based on the CIL PAIR form, the development would not be liable for CIL. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil
- 3.9 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance.
- 3.10 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.11 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.12 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.13 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.14 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council

procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.

- 3.15 It is acknowledged that there are certain properties where they may be some impact (this can be mitigated by conditions – if relevant). However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of reducing carbon emissions, addressing climate change, and meeting the UK's obligations under the Paris Agreement of 2016.
- 3.16 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.17 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. Grade II listed buildings comprising Falkland Farm and a granary near Falkland Farm are located to the southeast of the application site along with Biggs Cottage northwest of the application site, East Woodhay House, west of the application site, and Boames Farmhouse, southwest of the application site. The southern half of the Registered Battlefield marking the site of the First Battle of Newbury in 1643 is located approximately 210 metres north of the application site. An assessment of the impact of the proposals is considered in section 6.
- 3.18 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. No Conservation Area is considered to be materially affected by the proposed development.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received to the initial application submission. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Enborne Parish Council:	Strong support.
Adjacent Newbury Town Council:	Support.
Basingstoke and Deane Borough Council:	No objections.

Adjacent East Woodhay Parish Council:	Support.
WBC Highways:	Request visibility splay plan, details of HGV movements during construction.
WBC Ecology:	Require biodiversity metric calculations and conditions assessment to be submitted, an explanation for reduction in wildflower meadow and removal of pond from that previously proposed, a landscape plan to show proposed wildflower meadow planting. Need to include additional proposed tree and hedgerow planting to be located within the application site and additional assessment for hares and barn owls.
WBC Tree Officer:	No objections subject to conditions to secure tree protection and landscaping scheme.
WBC Archaeologist:	Low archaeological potential for in situ remains, therefore no major impact on below ground heritage assets from this proposal.
WBC Lead Local Flood Authority:	<p>The ridge and furrow system proposed by the applicant, along with wildflower planting provide benefits consistent with industry wide advice to offset increase in runoff from the solar farm. Industry advice also recommends a perimeter system put in place; this could be implemented along the south if possible to provide an additional means of slowing runoff prior to runoff shedding southwards. A perimeter feature may include an infiltration swale or filter drain/infiltration trench system. Whilst it is recognised infiltration conditions are likely poor in this area, this should provide appropriate mitigation for any increase in surface water runoff rates generated by the site. The maintenance strip suggested in the proposal may also need a form of dedicated drainage.</p> <p>I do not agree with the proposals for the substations or roads without evidence that the surface water drainage system has been designed. The applicant cannot state that they will do this "once the impermeable areas have been designed". This is a full application so detailed design should have already been carried out for surface water drainage matters particularly where there are design constraints associated with the soil conditions.</p> <p>The comments above should be addressed prior to approval. The assessment of flood risk seems reasonable. It should be noted that WBC are aware of flooding issues in the area and have been trying to establish the root cause of the issues. However, it is unlikely that the development will worsen flood risk downstream of the site providing the comments above are addressed and the surface water management proposals are implemented.</p>
Berkshire Newt Officer:	Recommend that reasonable avoidance measures, created by a suitable experienced ecologist, are used to further minimise the risk of impacting great crested newts if they are present.
WBC Environment:	Support. The proposed solar farm is in line with the objectives of the West Berkshire Environment Strategy and Delivery Plan. Request clarification as to where the wildflower meadow is located

	and how it will be secured and maintained. Request provision of Biodiversity Metric.
WBC Environmental Health:	No objections.
WBC Conservation and Design Officer:	No response received.
Environment Agency:	No response received.
WBC PROW:	No response received.
Ramblers' Association:	No response received.

4.2 The table below summarises the consultation responses received following reconsultation on the submission of the package of amendments and additional information. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Enborne Parish Council:	No response received.
Adjacent Newbury Town Council:	Support. Consideration to be given to the maintenance of drainage ditches and to drainage of the entrance area.
Basingstoke and Deane Borough Council:	No objections.
Adjacent East Woodhay Parish Council:	No response received.
WBC Highways:	No objections subject to conditions securing construction method statement and visibility splays.
WBC Ecology:	No response received.
WBC Tree Officer:	No objections subject to conditions to secure tree protection and landscaping scheme.
WBC Archaeologist:	There are no known heritage assets of archaeological interest within the site, and as it was formerly an area of allotments, I do not think this depth of ploughing is likely to have a major impact on any features of significance.

WBC Lead Local Flood Authority:	Require clarity on the proposed swale and bund design to confirm that the flows can be retained for up to and including a 100-year plus climate change storm event.
Berkshire Newt Officer:	No response received.
WBC Environment:	No response received.
WBC Environmental Health:	No objections subject to conditions to secure a noise impact assessment and implementation of any mitigation measures it identifies, hours of construction, and a scheme of measures to mitigate dust from construction.
WBC Conservation and Design Officer:	No response received.

4.3 Following the above comments from the LLFA, further information was provided by the applicant together with an amended proposed site plan showing an increased depth to the ridge and furrow ploughing and perimeter swales. That information was passed to the LLFA for review, but no comments have been received at the time of writing this report.

Public representations

Original application submissions:

4.4 Representations to the original application submissions have been received from 63 contributors, 11 of which supported, and 51 of which objected to the proposal. 1 impartial representation was also received.

4.5 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

Support:

- Little visual impact and lack of evidence of harm to the character of the area.
- Benefits outweigh the visual impact in light of the Climate Emergency.
- Need renewable energy source to protect the environment for future generations.
- Contributes towards meeting government net zero targets.
- Innovative and exciting use of the land.
- Income generation for local population.
- Needed to meet the Parish' desires to reduce and offset CO₂ emissions from the approximately 280 residences in the parish.
- Would help to reduce further urbanisation of the area and thus protect the rural character.
- The panels would not cover the whole field, just 40% of it, so some of the land can still be used for sheep grazing as it is currently, and scrub woodland retained.
- A legacy for the next generation.

Object:

Increased flood risk and insufficient mitigation

- Increased risk of flooding to properties to the south of the field due to panels and concrete bases increasing runoff and reducing infiltration into the field. Spring Garden residents already experience flooding from field runoff.
- Proposed plough lines would not be sufficient at capturing the amount runoff, particularly taking into account the projected increase in peak rainfall.
- FRA states infiltration methods are unlikely to be effective due to a lack of permeability in the area. The proposed mitigation poses soil permeability can be increased, but there is a lack of calculations to evidence whether this increase would be sufficient.
- The flood risk assessment uses outdated surveys and data.
- It is not guaranteed that flood mitigation strategies would be maintained.

Harmful/poorly assessed impact on character of the local area and National Landscape (formerly NWD AONB)

- Panels, CCTV, and security fencing would not be in keeping with the rural appearance of the surrounding fields and woodland, and inappropriate to be sited amongst established dwellings in a small village.
- Harmful change of use from agricultural to industrial in an area adjacent the North Wessex Downs.
- Harmful visual impact as the site forms part of a rural barrier between Enborne Row and urban development of South Newbury.
- Impact on the North Wessex Downs landscape not fully assessed.
- No evidence of consultation with the North Wessex Downs/Conservation Board and the LVIA considers the development would not be visible from views across the landscape, contradicting Natural England's position.
- The submitted LVIA is incomplete – it notes the harm that 3-4m hedgerows can cause to views, but proposes a 3m hedgerow mitigation measure, and does not evaluate impact to the landscape.

Adverse impact on health and wellbeing

- Glare likely to impact properties to the south also road users on Andover Drove.
- No strategies for mitigating noise and visual impacts on Spring Gardens.
- Increased number of proposed panels to 6000 from 4752 under the previous application, increasing the dominance of the feature and glare impact.
- Risk of electromagnetic fields (EMFs) negatively affecting the health and wellbeing of families and local wildlife.
- The impact of Pb-based perovskite solar cells on the health of humans and wildlife is unknown and needs more testing.
- Could lead to an increase in traffic on country roads leading to an increased risk of accidents.

Value of the existing field - agriculture, biodiversity, and history

- Loss of good quality agricultural land for grazing or other forms of agriculture.
- The ground has not been surveyed for alternative use nor by DEFRA for agricultural usage.
- Loss of habitat for local wildlife.
- Biodiversity metric missing from the public portal. The net gain claim has no basis.
- Ecology report missing from the public portal.
- Would take away land for the community to use, as it was originally intended for.
- Not enough weight given to historic significance of the site as the Enborne Parish Poor's Allotment.

Lack of communication, consultation, and transparency

- The public were not engaged with regarding the reason for the withdrawal of the previous proposal, nor the proposed increase in the number of panels for the current proposal.
- The site being described as 'Land North of Spring Gardens' is deceptive, as locally it is known as 'Poors Allotment'.

- The majority of the local community is against the proposal.
- Concern that residential objection would not overcome financial benefits to some organisations/companies involved. Lack of confidence that the best interests of residents are taken into account.

Maintenance and site capacity

- Lack of certainty regarding whether the site will be appropriately maintained for the proposed 40-year period.
- Risk of the site becoming redundant and equipment not being removed safely.
- Nearest substation does not have capacity for an increased EV output of 3Mw.
- It would be more appropriate to have solar farms on unused fields adjacent motorways rather than residential areas.

Impartial:

- The proposed plough lines for flood mitigation could get blocked. A solid structure with drain covers might be more effective.

Amended application submissions:

4.6 Following the submission of the package of amendments and additional information to the original application submissions, representations were received from 14 contributors, 2 of which supported, and 12 of which objected to the proposal.

4.7 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

Support:

- Positive improvements have been made to the application.
- Reiteration of support – throughout the process the applicants have been patient, professional and so appear trustworthy.

Object:

Flood risk and mitigation management:

- Concerns remain that the proposed flood mitigation measures will not be maintained given the existing drainage ditch has not been maintained by the landowners and there is no clarity around who will be responsible for its maintenance.
- No financial security for the cost of maintenance and decommissioning.
- Concern that the FRA is prejudiced as there is a lack of evidence that it has been carried out independently, no test methodology and results are included, and conclusions appear mainly theoretical and based on assumptions.
- FRA provides no calculation for proposed increased permeability of soil.
- FRA states 'exceedance remains possible'; divergence to existing Spring Gardens drainage would be unacceptable.
- Drainage calculations are uncertain as no soil infiltration test was carried out.
- Runoff seen up to 2 weeks after rainfall has stopped.
- Further health and safety concern regarding the amount of runoff and potential for freezing, resulting in a hazard.
- No consideration of alternative sites such as brownfield land or commercial sites surrounding Newbury which offer better relief from flooding and access to Utilities Infrastructure.
- Sequential approach has not been followed.
- It has not been demonstrated that other sites on previously developed land are not suitable or that there are no other more suitable sites at a lower risk of flooding.
- The source and cause of flooding in the area is from the application site.

- The flood mitigation measures proposed by the applicant have been submitted with the sole aim of safeguarding the approval of the solar farm application, rather than the people and property that are affected by it.
- Proposed drainage is not integrated with surrounding fields and does not consider pollution control or pesticide dispersion.
- No consideration of surface water impact during construction.
- FRA is inaccurate and relies on unsubstantiated and incorrect information.

Impact on Landscape including National Landscape (formerly NWD AONB)

- LVIA does not evaluate impacts on the AONB.
- No evidence that AONB Partnership or Conservation Board have been consulted.
- Scale of proposal will dominate the landscape and impact on views from residential properties.
- Development is out of keeping with surrounding area.
- The effects of both the solar panel's presence, the cutting of furrow and swale into the surrounding land, and the presence and intrusion of security cameras and industrial infrastructure are uncharacteristic of the surrounding landscape.
- Loss of greenfield gap between Newbury and Wash Common.

Other

- Lack of transparency and clarity as to how the community will benefit economically.
- No reference to how transmission cables will connect to substation – a health and safety concern.
- Development will restrict movement of and disturb wildlife.
- No dormouse survey which are protected species and have been seen by local residents.
- Lack of communication with the community
- Previously raised concerns not sufficiently addressed.
- Actions of applicant raised doubts over future inclusion of community in this project.
- Land will not be available for alternative use by future generations and when solar farm no longer the industrial waste will then need to be resolved.
- Parish will not benefit from the scheme.
- Impact on food security.
- Need long term financial viability to ensure no financial burden on local community through increased Parish Tax.
- Concern regarding lack of transparency of financial arrangements for project, including decommissioning.
- Loss of agricultural land.
- Site is not accessible by all.
- Risk of electromagnetic fields (EMFs) negatively affecting the health and wellbeing of families and local wildlife.
- Risk of release of toxic materials (Pb-based perovskite solar cells) from solar panels in the event of weather damage or vandalism.

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP2, CS5, CS10, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies TRANS.1, ENV.16, OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Technical Guidance to the National Planning Policy Framework
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Position Statement – Setting
- WBC Quality Design SPD (2006)
- WBC Landscape Character Assessment (2019)
- WBC Sustainable Drainage Systems (SPD)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of Development
- Landscape, Character and Appearance
- Historic Environment
- Impact on Neighbouring Amenity
- Highway Impacts
- Flooding and Drainage
- Impact on Trees
- Biodiversity
- Soils and Agricultural Land Quality

Principle of Development

6.2 The most important development plan policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP2, and CS10 of the Core Strategy. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP2) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and based on defined spatial areas and a settlement hierarchy.

6.3 According to Policy ADPP1, most development will be within or adjacent to the settlements in the hierarchy and related to their transport accessibility and level of services. The urban areas will be the focus for most development. The scale and density of development will be related to the site's accessibility, character and surroundings. Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

6.4 The proposed application site is located on land between the settlement boundaries of Newbury and Enborne Row. As set out in the NPPF, there is an identified need for renewable energy schemes to support the transition to a low carbon future in a changing climate and renewable and low carbon energy and associated infrastructure is to be supported by the planning system. The NPPF also states that Local Planning Authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning. Moreover, the NPPF is clear that local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions.

- 6.5 West Berkshire Council has not identified suitable areas for renewable and low carbon energy within the current Local Plan. The Core Strategy states that in order to reduce local carbon emissions and meet national targets, a policy approach that supports and reflects the significant challenge ahead needs to be adopted, and that any renewable energy schemes should be efficient.
- 6.6 Policy CS10 says that proposals to diversify the rural economy will be encouraged, particularly adjacent to Rural Service Centres and Service Villages. That policy goes on to say that proposals for appropriate farm diversification will be supported where it can be demonstrated that the proposal will make a long-term contribution to sustaining the agricultural enterprise as a whole. The proposed scheme is considered to represent a limited benefit in its contribution to the rural economy but will provide a significant benefit to the owner of the site, the Enborne Parish Field Charity.
- 6.7 Paragraph 11d of the NPPF states that where there are no relevant development plan policies decision makers should grant planning permission unless the NPPF gives a clear reason for refusing planning permission, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. The development plan does contain relevant development plan policies as referred to above, but as no specific sites are allocated it is appropriate to have due regard to this presumption in favour of sustainable development.
- 6.8 Furthermore, paragraph 163 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should approve the application if its impacts are (or can be made) acceptable.
- 6.9 Overall, it is considered that the NPPF supports the provision of renewable energies.
- 6.10 According to paragraph 48 of the NPPF, local planning authorities may also give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to [the] Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 6.11 Policies SP5 and DM4 of the Local Plan Review relate to provision of renewable energy and support proposals for renewable energy subject to ensuring proposals are suitable for the location, do not result in the loss of the most versatile agricultural land and would not harm landscape and amenities.
- 6.12 Due to the stage of preparation of the emerging Local Plan, it is considered that moderate weight is given to those policies in the determination of this application.
- 6.13 Taking into account the relevant development plans policies, the national policies in the NPPF and the draft emerging policies in the Local Plan Review, it is concluded that the principle of development is acceptable. The overall acceptability of the development depends on compliance with the development plan as a whole and consideration of all other relevant material considerations.

Landscape, Character and Appearance

- 6.1 Policy CS14 requires new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It goes on to say that good design relates not only to the appearance of the development but the way in which it functions, and that the considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.
- 6.2 Policy CS19 seeks to conserve and enhance the diversity and local distinctiveness of the landscape character of the District, and adopts a holistic approach to ensure that the natural, cultural and functional components of its character will be considered, particular regard will be given to
- (a) the sensitivity of the area to change,
 - (b) ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character, and
 - (c) the conservation, and where appropriate, enhancement of heritage assets and their settings (including listed buildings).
- 6.3 The application is supported by a Landscape and Visual Impact Assessment (LVIA) as well as a Glint and Glare Assessment.
- 6.4 The application site area is located within Landscape Character Area (LCA) WH1 which is described within the West Berkshire Landscape Character Assessment (2019) as: a topographically complex area with ridges and shallow valleys, incised by numerous small streams flowing from the spring line where the chalk meets the clay; woodland dominates the land cover, interspersed with arable and pasture fields and small areas of heathland; the extent of connected woodland creates an enclosed and very rural character despite the extent of settlement; the open areas have views across to Walbury Hill which forms a prominent backdrop; it is crossed by a network of rural lanes which provide a framework for the linear settlement pattern, particularly around Inkpen.
- 6.5 The landscape strategy for LCA WH1, relevant to this application include: the conservation and enhancement of heathland character; existing boundary elements, which would include field hedgerows and their restoration/reinstatement and management. Furthermore, the strategy sets out to maintain the distinctive patterns of settlement, rural character and conservation of the existing character of the rural lanes.
- 6.6 The proposal would result in a direct loss of an open area of grassland, which forms part of two fields and contributes to a varied field pattern within this intimate small scale rural landscape. This contributes to a key valued characteristic of this Landscape Character Area WH1: Inkpen Woodland and Heathland Mosaic. Therefore, the proposal would not conserve or enhance this area by replacing an open area of grassland with solar panels and associated infrastructure, which would also collectively result in a further change of the landscape character from rural to more suburban. The proposed development would also have an adverse landscape effect on the setting of the small village of Enborne Row, diluting its well intact adjacent rural character and setting. The proposed development would also be visible from the quiet adjacent road, Andover Drove, where initially there would be open views into the site. Once the hedgerow is planted across the old access and the remainder gapped up to a height of 3 metres, there would be a loss of views across this characteristic open field of grass to the adjacent mature areas of woodland. Therefore, the proposed development would not comply with Policy CS19 of the West Berkshire Core Strategy.

- 6.7 As stated within Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. The proposal will introduce development into an area which will not respect or enhance the character of that area. Some mitigation measures have been proposed to screen the development, which if effective would also eventually result in the loss of rural views from the local landscape. The proposed mitigation measures will also not compensate for the adverse effect on the landscape character of the application site area and the two fields.
- 6.8 However, views into the site from the wider area are limited. Views will be possible from Andover Drove for a relatively short period directly in front of the site, and limited views of the development proposed from the rear of Spring Gardens would be possible. In addition, a distant narrow view between woodland from Enborne Street, some 250 metres to the north, and occasional very limited glimpses of the eastern most part of the site from a public right of way approximately 450 metres to the south (within Basingstoke and Deane) and Wash Water Road may also be possible, particularly in winter.
- 6.9 Additional landscaping to mitigate the impact of the development is proposed comprising: new hedgerow to be planted where the existing access is to be stopped up; gapping up and maintaining the existing hedgerows along the boundaries of Poors Field to a height of 3 metres; new hedgerow along the sides of the access road into the site; additional tree planting in the southwestern and southeastern corners of the application site as well as along part of the northern boundary, together with a small native species copse approximately 15m by 4m on the southern boundary of the application site; and, planting of a pollen and nectar rich wildflower mix across an area of approximately 2.4ha within the application site.
- 6.10 The proposed landscaping would further reduce the visual impact of the development proposed such that any residual harmful impact on the landscape and character and appearance of the area would be localised and limited. That harm and conflict with Policies CS14 and CS19 of the Core Strategy is considered in the planning balance.
- 6.11 In respect of the impact on the setting of the North Wessex Downs National Landscape, the site is located approximately 450 metres (at the closest point) to the northwest of the National Landscape located within Basingstoke and Deane, with the A43 dual carriageway located between the application site and the National Landscape. There would be no views of the site from the National Landscape and the A34 provides a natural barrier to the National Landscape. Therefore, there would be no impact on the landscape and scenic quality of the AONB as a result of the development proposed.
- 6.12 In respect of potential glint and glare from the proposal, a Glint and Glare Assessment has been provided which considers the potential impacts on ground-based receptors such as roads, rail and residential dwellings as well as aviation assets. Within 1km of the application site, the assessment identified 79 residential receptors and 72 road receptors which were assessed and no impacts on those receptors were identified. In respect of aviation, no significant effects as a result of the proposal were identified.
- 6.13 Therefore, it is not considered that the proposed development would detrimentally impact on the landscape or character and appearance of the area due to glint and glare.

Historic Environment

- 6.14 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty of the Council when determining planning applications that requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF also states that, when considering the impact of a proposed development on

the significance of a designated heritage asset, great weight should be given to the asset's conservation.

- 6.15 Policy CS19 Historic Environment and Landscape Character notes that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole.
- 6.16 The application was accompanied by a Heritage Statement and Archaeological Assessment. Whilst there are no listed buildings adjacent to the application site, within the vicinity (1km) of the application site there are a number of designated and non-designated heritage assets, together with the Registered Battlefield of the Battle of Newbury. The baseline data identifies that there are several grade II listed buildings comprising Falkland Farm and a granary near Falkland Farm to the southeast of the application site along with Biggs Cottage northwest of the application site, East Woodhay House, west of the application site, and Boames Farmhouse, southwest of the application site. The southern half of the Registered Battlefield marking the site of the First Battle of Newbury in 1643 is located approximately 210 metres north of the application site.
- 6.17 Due to the lack of intervisibility between the proposed development and listed buildings within 1km of the site, it is considered that there will be no harm to the setting of those listed buildings. In respect of the Registered Battlefield to the north of the site, for the most part it would be shielded from views of the proposed solar farm by intervening woodland. However, there would be a limited view of the eastern half of the solar farm from just outside of the southeastern boundary of the battlefield on Enborne Street due to the presence of a trackway to Woodlands Farm with open fields to its east and a thinning out of the woodland north of the application site. This would bring the proposal which would represent an urbanising built form within a rural landscape, partially within the wider setting of the battlefield. This intervisibility has the potential to intrude negatively into experiences of the battlefield from its wider surroundings. However, this visual impact would be limited, and any harm would be mitigated through the provision of natural screening in the form of planting of trees along the northern boundary of the application site and the gapping up and maintenance of hedgerow to 3 metres in height.
- 6.18 In respect of below ground heritage assets, the Heritage Statement and Archaeological Assessment submitted concludes that there is low potential for the presence of in situ archaeological deposits and features within the site. The Assessment has been reviewed by the Council's Archaeologist who agrees with the conclusion that there is low archaeological potential for in situ remains on this plot of former allotments for the poor, such that there would not be a major impact on below ground heritage assets from this proposal.
- 6.19 Therefore, it is therefore considered that the proposed development complies with the Core Strategy policies in respect of the historic environment.

Impact on Neighbouring Amenity

- 6.20 As part of the proposal an inverter/substation is to be constructed on site approximately 80m north-east of existing residential properties. The occupiers of these properties could be adversely affected by noise from the inverter/substation. The Council's Environmental Health Officer has reviewed the application and raised no objections subject to a condition securing a noise assessment and implementation of any necessary mitigation to ensure that the amenities of neighbouring properties are not detrimentally affected as a result of noise.

- 6.21 As previously noted, a Glint and Glare Assessment has been provided which has assessed the potential for glint and glare impact on neighbouring residential properties within 1km of the site. That assessment identified the potential for glint and glare impact on 5 residential dwellings. However, when accounting for intervening topography, vegetation, existing built form, and actual intervisibility between the proposal and those residences, no actual impact was established.
- 6.22 In respect of construction impacts, the construction phase of the proposal is likely to generate noise. There are existing residential properties located within approximately 60m of the application site's proposed access which may be adversely affected by such noise. As confirmed by the Environmental Health Officer, construction impacts can be adequately controlled by conditions securing construction hours of work and dust mitigation.
- 6.23 Due to the location of the proposed solar panels at a distance from neighbouring properties, the proposed development is not considered to introduce any significant overshadowing, overbearing or overlooking impact on neighbouring amenity.
- 6.24 Concerns have been raised in representations received regarding the impact on health and wellbeing as a result of electromagnetic fields (EMFs) and risk of release of toxic materials (Pb-based perovskite solar cells) from solar panels in the event of weather damage or vandalism. The Environmental Health Officer has reviewed the application and does not raise any concern in respect of those.
- 6.25 Therefore, the proposed development is not considered to give rise to significant issues of neighbouring amenity through overshadowing, overbearing, overlooking, noise pollution, or in terms of glint and glare from the panels. The development can be adequately controlled through the construction period by condition. The development is therefore considered to comply with Policy CS14 in this respect.

Highway Impacts

- 6.26 As part of the development proposed, the existing access to the site is to be stopped up and a new access created approximately 35 metres to the north of the existing access. The new access into the site would be laid with tarmac for approximately 22 metres from the carriageway to the point where it meets the proposed access gates. Beyond the gates, a permeable hardstanding surface for the parking and turning of vehicles within the site would be installed.
- 6.27 The application submissions advise that vehicle numbers associated with the construction phase of the development include 58 4-wheel lorry movements, 40 pick-up truck movements, 78 van movements, 4 car movements and 10 tractor movements. Total vehicle movements are expected to be approximately 190 during the construction phase of the development. It is proposed that deliveries to the site will be limited to between 0930 and 1500 hours. The proposed route for deliveries will be from the A34 to the south. A temporary construction compound will be provided within the site for contractor parking, deliveries and welfare facilities during construction. The applicant advises that the construction period is likely to last three months.
- 6.28 It is considered that the measures laid out in this Construction Vehicle Management Plan would minimise any potential inconvenience to local residents from Heavy Goods Vehicles making deliveries during the construction period of the development.
- 6.29 The applicant advises that once the construction period is complete and the solar farm is operational the scheme will not result in any material traffic generation, as the site will revert to a site for sheep grazing. The occasional maintenance vehicle may need to visit the solar farm, but this will be on an infrequent basis.

- 6.30 The Highway Authority has raised no objection to the application subject to conditions to secure construction in accordance with the Construction Traffic Management Plan submitted and the visibility splays to be provided at the new access.
- 6.31 Overall, the proposed development is considered to comply with Policy CS13, and highways safety can be managed through the implementation of the details in the submitted documents which can be conditioned accordingly.

Flooding and Drainage

- 6.32 The NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. The NPPF advises that where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 6.33 Previously, the southwestern part of the application site was located within Flood Zone 2. As part of the package of amendments and additional information submitted, evidence demonstrating that that flood zone designation was challenged and accepted by the Environment Agency. Subsequently the Environment Agency have altered their flood zone mapping and removed that Flood Zone 2 altogether. As such, the application site is wholly located within Flood Zone 1, the lowest risk from fluvial flooding.
- 6.34 There are areas of Flood Zones 2 and 3 some 220 metres to the south of the application site, along the corridor of the River Enborne.
- 6.35 Areas at risk of surface water flooding are identified to the west of the site including along Andover Drove, and within properties to the southwest and south of the site, including some properties within Spring Gardens located approximately 100 metres from the southern boundary of the application site. There are areas within the northeastern corner of the application site and directly to the south of the application site that are also recorded as at risk from surface water flooding.
- 6.36 The Technical Guidance to the NPPF considers that all uses of land are appropriate within Flood Zone 1. For development proposals on sites comprising one hectare or more in Flood Zone 1, the NPPF Technical Guidance confirms that the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off, should be incorporated in a flood risk assessment which only needs to be brief unless other local considerations require particular attention. In terms of Flood Risk vulnerability, the NPPF Technical Guidance confirms that the development proposed would represent appropriate development.
- 6.37 In respect of the need for a sequential test, as no part of the application site is located within Flood Zone 2 or 3 a sequential test is not required in accordance with Government Guidance (PPG) and the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source (NPPF). It is acknowledged that other Government Guidance (Flood risk assessment: the sequential test for applicants) also advises that a sequential test for a development in Flood Zone 1 is not necessary unless there are flooding issues in the area of the development. However, that extent of 'area' is not defined further and whilst it is acknowledged that there are pre-existing drainage issues to the south of the application site within Spring Gardens, the latest Government Guidance in the PPG and NPPF is clear that the development located within Flood Zone 1 is appropriate and does not require a sequential test.
- 6.38 Taking all of the above into account, Officer's do not consider that a sequential test is necessary for the development proposed.

6.39 In respect of ensuring that flood risk is not increased elsewhere as a result of the development proposed, as set out in the applicant's Flood Risk Assessment and Surface Water Management Plan a recent study into solar farms and hydrology concluded that:

'The addition of solar panels over a grassy field does not have much of an effect on the volume of runoff, the peak discharge, nor the time to peak. With each analysis, the runoff volume increased slightly but not enough to require storm-water management facilities.'

6.40 That same study ("Hydrologic Response of Solar Farms" published in the Journal of Hydrologic Engineering, produced by the American Society of Civil Engineers (ASCE)) considers that ground cover has a much more important control over runoff than the solar panels, which cause runoff to drip or flow off relatively slowly across the area of the panels, while allowing vegetation to grow beneath.

6.41 As confirmed by the LLFA in their initial response to the application, research shows that solar panels contribute very little to increases in surface water runoff rates but for larger solar farms the cumulative impact of a large surface area of solar panels could lead to additional volumes of water and increased runoff rates impacting downstream flood risk. However, the LLFA advise that the increase in flood risk will still be relatively small despite the scale of the site compared to many other forms of development as, whilst the solar panels are impervious to rain, they are mounted on metal rods and placed over pervious land. The LLFA reference the following advice produced by Essex County Council in respect of larger solar farms:

" The surface water usually flows from the surface of the solar array to the areas in between the rows with an increased kinetic energy. This leads to an increased concentration of surface water and erosion in these areas and has the potential to create channelised flows, eroding the soil further and increasing the volumes and rates of surface water discharge. This can be further exacerbated by lack of maintenance and further erosion/compaction from vehicles such as maintenance vehicles. Therefore, necessary mitigation is required to combat this effect and it should be demonstrated that whatever land management techniques are being used to ensure that the land maintains or improves its current infiltration potential include small amounts of storage too."

6.42 The initial proposals submitted included the creation of a ridge and furrow system of channels, contour ploughed within the area of the solar panels together with wildflower meadow planting. This was considered by the LLFA to be consistent with industry wide advice to offset set the increase in runoff from the solar farm. However, the LLFA also requested the provision of some form of perimeter system, such as a swale or infiltration trench, south of the solar panels in accordance with industry advice to provide an additional means of slowing runoff prior to runoff shedding southwards. In addition, the LLFA requested details of SuDS to be used for those impermeable areas comprising the substation/inverter building and tarmac access road.

6.43 As part of the package of amendments and additional information submitted, perimeter swales are now proposed along southern sections of the application site, following a consistent contour. A ridge and furrow SuDS system is also proposed to the south of the substation/inverter building together with a French Drain along the side of the tarmac access road.

6.44 The LLFA reviewed the package of amendments and additional information and noted that the proposed 'ridges and furrows' would not provide capacity for a 100-year plus climate change event and therefore requested clarity on the proposed perimeter swales and bund design to confirm that the flows can be retained for up to and including that storm event.

- 6.45 The applicant advises that neither storage nor infiltration can be represented precisely, but the values they have chosen for these parameters are reasonable and the modelling found that the proposed changes would manage most of the runoff from a 100-year plus climate change rainstorm. The applicant also advised that the boundary swales were not included in this simulation, and it is likely that most or all excess flow would be managed by that feature. Nonetheless, the applicant proposes to increase the depth of the ridge and furrow contour ploughing and perimeter swales to 300mm to achieve more storage and further modelling shows that this new configuration would retain all the runoff generated by a 1:100-year rainstorm with a 40% allowance for climate change.
- 6.46 The LLFA have been consulted on the further comments from the applicant and amended design of the proposed contour ridge and furrow ploughing and perimeter swales, but at the time of writing no response had been received.
- 6.47 It is acknowledged that from the information submitted by the applicant, and the information submitted with representations, together with site visits by officers, there is existing water flowing along an access footpath in Spring Gardens. However, the development proposed cannot be required to address a pre-existing drainage issue. Nonetheless, the development proposed must not increase flood risk elsewhere.
- 6.48 From the information provided by the applicant and the comments submitted by the LLFA, it is considered that the drainage measures proposed could adequately mitigate any increased surface water runoff subject to provision and agreement of the detailed design, management, and maintenance of the drainage measures, which can be controlled by planning condition.
- 6.49 On that basis, the proposed development is not considered to increase flood risk elsewhere and would comply with Policy CS16 of the Core Strategy and the NPPF.

Impact on Trees

- 6.50 The application is accompanied by an Arboricultural Impact Assessment (AIA) to BS 5837:2012. This includes a Tree Survey and Tree Protection details. The AIA confirms that no existing trees will be removed, and protective fencing will be installed to ensure those trees are retained. Only a section of existing hedgerow, approximately 11 metres long, will be removed to create the new access into the site.
- 6.51 As shown on the submitted landscape plan, additional landscaping to mitigate the impact of the development is proposed comprising: new hedgerow to be planted where the existing access is to be stopped up; gapping up and maintaining the existing hedgerows along the boundaries of Poors Field to a height of 3 metres; new hedgerow along the sides of the access road into the site; additional tree planting in the southwestern and southeastern corners of the application site as well as along part of the northern boundary, together with a small native species copse approximately 15m by 4m on the southern boundary of the application site; and, planting of a pollen and nectar rich wildflower mix across an area of approximately 2.4ha within the application site. The details of specific species, densities and specifications will be required and can be secured by a planning condition together with the management and maintenance of that landscaping.

Biodiversity

- 6.52 Policy CS17 of the Core Strategy requires development to conserve and enhance biodiversity within West Berkshire and maximise opportunities to achieve net gains in biodiversity.

- 6.53 The Council's Ecologist raised a number of questions in their initial response to the application. Subsequently, the applicant has provided an amended ecological survey report which does not identify any detrimental impact on protected species subject to clearance works being undertaken outside of the bird nesting season (March – August inclusive). The amended ecological survey recommends the laying of hedgerows to enhance the hedgerow habitat by creating a dense lower structure for nesting birds. In addition, the planting of the wildflower pollen and nectar mixture around the solar panel arrays should take place in spring or autumn and the sward left ungrazed during May and June to allow flowers to bloom and set seed. On that basis, together with the proposed landscaping to be planted, the ecological survey considers that the development proposed would provide a net biodiversity gain of 18.01% of habitat units and 14.06% of hedgerow units.
- 6.54 The Council's Ecologist was consulted on the amended Ecological Survey and additional information submitted including an updated Biodiversity Metric Calculator. However, no response was received.
- 6.55 The Berkshire Newt Officer advises that the application site falls within the amber impact risk zone for great crested newts. Based on the ecological information provided, there is a low risk of the proposed works impacting great crested newts and/or their habitats and the nature of the development means that there will be minimal loss of suitable habitat and ecological enhancements will be made within the site following the completion of the works. However, the site is largely described as being used for hay and therefore is likely to provide suitable habitat for much of the year, and there is a pond very near to the site. As such, the Berkshire Newt Officer recommends that reasonable avoidance measures, created by a suitable experienced ecologist, are used to further minimise the risk of impacting great crested newts if they are present. Those details can be adequately secured by planning condition.
- 6.56 It is considered that the applicant has adequately addressed the initial concerns raised by the Ecologist and has demonstrated that the development proposed would conserve and enhance biodiversity within West Berkshire and maximise opportunities to achieve net gains in biodiversity.
- 6.57 Overall, it is considered that the proposed development complies with Policy CS17, subject to applying appropriate conditions to secure provision of the measures detailed in the Ecological Survey and reasonable avoidance measures for great crested newts.

Soils and Agricultural Land Quality

- 6.58 Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system).
- 6.59 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural environment by recognising the economic and other benefits of the BMV agricultural land.
- 6.60 An Agricultural Land Classification Assessment has been submitted which identifies 7ha of Grade 3b land and 2ha of Grade 4 land across the two fields within which the application site is located. Therefore, no BMV land as defined by the NPPF exists within the application site and the development proposed would not result in the loss of over 20ha of BMV to require consultation with Natural England.
- 6.61 Furthermore, the proposed development is unlikely to lead to significant permanent loss of agricultural land, as a resource for future generations. This is because the solar

panels would be secured to the ground by screw fixings with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

6.62 As such, the proposed development is not considered to conflict with paragraph 180 of the NPPF.

7. Planning Balance and Conclusion

7.1 The proposed development is considered to be supported in principle by the NPPF, the overarching aims of the Core Strategy and associated local planning policies. The proposed development would contribute towards addressing the Climate Emergency that the Council has declared, and towards meeting local and national policy on reducing carbon emissions, addressing climate change, and meeting the UK's obligations under the Paris Agreement of 2016.

7.2 Overall, it is considered there are substantial benefits to the proposed development that weigh in favour of granting planning permission.

7.3 The application site is generally well-contained within the landscape, and although there would be landscape and visual impacts, they are not considered significant when weighed against the benefits of the development proposed. The proposed layout has responded positively to the host landscape in terms of using the topography and landscape features to assimilate the development into its setting. Moreover, further mitigation can be secured through conditions. The biodiversity of the site, including trees, can be protected and enhanced as part of the proposals.

7.4 Whilst the development would be visible within the surrounding landscape, no significant issues in relation to historic assets and neighbouring amenity have been identified. The Highway Authority raises no objections to the access or potential impacts on the highway. There are no significant flood risk issues within the application site and conditions can be imposed to secure provision, management, and maintenance of appropriate drainage measures to ensure that the development would not increase flood risk elsewhere.

7.5 Overall, taking into account the main issues identified by this report and having regard to the representations made in response to application consultation, it is concluded that the proposed development complies with national and local planning policy and the benefits of the development outweigh the limited adverse effects. As such, the application is recommended for conditional approval.

8. Full Recommendation

8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

8.2 Conditions pre-commencement conditions were agreed by the applicant on the 10th April 2024.

1. Commencement of development

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Approved plans**

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

- Location Plan, drawing number CALLEVA PL-01 Rev 6 received on 16 February 2024.
- Site Plan, drawing number CALLEVA PL-02 Rev 10 received on 19 March 2024.
- Landscaping Plan, drawing number CALLEVA PL-03 Rev 7 received on 8 February 2024.
- Proposed PV Panel Array and Fence Elevations Plan, drawing number CALLEVA PL-04 Rev 0 received on 5 June 2023.
- Substation Plans and Elevations, drawing number CALLEVA PL-05 Rev 0 received on 5 June 2023.
- Double Leaf Mesh Gates Plan, drawing number 54DLB204G Rev A received on 8 February 2024.
- Entrance Details and Visibility Splay Plan, drawing number 101438/CALLEVA/004/PL06 Rev 2 received on 8 February 2024.
- Temporary Construction Compound Plan, drawing number 101438/CALLEVA/004/PL05 Rev 1 received on 8 February 2024.

Reason: For the avoidance of doubt and in the interest of proper planning

3. **Materials**

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because the materials need to be agreed prior to construction.

4. **Drainage Measures**

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water re-use;
- b) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse or piped system at no greater than 1 in 1 year Greenfield run-off rates;
- c) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Soakage testing shall be undertaken in accordance with BRE365 methodology;
- d) Include run-off calculations based on current rainfall data models (FEH 2013 preferred), discharge rates (based on 1 in 1 year greenfield run-off rates), and

infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;

- e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- f) Ensure permeable paved areas are designed and constructed in accordance with manufacturers guidelines if using a proprietary porous paved block system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3;
- g) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- h) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;
- i) Include details of how surface water will be managed and contained within the site during construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;
- j) Include an Application for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc);

The development shall not start generating electricity until the drainage measures have been completed in accordance with the approved details. Thereafter, the development shall be managed and maintained in accordance with the approved details.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and the Sustainable Drainage Supplementary Planning Document (December 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

5. **Landscaping**

No development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall incorporate the recommendations set out in the Ecology Survey produced by Chris Seabridge and Associates Ltd, dated November 2023 and received on 8 February 2024 and include:

- a) Detailed plans with planting a retention schedules, noting species, plant sizes and proposed numbers/densities.
- b) A programme or work including an implementation programme providing sufficient specifications to ensure successful cultivation of trees, shrub and grass establishment.

All landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first operation of the development (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are

removed, die, or become diseased or become seriously damaged within the lifetime of the development five years of completion of the approved landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Comprehensive landscaping is essential to ensure the development is appropriately assimilated into the environment, and detailed specifications and a programme of works are necessary to ensure proper establishment and maintenance. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD. A pre-condition is required because landscaping is essential to landscape and visual mitigation and so a clear strategy must be agreed before the development is built out.

6. Landscape Maintenance

No development shall take place until a Landscape Maintenance and Management Strategy has been submitted to and approved in writing by the Local Planning Authority. Such a strategy shall detail the maintenance and management of the landscape during the lifetime of the development and incorporate the recommendations set out in the Ecology Survey produced by Chris Seabridge and Associates Ltd, dated November 2023 and received on 8 February 2024. Thereafter the development shall be carried out and operated in accordance with the approved details.

Reason: To ensure that the landscaping remains of a sound quality throughout the lifetime of the solar farm, to the benefit of the character of the area and biodiversity. This condition is imposed in accordance with the National Planning Policy Framework, and Policies ADPP1, ADPP2, CS14, CS17, and CS19 of the West Berkshire Core Strategy (2006-2026).

7. Hard landscaping

The development hereby permitted shall not commence until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths) to be provided as part of the development.

Reason: Hard landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

8. Noise Assessment

No development shall commence until a Noise Assessment and a scheme for protecting existing dwellings in the vicinity from noise generated by the solar farm/inverter/substation has been submitted to and approved by the Local Planning Authority. No electricity shall be generated by the development hereby permitted until the noise mitigation measures identified in the approved Noise Assessment have been fully implemented. The noise mitigation measures shall be retained and maintained thereafter for the lifetime of the development.

Reason: To protect the amenity of nearby residents from unacceptable noise generated by the solar farm. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy

(2006-2026). A pre-commencement condition is necessary as any mitigation measures may need to be implemented during construction of the development.

9. **Dust Mitigation**

No development shall commence until a scheme of works that sets out the measures that will be taken to minimise dust arising from the development has been submitted to and approved in writing by the Local Planning Authority. The approved dust mitigation measures identified in the scheme shall be carried out and maintained during construction and until construction is completed.

Reason: To protect the amenity of neighbouring properties during the construction period. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary as the dust mitigation measures will need to be implemented during construction.

10. **Reasonable Avoidance Measures for GCN**

No site/vegetation clearance or development shall take place until a method statement produced by an experienced and qualified ecologist detailing the reasonable avoidance measures for Great Crested Newt to be undertaken during site clearance and construction has been submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved method statement.

Reason: To prevent harm to a protected species (Great Crested Newt) during construction and vegetation clearance. This condition is applied in accordance with the statutory provisions relating to GCN, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

11. **Restrictions during bird breeding season**

No site/vegetation clearance shall take place during the bird breeding season (March to August inclusive) unless carried out under the supervision of an experienced ecologist, who will check the habitat to be affected for the presence/absence of any birds' nests. If any active nests are found then works with the potential to impact on the nest must temporarily stop, and an appropriate buffer zone shall be established, until the young birds have fledged, and the nest is no longer in use.

Reason: To prevent harm to nesting birds from vegetation clearance. This condition is applied in accordance with the statutory provisions relating to nesting birds, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

12. **Access and visibility splays**

The first development operation shall be the construction of the site access onto Andover Drove in accordance with the approved details. No further development shall take place until the access has been completed in accordance with the approved details, and the visibility splays shown on the Entrance Details and Visibility Splay Plan, drawing number 101438/CALLEVA/004/PL06 Rev 2 received on 8 February 2024, have been provided at the site access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core

Strategy (2006-2026). A pre-condition is necessary because safe access must be maintained from the outset of construction.

13. Lifetime of development

No electricity shall be generated by the development hereby permitted until 14 days prior notice has been submitted to the Local Planning Authority in writing. The development hereby permitted shall be removed in its entirety and the land restored to its former condition within 30 years and six months of the date that electricity was first generated by the development, or within six months of the development failing to generate electricity for 12 consecutive months, whichever occurs first. The land shall be restored to its former condition to enable it to revert to agricultural use in accordance with a scheme of decommissioning work and land restoration that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the land is restored to its original undeveloped condition following the expiry period or once the development fails to generate electricity, in the interests of protecting the amenity of the open countryside. This condition is imposed in accordance with the National Planning Policy Framework, and Policies ADPP1, ADPP2, CS10, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

14. Decommissioning removal of operational development

As part of the decommissioning process required by Condition 13, all operational development in, on, over or under the land enclosed by the red line on the Location Plan associated with the development hereby permitted shall be completely removed from the application site within 30 years and six months of the date that electricity was first generated by the development, or within six months of development failing to generate electricity for 12 consecutive months, whichever occurs first.

Reason: To ensure that the land is restored to its original undeveloped condition following the expiry period or once the development fails to generate electricity, in the interests of protecting the amenity of the open countryside. This condition is imposed in accordance with the National Planning Policy Framework, and Policies ADPP1, ADPP2, CS10, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026).

15. Hours of work

No demolition or construction works including works of preparation prior to building operations, shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

16. Tree protection

All tree protective fencing and ground protection shall be erected and installed in accordance with the Arboricultural Impact Assessment produced by Chris Seabridge and Associates Ltd, dated November 2023 and received on 8 February 2024. The protective fencing shall be implemented and retained intact for the duration of the development, unless otherwise agreed in writing by the Local Planning Authority. Within the fenced areas, there shall be no excavations, storage or mixing of materials, storage of machinery, parking of vehicles or fires.

Reason: Required to safeguard and to enhance the setting within the immediate locality to ensure the protection and retention of existing trees and natural features

during the construction phase in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

17. Construction Traffic Management Plan (CTMP)

The development shall be carried out in accordance with the approved Construction Traffic Management Plan Revision C dated February 2024 and Temporary Construction Compound Plan, drawing number 101438/CALLEVA/004/PL05 Rev 1 received on 8 February 2024.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

18. External Lighting

No external lighting shall be installed within the application site until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that levels are appropriately designed. No external lighting shall be installed anywhere within the application site except in accordance with the above strategy.

Reason: To ensure that external lighting does not harm the character and appearance of the area, neighbouring amenity or biodiversity. This condition is applied in accordance with the National Planning Policy Framework and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

Informatives

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. The Asset Management team, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD, or highwaysassetmanagement@westberks.gov.uk should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.
3. The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge arising during building operations.
4. The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
5. Any temporary signing affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.

6. Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.
7. This decision notice contains pre-conditions that impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.
8. Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.