

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(2)	13/03187/COMIND Wokefield	24 March 2014	Change of use from agriculture to a mixed use comprising agriculture and use for the installation and operation of 6552 photovoltaic modules (Sui Generis), for a temporary period of 25 years. Thereafter, the restoration of the land to solely agricultural use.  Land north of Goring Lane, Grazeley Andrew Wickens

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/03187/COMIND>

**Recommendation Summary:** To **DELEGATE** to the Head of Planning and Countryside to **GRANT PLANNING PERMISSION**

**Ward Member(s):** Councillor Mollie Lock  
Councillor Geoff Mayes

**Reason for Committee determination:** Call-in by Councillor Mayes

**Committee Site Visit:** 5 March 2014

#### Contact Officer Details

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## 1. PLANNING HISTORY

- 1.1 There is no planning history on record prior to 2012. The following applications on the site all relate to the development hereby proposed.

**12/03017/SCREEN** EIA screening opinion for solar farm. EIA not required, 07/01/2013.

**13/01675/COMIND** Construction of Solar PV Farm and associated equipment on existing farm fields. Returned as invalid, 25/09/2013.

*This application was made invalid because the red line application site included land under the ownership of the Council (the narrow strips of woodland along the southern and western boundaries). The requisite notice had not been served on the landowner and the ownership certificates completed accordingly.*

*A committee site visit was undertaken on 16/09/2013 prior to the application being made invalid.*

**13/02417/COMIND** Construction of Solar PV Farm and associated equipment on existing farm fields. Withdrawn, 19/12/2013.

*This application was withdrawn because the narrow strips of woodland along the southern and western boundaries were identified as being designated village greens. The creation of the new access, or works to the existing access, could not be undertaken without the appropriate consent.*

## 2. PUBLICITY

- 2.1 The Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO) requires in the case of an application for planning permission for major development, the application shall be publicised by giving requisite notice:

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or by serving the notice on any adjoining owner or occupier; and
- (b) by publication of the notice in a newspaper circulating in the locality.

- 2.2 Two site notices were displayed at the application site on 27/01/2014 (one at the existing access onto Goring Lane, one at the proposed access onto Palmer's Lane to the north) to expire on 17/02/2014. Neighbour notification letters have been sent to ten properties in close proximity to the site. The application was also listed in a public notice in the Reading Chronicle and Newbury Weekly News on 23/01/2014. The authority has therefore discharged and exceeded the duty to publicise applications in accordance with the DMPO.

### **3. CONSULTATIONS AND REPRESENTATIONS**

#### **3.1 Consultations**

**Wokefield Parish  
Council:**

Objection. The Council, although sympathetic to the wishes of the applicant to capitalise on the use of his land, feels that it must reiterate the comments made on previous applications.

1. Wokefield is a rural parish in a designated non settlement area designed to avoid major new development such as the solar farm.
2. If consent were to be granted it would set a major precedent in using farm land rather than a brownfield site. We understand that the only other solar farm in West Berks is on a brownfield site.
3. The Council has concerns over classification of the land at the end of the 25 year life span if consent is granted. If it was not a planning condition to return the land to agriculture, it might be deemed to be brownfield and capable of further unwelcome development.
4. The Council has been informed that although a contract is not in place, the entire output from the solar farm is to be supplied to AWE Burghfield. Thus the parish derives no benefit from the development but stands to lose an attractive part of its rural landscape.
5. The proposed new access is off a narrow lane close to a sharp corner over land that frequently floods.

**Access:**

No response.

**Archaeology:**

As per the two previous applications put in for the farm (13/01675/COMIN & 13/02417/COMIND) there is still some concern regarding the potential impact on the historic landscape of the development area. This is classified as being pre-18th century irregular fields, and while this is briefly mentioned in the Landscape and Visual Assessment Report, I feel that more consideration should be given to the potential archaeology of the site. My suggestion would be to carry out a geophysical survey of the area in order to ascertain the potential for archaeological features.

Subsequent memo

The application to construct a Solar PV farm and associated equipment is of some archaeological interest. The proposed area of development has been classified by Historic Landscape Characterisation as being pre-18th century irregular fields, and is also adjacent to the site of several historic farmsteads. As such, the area could potentially contain evidence of historic land-use and agricultural practices that could contribute to our knowledge of how the landscape has been utilised in the past. There have also been Late Prehistoric and Roman remains uncovered in the

vicinity that further highlight the potential of the development area to contain archaeological deposits.

I would suggest that the applicant(s) be asked to commission a programme of archaeological evaluation through geophysical survey in order to assess the potential of archaeological remains in the development area, This should be secured by applying a condition to any approval granted

**AWE:**

1. The developer has had discussions with AWE about “selling” the power to AWE. There is, however, no contract in place between the developer and AWE for the purchase of the power or in the promotion of this scheme;
2. AWE is not able to construct a solar farm on land within MoD ownership due to the presence of the explosives safe guarding zone; and
3. If planning consent is granted then AWE may have further discussions with the developer and may enter into an agreement but at this stage I can confirm we have made no commitment either way.

**Conservation:**

It is noted that previous applications have been submitted in respect of a proposed solar PV Farm on this site, including applications 12/03017/SCREEN, 13/01675/COMIND and 13/02417/COMIND, on which no building issues were raised. It is however clear that no designated or undesignated above ground heritage assets are directly affected by the proposals. Designated assets include listed buildings, conservation areas, designated parks and gardens and scheduled monuments.

The main impact of the proposals will be in visual/landscape terms, but as the site and surroundings are relatively flat, and because the site is relatively well screened (which screening could be enhanced), this impact will be fairly limited from public viewpoints (although it is noted that there are public rights of way adjoining and close to the site). More distant views are also thought to be limited.

Unless the Case Officer has particular concerns therefore, and notwithstanding that there may be other Development Control Case Officer considerations to take into account, the proposals are not considered to present any strictly building conservation issues.

**Drainage:**

No fundamental objections to the revised access location. However, negotiations over details are ongoing and will therefore be reported in full in the Update Report to committee.

**Ecology:**

No objection.

**Emergency Planning:**

I have had an opportunity to review this application and would

make the following comments with respect to its proximity to AWE Burghfield. The proposal is within the Detailed Emergency Planning Zone of the AWE Burghfield site. As a result I have reviewed the application having regard to the impact on the AWE Off-Site Emergency Plan. Based on this review I have no adverse comments to make. I would however request that a condition is added should the proposal be approved. I would also advise that AWE is consulted in order to check whether the proposal would affect their site.

**Environment Agency:** The proposed development is located in Flood Zone 1 (low probability) based on our Flood Zone map. Whilst development may be appropriate in Flood Zone 1, paragraph 103 (footnote 20) of National Planning Policy Framework (NPPF) sets out a Flood Risk Assessment should be submitted for all developments over one hectare in size. We note that an FRA has been submitted in support of the proposed development.

The West Thames Area (Environment Agency South East) is operating a risk based approach to planning consultations. As the site lies in Flood Zone 1 and is between 1 and 5 hectares we do not intend to make a bespoke response to the proposed development. The following standing advice is provided as a substantive response to you. If this advice is used to refuse a planning application, we would be prepared to support you at any subsequent appeal.

In order for the development to be acceptable in flood risk terms we would advise the following:

#### Surface Water Flooding:

Our flood risk standing advice ([http://www.environment-agency.gov.uk/static/documents/Utility/FRSA\\_LPA\\_v\\_3.1.pdf](http://www.environment-agency.gov.uk/static/documents/Utility/FRSA_LPA_v_3.1.pdf)) contains guidance on what FRAs need to include. Key points for developments in Flood Zone 1 (cell F5) are:

- Surface water runoff should not increase flood risk to the development or third parties. This should be done by using Sustainable Drainage Systems (SuDS) to attenuate to at least pre-development runoff rates and volumes or where possible achieving betterment in the surface water runoff regime. (The applicant should contact Local Authority Drainage Departments where relevant for information on surface water flooding.)
- An allowance for climate change needs to be incorporated, which means adding an extra amount to peak rainfall (20% for commercial development, 30% for residential). See Table 5 of Technical Guidance for NPPF.
- The residual risk of flooding needs to be addressed should any drainage features fail or if they are subjected to an extreme flood event. Overland flow routes should not put

people and property at unacceptable risk. This could include measures to manage residual risk such as raising ground or floor levels where appropriate.

We trust the standing advice in this letter will assist you in reviewing the flood risk matters of the proposed development and in determining the planning application. We recommend that you liaise with your Land Drainage Engineer in consideration of the above.

**Environmental Health:** No comment.

**Highways:** There have been extensive pre-application discussions to determine the proposed site access and attributes. The full planning consultation period has also involved discussions and the highways issues have now been resolved sufficiently to recommend approval.

Access visibility

It appeared the position of the access had changed since the pre-app submissions, as the Anesco drawing no.0237\_09 rev.E showed the splay distance to the west as approximately 40m (to the nearside kerb edge), whereas according to the Infrastruct drawing no.13-1323-01 Rev P01 the same X distance was 8M shorter. As the proposed Y-distance is relatively short it was critical the previously agreed 40m was achieved.

There are several large trees to the west of the access, south of the 32m splay area. Consequently, an amended visibility splay was submitted showing the correct visibility splay requirements. Refer to drawing number 13-13232-01 Rev P02.

Access surfacing construction

According to drawing no.00237\_14 the access track would be constructed of 200mm Type 1. However, whilst this is acceptable within the site itself (i.e. beyond the fence line), a bonded surface (on completion of the works) is required adjacent Palmers Lane. The reason for this requirement is to prevent the migration of loose material onto the lane, in the interests of road safety. Mindful of the temporary HGV traffic and to avoid re-surfacing the access on completion of the works, I suggest a concrete, rather than tarmac, construction.

Hence, an amended drawing description to reflect either a concrete construction prior to construction or a tarmac surface on completion of the works will be required in due course but for the purposes of planning approval this issue can be conditioned.

Parking and turning

It appeared from drawing no.00237\_04 rev.G that there may have been insufficient clearance to allow the maintenance van to turn on site, as the gates were not shown to open fully. Although the

van will only visit occasionally, a turning area must be provided to ensure the vehicle does not have to reverse onto Palmers Lane. Consequently, drawing number 00237\_14 Rev.B was submitted that shows a satisfactory parking and turning area (on completion of the works).

#### Construction Statement

A Construction Method Statement (CMS) is necessary. The CMS must include reference to the banksman, wheel washing, haul route from the south via Goring Lane, temporary parking and turning, etc.

**Minerals & Waste:** No response.

**MOD:** No safeguarding objections.

**Police:** No response.

**Ramblers:** No response.

**Rights of Way:** No response.

**Thames Water:** No objections.

**Trees:** The plan provided (00237\_04 rev G) has identified the trees at the site as indicative circles only and provided some information on trees and tree protection, in the form of the planning and design and access statement and the landscape & visual Impact assessment; these were used along with the plan to determine the impact during my site visit.

The trees and hedges at the site are located around the boundary of the 2 fields, therefore the new solar panels will not have a direct impact on trees, the hedges around the outside are very overgrown with a mix of specimen trees and smaller trees like willow and alder, and would warrant some general maintenance and clearance works and improvement of the screen could be in the form of additional landscaping to infill the gaps and introduce some more evergreen species to improve the screening value in the winter months.

The plan has indicated some tree protection for the trees within the middle of the site and the new access, and whilst there is no direct impact on the trees, I would like to see the movement of machinery and equipment around the site limited to areas away from trees, and with the erection of the perimeter fence first, which was previously agreed this would be used as tree protection for the boundary vegetation, so the site would appear to have adequate protection for the trees to be retained, but this should be on a specific plan and cover the entrance trees.

The new access to the site (Plan 00237.14 Rev A) will require the

removal of 13 trees, they form part of a small copse boundary to the fields beyond, and the trees are not considered to be in the best of condition with a number of already fallen over, this location was chosen along the road as it has the fewest trees and space to provide replacement planting once the construction access has been used.

The application has been supported by a landscaping plan, this proposes to replant part of the access lost for the widening of the entrance and provide additional boundary landscaping in the form of hedging plants, with a good mix of native and some evergreen plants to provide winter cover, its is also proposed to sow a wild flower meadow in the fields to increase the biodiversity, and overall the landscaping proposed is acceptable.

I don't have any major objection to the applications as the impact to the trees has been fully assessed, and the loss of trees for the entrance can be mitigated with new landscaping, and the additional landscaping proposed will reduce the visual impact and is considered acceptable, although unlike the previous application 13/02417/COMIND, there are no specific plans to cover the tree protection, as the entrance details on how the trees will be protected have been provided, and the landscaping for the site doesn't cover the access, and needs to be more specific.

**WB Spokes:** No response.

**Wokingham Borough Council:** No response.

### 3.3 Representations

Total: 2                      Object: 2                      Support: 0

#### Summary of comments:

- Site not designated for development
- Support green energy, but not in the countryside
- Brownfield sites should be used for green energy
- Render the site viable for future redevelopment
- Question the use and status of land following development
- Loss of green space, rural identity and resources
- Visual impact
- Not in keeping with rural character of the area
- Importance of additional planting
- Flood risk
- Historical flooding at the site and Palmer's Lane
- Rolled surface during construction would increase run-off



## **4. PLANNING POLICY**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan comprises:
- The West Berkshire Core Strategy (2006-2026)
  - The West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
  - The Replacement Minerals Local Plan for Berkshire (2001)
  - The Waste Local Plan for Berkshire (1998)
- 4.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012)
  - The Ministerial Statement Planning for Growth (23 March 2011)
  - Manual for Streets
- 4.3 The West Berkshire Core Strategy was adopted on 16 July 2012 and carries full weight in decision-making as a Development Plan document adopted since the publication of the Framework. The following policies from the Core Strategy are relevant to this application:
- NPPF Policy
  - ADPP1: Spatial Strategy
  - ADPP6: The East Kennet Valley
  - CS5: Infrastructure Requirements and Delivery
  - CS8: Nuclear Installations AWE Aldermaston and Burghfield
  - CS10: Rural Economy
  - CS13: Transport
  - CS14: Design Principles
  - CS15: Sustainable Construction and Energy Efficiency
  - CS16: Flooding
  - CS17: Biodiversity and Geodiversity
  - CS18: Green Infrastructure
  - CS19: Historic Environment and Landscape Character
- 4.4 The saved policies of the West Berkshire District Local Plan carry due weight according to their degree of conformity with the Framework. The following saved policies from the Local Plan are relevant to this application:
- OVS.5: Environmental Nuisance and Pollution Control
  - OVS.6: Noise Pollution
  - ENV.16: Farm Diversification
  - TRANS.1: Meeting the Transport Needs of New Development

## **5. DESCRIPTION OF DEVELOPMENT**

- 5.1 This application seeks full planning permission for the construction of a solar PV farm and associated equipment on existing farm field north of Goring Lane, Grazeley. The development comprises 6552 panels laid out in rows across two connected fields. The panels measure 2.3 metres in height, are set at a 20° angle, and are to be screwed into the ground. The approximate total installed capacity of the system depends on the precise modules used, but would be around 1.6 Megawatts.

- 5.2 There is an existing vehicular access to the site from Goring Lane through a gap between the existing trees and hedgerow. However, given the village green status of this land, it is also proposed to construct a new site access off Palmer's Lane on then northern boundary of the site.
- 5.3 Ancillary development includes an intake station, switchgear, collector, transformer and meter cabinet. The whole of the development would be enclosed by 2 metre high deer fencing.
- 5.4 The application site measures 4 hectares and has an agricultural use. The site is located in open countryside within the East Kennet Valley, as defined by the Core Strategy. It is within Flood Zone 1 (low probability). The site is not located in any special landscape designation or conservation area.
- 5.5 The application has been considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, a formal screening opinion has been given by the local planning authority prior to the submission of the application (reference 12/03017/SCREEN). A further updated screening opinion was issued on 24/01/2014. Having regard to the nature and scale of the proposal, the screening opinions concluded that EIA is not required.

## **6. APPRAISAL**

The main issues for consideration in the determination of this application are:

- |                                      |  |
|--------------------------------------|--|
| ▪ Principle of the development       | ▪ Neighbouring amenity                             |
| ▪ Sustainable pattern of development | ▪ Flood risk and drainage                          |
| ▪ Use of greenfield land             | ▪ Land contamination                               |
| ▪ Impact on agricultural land        | ▪ Ecological impacts and biodiversity enhancements |
| ▪ Farm diversification               | ▪ Tree protection                                  |
| ▪ Use class and status of land       | ▪ Historic environment                             |
| ▪ Landscape impact                   | ▪ Precedent  |
| ▪ Transport and highways impacts     |  |

### **6.1 Principle of the development**

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.1.2 The application site is located in open countryside within the East Kennet Valley Spatial Area, as defined by the Spatial Strategy of the Core Strategy. In accordance with Core Strategy Policy ADPP1, only appropriate limited development should be permitted in this location. A generally restrictive approach is taken to development in the countryside, consistent with national and local planning policies of sustainability and countryside protection.

- 6.1.3 West Berkshire Council has not identified suitable areas for renewable and low carbon energy in plans at the current time. According to the Core Strategy, progress on the implementation of decentralised renewable energy will need to be investigated through a future Local Plan Document, which will highlight the potential in West Berkshire for commercial scale renewable energy. 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.
- 6.1.4 Other than these broad principles, there are no Development Plan policies which are considered to specifically relate to, or preclude, the development in principle. Where the Development Plan is absent, silent or relevant policies are out-of-date, the Framework's presumption in favour of sustainable development takes precedent. For decision making, this presumption means planning permission should be granted unless:
- any adverse impacts on doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted, including sites protected under the Birds and Habitats Directive, Sites of Special Scientific Interest, Local Green Space, AONB, designated heritage assets, and locations at risk of flooding.
- 6.1.5 The National Planning Policy Framework and Core Strategy are both generally supportive of low carbon energy in order to mitigate the effects of climate change. One of its core planning principles is to "support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)".
- 6.1.6 With respect to energy development, Paragraph 98 of the Framework advises local planning authorities to approve applications for renewable and low carbon energy (unless material considerations indicate otherwise) if the impacts are, or can be made, acceptable. Paragraph 98 of the Framework also states that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 6.1.7 The acceptability of the proposal must therefore be considered in accordance with the presumption in favour of sustainable development. The development is considered acceptable unless there are significant adverse impacts or specific policies which indicate permission should be refused.

## **6.2 Sustainable pattern of development**

- 6.2.1 One of the core planning principles of the Framework is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus sustainable development in locations which are or can be made sustainable. Core Strategy Policy ADPP1 states that development in West Berkshire will follow the existing settlement pattern and comply with its spatial

strategy. Accordingly, West Berkshire's main urban areas (Newbury, Thatcham, Eastern Urban Area of Reading) will be the focus for most development.

- 6.2.2 In terms of sustainability, the relatively remote location of the application site is not considered to be of significant detriment to the proposal. This is because the equipment requires very little long-term maintenance, and is not required to be manned on a daily basis. Occasionally maintenance would be required, but this would not involve significant vehicle movements (either in terms of total number or character of traffic). As such, there is unlikely to be many vehicle movements to and from the site. Given the scale of renewable energy production, the net effect on the environment is very likely to be positive in the long-term.

### **6.3 Use of greenfield land**

- 6.3.1 One of the core planning principles of the Framework is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), providing it is not of high environmental value. Core Strategy Policy ADPP1 states that the majority of development will take place on previously developed land.
- 6.3.2 However, it must be noted that the development of greenfield land is not specifically precluded in principle, and there is no sequential test required by planning policy for such renewable development. The policy of commercial renewable energy is set out in Paragraphs 6.1.3, 6.1.5 and 6.1.6. For these reasons, the use of greenfield land cannot be the sole reason for refusing planning permission without identifying clear and demonstrable harm in accordance with the presumption in favour of sustainable development. However, it may detract from the strength of the weight afforded to the positive planning policy approach to the development in principle.
- 6.3.3 It has been suggested by third parties that such renewable energy development that is intended to serve the adjacent AWE Burghfield site should be provided on brownfield land within that site before the use of greenfield land is considered. Such an approach would be consistent with planning policy; however, it has been confirmed by AWE that such development cannot take place within the site due to the presence of an explosives safeguarding zone. It is also important to stress that this development would be undertaken by an applicant independent to AWE, and that it is understood that no formal legal agreement currently exists between the two parties. In these circumstances, the proposal must be regarded as an independent commercial development.
- 6.3.4 The use and future status of the land is discussed in Section 6.6.

### **6.4 Impacts on agricultural land**

- 6.4.1 The application site is presently a field with an agricultural use. The proposed development would prevent any viable agricultural use taking place, albeit that the development is reversible. Paragraph 112 of the Framework states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. According to the Council's records, it appears that the majority of the site comprises Grade 4 agricultural land, except for the south-eastern corner which is classified as Grade 3.

- 6.4.2 In terms of whether the “significant development of agricultural land is demonstrated to be necessary”, Paragraph 98 of the Framework states “*when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.*” It is therefore considered that such renewable energy proposals must be regarded as necessary.
- 6.4.3 According to the Framework, the best and most versatile agricultural land is in grades 1, 2 and 3a of the Agricultural Land Classification. It is considered that there would therefore be no policy objection to the development of the majority of the site. The loss of the higher grade corner weighs against the proposal. However, given its relatively small area it is considered that only limited weight should be given to this loss.
- 6.4.4 The proposal would result in a material new use of the land in addition to agriculture. However, it is considered that it would also retain the existing agricultural use for the duration of the development. This is addressed in detail in Section 6.6. Overall, it is considered that the impact on the existing agricultural land is acceptable, having regard to the Framework.

## **6.5 Farm diversification**

- 6.5.1 Core Strategy Policy CS10 states 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.
- 6.5.2 The applicant has advised that the Wickens Family has been farming the land for over 60 years, now into the third generation. They currently have an estate of 178 acres (72 hectares), of which most is used for grazing cattle for the dairy business. They have some 400 cattle producing around 1.3m litres per year. It is asserted that the proposed development takes only a small amount of the land they own, and it is intended to use the fixed income from the development to ensure that despite the fluctuating milk prices they can continue to operate as a dairy farm. It is further submitted that the proposed land cannot be used for grazing the herd due to the busy roads between the farm and the land, but that the family will continue to take silage from the field and use it to feed the cows in the winter months.
- 6.5.3 Local Plan Policy ENV.16 states development which forms part of a farm diversification scheme will be permitted provided:
- (a) it benefits the economy of the rural area of which it is a part; and
  - (b) the buildings are appropriate in scale, form, impact, character and siting to their rural location. Wherever possible new or replacement buildings should be located within or adjoining an existing group of buildings; and
  - (c) the proposed scheme maintains or enhances the landscape character of the site and its rural surroundings; and
  - (d) it does not generate traffic of a type or amount inappropriate for the rural roads affected by the proposal or require improvements to these roads which could be detrimental to their character; and
  - (e) it would not cause unacceptable levels of disturbance, nuisance or environmental harm to nearby properties or other adjacent land uses by noise, smell, dust, pollution or operations at unreasonable hours; and

(f) it would not cause demonstrable harm to existing nature conservation sites and or important habitat areas.

- 6.5.4 It is considered that a steady income stream to the farm enterprise constitutes a benefit to the economy of the rural area. Whilst the energy generated may possibly be used by AWE Burghfield (unconfirmed), the Local Planning Authority should not questions the need for such development in accordance with the Framework. The proposal is considered to comply with Criterion (a).
- 6.5.5 In terms of Criteria (b) and (c), photovoltaic modules may be considered to have a jarring visual impact with the rural character of the countryside. For the reasons detailed in Section 6.7, it is considered that the landscape and visual impact is acceptable in this instance. Policy ENV.16 was created at a time before such commercial scale photovoltaic development, and therefore greater weight should be given to the up-to-date Framework policies in this respect.
- 6.5.6 Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans [adopted prior to the publication of the Framework] according to their degree of conformity with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 6.5.7 The policy of the Framework is clear, as set out above, and it generally enables the development of renewable energy in open countryside provided there are no clear and demonstrable impacts. As such, solely in relation to solar energy development, the Local Plan Policy may be considered out-of-date, particularly in relation to criterion (b) because it is considered that government policy is such that solar panels may not necessarily be regarded as out of character to rural landscapes in principle.
- 6.5.8 No significant issues have been identified in terms of (d), (e) or (f), that cannot be overcome through the proper management of the development by way of conditions.
- 6.5.9 For the above reasons, it is considered that the proposal constitutes an appropriate farm diversification scheme that would comply with Core Strategy Policy CS10 and Local Plan Policy ENV.16, particularly when balanced against up-to-date planning policy. Whilst any positive contribution to farm diversification may way in favour of the proposal, it should be noted that the principle of renewable energy development in this location does not rely of being a form of farm diversification.

## **6.6 Use class and status of land**

- 6.6.1 The use and status of the land as a result of the proposed development are considered critical to the acceptability of the proposal in terms of the longer-term impact of the development on land within open countryside. It is considered essential that the development of a solar farm should not enable the land to be used for other purposes in the future that are inappropriate for the remote location and rural character. The Parish Council is also understandably concerned about this matter. Legal advice has therefore been obtained on this issue.

- 6.6.2 The first issue is what the development means in land use terms. The application site is currently agricultural. It can therefore be used for a variety of commercial agricultural purposes, and benefits from extensive permitted development rights (Part 6 of the Town and Country Planning (General Permitted Development) Order 1995) for buildings and other development that are “reasonably necessary” for the purposes of agriculture. The existing agricultural land is also classified as greenfield land, and thereby subject to greater protection from most forms of development.
- 6.6.3 In addition to the operational development involved in constructing a solar farm, the proposed development also constitutes a material change of use of the land from agriculture to a mixed use comprising agriculture and the use for the installation and operation of 6552 photovoltaic modules. The latter use is considered *Sui Generis* (legal term meaning “of its own kind/unique in its characteristics”) as it does not comfortably fall within any of the Classes or the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 6.6.4 Critically, it is considered that the existing agricultural use would be retained (hence the mixed-use). The range of agricultural purposes the land could be put to would clearly be substantially curtailed with the installation of the solar farm, but there would remain a limited number of commercial agricultural activities that could take place, including the grazing of certain livestock (e.g. sheep), or for certain arable purposes. The applicant has advised their intention is that the grass will be cut and used for silage to feed the dairy cattle associated with Pierces Farm
- 6.6.5 According to the definitions in Section 336 (Interpretation) of the Town and Country Planning Act 1990, “agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;
- 6.6.6 The second issue is the greenfield/brownfield status of the land as a result of the development. It is considered that the development is only acceptable if the land would continue to be classified as greenfield.
- 6.6.7 The Framework defines previously developed (brownfield) land as (emphasis added): *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”*
- 6.6.8 The definition does not refer directly to the status of land upon which a solar farm has been constructed; a reasonable interpretation is therefore required. In this

instance, the critical determinative factors is that previously developed land has been occupied by a permanent structure. Whilst the proposed development would be on the land for a long-term period of time (25 years), it still remains *temporary*. It has been confirmed that all operational development (in, on, over or under the land) will be completely removed from the land as part of the end-restoration process. This can be controlled by condition, and would thereby ensure no structures hereby permitted would become permanent.

- 6.6.9 It is also notable that “*land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures*” is not classified as previously developed. Whilst solar farms are not referred to, a direct comparison can be made to this development. It is proposed to apply a condition that requires the decommissioning of the development and the restoration of the land to agriculture in accordance with a pre-approved restoration plan, after the lifetime of the development, or within six months of the development failing to generate electricity for 12 consecutive months.
- 6.6.10 The application description has also been amended at the request of planning officers to include the change of use, temporary nature of the proposal, and the final restoration back to agriculture. This further underlines the fact that the restoration is a fundamental part of the proposal.
- 6.6.11 It is considered that, with the change of description and the proposed conditions, the development could not be construed as rendering the land previously developed in the future based on the current definitions.

## **6.7 Landscape impact**

- 6.7.1 Recognising the intrinsic character and beauty of the countryside is one of the core planning principles of the Framework. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Core Strategy Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area.
- 6.7.2 In accordance with Core Strategy Policy CS19, particular regard should also 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.
- 6.7.3 The application has been accompanied by a Landscape and Visual Impact Assessment, prepared by Swan Paul Partnership Ltd. The assessment covered publicly accessible viewpoints within a 5km radius. It concluded that “broken and glimpsed views are only available from locations immediately adjacent to the site and that there are no locations that give a more distance view of it, even from higher ground to the south.”
- 6.7.4 It is considered that the character of the application site will be fundamentally changed for the duration of the development by its substantial coverage by the solar array. This will have a high-order landscape impact within the site itself. It is considered that the character and appearance of solar array equipment can



potentially have an adverse landscape impact within a rural area where it may have a jarring visual effect against the natural setting. It is therefore important that a site is capable of accommodating this visual impact without significant effects.

- 6.7.5 However, it is considered that the magnitude of the impact will be significantly less from the areas surrounding the site and the public viewpoints. The site is bordered on all sides by a line of trees and other vegetation. These trees generally provide a good level of natural screening between the application site and the surrounding public highway.
- 6.7.6 The southern boundary with Goring Lane is the boundary with the weakest level of existing natural screening, in that views into the application site are possible across its length. However, the screening provided by the trees and vegetation is sufficient to limit views to glimpses which are well broken up by the intervening vegetation. There is a clear, albeit narrow, open view direct into the site at the existing access, but this will be untouched by the development and is only a narrow opening.
- 6.7.7 There is a private driveway that joins Goring Lane opposite the existing access, but otherwise public views into the site from Goring Lane are likely to be from passers-by. Goring Lane is not frequented by pedestrians and there is no separate footway by the carriageway. As such, views into the site will predominantly be passing glimpses by drivers. When approaching the site along Goring Lane from both the east and the west, there is a very good level of dense natural screening on each respective corner which completely hides views into the site until passing alongside.
- 6.7.8 There is a public right of way that runs along the eastern boundary of the site from Goring Lane, through the adjacent agricultural field north to Palmer's Lane. There is a very good level of natural screening provided by the dense line of trees and hedgerow along the majority of this boundary. There is one point along this boundary where the vegetation thins enough to see the application site, but this is for a narrow stretch and the view is still very well broken up by the trees and hedgerow.
- 6.7.9 The western boundary and the majority of the northern boundary adjoin Palmer's Lane. Throughout its length, the level of natural screening is again very good with the site generally completely hidden by the vegetation. There are only a few small areas where there are open views into the site. These are still heavily obscured through the vegetation, especially in summer months. In winter months there is notably reduced coverage, albeit still substantial. The remainder of the northern boundary (to the east beyond Palmer's Lane) comprises dense woodland with no views into the site.
- 6.7.10 The conclusions of the submitted assessment, that broken and glimpsed views are only available from locations immediately adjacent to the site, are therefore accepted. The natural screening of the site itself, combined with the generally enclosed and intimate character of the surrounding area, is considered to limit the landscape impact of the proposal.
- 6.7.11 The proposed access onto Palmer's Lane would necessitate the loss of the existing vegetation, but it is considered that replacement planting could be positioned in a way to satisfactorily obscure views into the site and therefore mitigate this potential

impact. This could be secured by a condition requiring the pre-approval of a landscaping scheme before the new access is constructed.

- 6.7.12 The application includes proposals for supplementary planting within the western, southern and eastern boundaries, comprising holly, hawthorn, goat willow and guelder rose. It is considered that this additional planting would provide additional low-level screening which would further mitigate the visual impact of the development, particularly where natural screening has been identified as being reduced. It is considered that additional landscaping information is required to ensure that appropriate coverage of planting is achieved, including along the northern boundary. However, officers are satisfied that this could be adequately dealt with by condition.
- 6.7.13 Overall, it is considered that the level of natural screening reduces the sensitivity of the site to the change in character it would experience as a result of the development. In comparison to many other possible sites within the district, it is considered that the well-enclosed nature of this particular site is such that it can accommodate the development without having a significant wider impact on the local landscape character.
- 6.7.14 In this respect, it is also considered that the location, scale and design of the development are appropriate in the context of the settlement form, pattern and character. It is therefore considered that the proposal complies with Policy CS19.

## **6.8 Transport and highway impacts**

- 6.8.1 Road safety in West Berkshire is a key consideration for all development. In accordance with Core Strategy Policy CS13, all development is required to show how it promotes safer and healthy travel. There have been extensive pre-application discussions to determine the proposed site access and attributes. The full planning consultation period has also involved discussions and the highways issues have now been resolved sufficiently to recommend approval. The highways officer's full response is provided in Section 3.1.
- 6.8.2 The main highways impact would be during the construction phase when the solar panels are transported to the site. Following the issues with the previously proposed accesses on the southern and western boundaries, it is now proposed to use a new vehicular access off Palmer's Lane, on the northern boundary of the site. This is the only option for creating an access without affecting the designated village green that comprises the southern and western boundaries.
- 6.8.3 It is recognised that the location of the proposed access is between two sharp turns on Palmer's Lane. As such, the detail of the proposed access has been subject to comprehensive pre-application discussions between the applicant, highways officers and the tree officer. Highway officers are satisfied with the latest plans for the access in terms of highway safety. Conditions are recommended to ensure that the new access is completed before any other development takes place, including the provision of acceptable visibility splays. Mitigation landscaping along the northern boundary will be controlled by a landscaping condition.
- 6.8.4 The highway works to form the access, and to construct the underground trench for the connection cable to AWE, will require a Section 278 agreement. This enables

the Council to undertake the work of behalf of the applicant and receive the necessary funding, or permits the applicant to undertake the works themselves. This agreement can be completed following the grant of planning permission. For the purposes of the planning permission it would only be necessary to impose a condition that the new access be completed before any further development takes place. This is to ensure that vehicles accessing the site do not compromise highway safety.

- 6.8.5 It has been indicated that wheel washing facilities would be provided during construction. It has also been stated that a road sweeping company would be employed as required. This is considered necessary because the vehicles will be crossing the agricultural field and mud and loose material on the public highway would have an unacceptable impact on highway safety.
- 6.8.6 It is considered that all of these matters, as well as appropriate on-site parking for contractors, could be satisfactorily agreed and secured by a condition requiring the pre-approval of a construction method statement. It has been stated that only small vans would use the new access onto Palmer's Lane for maintenance purposes. Drawings of visibility splays have been submitted for both accesses (before and after construction phase).
- 6.8.7 Overall, it is considered that the impact on the local roads and highway safety would be acceptable subject to conditions.

## **6.9 Neighbouring amenity**

- 6.9.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the Framework. Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire. The nature of the proposal is such that it does not raise any concerns with neighbouring light, privacy or any overbearing impact. However, potential noise and disturbance from the equipment is a material consideration.
- 6.9.2 The noise impact from the equipment is small, and significantly below a level which is considered likely to result in harm to neighbouring amenity, or the amenity of other countryside users. Accordingly, Environmental Health has made no adverse comments.

## **6.10 Flood risk and drainage**

- 6.10.1 The Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS16 (Flooding) strictly applies a sequential approach across the district. The application site is located in the Environment Agency's Flood Zone 1, which has the lowest probability of flood risk. However, given the size of the site, the application has been accompanied by a Flood Risk Assessment.
- 6.10.2 The Environment Agency has provided a high level response to the application and provided standing advice on surface water drainage. The proposal is being considered by the Council's Land Drainage Engineers. No fundamental objection has been raised to the latest location of the access. However, the proposed access

location forms part of the existing drainage network into which any discharge from the site will outfall to. The existing ditches require maintenance, but this is not in the current Council programme of work. As such, the developer would need to undertake this work to enable the proposed drainage to function adequately. This would need to be a condition of any planning permission.

- 6.10.3 Negotiations over the final drainage proposals are still ongoing, although there are no fundamental objections. A full update on surface water drainage will be provided in the update report to committee.

## **6.11 Land contamination**

- 6.11.1 Environmental Health has made no adverse comments on the proposal, and there is no evidence before the local planning authority to otherwise suggest that the land is contaminated. No previous uses, other than agriculture, are evident on historical maps.

## **6.12 Ecological impacts and biodiversity enhancements**

- 6.12.1 Core Strategy Policy CS17 states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. In order to conserve and enhance the environmental capacity of the district, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.
- 6.12.2 Following discussions with the Council's ecologist, it is proposed to establish wild flower grassland around the site. The cultivation of this species may be regarded as an agricultural process, and therefore not conflict with the agricultural use of the land. It would provide a biodiversity enhancement to the site for the lifetime of the development, and potentially beyond (although it is not considered appropriate to dictate future agricultural processes).
- 6.12.3 Additional planting information is provided as part of the application, together with a landscape mitigation plan revised to include the additional planting in line with the ecologist's comments. Overall, it is considered that the impact on local ecology would be acceptable, and that the proposal would secure appropriate biodiversity enhancements in accordance with Policy CS17.

## **6.13 Tree protection**

- 6.13.1 The Council's tree officer has assessed the application, undertaken a site visit, and is satisfied that the existing trees can be adequately protected by an orthodox tree protection scheme. This can be secured by condition requiring the pre-approval of details before development takes place.

## **6.14 Historic environment**

- 6.14.1 The historic landscape character of the parcel is pre-18th Century irregular fields. On this basis, the land use itself is of interest, but there is also likely to be some below ground potential for archaeological interest. Remains from the prehistoric and medieval periods have been found within the adjacent AWE site.

- 6.14.2 The Council's archaeologist has therefore requested more information about the impact of any development within this area. A geophysical survey is recommended in the first instance. The archaeologist has confirmed that the potential archaeological significance of the land would not preclude the development in principle, rather the exercise is recorded to ensure that an appropriate record is made of any findings. As such, the required survey work can be secured by condition, and is not required for consideration before the determination of the application.
- 6.14.3 The closest listed building is Old Hall, which is located off a private drive from Goring Lane, behind housing fronting onto Goodboy's Lane, some 200 metres south-east of the boundary of the application site. Given the separation distance and intervening vegetation and houses, there is not considered to be an impact on the setting of this listed building.

## **6.15 Precedent**

- 6.15.1 The Parish Council has raised the concern that the approval of this application would set a precedent for the development of further agricultural land in this manner across the District.
- 6.15.2 Whilst precedent may be a material consideration in the determination of future planning applications, each application must be determined on its own merits, and a direct comparison between a proposed scheme and a previous approval must be made to demonstrate precedent. On matters where numerous issues are carefully balanced, this becomes increasingly difficult.
- 6.15.3 The principle of solar farm development relies on current planning policy as outlined in this report, and this would need to be applied in the same manner to any similar future developments of land within the district. As outlined, the principle of solar farm development in open countryside currently relies on the presumption in favour of sustainable development. As such, it is considered that the approval of this application does not set a precedent for future solar farm applications where there is clear and demonstrable harm in any respect.

## **7. CONCLUSION**

- 7.1 The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development, whereas the policies of the Framework constitute the Government view of what sustainable development means in practice. The Framework confirms that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 7.2 Paragraph 6 of the Framework states that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government view of what sustainable development in England means in practice for the planning system. These policies have been assessed above insofar as they are relevant to the proposal. The proposals

compliance with the policies of the Framework as a whole are considered to indicate that the proposal is in accordance with the presumption in favour of sustainable development.

- 7.3 At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking this means (unless material considerations indicate otherwise) approving development proposals that accord with the Development Plan without delay. Where the Development Plan is silent on a particular issue the Framework says planning permission should be granted unless:
- any adverse impacts on doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted, including sites protected under the Birds and Habitats Directive, Sites of Special Scientific Interest, Local Green Space, AONB, designated heritage assets, and locations at risk of flooding.
- 7.4 As set out in Section 6.1, the Development Plan does not currently contain any relevant policies for commercial scale renewable energy. The principle of development should therefore be assessed against the tests of the Framework, as set out in Section 6.1, which is to approve the application if the impacts are (or can be made) acceptable. In this instance there are not considered to be any significant adverse impacts arising from the development that would significantly and demonstrably outweigh the benefits.
- 7.5 For the reasons detailed above, the presumption in favour of sustainable development indicates that planning permission should be granted for the proposed development. As such, the application is recommended for conditional approval as set out in the full recommendation (Section 8).

## **8. FULL RECOMMENDATION**

**DELEGATE** to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1).

### **8.1 Schedule of conditions**

#### **1. Time limit**

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. Plans**

The development hereby permitted shall be carried out in accordance with the following approved drawings and other documents:

[To be confirmed]

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

3. **Decommissioning**

No electricity shall be generated by the development hereby permitted until 14 days 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 25 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 (March 2012), and Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

4. **Removal of all equipment**

As part of the decommissioning process of Condition 3, all operational development in, on, over or under the land enclosed by the red line on Drawing 00237\_04G (Site Plan and Sections) associated with the development hereby permitted (including, but not necessarily limited to: photovoltaic modules; supports; distribution switchgear plant and enclosure; intake substation plant and enclosure; meter cabinet; transformer; main collector panel cabinet; access from Palmer's Land, including sub-base; security fence; all cables and cable trenches) shall be completely removed from the application site within 25 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 cannot be classified as previously developed land by virtue of the retention of any structures on a permanent basis. This condition is imposed in the interests of ensuring a sustainable pattern of development and to protect the open countryside from inappropriate future development. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

5. **Access construction before development (approved drawings)**

No development shall take place until details of the new vehicular access to the site from Palmer's Lane have been submitted to and approved in writing by the Local Planning Authority. The new vehicular access to the site from Palmer's Lane shall be the first development operation undertaken. No other development shall take place until the new vehicular access has been completed in accordance with the approved details.

Reason: In the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

6. **Height limit**

No solar PV equipment shall exceed a height of 2.3 metres from the adjacent ground level.

Reason: To protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

7. **Ground levels**

There shall be no alteration of existing ground levels.

Reason: To ensure that ground levels are not altered in order to protect the character and amenity of the area, and to prevent any potential pathways being created to contaminated land. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

8. **Connection details**

Notwithstanding what is shown on the approved plans, no development shall take place until details of the routing of cables to transmit the generated electricity to the National Grid or an alternative end-user have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and profile of any excavations necessary to make the connection. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the connection to the National Grid is not intrusive within the countryside location and to ensure that it would not create any inappropriate engineering operations. Only basic information has been provided as part of the application. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

9. **Cable runs**

Notwithstanding what is shown on the approved plans, no development shall take place until details of all cable runs and associated equipment has been submitted to and approved in writing by the Local Planning Authority. The proposed details shall be informed by the programme of archaeological work and designed in a way to avoid/mitigate any impact on archaeological significance within the application site.

Reason: To protect the archaeological significance of the site from inappropriate groundworks. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS19 of the West Berkshire Core Strategy (2006-2026).

10. **Materials as specified**

The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms.

Reason: To ensure that the external materials are appropriate and do not detract



from the character and appearance of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

11. **Restrict fencing**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or an order revoking and re-enacting that Order, with or without modification), no fences, gates, walls or other means of enclosure (except those expressly authorised by this permission) shall be erected within the site without planning permission first being granted by the Local Planning Authority on an application made for that purpose.

Reason: To protect the amenity of the open countryside. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

12. **Hours of work (construction)**

No construction or installation works shall take place, or deliveries be taken or dispatched from the site, outside the following hours:

7:30am to 6:00pm Mondays to Fridays;  
8:30am to 1:00pm Saturdays;  
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

13. **Tree protection**

No development or other operations (including site clearance and any other preparatory works) shall take place until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, to be in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

14. **Landscaping**

No development shall take place until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

- a) Completion of the approved landscaping scheme within the first planting season following completion of development/first occupation of the dwelling(s)/first use of the development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority as part of the details submitted for this condition.
- b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of this development/of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

15. **Construction method statement**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors;
- (b) Loading and unloading of plant and materials;
- (c) Storage of plant and materials used in constructing the development;
- (d) The erection and maintenance of security hoarding;
- (e) Wheel washing facilities.

Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.

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 (March 2012), and Policies ADPP1, ADPP6, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

16. **AWE emergency response plan**

No development shall take place until an emergency response plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall detail the response to an incident at AWE Burghfield during the construction phase. The approved plan shall thereafter be implemented in full.

Reason: The proposal is within the DEPZ of AWE Burghfield. As a result there is a risk should there be an incident at the site of radiation contamination. This may impact on the site and any staff on the site should an incident arise during the installation or indeed should staff be on site when an incident arises, or if essential maintenance is required when an incident has taken place. It is therefore necessary that a response plan is put in place with any resources necessary to ensure the protection of the staff during any event at AWE which may affect the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS8 of the West Berkshire Core Strategy (2006-2026).

**17. Visibility splays**

No development, other than the construction of the new access onto Palmer's Lane, shall take place until the visibility splays at the new access have been provided in accordance with Drawing 13-13232-01 Rev.P02. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility between 0.6 metres and 2 metres height above the carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

**18. Parking and turning**

The use shall not commence until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**19. Archaeological works**

No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

Informatives:

**1. Decision to grant permission**

The decision to grant planning permission has been taken because the

development is in accordance with the National Planning Policy Framework and there are no Development Plan policies, or other material considerations, which indicate that planning permission should be refused. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.

2. **Proactive action by the local planning authority**

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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.

3. **Consent to enter adjoining land**

You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.

4. **Access construction**

The Highways Manager, West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519803, 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.

5. **Damage to footways, cycleways and verges**

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.

6. **Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

7. **Incidental works affecting the highway**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.