

Public Document Pack



STROUD DISTRICT COUNCIL

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Monday, 17 July 2023

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **TUESDAY, 25 JULY 2023** in the Council Chamber, Ebley Mill, Ebley Wharf, Stroud at **6.00 pm**

Kathy O'Leary
Chief Executive

Please Note: The meeting is being held in the Council Chamber at Stroud District Council and will be streamed live on the Council's [YouTube Channel](#). A recording of the meeting will be published onto the [Council's website](#). The whole of the meeting will be recorded except where there are confidential or exempt items, which may need to be considered in the absence of press and public.

If you wish to attend this meeting, please contact democratic.services@stroud.gov.uk. This is to ensure adequate seating is available in the Council Chamber.

AGENDA

1. **APOLOGIES**

To receive apologies for absence.

2. **DECLARATIONS OF INTEREST**

To receive Declarations of Interest in relation to planning matters.

3. **MINUTES (Pages 3 - 12)**

To approve the minutes of the meeting held on 13 June 2023.

4. **PLANNING SCHEDULE AND PROCEDURE FOR PUBLIC SPEAKING (Pages 13 - 18)**

(Note: For access to information purposes, the background papers for the applications listed in the above schedule are the application itself and subsequent papers as listed in the relevant file.)

4.1 **LAND AT BOWERS LEA, DURSLEY S.22/2406/OUT** (Pages 19 - 60)

Outline application for the erection of up to 26 dwellings (all matters reserved except access) & associated infrastructure.

4.2 LAND PARCEL WEST OF WORLDS END FARM, WORLSEND LANE, CLAPTON, BERKELEY S.21/1210/FUL (Pages 61 - 122)

Erection of a 49.99 MW Solar PV Array, comprising ground mounted solar PV panels, vehicular access from Worlds End Lane with internal access tracks, landscaping and associated infrastructure including security fencing, CCTV cameras, and grid connection infrastructure including transformers and substation compound buildings.

Members of Development Control Committee

Councillor Martin Baxendale (Chair)

Councillor Martin Brown
Councillor Victoria Gray
Councillor Haydn Jones
Councillor John Jones
Councillor Gary Luff

Councillor Helen Fenton (Vice-Chair)

Councillor Jenny Miles
Councillor Loraine Patrick
Councillor Martin Percy
Councillor Mark Ryder
Councillor Lucas Schoemaker



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DEVELOPMENT CONTROL COMMITTEE

Tuesday, 13 June 2023

6.00 - 10.06 pm

Council Chamber

Minutes

Membership

Councillor Martin Baxendale (Chair)

Councillor Martin Brown
 Councillor Victoria Gray
 * Councillor Haydn Jones
 Councillor John Jones
 Councillor Gary Luff
 Councillor Jenny Miles
 * Councillor Loraine Patrick
 Councillor Martin Percy
 *Absent

Councillor Helen Fenton (Vice-Chair)

Councillor Mark Ryder
 Councillor Lucas Schoemaker
 Councillor Catherine Braun
 Councillor Nicholas Housden
 Councillor Nick Hurst
 Councillor Ashley Smith
 Councillor Ken Tucker
 Councillor Chloe Turner

Officers in Attendance

Majors & Environment Team Manager
 Development Team Manager
 Principal Planning Lawyer, One Legal
 Principal Planning Officer

Principal Planning Officer
 Planning Officer
 Planning Officer
 Democratic Services & Elections Officer

Other Member(s) in Attendance

Councillors Braun, Housden, Hurst, Smith, Tucker and Turner

DCC.001 **Apologies**

Apologies for absence were received from Councillors Haydn Jones and Patrick.

DCC.002 **Declarations of Interest**

Councillor Jones declared a sensitive interest in Item 4.5, S.22/2771/HHOLD, he left the meeting after Item 4.4 had been determined.

DCC.003 **Minutes**

RESOLVED That the Minutes of the meeting held on 25 April 2023 were approved as a correct record.

DCC.004 **Planning Schedule and Procedure for Public Speaking**

Representations were received and taken into account by the Committee in respect of Applications:

1	S.23/0525/VAR	2	S.23/0335/HHOLD	3	S.23/0295/HHOLD
4	S.23/0480/FUL	5	S.22/2771/HHOLD		

DCC.005 Land South Of, Symn Lane, Wotton-Under-Edge, Gloucestershire S/23/0525/VAR

The Majors & Environment Team Manager introduced the report and explained that it was a variation to application S.19/1722/VAR. The variation proposed to remove the single bank of parking (12 spaces) and replace it with a wildflower and grass meadow mixture. The proposal also included a hedge to be planted along the pavement edge to provide screening for nearby residents. The Majors & Environment Team Manager explained that it would reduce the overall number of spaces provided by the scheme however they felt it was still a positive community benefit which outweighed the harm. He informed the Committee that they had received one additional objection since the publication of the Officer support.

Councillors Braun and Tucker spoke as Ward Members and asked the committee to defer the application for the following reasons:

- The site was within an Area of Outstanding Natural Beauty (AONB) and outside of the settlement boundary. The principal of the development related to the car park provision; that was the main reason that development had been allowed on the site.
- The original plans had been reduced to 80 spaces from 96 in order to preserve the protected oak tree. These car parking spaces were in high demand in Wotton Town Centre and the original promise of car parking spaces was being reduced again.
- The spaces that were proposed to be removed were located on the flattest land making them perfect for road users with disabilities.
- There was no reason given for the removal of the 12 spaces.
- The Town Council had raised concerns whether the steep bank would accommodate the spaces.
- If the spaces were not viable in that location had alternative locations, to retain the number of spaces, been considered.
- The Committee required further information in order to make a fully informed decision therefore a deferral was reasonable.

The Wotton Town Council Clerk, Ms Durn, asked Councillors to defer the application for the reasons listed above given by the Ward Councillor and for further reasons listed below:

- The original application was only approved due to the offer of 80 car parking spaces for the Town. However due to the topography of the land there would only be around 64 useable spaces.
- The recent Doctors Surgery development in the area removed a number of spaces that were due to be brought back with this provision.
- The parking shortage in Wotton Town was exacerbated by the closure of the Renishaw car park for public use.
- The following information was currently being sought; details on the viability of the parking spaces on the steep bank, inspection report from Building Control, detailed report from Gloucestershire County Council (GCC) Highways, Health and Safety report regarding a vehicle impact barrier and a specialist report had been commissioned to address the concerns raised regarding the car park.

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Mr Thomas, a local resident, asked the committee to refuse the proposal. He echoed the comments above regarding the diminished number of car parking spaces which began at 96 and were now proposed to be 68. He stated that the car parking spaces were a far greater asset to the community than the new proposed wildflower meadow and further planting could be introduced elsewhere. Finally, he questioned the scale of protection surrounding the oak tree and whether more spaces could be provided there.

After public speaking, Members were given the opportunity to ask technical questions to the Planning Officers, these were the responses given:

- The houses on the site all had sufficient parking provision.
- No extra spaces could be accommodated on the site or around the tree, the protection area was there to prevent damage to the roots.
- There was a condition within the original application for the provision of Electric Vehicle (EV) charging spaces.
- There was a long-standing shortage of parking spaces available in Wotton Town which this scheme would greatly benefit.
- The reports that the Town Council were awaiting related to the technical details of the car park and were not a material planning consideration.
- The 12 car parking spaces proposed to be removed would be approximately 20m away from the nearest residential dwelling.
- The safety and stability of a development on the steep bank would be the responsibility of the developer and therefore not a material planning consideration.
- The applicant had not provided a reason for the variation.
- The figure for off-street parking provisions within the Town was unknown.

Councillor Ryder proposed to defer the application and Councillor Schoemaker seconded.

Councillor Ryder clarified the reason for deferral was to wait for the information being sought from Wotton Town Council.

The Majors & Environment Team Manager explained that the health and safety report and the inspection from Building Control would not amount to material planning considerations. The reports that would have an effect were already covered in the condition of the original application.

The Chair asked Councillors to consider whether the reduction of parking spaces eroded the additional benefit of the application.

Councillor Brown debated whether it would be safe to build the spaces on the bank.

Officers reminded Members that it would be the developer's responsibility, by law, to construct the site in a safe manner and that if it was not viable then there was nothing to stop them returning with a further application which detailed the issues.

Councillor Ryder formally withdrew his proposal to defer and instead proposed to refuse the application. Councillor Schoemaker confirmed he was happy for the deferral to be withdrawn and seconded the new motion to refuse.

Councillor Schoemaker stated that developers should not remove parts of an application after planning permission has been approved.

The Chair clarified that the refusal reason was that the removal of these space would erode the original public benefit, of granting permission on the exception site, to an unacceptable level. Councillor Ryder agreed.

Councillors debated the possible reasons for the variation and suggested that it could be due to additional cost implications.

Councillor Ryder stated that he was pleased to see the full allocation of affordable houses unaffected, however concluded that the full allocation of parking spaces was a key residential amenity and on balance the removal of the spaces undermined the original planning weight.

Councillor Miles echoed that the balance did not outweigh the public benefit for the full allocation of spaces.

Councillor Ryder agreed there was no alternative proposal for the allowance of the 12 spaces elsewhere and that was the best spot for the provision.

After being put to a vote, the Motion was carried unanimously.

RESOLVED To refuse permission.

DCC.006 Richmond Cottage, Rockstowes, Uley Road, Dursley S.23/0335/HHOLD

The Principal Planning Officer introduced the report and highlighted the key considerations to the Committee which included:

- The site was adjacent to a public footpath and visible from the road.
- The property was highlighted for its character in the Owlpen and Uley Design Statement.
- The site was classed as a Non-Designated Heritage Asset (NDHA) due to its attractive qualities.
- Extant planning permission was granted in 2022 for a first-floor extension above the garage, a new terrace to the rear and a battery store building. The design of which had been negotiated to provide separation from the main dwelling.
- The proposal sought to be of passivhaus design standards.

The Principal Planning Officer also highlighted that the main refusal reasons were due to the size, scale and location of the first-floor extension and the additional car port. The materials proposed were considered out of keeping with the local area.

Mr Jones, the applicant, asked the Committee to approve the application for the following reasons.

- The proposed dwelling would be of passivhaus standards and therefore would reduce the carbon footprint of the dwelling.
- The proposal allows spaces for an office and a more open plan living area.
- All contractors for the works would be employed locally including the architect who had drawn the plans.
- They had no prior knowledge that the building had any form of listed position until the 31 May. It was not in any previous report and there was no consultation held.
- The car port would not be visible from the road and would allow the installation of electric vehicle charging.
- The proposal was smaller in both volume and height to the original proposal.
- The application and materials used were sympathetic to the adjacent buildings and surrounding area.

- Full written support had been given from the immediate neighbours and others including the Parish Council.

In response to Councillor Ryder, the Development Team Manager defined a NDHA to be a building of quality that makes a valuable contribution to their environment due to their age, heritage, character and appearance. Although the building did not meet the statutory criteria to be listed, it was still required to be protected under the requirements of the National Planning Policy Framework (NPPF) at paragraph 203. He also confirmed that some authorities choose to maintain a local list of NDHA however, this was not a requirement. Stroud District Council chose not to maintain a local list.

Councillor Percy questioned how the applicant would know whether their property was an NDHA. The Officers confirmed that properties were assessed for their heritage during the application process therefore a property could not be identified until a planning application came in that would affect it.

The Principal Planning Officer gave the following answers in response to questions from Councillors.

- The proposal was approximately 0.2m lower in height than the extant permission.
- The size of the plot could accommodate the proposed development without leading to a cramped or overdeveloped look.
- The extant permission utilised more traditional materials such as stone, slate, and tiles.
- The proposed wooden cladding would be left unpainted and untreated.

Councillor John Jones proposed to refuse the application and Councillor Fenton seconded.

Councillors debated the proposal and considered the protection of the heritage of the building, the design and character in relation to its surroundings and the use of materials.

Councillor Percy commented that he was fully supportive of the passivhaus design due to the difficulty older properties had with energy consumption. However, he was still weighing up whether the extension was subservient to the existing dwelling.

Councillor Brown suggested that, in comparison to the extant permission, the proposal had more dominance and less character and in his view was leaning more towards being the dominant structure.

Councillor Schoemaker expressed his support for the passivhaus design and stated that as with solar farms they needed to balance the aesthetic value with screening.

After being put to a vote, the Motion was carried with 7 votes for and 3 votes against.

RESOLVED To refuse permission.

**DCC.007 The Lodge, Moor Court, Rodborough Common, Stroud
S.23/0295/HHOLD**

The Planning Officer introduced the report and explained that the application was for a single storey extension to the rear of the existing building. He showed the Committee the plans for the site and highlighted the following key points:

- The site was located on Minchinhampton common.
- The proposed single storey extension would be linked to the existing property with a flat roof.

- The site would provide more than the required number of parking spaces.

Councillor Hurst spoke as a Ward Member for Minchinhampton, the adjoining Parish. He raised concern over the current property being let out as a holiday home and whether that was permitted under its current use class (C3). He raised further concerns over the inadequate amount of parking for the size of the proposed dwelling and insisted this would spill out onto the surrounding common. He requested that the Committee consider conditioning its use to C3 to prevent a change of use into a large holiday let.

Councillor Smith spoke against the application as the Ward Member for the area. He asked the committee to refuse the application because it was in contradiction with Local Plan Policy HC8. He felt that the proposal did not meet all of the listed criteria and asked the Committee to consider the following:

- If the plot size was sufficient to not result in a cramped or overdeveloped site.
- If the height, scale, form and design of the extension was in keeping with the scale and character of the original building. Policy HC8 also allowed to take into account any cumulative additions of which this building had.
- Would there be sufficient space for parking that did not detract from the character and the appearance of the area.
- The extension should complement the scale and style of the house and follow the 4 main principals listed in 4.56 of the Local Plan.

He also drew the committee's attention to the Non-Designated Heritage Asset (NDHA) discussion of the last item and highlighted that the application site was within the curtilage of the listed Moor Court (main house).

Councillor Turner spoke as a Ward Member for Minchinhampton and raised concerns with the scale of the development, the use of the site as a holiday let and that the parking would overspill onto Minchinhampton common which was a Site of Special Scientific Interest (SSSI).

Ms James, a local resident, spoke against the application. She gave a brief history that the dwelling was part of the original Moor Court Estate built in the 1860's, the main house was Grade II listed in 1988. She highlighted the main objection reasons:

- Overdevelopment of the site. There had already been a two-storey extension completed in 1988.
- The proposal significantly reduced the space for parking and the garden amenity.
- The report stated that the loss of gardens would be offset by the proximity to the common, this was not practical to utilise the common as private amenity space.
- The extension was not in keeping with the age and character of the existing dwelling and was therefore contrary to Local Plan Policy HC8.
- It would be visible by walkers along the common and block views.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to queries it was confirmed:

- The application could only be assessed as its current class. If there was a change of use requested, it would need to be re-assessed. The class C3 allows for the single-family dwelling to be used as holiday let.
- It would be unreasonable to condition the occupancy of the property due to permitted development rights.
- The minimum requirement of 20sqm related to new residential properties but was used as a guide for existing properties.

- The Local Plan Parking Standards required 2 spaces per dwelling, this was not relative to the number of bedrooms.

In response to Councillor Luff, the Planning Officer clarified which parts of the dwelling were original and what had been extended already.

Councillor Schoemaker questioned whether there was a limit to how much a dwelling could be extended. The Planning Officer confirmed that there were no specific limitations to adhere to as long as the proposal was compliant with the local plan. He reminded the Committee the previous extension pre-dated the Local Plan.

In response to Councillor Jones it was confirmed that there were no outstanding enforcement cases surrounding the property. Any allegations relating to a breach of a covenant would not carry weight in respect of determining the planning application.

The Chair questioned Policy HC8 and its reference to cumulative additions. The Planning Officer confirmed that Members would need to consider the wider context of the site whilst taking into account the cumulative effects of the extensions and not compare the proposal solely to the original dwelling.

It was confirmed that there was a Public Right of Way (PROW) parallel to the site which the extension would be visible from.

Councillor Ryder proposed to refuse the application and Councillor Brown seconded.

Councillors debated the refusal reasons, the cumulative impact of the previous extension and the current proposal and the heritage value of the site. Possible refusal reasons were:

- Not compliant with Policy HC8.
- Overdevelopment of the site would harm the character of the area (SSSI).
- Cumulative effect of the extension would not be subservient.

Councillor Ryder confirmed the refusal reason was non-compliance with Local Plan Policy HC8. The cumulative effect of the extension would result in an appearance that was not subservient, was out of character and would lead to the overdevelopment of the plot which would adversely impact the visual amenity of the common. The final wording of which would be agreed by the Head of Development Management in consultation with the Chair and Vice-Chair. Councillor Brown seconded.

Councillor Percy debated whether the parking detracted from the character and appearance of the area.

Councillor Miles felt that there was no significant harm on the view and the application met all the required standards.

After being put to a vote, the Motion was carried.

RESOLVED To refuse permission and to delegate to the Head of Development Management in consultation with the Chair and Vice-Chair to agree the wording of the refusal reasons.

DCC.008 Land At 24, Oldends Lane, Stonehouse, Gloucestershire S.23/0480/FUL

The Principal Planning Officer introduced the report and explained that it was for the erection of a detached bungalow. She gave a brief overview of the proposal and then highlighted the main reasons for refusal which were:

- Development on a constrained plot would dominate the space resulting in the site appearing cramped and overdeveloped.
- The scale, form, and design was not in keeping with the local area.

Councillor Housden, a Ward Member, spoke in support of the application. He asked the Committee to approve the application for the following reasons:

- The proposal was in line with the Stonehouse Neighbourhood Development Plan and the Stroud District Council Local Plan.
- The application had been re-designed during the pre-application phase and was now compliant with local and national space standards.
- The proposal would not result in any overlooking or overshadowing of neighbouring properties and all neighbours were in support.
- There were no objections against this application from any statutory consultees or the Town Council.
- The applicant was looking to build the bungalow for his elderly mother to use.
- The properties along Oldends Lane did not have a coherent appearance to them.

Councillor Percy questioned whether there were any objections. The Planning Officer confirmed that one objection had been received from the neighbour to the rear of the property.

Councillor Ryder questioned why concerns had been raised regarding the parking and access when there had been no objections received from Gloucestershire County Council (GCC) Highways. The Planning Officer confirmed that there were concerns with the constraint of the plot and whether it would allow access for modern day vehicles however as there had been no objection from GCC Highways, this was not a refusal reason.

Councillor Shoemaker queried whether the 3rd and 4th refusal reasons listed on page 66 could be resolved by asking for a contribution from the developer. The Planning Officer confirmed that could be achieved however, reasons 1 and 2 were the principal refusal reasons and therefore contributions had not been sought.

In response to Councillors, it was confirmed that:

- The distances between the existing dwelling and the proposed property would be between 4.3m & 6.5m which was below the required 15m.
- The proposed site had approximately 50sqm of private amenity space which was over the 20sqm requirement as set out in the residential design guide.

Councillor Fenton proposed the Officer advice to refuse permission and Councillor Jones Seconded.

Councillor Gray echoed the concerns of the Officer for the refusal reasons listed in the report.

Councillor Ryder debated the need for bungalows in the district but acknowledged the Officers concerns regarding the plot size.

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Councillor Schoemaker echoed the concerns for the housing need and stated that the proposal was much better than some of the flats in the Town Centre which had no amenity or parking space.

After being put to a vote, the Motion was carried with 7 votes for, 2 votes against and 1 abstention.

RESOLVED To refuse permission.

Councillors Jones, Miles and Ryder left the meeting.

DCC.009 6 Weir Green, Elmore, Gloucester, Gloucestershire S.22/2771/HHOLD

The Planning Officer introduced the report and explained that it was a resubmission of a previously approved application with some amended design features and the addition of a garden room.

Councillor Schoemaker questioned how it was considered to be subservient to the existing building. The Planning Officer explained that as the extension sat below the height of the house it wouldn't look dominant.

The Officers recommendation was proposed by Councillor Brown and seconded by Councillor Gray.

After being put to a vote, the Motion was carried with 6 votes for and 1 abstention.

RESOLVED To grant permission.

DCC.010 Planning and Enforcement KPI Statistics

The report was circulated as part of the reports pack, there were no questions or comments.

The meeting closed at 10.06 pm

Chair

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Planning Schedule 25/07/2023

Stroud District Council

Planning Schedule

25th July 2023

In cases where a Site Inspection has taken place, this is because Members felt they would be better informed to make a decision on the application at the next Committee. Accordingly, the view expressed by the Site Panel is a factor to be taken into consideration on the application and a final decision is only made after Members have fully debated the issues arising.

Planning Schedule 25/07/2023

DEVELOPMENT CONTROL COMMITTEE

Procedure for Public Speaking

The Council encourages public speaking at meetings of the Development Control Committee (DCC). This procedure sets out the scheme in place to allow members of the public to address the Committee at the following meetings:

1. Scheduled DCC meetings

2. Special meetings of DCC

Introduction

Public speaking slots are available for those items contained within the schedule of applications. Unfortunately, it is not permitted on any other items on the agenda.

The purpose of public speaking is to emphasise comments and evidence already submitted through the planning application consultation process. Therefore, you must have submitted written comments on an application if you wish to speak to it at Committee. If this is not the case, you should refer your request to speak to the Committee Chair in good time before the meeting, who will decide if it is appropriate for you to speak.

Those wishing to speak should refrain from bringing photographs or other documents for the Committee to view. Public speaking is not designed as an opportunity to introduce new information and unfortunately, such documentation will not be accepted.

Scheduled DCC meetings are those which are set as part of the Council's civic timetable. Special DCC meetings are irregular additional meetings organised on an ad-hoc basis for very large or complex applications.

Before the meeting

You must register your wish to speak at the meeting. You are required to notify both our Democratic Services Team democratic.services@stroud.gov.uk and our Planning Team planning@stroud.gov.uk in advance and you have until noon one clear working day before the day of the meeting to let us know.

At the meeting

If you have registered to speak at the meeting, please try to arrive at the Council Chamber 10 minutes before the Committee starts so that you can liaise with the democratic services officer and other speakers who have also requested to speak in the same slot. Where more than one person wishes to speak, you may wish to either appoint one spokesperson or share the slot equally.

If you have not registered to speak, your ability to do so will be at the discretion of the Chair.

Planning Schedule 25/07/2023

1. Scheduled DCC Meetings

There are three available public speaking slots for each schedule item, all of which are allowed a total of **four minutes** each: -

- Town or Parish representative
- Objectors to the application and
- Supporters of the application (this slot includes the applicant/agent).

There is an additional speaking slot available for all Ward Councillors with no time restraints.

Please note: to ensure fairness and parity, the four-minute timeslot is strictly adhered to, and the Chairman will ask the speaker to stop as soon as this period has expired.

Those taking part in public speaking should be aware of the following:

- They will be recorded and broadcast as part of the Council's webcasting of its meetings.
- Webcasts will be available for viewing on the Council's website and may also be used for subsequent proceedings e.g. at a planning appeal.
- Names of speakers will also be recorded in the Committee Minutes which will be published on the website.
- Speakers will not be allowed to ask questions of the Councillors or Officers; Committee Members are not able to question speakers directly but can seek points of clarification through the Chair with responses delivered by Officers.
- Minutes of the meeting will be taken, and these will record the names of all speakers on all applications and the decision made.

The order for each item on the schedule is:

1. Introduction of item by the Chair
2. Brief presentation and update by the planning case officer
3. The Ward Member(s)
4. Public Speaking:
 - a. Parish Council
 - b. Those who oppose the application
 - c. Those who support the application
5. Committee Members questions of officers
6. Committee Members motion tabled and seconded
7. Committee Members debate the application
8. Committee Members vote on the application

Planning Schedule 25/07/2023

Special DCC meetings

There are three available public speaking slots for each schedule item, all of which are allowed a total of up to **eight minutes** each: -

- Town or Parish representative
- Objectors to the application and
- Supporters of the application (this slot includes the applicant/agent).

There is an additional speaking slot available for all Ward Councillors with no time restraints.

Please note: to ensure fairness and parity, the eight-minute timeslot will be strictly adhered to and the Chairman will ask the speaker to stop after this time period has expired.

Those taking part in public speaking should be aware of the following:

- They will be recorded and broadcast as part of the Council's webcasting of its meetings.
- Webcasts will be available for viewing on the Council's website and may also be used for subsequent proceedings e.g. at a planning appeal.
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Planning Schedule 25/07/2023

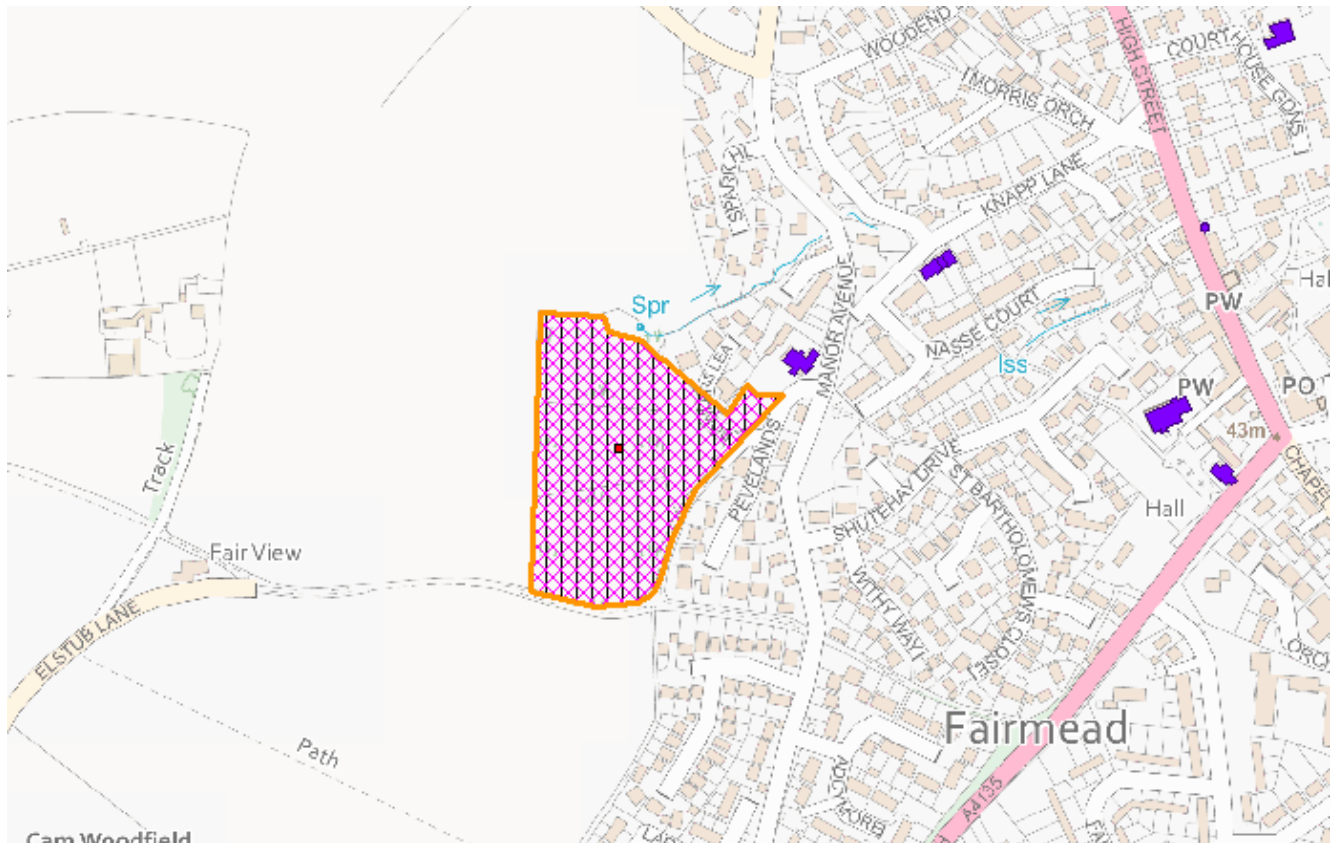
Parish	Application	Item
Cam Parish Council	Land At Bowers Lea , Dursley, GL11 5PR. S.22/2406/OUT - Outline application for the erection of up to 26 dwellings (all matters reserved except access) & associated infrastructure.	01
Ham And Stone Parish Council	Land Parcel West Of Worlds End Farm, Worldsend Lane, Clapton. S.21/1210/FUL - Erection of a 49.99 MW Solar PV Array, comprising ground mounted solar PV panels, vehicular access from Worlds End Lane with internal access tracks, landscaping and associated infrastructure including security fencing, CCTV cameras, and grid connection infrastructure including transformers and substation compound buildings	02

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Development Control Committee Schedule 25/07/2023

Item No:	01
Application No.	S.22/2406/OUT
Site Address	Land At Bowers Lea, Dursley, GL11 5PR,
Town/Parish	Cam Parish Council
Grid Reference	374464,200341
Application Type	Outline Planning Application
Proposal	Outline application for the erection of up to 26 dwellings (all matters reserved except access) & associated infrastructure.
Recommendation	Refusal
Call in Request	Cllr Evans





Development Control Committee Schedule 25/07/2023

Applicant's Details	ESE Capital LTD C/O RCA Regeneration Ltd, Unit 6 De Salis Court, Hampton Lovett Industrial Estate, Droitwich Spa, WR9 0QE
Agent's Details	RCA Regeneration Ltd Unit 6 De Salis Court, Hampton Lovett Industrial Estate, Droitwich Spa, WR9 0QE,
Case Officer	Alena Dollimore
Application Validated	18.11.2022
	CONSULTEES
Comments Received	Cam Parish Council Contaminated Land Officer (E) SDC Water Resources Engineer GCC Community Infrastructure Contributions Archaeology Dept (E) Environmental Health (E) Public Rights of Way Officer Archaeology Dept (E) Development Coordination (E) Conservation South Team Flood Resilience Land Drainage Gloucestershire Wildlife Trust (E) Conservation South Team
Constraints	Berkeley Safeguard Area Consult area Within 50m of Listed Building Neighbourhood Plan Cam Parish Council SAC SPA 7700m buffer Settlement Boundaries (LP) Surface flooding 1 in 100 years Surface flooding 1 in 30 years
	OFFICER'S REPORT

1 MAIN ISSUES

- o Principle of development
- o Design & Layout
- o Landscape Impact
- o Archaeology & Historic Environment
- o Ecology
- o Drainage
- o Arboriculture
- o Highway Impact
- o Residential Amenity
- o Planning Obligations & Developer's Contributions
- o The Planning Balance



Development Control Committee Schedule 25/07/2023

2 DESCRIPTION OF THE SITE

- 2.1 The application site is located in Lower Cam which is part of the Cam and Dursley conurbation at the foot of the Cotswold hills.
- 2.2 The site sits above a modern estate development of Cam and has far-reaching views towards the Cotswolds AONB. The site is a vacant greenfield site with a steep slope rising from northeast to southwest.
- 2.3 There are several Public Rights of Ways ('PROW') and footpaths in the vicinity of the site. Most notable is a bridleway connecting Bowers Lea with Elstrub Lane which runs along the eastern and southern boundary of the site. The site can be seen from PROWs known as 'Cam Footpath 41 and 43'.
- 2.4 According to the Environment Agency mapping, the site is located in Flood Zone 1. A small area along the northern boundary of the application site falls into Flood Zone 2 and 3 due to the presence of a watercourse.
- 2.5 The site is not within a Conservation Area and the nearest heritage asset is the Upper Knapp Farmhouse (list entry number 1090913), a Grade II listed building. Part of the application site is located within the curtilage of this building.

3 PROPOSAL

- 3.1 The outline planning application is for up to 26 dwellings and infrastructure with all matters except access being reserved.
- 3.2 Although the application form states that the development would not result in *"the gain, loss or change of use of residential units"*, the Council understands that the application proposes 26no. affordable homes on site.
- 3.3 It is understood that the application is made on the basis of local housing needs as an 'exception site'.
- 3.4 Access to the site is located in the northeast corner and joins Bowers Lea. There is a significant gradient difference between the site and Bowers Lea.
- 3.5 The proposal includes access improvements, including the removal of a 'pinch point' between Bowers Lea and Povelands. The works in this area require the removal of a substantial section of a retaining wall that is attached to the Upper Knapp Farm Grade II* Listed Building.

4 REVISED DETAILS

- 4.1 During the course of the assessment of this application the following revisions have been provided:



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- o Revised planning application form with all interested parties duly notified the amendment also acknowledges the contamination issues on land
- o Additional information was received in respect of Landscape and Visual Appraisal and Ecological Appraisal
- o Minor amendments to red-line plans were agreed to include areas of access improvements between the site and Manor Road
- o Full details relating to the Upper Knapp Farmhouse retaining wall were requested as was the submission of a Listed Building Consent application to deal with the element of the development. Some information was provided within an updated Design and Access Statement, and Archaeological and Heritage Desk-based Assessment. Indicative drawings regarding the removal of the wall were also submitted.

5 MATERIALS

- 5.1 No materials were specified as this is an outline planning application and this detail would form part of the subsequent reserved matters application.
- 5.2 Details of materials were requested in respect of the works to the retaining wall associated with the Grade II* listed building. These details were not received during the course of the determination period.

6 REPRESENTATIONS

6.1 - Parish/Town Councils:

6.1.1 - Cam Parish Council

Cam Parish Council was consulted. Their comments were submitted following the developer's attendance at the Parish Council meeting on 8th February 2023. The Parish Council comments were:

*"Location not in conformity with Cam NDP Landscape sensitivity assessment (potterton report), area identified as sensitive views out and would be harmful if developed.
Flooding and Surface water concerns (CP14/ES1/ES4)
Negative Impact upon nursery car parking availability
Would generate significant traffic and transport movement not acceptable in this location (contrary to policy EI4)
Effect on local services
Outside Settlement Boundary
Support DCC Call in from Cllr Evans*

Cam Parish Council has highlighted their concerns over inadequate and stretched facilities within the SDC strategic allocations documentation. The delivery of further housing should not be considered."



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6.2 - External Agencies

6.2.1 - Gloucestershire Wildlife Trust

I am writing to provide Gloucestershire Wildlife Trust's (GWT) comments regarding the above application. Firstly, whilst the site is not within any medium, high or core areas for Gloucestershire's Nature Recovery Network(NRN [<https://naturalcapital.gcerdata.com/>]) , there are several areas of core high priority habitat within 600m of the site and the site as a whole offers opportunity for open and wooded habitat. The proposed development could provide an opportunity to enhance biodiversity and thus enable some nature connectivity between the priority habitats. This would demonstrate compliance with the NPPF requirement for planning decisions to consider "establishing coherent ecological networks that are more resilient to current and future pressures" (174d) and "safeguarding components of local wildlife-rich habitats and wider ecological networks" (179a).

We support the recommendation of the Preliminary Ecological Appraisal (PEA) that the applicant undertake a Biodiversity Impact Assessment utilising the Defra Biodiversity Metric 3.1 (to inform habitat mitigation, compensation, or enhancement strategies) and to show clearer evidence of the site achieving biodiversity net gain, in line with local and national policy, and what % of biodiversity net gain will be delivered.

In addition, a Landscape and Ecological Management Plan (LEMP) detailing a full list of habitats and hedgerows should be approved in writing by the Local Planning Authority prior to development. We would recommend a 30-year management plan is put in place to support long term net gains and ecological enhancement.

We would encourage as many of the mitigation and enhancement recommendations for wildlife set out in the PEA be implemented in the design, preferably as a condition of application approval.

We acknowledge that the design for housing is currently only in the outline stage. However, this presents an opportunity to design features which integrate the housing with the wildlife. Gloucestershire is the home to 'Building with Nature' (BwN) standards for design. It would be an ideal opportunity to make use of theBwN standards.

Finally, habitat creation protocols should follow current best practices, which avoid the use of chemicals.

6.3 - Stroud District Council Technical Officers

6.3.1 -Contaminated Land Officer

Thank you for consulting me on the above application. I have no comments.

6.3.2 - Environmental Health Officer

With Respect to the above application, I would recommend that any permission should have the following conditions and informative attached:



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Suggested Conditions:

- 1. No construction site machinery or plant shall be operated, no process shall be carried out and no construction-related deliveries taken at or dispatched from the site except between the hours 08:00 and 18:00 on Mondays to Fridays, between 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.*
- 2. Construction/demolition works shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the Local Planning Authority.*

Suggested Informative

The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of smoke/fumes and odour during the construction phases of the development by not burning materials on site. It should also be noted that the burning of materials that give rise to dark smoke or the burning of trade waste associated with the development, may constitute immediate offences, actionable by the Local Authority. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume or odour complaints be received.

6.3.3 - Conservation Officer

Where listed buildings or their settings are affected by development proposals, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act requires the decision-maker to have special regard to desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

The historic asset in this case is the grade II Upper Knapp Farmhouse. The historic rural setting of the building has already been largely eliminated due to the construction of houses to all sides. The only remaining open space is to the south west of the building. This is to be retained within the proposals. The proposal is outline application for the erection of up to 26 dwellings (all matters reserved except access) & associated infrastructure.*

With the retention of the trees within the eastern limb of the development site, it is considered that no harm will arise to the setting of the listed building. The application has been assessed in accordance with paragraphs 199 - 2008 of the NPPF and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Following the submission of additional documents, further response was received.

Where Listed buildings or their settings, are affected by development proposals, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act requires the decision-maker to have special regard to desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

The historic asset in this case is the grade II Upper Knapp Farm.*



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The proposal is Outline application for the erection of up to 26 dwellings (all matters reserved except access) & associated infrastructure revised plans received.

The proposal includes the removal of some of the boundary wall to Upper Knapp Farm to enable access. The removal of the rebuilt part of the wall is acceptable, but I will need to assess the historic part of the wall and then make a judgement on whether or not it is important in relation to setting and special interest of the listed building. At this stage insufficient information has been provided in order to make that judgement. The wall needs to be uncovered from the vegetation and a structural and historic analysis made. The heritage statement should go into more depth on this issue, at present it only says:

'Proposed plans to not show any direct impacts to this building, though it is understood that a stone wall which adjoins the southern elevation of the farmhouse is proposed to be repositioned or removed in order to facilitate the development. This feature is not described within the description of this building in the NHLE, although given its connection to the main structure it could be considered to be listed by association. However, it is not expected that alterations to this wall will result in harm to the main building itself.'

I agree that the house will not be structurally harmed, but it's setting may be and this has not been addressed with the proposals.

The wall subject to this application is protected by its listed status. It is however considered that any impact to the heritage asset would be less than substantial, and any harm arising has been weighed against securing an optimum viable use for the building and the provision of any public benefit. The application has been assessed in accordance with paragraphs 199 - 208 of the NPPF and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Paragraph 202 of the Framework states that any less than substantial harm should be weighed against the public benefits of the proposal. No public benefit has been identified by the proposals and they therefore fail to comply with paragraph 202 of the National Planning Policy Framework.

6.3.4 - Landscape Officer

Stroud District Council currently does not have a dedicated landscape officer. Officers commission a third party to assess the submitted LVA.

*The Technical Review was carried out by Davies Landscape Architects and was received on **5th May 2023**.*

The full report is available on SDC website and is appended in full to the DCC report.

The reviewer's opinion of the submitted LVA outcomes and methodology is:

"In terms of the landscape assessment, the magnitude of change and resulting effects identified for the character of the site and its immediate surroundings, the district/county's landscape character areas, and the Stroud District Landscape Sensitivity Assessment (July



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2013) area PL18 would seem appropriate to the proposed development. The LVA notes the effects on the setting of the AONB as moderate to minor adverse which is in line with the Zebra methodology.

In terms of the visual assessment, visual sensitivities would need to be re-visited to include value as well as susceptibility in line with GLVIA, and Table 7.1 would need to be adjusted according to the Zebra methodology and a description of the likely changes provided before any further review.

The reviewer's opinion would be that the site is visually highly sensitive given its landform and its role in views towards the AONB hills when viewed from the network of footpaths to the north and west, and proposed development on the site has the potential to detract from these views. The design and mitigation would need to be carefully considered in light of an amended visual assessment."

The overall conclusion states that:

"In consideration of the adequacy of assessment and whether it is sufficient to support making an informed planning decision. The conclusion would be that, at present, the LVA submission provides an overview of the project and states the assessment outcomes anticipated by the assessor. However, in order to ensure the assessment displays clarity and transparency in its reasoning, supporting the basis for its findings and conclusion, in line with Landscape Institute guidance, and in a way that can be understood by its readers, additional information as detailed above would be needed.

In overall conclusion, at this stage we would consider that further information is required within the LVA in order to make an informed planning decision."

6.3.5 - Bio-Diversity Officer

Comments relate to the following documents:

Preliminary Ecological Appraisal by Brindle and Green (August 2022)

Ecological Impact Assessment by Brindle and Green (August 2022)

Habitats Regulations Assessment

An Appropriate Assessment (AA) has been undertaken by the Competent Authority (LPA). The site falls within the 7.7 km core catchment zone of the Severn Estuary SPA/SAC site therefore, the applicant can either make a one-off S106 contribution per new dwelling to the Stroud District Council's avoidance mitigation strategy; the cost is £385 per new dwelling. Or the applicant can provide their own bespoke strategy to mitigate the identified impacts the proposed development will cause.

Appropriate Assessment

The project being assessed would result in a net increase of dwellings within 7.7km of the Severn estuary SAC/SPA/Ramsar. In line with Policy ES6 of the adopted Stroud District Council local Plan 2015-2031 and the Severn Estuary Avoidance Mitigation Strategy, a permanent significant effect on the Severn Estuary SPA due to increase in recreational disturbance as a result of the new development is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.



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Stroud District Council formally adopted the Stroud District Council Severn Estuary Avoidance Mitigation Strategy in December 2017. The Avoidance Mitigation Strategy provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Severn Estuary SAC/SPA/Ramsar arising from new residential development. This has been endorsed by Natural England.

As set out in the Severn Estuary Avoidance Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

£385:00 per each new dwelling that will represent a net increase in dwellings within the 7.7km zone of influence.

Number of Units26..... X £385.00

TOTAL AVOIDANCE AND MITIGATION PACKAGE ...£10,010...

Policy ES6 of the Stroud District Council Local Plan 2015-2031 sets out SDC's approach to securing the appropriate mitigation measures to address the in-combination impact of increased recreational disturbance arising from increased housing development. It states:

Development will protect and safeguard all sites of European and Global importance, Designated as SACs, SPAs and Ramsar sites. Development must not result in significant adverse effects on these internationally important nature conservation sites, either alone or in combination with other projects or plans. The Council will expect development proposals to demonstrate and contribute to appropriate mitigation and management measures to maintain the ecological integrity of the relevant European site(s).

With specific regards to recreational impacts, the Council will use core catchment zones that identify potential impact areas which extend beyond the relevant European site itself. Development proposals within such areas will take account of any relevant published findings and recommendations. There will be further assessment work on the Severn Estuary SPA and SAC that shall include recreational pressures.

A legal agreement will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. As long as such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of SPA qualifying bird species and therefore act against the stated conservation objectives of the European sites.

Invasive Species

Japanese Knotweed -*There is a large stand of Japanese Knotweed within the north-western corner of the woodland, which is spreading to the centre of the woodland. This species is listed on the Schedule 9 of the Wildlife and Countryside Act. There is now a requirement for the submission of a method statement, prepared by a competent person, which includes the following information:*

- A plan showing the extent of the knotweed,*
- The methods that will be used to prevent the plant spreading further, including demarcation and fencing,*
- The methods of control and how the plant will be treated/removed.*



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Protected Species

Great Crested Newts (GCN)

There are no waterbodies on site, but two waterbodies were identified within 500m of the site. The closest (800 m) is a dry spring the other is a pond 500m from the site. This pond is separated from the site by a road, and this would act as a barrier to GCN dispersal. In the absence of surveys, a Natural England Rapid Risk Assessment was undertaken and the risk of an offence occurring due to the proposal is "Highly Unlikely"

Bats

The trees on site have negligible potential for roosting bats.

Badgers

There is an active main badger set located within the woodland and appropriate mitigation requires the incorporation of a 30m buffer zone to protect the set from disturbance both during and after construction. However, the current plans show that there is a SUDS pond proposed within the vicinity of the sett, in addition, the method of Japanese Knotweed removal is currently unknown, and this in turn will have an effect on the badger mitigation requirements. The northern edge of the proposed housing also lies within 30m of the sett and the current proposed scheme layout does not provide adequate 30m buffer zone from the development. Therefore, further information is required on how the sett will be protected both during the construction phase and after completion.

Biodiversity Enhancements and Biodiversity Net Gain:

The applicant has undertaken a Biodiversity Impact Assessment, but only indicative net gains have been provided using the draft design plans. The applicant needs to submit the metric calculation (spreadsheet) along with an outline Biodiversity Net Gain Plan, which should include the following information as a minimum:

- How adverse impacts on habitats have been avoided and minimised (clearly demonstrate how the mitigation hierarchy has been adhered to);*
- The pre-development biodiversity value of the onsite habitat;*
- The post-development biodiversity value of the onsite habitat.*

In addition, the implications of any habitat loss due to the removal method for the Japanese Knotweed should be factored into the BNG calculation.

If the above information cannot be supplied, refusal will be recommended for the following reasons:

- Policy ES6 of the local plan makes it clear that planning applications must be accompanied by adequate information for the impacts on biodiversity to be assessed.*

6.4 - Gloucestershire County Council Technical Officers

6.4.1 – GCC as Local Highway Authority

*Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has **no objection subject to conditions.***



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Overall the proposal does not cause any significant highway safety or network assurance issues.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

Highway Plan - Illustrative Only

For avoidance of doubt the submitted highway layout plan has been treated as being for illustrative purposes only.

Provision of Vehicular Visibility Splays

The development hereby approved shall not be occupied/brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety.

Highway Improvements / Offsite Works / Site Access (Details Provided)

The development hereby approved shall not be occupied until the highway improvements/offsite works comprising:

Carriageway and footway widening along Bowlers Lea and Pevelands have been constructed and completed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic onto the highway.

Highway Improvements / Offsite Works / Site Access (Details Provided)

The development hereby approved shall not commence until drawings of the highway improvements/offsite works comprising:

1 x tactile crossing point at Bowlers Lea

1 x tactile crossing at Manor Avenue to the south of Pevelands to serve bus stop IDs gloapgap and gloapgap

3 x tactile crossing points along Knapp Lane to access the A4135

Have been submitted to and approved in writing by the Local Planning Authority; and the building shall not be occupied until those works have been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the highway.

Completion of Vehicular Access - Shown on the approved plans



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The development hereby approved shall not be occupied/be brought into use until the means of access for vehicles, pedestrians and cyclists have been constructed and completed in accordance with the approved plans.

Reason: In the interest of highway safety.

Combined Parking Details (For RM Applications)

Vehicle and cycle parking shall be provided prior to first occupation of each dwelling in accordance with details to be contained within the approval of any reserved matters permission. Such details shall include a scheme for enabling charging of electric plug-in and other ultra-low emission vehicles. Parking and charging points shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities

Residential Welcome Pack

The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

Construction Management Plan

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- o Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);*
- o Advisory routes for construction traffic;*
- o Any temporary access to the site;*
- o Locations for loading/unloading and storage of plant, waste and construction materials;*
- o Method of preventing mud and dust being carried onto the highway;*
- o Arrangements for turning vehicles;*
- o Arrangements to receive abnormal loads or unusually large vehicles;*
- o Highway Condition survey;*
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.*

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

Provision for Street Tree Planting

No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.



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Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

Informatives

Informatives regarding work within the public highway and the need for highway legal agreements is highlighted. Adoption of highway including street trees would need further discussion with GCC regarding the details, ongoing maintenance and commuted sum.

Revised Plans - GCC as Local Highway Authority

Thank you for the revised consultation request; I have nothing further to add to my comments dated 1st December 2022

6.4.2 - County Archaeologist

Thank you for consulting the archaeology department on this application. The county Historic Environment Record shows that there are no recorded heritage assets within the proposed development site. A number of sites of archaeological interest lie within the wider area, notably a prehistoric ring ditch, Iron Age, Roman and medieval settlement. The Desk Based Assessment submitted with the application concludes that there is potential for low-value prehistoric and post-medieval, and medium value medieval sub-surface remains, with the proposed works having a moderate impact on all these features. I concur with this except that many previously unknown sites dating to the Iron Age and Roman period have been found recently in the Cam and Dursley area and remains of this period cannot be discounted to be present within the site.

The National Planning Policy Framework, polices 194 and 195 states that in determining applications the significance of heritage assets, including those with archaeological interest, are described and assessed to avoid any conflict with conservation of the heritage asset. I therefore consider field evaluation is necessary and the results are made available prior to determination of the application. Ideally this should consist of geophysical survey ground-truthed by trial trench evaluation.

I will be happy to advise further following receipt of this additional information.

Revised Plans - County Archaeologist

Thank you for notifying the archaeology department on this application. I note the revised Archaeological and Heritage Desk Based Assessment has been submitted with the application, as this is a redacted copy please can you send us a clean copy for our records. In regards to archaeological potential, the conclusions of the assessment remains the same and therefore our previous still stands (for a programme of archaeological evaluation to be carried out and the results made available prior to determination of the application). This advice is in line with the National Planning Policy Framework, in particular policies 194 and 195.

The removal of a historic wall has been brought to our attention and as this appears to relate to the setting of a Grade II Listed Building of Upper Knapp Farmhouse (NHLE no. 1090913) which dates to 16th century the views of the Conservation Officer should be sought. If it relates to the significance of a heritage asset then its retention and conservation should be sought where possible. If it is to removed or relocated then I advise that a condition for an appropriate*



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level of recording prior to its removal and the Conservation Officer should advise on the most appropriate level.

6.4.3 – GCC as Lead Local Flood Authority LLFA

An application for a development covering an area greater than 1 hectare is required to have a flood risk assessment. I cannot find an FRA in the information on the planning portal.

The indicative site plan shows a couple of proposed attenuation features so I am guessing some work has been carried out to assess flooding and drainage issues but there is not enough information included with this application to assess whether it is adequate. It is difficult to attenuate water on steep banks and it would be useful to see how it is intended to achieve this.

Revised Plans – GCC As LLFA

An FRA and Drainage Statement has been made available through the planning portal on 8th December 2022. It was published by PJA Civil Engineering Ltd, dated 19th August 2022 ref 05828-R-01 A.

The drainage strategy it presents shows surface water being discharged from the site at 2.1 litres/sec to either the unnamed watercourse that starts on the northern boundary of the site or to the surface water sewer in Manor Avenue. In order to control the discharge to this rate it identifies two above ground attenuation features with a total capacity of 470m³ which includes a 40% allowance for climate change.

These discharge rates and storage capacities should be used in the development of any detailed drainage plans used to support an application for a discharge of a drainage condition.

The LLFA has no objection to the proposal as the drainage strategy shows it is feasible to develop the site with this volume of housing without building properties at risk of flooding and without increasing flood risk elsewhere. Further detail is required to be able to see that what is built matches the requirements defined in this FRA and Drainage Strategy I would therefore recommend that the following condition be applied to any permission granted against this application:

Suggested Condition:

No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;*
- ii. include a timetable for its implementation; and*



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- iii. Provide a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks; and*
- iv. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.*

Reason:

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

Following the submission of additional information, further comments were received in March 2023.

6.4.4 – GCC Developer Contributions Investment Team

This application has been assessed for impact on various GCC community infrastructure in accordance with the "Local Development Guide" (LDG). The LDG was updated in March 2021 (following a targeted consultation which took place in Spring 2020). The LDG is considered a material consideration in the determination of the impact of proposed development on infrastructure.

<https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-local-development-guide/>

The assessment also takes account of CIL Regulations 2010 (as amended)

In support of the data provided please note the following:

Education

Following a recent Planning Appeal Decision, Gloucestershire County Council (GCC) has undertaken to review its Pupil Product Ratios (PPRs) which are used to calculate the impact of new development on school capacity and in turn justify the developer contributions being sought towards the provision of additional education infrastructure.

GCC is committed to undertaking a full review of its Pupil Product Ratios (PPRs), which will subsequently be consulted upon. In the meantime, GCC has reviewed its PPRs, taking account of comments made by the Planning Inspector in the above appeal, and using information that is currently available adjusting its calculations per 100 dwellings. This information can be found in the Interim Position Statement on PPRs which was published by Gloucestershire County Council in June 2021. The Interim Position Statement (IPS) is available on Gloucestershire County Council's website which you can access on the below link:

<https://www.gloucestershire.gov.uk/education-and-learning/school-planning-and-projects/gloucestershireschool-places-strategy-and-projects/>

The latest School Places Strategy 2021 - 2026 is also available on the Gloucestershire County Council website (see the link above). The School Place Strategy (SPS) is a document that sets



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out the pupil place needs in mainstream schools in Gloucestershire between 2021-2026. The SPS examines the duties placed upon GCC by the Department for Education (DfE) and it explains how school places are planned and developed. The 2021-2026 update was approved by Cabinet on 24 March 2021 and came into effect on 1 April 2021.

Cost Multipliers - The DfE has not produced cost multipliers since 2008/09, so in the subsequent years GCC has applied the annual percentage increase or decrease in the BCIS Public Sector Tender Price Index (BCIS All-In TPI from 2019/20) during the previous 12 months to produce a revised annual cost multiplier in line with current building costs, as per the wording of the s106 legal agreements. GCC calculates the percentage increase using the BCIS indices published at the start of the financial year and uses this for all indexation calculations during the year for consistency and transparency.

This assessment is valid for 1 year, except in cases where a contribution was not previously sought because there were surplus school places and where subsequent additional development has affected schools in the same area, GCC will reassess the education requirement.

Any contributions agreed in a S106 Agreement will be subject to the appropriate indices.

Libraries:

Under the provisions of the Public Libraries and Museums Act 1964, Gloucestershire County Council is a Library Authority and has a statutory duty to provide a comprehensive and efficient library service for all persons desiring to make use of it. This duty applies not only to the existing population of the County, but also to new residents generated through new development which add to the demand on a specific library which those new residents can be expected to use.

New development will be assessed by the County Council to determine its likely impact on existing local library services and the scope of resultant mitigation works that are required.

Consideration will be given to the existing capacity of the library using the national recommended floorspace benchmark of 30 sq metres per 1,000 population (as set out in the Public Libraries, Archives and new development: A Standard Charge Approach, 2010).

Planning obligations required towards improving customer access to services within the footprint of an existing library will be in the form of a financial contribution and calculated using the County Council's established per dwelling charge of £196.00.

Planning obligations required towards new library floorspace and fit out (i.e. extension to an existing building or construction of a new library building) will be considered by the County Council on a case-by-case basis.

Clarification in relation to education summary on previous page regarding S.22/2406/OUT - Land at Bowlers Lea, Dursley, GL11 5PR



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The contributions stated above are the maximum number of contributions which could be requested based on the number of qualifying dwellings. Any discount for surplus places will be calculated when an application is received.

Primary Places Impact:

The proposal is for 26 dwellings all of which are qualifying dwellings. This number of dwellings would be expected to generate an additional demand for 10.01 primary places. There is significant permitted development impacting on the closest schools which will take current spare capacity in the area. Therefore, Gloucestershire County Council is seeking a contribution of £181,511.33 towards primary places arising from this development.

Secondary (age 11-16) Places Impact:

The proposal is for 26 dwellings all of which are qualifying dwellings. This number of dwellings would be expected to generate an additional demand for 4.42 secondary (age 11-16) places. The West Stroud Secondary Planning Area is forecast to be full. Therefore, Gloucestershire County Council is requesting a secondary (age 11-16) contribution of £105,085.50 towards the provision of these places.

Post 16 Places Impact:

The proposal is for 26 dwellings all of which are qualifying dwellings. This number of dwellings would be expected to generate an additional demand for 1.56 secondary (16-18) places, which cannot be accommodated in the secondary planning area. Therefore, Gloucestershire County Council is seeking a contribution of £37,089.00 towards the provision of places arising from this development.

Library Impact - Site Specific Assessment

The nearest library to the application site, and the library most likely to be used by residents of the new development, is Dursley Library.

The new development will generate a need for additional resources at this library, and this is costed on the basis of £196.00 per dwelling. A financial contribution of £5,096.00 is therefore required to make this application acceptable in planning terms.

The financial contribution will be used to improve customer access to services through refurbishment and upgrades to the existing building, improvements to stock, IT and digital technology, and increased services.

This is a summary of the full consultation response. The original response in full can be found on the SDC website.

6.4.5 - GCC Public Rights of Way

This development does not appear to physically affect the nearby public rights of way CCA 41 & 50, however the proposed development will certainly increase the footfall on both of these PRoWs, CCA 50 in particular is indicated in the proposal as the route to the local school.



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6.6 - Public

6.6.1 - There has been approximately 104 responses received from the local community and other public contributors. The key issues of concern identified in the responses are as follows

Support

No letters of support were received

Objection

Principle of development

- o Site not allocated for development in the Stroud District Local Plan 2015
- o Site not allocated in the emerging draft Stroud District Local Plan
- o Site not allocated in the Cam Neighbourhood Development Plan
- o More suitable brownfield sites still available in the District and these should be prioritised for development
- o This site is exempt under normal planning and can only be permitted for affordable homes, to attain this exemption, a very dubious housing survey was undertaken with a poor response, from which the developers have come to the conclusion Cam needs 26 affordable homes, whatever that actually means?
- o No details provided about how affordable these houses would be, and whether they would cater for those in local need.

Design and Access

- o The proposed access is inadequate and would have a harmful impact on the existing footway that is frequently used by children walking to a nearby school
- o The access from Manor Avenue is on a blind corner and on the brow of a hill which is barely wide enough for 2 cars to pass safely. It is a regular road used by parents and children who use the lane to get to Woodfields school as well as walkers and horse riders.
- o Lack of proposed visitor parking may increase the on-street parking elsewhere
- o There are a huge amount of houses being built; Box Rd and the huge development close to Shell Garage as an example
- o The development itself is out of character with the main estate, over bearing to those houses below them and will dominate the landscape and skyline for the area.

Highways and Parking

- o Future occupants will be reliant on private motor vehicles
- o Existing parking issues will be made worse
- o The area is very busy during the nursery pick-up/drop-off times
- o Existing traffic issues at Manor Avenue and A4135, further increase in the volume of traffic cannot be accommodated as the existing road infrastructure cannot cope



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- o The traffic report does not properly reflect the peak times of nursery drop off/pick up
- o The site is not within the walking distance of either the town centre or the Cam & Dursley train station
- o No visitors' parking is proposed and no provision for additional vehicles the future households are likely to have.
- o Local public transport provision is unreliable
- o Public transport provision has been diminishing rapidly with services being cut and being highly irregular which creates difficulties for those who cannot drive.
- o There is no improvement of visibility considered (either arriving or leaving Pevelands) or addressing parking issues.

Facilities and Services Capacity in the area

- o The provision of local services is not keeping up with the increasing development and growth in the local population
- o Recent development in Cam is not resulting in any improvements to the local infrastructure and/or general services and facilities provision, such as doctors, dentists and schools.
- o The Planning Statement incorrectly states that the site is in the proximity of a nursery and a dental practice, but both of these are oversubscribed
- o Impact on local services and facilities that are already operating at a capacity
- o Lack of good quality, affordable childcare in the area
- o The local dentist now refusing to register new patients

Ecology and Environment

- o The development would spoil the surrounding landscape and views
- o The scheme is in conflict with paragraphs 179 - 182 of the NPPF.
- o The field has not been farmed for years and has become a refuge for wildlife with regular sightings of deer, foxes and badgers.
- o Development harmful to local biodiversity and environment
- o Noise disturbance of wildlife on site resulting from the future occupants, builders' lorries and HGVs may result in permanent harm to wildlife

Landscape & Trees

- o The site was previously assessed as not suitable for development due to the landscape impact
- o There is no certainty that the trees earmarked to be 'saved' will remain safe.
- o The site is steeply sloped and the existing trees serve to retain both moisture and to stabilise the existing ground. The proposed removal of the existing trees as shown on the plans will mean additional retaining structures and drainage will be required, to the detriment of the site.



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Flooding

- o The development will increase flood risk at Bowers Lea as this already has a large amount of water running down it when it rains
- o The drains at the bottom of Elstub Lane flood yearly
- o Flooding is now an issue in the wider area as a result of the overdevelopment of land that would have absorbed the water naturally
- o A comprehensive objection by a contributor was submitted and raised issues with to the findings of the Applicant's Flood Risk Assessment. This objection highlights the shortcomings in the report, mainly the lack of physical evidence supporting the findings of the Assessment. The objector also highlights that the FRA makes conflicting statements that do not match the real experience of neighbours and local residents.

Heritage

- O Risks harming existing heritage assets (listed building nearby) as well as the medieval archaeological remains that the Planning Statement identified to as likely to exist on the site.

Other

- o The applicant is promoting the scheme as 100% affordable, but, according to their website, prides itself on the overall reduction of developer contributions (and affordable housing) in other schemes. There is no certainty that the resulting development would be affordable
- o High-value properties with a view likely to be sold off at market prices
- o Residents, including those living in the vicinity of the site, do not remember receiving any questionnaire about the housing need or being consulted prior to the application submission
- o The residents Survey that this development is based and factored on is somewhat misleading and the figures they take from that survey to base house numbers on are dubious at best. There are huge numbers of houses being built in Box Road and already they are being offered as low cost, part ownership and affordable, all without being ring fenced for local people. Why should these be any different once built. They have not justified the need for these houses when so many are already available.
- o The huge volume of large developments puts the image of the 'rural village of Cam' at real risk
- o The planning statement refers to the site as being a brownfield site - this is incorrect as it is a greenfield site with an established wildlife
- o Cam suffers from increased levels of pollution according to the WHO limits and removing open countryside would exacerbate current levels of pollution rather than reduce them. That is not sustainable.



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7 NATIONAL AND DEVELOPMENT PLAN POLICIES

7.1 - National Planning Policy Framework July 2021

7.2 - Stroud District Local Plan 2015

Strategic Objectives

SO1 - Accessible Communities

S04 - Transport and Travel

S05 - Climate Change and Environmental Limits

Core Policies

CP1 - Presumption in favour of Sustainable Development.

CP2 - Strategic Growth and Development Locations.

CP3 - Settlement Hierarchy.

CP4 - Place Making

Core Policies - Homes and Communities

CP6 - Infrastructure and Developer Contributions

CP7 - Lifetime Communities

CP8 - New Housing Development

CP9 - Affordable Housing

CP14 - High Quality Sustainable Development

Delivery Policies - Homes and Communities

HC1 - Residential Development in Urban Areas

HC4 - Rural Exception Sites

Delivery Policies - Economy and Infrastructure

EI11 - Promoting Sport, Leisure and Recreation

EI12 - Promoting Transport Choice and Accessibility.

EI13 - Protecting and Extending our cycle routes

Delivery Policies - Environment and Surroundings

ES1 - Energy Efficiency and Sustainable Construction

ES3 - Maintaining Quality of Life Within Our Environmental Limits

ES4 - Water Resources, Quality and Flood Risk

ES6 - Biodiversity and Geodiversity

ES7 - Landscape Character

ES8 - Trees and Hedgerows and Woodlands

ES10 - Valuing Historic Environment and Assets

ES12 - Better Design of Places.

ES14 - Provision of Semi-Natural and Natural Green Space with New Residential Development

ES15 - Provision of Outdoor Play Space

ES16 - Public Art Contributions

7.3 - Cam Parish Neighbourhood Development Plan 2020



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The Cam Design Code

CAMES1 - Green Infrastructure and Biodiversity

CAMES2 - Parish Landscape Character

CAMES3 - Valued Views

CAMCD1 - Locally Distinctive Design

CAMCD2 - Cam's Trees, Woodlands and Hedgerows

CAMCD3 - sustainably Designed Homes and Places in Cam

CAMCD4 - Pre-application Community Engagement

CAMMC1 - Improving and Enhancing Connections for Cyclists and Pedestrians

CAMCF1 - Retention of Community Facilities

7.4 - County Level Development Plan

Gloucestershire Local Transport Plan (2020 to 2041)

Minerals Local Plan (2018 to 2032)

7.5 - Other relevant documents

Stroud District Open Space and Green Space Infrastructure Study (June 2019)

Planning Obligations Supplementary Planning Document (July 2017)

Stroud District Landscape Assessment Supplementary Planning Guidance (November 2000).

Stroud District Residential Design Guide Supplementary Planning Guidance (November 2000).

Stroud District Residential Development Outdoor Play Space Provision Supplementary Planning Guidance (November 2000).

8 PRINCIPLE OF DEVELOPMENT

8.1 The site is located on open agricultural land immediately to the West of the settlement development limit of Cam (Lower Cam). Policy CP3 of the Stroud District Local Plan (adopted November 2015) identifies Cam and the nearby settlement of Dursley as a First Tier which are considered as District's main towns that are the primary focus for growth and development.

8.2 Policy HC4 of the Stroud District Local Plan (adopted November 2015) sets out that planning permission may be granted for affordable housing on sites adjoining settlement limits subject to compliance with the criteria listed; and where the settlement is a third-tier or above.

8.3 Accordingly, Council's officers are satisfied that the proposed development meets the broad objectives of Policy HC4.

8.4 Policy HC4 sets out criteria under which the Council shall meet local affordable housing needs on sites outside of settlement development limits. Each is addressed individually below:



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Clearly Evidenced Housing Need

- 8.5 The first criterion of the policy HC4 requires the applicant to demonstrate that *"there is a clearly evidenced local need which cannot be readily met elsewhere in the locality, for the number and type of housing proposed."*
- 8.6 Core Policy CP9 states that *"there is an overall unadjusted need for affordable housing of 446 dwellings per annum"*. The Applicant's Housing Needs Assessment identifies the combined need across the next five years to be at least 89 new homes. Accordingly, officers are satisfied that the proposal would contribute to the identified District-wide need, and a moderate weight in favour of the proposed development.
- 8.7 However, the objective of Policy HC4 is to provide housing development that would meet identified *local* affordable housing needs, and the wording of the policy requires the applicant to provide information that the other alternative sites have been considered and ruled out sequentially.
- 8.8 Cam West ward, where the application site is located, is on the edge of Dursley and Cam East wards. Cam West is the closest ward to the major highway network connections, including the A38 and M5. The Cam and Dursley train station with regular services to Bristol and Gloucester is also located within Cam West. Importantly, Cam West is located outside of the Cotswolds AONB. These factors contributed to the Council's decision to allocate strategic housing and employment sites within this area.
- 8.9 The Stroud District Local Plan (2015) Policy SA3 allocates land known as 'Northeast of Cam' for the development of up to 450 dwellings and 11.4 ha of employment land. The Policy also specifies that 135 dwellings are to be affordable. It should be noted that additional 56 dwellings were approved on this site which brings the total gross capacity of this allocation to 510 dwellings with the corresponding increase in the number of affordable units.
- 8.10 Phases H1 and H2 of this development have been completed. Phases H3, H4, H5 and H6 benefit from an outline planning permission and the reserved matters application was recently discussed in a form of a pre-application discussion. Collectively, all phases of SA3 will deliver approximately 150 affordable units. There is a variety of sizes, types and tenures of affordable units delivered on this strategic allocation alone.
- 8.11 In addition, the permitted development on sites known as 'Land north-west of Box Road' and 'Land adjacent to Box Road' will deliver approximately 63 affordable units. Furthermore, a site known as 'Land south of railway line' is set to deliver 13 affordable units.
- 8.12 The emerging Stroud Local Plan (submission draft 2021) allocates further housing sites in Cam, including sites known as 'Land West of Draycott' (PS24) and 'Land East of River Cam' (PS25). These are greenfield sites estimated to deliver approximately 880 dwellings. The development will be subject to at least 30% policy-compliant provision of affordable housing which would represent approximately 264 affordable units. These



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sites are likely to further contribute to the future affordable housing delivery in this location, as well as the district-wide needs.

- 8.13 The applicant submitted a Housing Needs Assessment that is based on the analysis of a questionnaire distributed across Cam. While the Assessment contains a useful insight into the existing housing provision, it fails to provide any meaningful assessment of the existing provision of affordable housing in the 'local' area and any need that would be a result of 'under provision' in this locality.
- 8.14 The document does not explore whether the need identified could be **readily met elsewhere in the locality**. The Assessment does not offer any analysis of other available and deliverable sites in the locality and whether these could cater for the affordable housing need. In total, the Cam West ward area will see the total delivery of affordable housing that greatly exceeds the need identified by the applicant. While it is acknowledged that the strategic sites cater primarily for the wider needs of the district, it is likely that they will simultaneously cover the local affordable housing need in Cam West. In this context, the officers attribute moderate weight against the proposed development to this factor.
- 8.15 The first criterion of the policy HC4 also requires the application to demonstrate that there is **a clearly evidenced local need for the number and type of housing proposed**. Paragraph 4.4 of the Applicant's own Housing Needs Assessment identifies the combined need across the next five years to be at least 89 new homes of which 25no. are to be 1-bedroom units, 53no. are to be 2-bedroom units, and 11 are to be 3 bedrooms and more.
- 8.16 The application is in an outline form with detailed designs and layout reserved for later considerations, however, it is indicated that the proposed development consists of 13no. 2-bedroom and 13no. 3-bedroom houses only. It is therefore considered that the lack of provision of smaller 1-bedroom dwellings, and an over-provision of larger 3-bedroom dwellings on the application site does not deliver an appropriate number and type of housing identified as needed in this locality.
- 8.17 The Council is not satisfied that clear evidence exists that the proposal addresses local needs, particularly in respect of the dwelling types. Furthermore, insufficient information has been submitted to demonstrate that the proposed dwellings cannot be located elsewhere in the locality.
- 8.18 Overall, it is concluded that the applicant fails to demonstrate compliance with the first criterion of the Stroud District Local Plan Policy HC4. Accordingly, officers attribute an overall substantial weight against the proposed development to this factor.

Site's Accessibility to Local Services and Facilities

- 8.19 As a first-tier settlement, Cam benefits from supporting community facilities and infrastructure including major supermarkets, healthcare provision facilities and local services. The education provision includes both primary and secondary schools, both of which are within walking distance of the application site. Public transport provision in the locality includes regular bus services, although it is acknowledged that their



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frequency may have been reduced since the Covid-19 pandemic. The Cam & Dursley train station is approximately 1.2 miles away from the application site and can be reached on foot or by bicycle.

- 8.20 It is therefore concluded that the proposed development complies with the second criterion of the Stroud District Local Plan Policy HC4. The compliance with a criterion of the principal planning policy is accorded a neutral weight in the planning balance.

Subject to Over-riding Environmental or Material Planning Constraint

- 8.21 The application site has several environmental constraints that are discussed in further detail later in this report.
- 8.22 The Preliminary Ecological Appraisal identified active badger setts on site. The Appraisal further noted the presence of Japanese Knotweed. From the information submitted for Council's consideration, officers conclude that there is a high possibility that these species interact.
- 8.23 As a result of this interaction, it may be practically impossible to undertake an effective course of action to treat the invasive species while simultaneously preserving the protected species and their habitats. This issue has been raised with the agent/applicant, but no satisfactory evidence was submitted to the Council which would demonstrate that this issue could be effectively and satisfactorily resolved.
- 8.24 It is therefore concluded that the application site has significant environmental constraints that have not been appropriately addressed. Officers attribute significant weight against the proposed development to this factor.

Appropriate Legal Arrangements in Place

- 8.25 The Council requires that *"appropriate legal agreements are entered into to ensure that such dwellings will remain available as affordable housing for local need, in perpetuity with the necessary management of the scheme"*.
- 8.26 Although the policy would not preclude any developer from carrying out a suitable scheme with appropriate covenants on the land or legal agreements, the Council will require the properties to be managed by a Registered Provider. It is noted that no Registered Provider was identified at the application stage, or during the application determination period.
- 8.27 No draft of S106 was submitted to demonstrate that all units proposed would be affordable in perpetuity. This is one of the requirements of the policy, and such an agreement is necessary to make the development acceptable in planning terms. Furthermore, Planning Practice Guidance states that *"Ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed. It encourages the parties to finalise the planning obligation or other agreement in a timely"*



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manner and is important in the interests of maintaining transparency". (Paragraph: 010 Reference ID: 21a-010-20190723)

- 8.28 In the absence of an appropriately worded S106 agreement, the development fails to comply with this criterion of the policy. Officers attribute significant weight against the proposed development to this factor.

Compliance with Recommended Standards

- 8.29 The last criterion of Policy HC4 requires *"the gross internal floor area of these dwellings to comply with the latest recommended standards use by the Homes and Communities Agency"*.
- 8.30 The application is accompanied by an indicative site plan with house typology indicated. A drawing by Zebra Architects also indicates views into the site. These views show blank elevations of proposed houses, but all appear to be two-storey structures. As such, when assessing this criterion, the Council considered only two-storey unit sizes as a comparison with 'Technical Housing Standards - Nationally Described Space Standard'.
- 8.31 The indicative house types B and D - 2-bedroom, 4-person dwelling - do not comply with the minimum space standard for a two-storey dwelling that is occupied by four persons. Both house types proposed have a gross internal space of 74.2sqm, while the space standards require this type of property to be at least 79sqm. Similarly, the house type F - 3-bedroom, 5-person dwelling - is proposed to have a gross internal space of 87.5sqm while the standard requires at least 93sqm for this type of property.
- 8.32 It is acknowledged that the detailed design (and internal spaces standards) should be considered at the reserved matters stage, however, the indicative size is a material consideration in the determination of 'exception sites' and must therefore be discussed in respect of this application.
- 8.33 As noted above, there is no firm commitment from a Registered Provider. However, to secure an agreement with a Registered Provider, the applicant would be required to demonstrate that the scheme complies with the standards required by such organisations. In this context, the lack of compliance with the nationally described space standards could prejudice the applicant's ability to deliver a scheme that a Registered Provider could accept.
- 8.34 It is therefore appropriate for the Council to assess the internal gross areas specified, even if these are indicative/illustrative. In this instance, these are inadequate and could prejudice the delivery of the site as a rural exception site. Accordingly, the proposal fails to comply with criterion 4 of Policy HC4, and officers attribute a moderate weight against the proposed development to this factor.

Summary

- 8.35 Overall, the proposal fails to accord with the criteria of the Stroud District Local Plan Policy HC4. Accordingly, officers conclude that the application conflicts with an up-to-



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date development plan, and permission should not be granted, unless material considerations indicate otherwise.

9 DESIGN AND LAYOUT

- 9.1 The application is for outline planning permission with all matters reserved (scale, massing, design, layout, appearance and landscaping) except access. As such, the applicant provided only indicative site layouts and illustrative 3D views into the site. Furthermore, it is indicated that 13no. 2-bedroom 4-persons dwellings, and 13no. 3-bedroom 5-persons dwellings would be delivered on site.
- 9.2 The illustrative views into the site indicate that these units will be in the form of two-storey, predominantly detached dwellings.
- 9.3 The relatively challenging topography of the site is dealt with by 'cut and fill' and a series of retaining walls that are indicated on the illustrative drawings and within the Design and Access Statement.
- 9.4 The details of floor levels would be submitted at the reserved matters stage, alongside full design details including internal layouts and elevations.
- 9.5 The Design and Access Statement highlights the applicant's aim to provide sustainable development. The measures to reduce energy demand and carbon emissions include the site layout that takes advantage of passive solar gain and natural daylighting. Fabric-first approach to design and construction and the inclusion of onsite renewable energy generation in the form of air source heat pump systems is welcomed.
- 9.6 The Design and Access Statement states that *"the overall development seeks to deliver new buildings which would meet the 2018 Building Regulations"*. The Council notes that if permitted, the applicant would be required to comply with the 2022 Building Regulations that require higher levels of insulation and additional measures to reduce energy demand. Due to the timescales involved in the planning system, there is a potential that the applicant may be bound to adopt the 2025 Building regulations if the scheme is permitted.
- 9.7 It is noted that the residential gardens of units 1 - 10 extended in a tree belt along the eastern boundary of the site. These gardens include trees and hedges that form part of an important natural screen.
- 9.8 While the existing trees are marked to be 'retained', further infilling of this tree belt is proposed within the Landscape Strategy drawing no. L-200, the inclusion of these within private gardens does not guarantee that this screen could be retained and maintained.
- 9.9 To assure that this important screening and biodiversity element is retained and appropriately maintained, the Council would require this area to serve as a green buffer and thus be excluded from the private gardens. However, this application is being refused for other reasons, therefore, no amendment was sought from the applicant to rectify this matter.



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- 9.10 Details of design and layout are a matter reserved for later consideration and could be dealt with at a later stage of the planning process.

10 LANDSCAPE IMPACT

- 10.1 The site is located within an open landscape above Manor Road and its surrounding development. Paragraph 130 of the NPPF requires decisions to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

- 10.2 The site was assessed in the Stroud Landscape Sensitivity Assessment report (December 2016) under the reference 'C09'. The overall sensitivity to housing development is **high/medium** and sensitivity to employment development is **high**. The Assessment provides the following comments about the sensitivity to housing development:

" The sensitivity of the area lies in its open, rural farmed slopes rising above lower land and open to view from the M5 to the north as part of the escarpment foot slopes, and the settlement and other valley sides to the east; its role as an unspoilt backcloth to the settlement; its function in helping to separate the settlement from the M5, and its recreational role. Its value lies in its PROWs, and proximity to Field Lane Farm to the north which is listed. Housing would be either noticeable or prominent on the slopes and would impinge on their function as backcloth to the settlement as well as potentially being highly visible to the wider countryside and the M5 to the north. It is therefore considered inappropriate"

- 10.3 Furthermore, the Assessment comments on the functional and visual relationship between the assessed area and the settlement:

"The open, farmed slopes form part of the unspoilt hillsides separating Cam and Dursley from the motorway, provide a rural setting to the motorway as part of the Escarpment footslopes visually linked to the escarpment in views, and provide a positive backcloth to the settlement to the east. There is also access via PROWs from the settlement providing recreational benefits."

- 10.4 The application is in an outline with details of scale and massing to be determined at a later date. The development on this elevated site would have an urbanising effect on the site as it would introduce substantial built form that would be visible and prominent, particularly when seen from the surrounding open landscape and footpaths no. 43 and no. 41. This is in line with the findings of the submitted Landscape Addendum which identifies viewpoints on these footpaths as **Highly Sensitive**.

- 10.5 Policy HC4 allows for affordable housing to be located adjacent to (but outside of) settlement development limits. The policy, therefore, provides for an implicit level of landscape change at the edge of the host settlement, as long as the host settlement is classified as a third tier or above. The policy thus allows for a limited number of affordable homes to emerge at the edge of a settlement on the basis that the benefits



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would outweigh some limited changes and potential landscape harm. In this respect, a degree of tolerance for harm is built into the policy provision.

- 10.6 The Council currently lacks a dedicated landscape officer thus expert opinion was sought. The Technical Review of the submitted LVA concluded that the site is highly sensitive given its landform and its role in views towards the nearby Cotswold Area of Outstanding Natural Beauty. It is noted, that the proposed development on the site has the potential to detract from these views.
- 10.7 The Technical Review further highlights that the submitted LVA covers the main issues but lacks clarity and omissions are made. Overall, the submitted LVA does not provide clear, robust and consistent evidence that is required by the decision-makers, and that further information is needed to fully assess the impact of the proposed development.
- 10.8 The technical evidence submitted with the application is not considered to be robust enough for Officers to assess the level of harm to the surrounding landscape arising from the development. Accordingly, the proposal fails to demonstrate that the location, scale and use are sympathetic and complement the landscape character as required by Stroud District Local Plan Policy ES7. In this highly sensitive location, priority must be given to its protection. Accordingly, officers attribute significant weight against the proposed development to this factor.

11 ARCHAEOLOGY & HISTORIC ENVIRONMENT

- 11.1 The planning application is accompanied by an Archaeological and Heritage Desk-Based Assessment that identifies the potential for any archaeological remains on site, the significance of any potential archaeological remains, and assesses the impact on these remains by the proposed development.
- 11.2 The Assessment also deals with the Heritage Statement that assesses the impact of the development on the retaining wall that is attached to the Grade II* listed Upper Knapp Farm building.

Retaining wall

- 11.3 The Assessment notes that the works to the retaining wall are not expected to result in harm to the farmhouse itself, however, it is noted that a Listed Building Consent will be necessary to allow any of these works to proceed. The submission of the Listed Building Consent was requested, alongside all the details that would be necessary for the Consent to be granted.
- 11.4 While it was agreed with the agent that the Listed Building Consent application could be submitted prior to the operational development works, it was made clear to the applicant/agent that works to the retaining wall form part of the 'access improvements' and therefore full details, including detailed drawings and specification of works and materials must be submitted for Council's consideration. The access is not a reserved matter and must be therefore considered in full.



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- 11.5 The only information/details received from the applicant in respect of the works concerning the repositioning of this listed structure are drawings within the Transport Statement and an **illustrative** sketch section A-A drawings (Retaining Wall Illustrative Sketch Sections PL010, as received 02/02/2023). However, these are not consistent. The Transport Statement drawings indicate that, at the widest point, the wall will be moved back by approximately 3 - 3.5 metres, while the section drawing indicates that the wall will be moved back by at least 4.5m.
- 11.6 There is no indication of how the retaining wall will be constructed and/or whether the materials would be reused. The Design and Access Statement simply states that *"the proposal includes the removal and reconstruction of a retaining wall to a construction specification and appearance similar to the wall being removed"*. But no specification of which of the existing walls (the stone or brick) are being reconstructed.
- 11.7 The retaining wall is a Grade II* listed structure due to its association with a Grade II* listed building, but the documents within the application submission do not provide sufficient and clear information for the Council to assess what the impact of the development (including the removal of trees, and any potential harm to trees remaining on site) would cause any harm to the significance of Grade II* listed building and its setting.
- 11.8 Paragraph 205 of the NPPF states that *"local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact"*. Paragraph 200 of the NPPF states that *"any harm to, or loss of, the significance of designated heritage assets (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."*
- 11.9 Accordingly, the proposal did not provide sufficient, clear and convincing justification that the re-positioning of the retaining wall would not cause harm to the setting of a Grade II* listed building. Therefore, Officers accord moderate weight against the proposed development to this factor.

Archaeology

- 11.10 The Archaeological and Heritage Desk-Based Assessment concludes that there is potential for low-value pre-historic and post-medieval, and medium-value medieval sub-surface remains, with the proposed works having a moderate impact on all these features. The significance of the impact on archaeological remains on site ranges from slight to moderate. The Assessment further elaborates that in light of the potential for the identified remains throughout the remainder of the site, it is likely that the local authority would request a precautionary approach. In this respect, the Assessment notes that the most appropriate strategy should entail a suitable archaeological field evaluation. It further notes that such works would be set out within a Written Statement



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of Investigation and agreed upon with the planning archaeologist. However, the Assessment also states that *"a non-intrusive geophysical survey may be considered prior to these works"*.

- 11.11 Indeed, the Gloucestershire County Council Archaeologist provided their comments indicating that many previously unknown sites dating to the Iron Age and Roman period have recently been found in the Cam and Dursley area. The consultee further states that *"field evaluation is necessary, and the results are to be made available prior to determination of the application."* The recommended approach is a geophysical survey followed by a trial trench evaluation.
- 11.12 Stroud District Local Plan Delivery Policy ES10 requires any proposals involving a historic asset to be accompanied by a description of the heritage asset's significance, and an assessment of the potential impact of the proposal on that significance. The policy notes that this can be a desk-based assessment and a field evaluation prior to the determination where necessary.
- 11.13 The application was not supported by either a non-invasive or an invasive field evaluation requested by the statutory consultee. It is therefore the case, that, in its current form, the application provides insufficient evidence for the local planning authority to assess the particular significance of any heritage asset that may be affected by a proposal as required by Paragraph 195 of the NPPF. As such, Officers accord significant weight against the proposed development to this factor.

Summary

- 11.14 The proposal as a whole does not provide a satisfactory assessment of the potential impact of the proposal on historic assets in this locality in line with requirements of Stroud District Local Plan Delivery Policy ES10 and paragraphs 194, 195 and 205 of the NPPF.
- 11.15 The insufficient information in relation to the retaining wall is given a moderate weight against the development because there is no in-principle objection to its partial removal. However, the significant weight against the proposal is apportioned to the failure to undertake field evaluation surveys for the reasons stated above.

12 ENVIRONMENTAL ISSUES

Ecology

- 12.1 A Preliminary Ecological Appraisal dated August 2022 was submitted with the application. The walkover survey was carried out in May 2022. The Appraisal recommended follow-up surveys for roosting as well as foraging and commuting bats, for the hazel dormouse, for reptiles, and for badgers.
- 12.2 Suggested surveys were carried out and the results were presented in the Ecological Impact Assessment ('EIA') (January 2023). Officers concur that the proposal would not have a harmful impact on roosting, foraging and commuting bats, and would not have a



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- harmful impact on reptiles or hazel dormice. However, it is noted that a small wooded area within the grounds of the listed building was not surveyed.
- 12.3 Overall, officers conclude that the impacts on bats, reptiles and dormice could be effectively mitigated subject to appropriately worded planning conditions.
- 12.4 A number of active badger setts are present, and there is a high possibility of direct harm to protected species should the occupied setts be destroyed. It is noted that the recommended 30m buffer zone in relation to active setts has not been incorporated into the scheme. The illustrative drawings indicate that there is a high potential for interference between elements of a drainage strategy and the setts. Officers accord significant weight against the proposed development to this factor.
- 12.5 Invasive species - Japanese Knotweed - were found on site. The EIA states that *"without adequate clearance, works could risk the spread of these invasive species to neighbouring habitats, resulting in a Negative (Significant) impact."* The Biodiversity Team requested the submission of a method statement to show the extent of the knotweed growth on site, the methods that will be used to prevent the plant from spreading further, as well as the methods of control and how the plant will be treated and removed from the site. This information was not received during the determination of the application.
- 12.6 The EIA includes a summary table of 'Initial biodiversity net gain calculations for the site' (Table 8). The Biodiversity officer requested, above others, the submission of the metric calculation spreadsheet to verify the pre-development biodiversity value of the on-site habitat. Furthermore, the implication of any habitat loss due to the removal method for the Japanese Knotweed should be indicated in the BNG calculation, particularly due to the potential for a significant negative impact should this be spread further. Details and clarifications requested in this respect remain unresolved.
- 12.7 Accordingly, the proposal is in conflict with the Stroud District Local Plan Policy ES6. Furthermore, the proposal fails to demonstrate that measurable net gain in biodiversity can be achieved in line with the requirements of paragraphs 174(d), 180 and 182 of the NPPF.

Drainage/Hydrology

- 12.8 GCC as the Lead Flooding Authority ('the LLFA') initially noted the lack of Flood Risk Assessment in the application submission pack. The document was subsequently received in December 2022.
- 12.9 The indicative site plan indicates attenuation features to be located within a steep bank at the northwestern area of the site. Further information was requested by the LLFA to demonstrate how this mechanism would work in practice. The applicant demonstrated that the surface water run-offs will be reduced, resulting in an overall betterment in respect of the greenfield runoff. This is achieved through the introduction of new attenuation features.



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- 12.10 The Local Lead Flooding Authority has no objection to the scheme as the drainage strategy shows a feasible solution without increasing flood risk elsewhere. This, however, is subject to adherence to the requirements defined in the Flood Risk Assessment and Drainage strategy which can be secured through appropriately worded conditions, including conditions suggested by the local lead flooding authority.

Arboriculture

- 12.11 The application is accompanied by an Arboricultural Impact Assessment that provides an assessment of trees which may be impacted by the development proposals. It is noted that the survey of the site took place in June 2022 and states that *"the level changes throughout the site significantly impeded the tree survey, with unmanaged areas of dense bramble and nettle/scrub also limiting access to certain sections."*
- 12.12 The Assessment concludes that an identified single tree and three smaller groups of trees will require removal in order to accommodate the development proposed. Such felling would take place outside of the breeding bird season to prevent disturbance. This could be assured by an appropriately worded condition.
- 12.13 The Assessment further concludes that the development is unlikely to cause any major impacts on trees with higher landscape and amenity values if construction exclusion zones ('CEZ') are established and adhered to. The Council agrees with this conclusion as far as the greenfield site is concerned as the Landscaping Strategy drawing L200 indicates that any loss of trees on the greenfield site will be offset by the new tree planting within the scheme.
- 12.14 However, the Assessment fails to assess trees that are located within the area formally associated with the Upper Knapp Farm, specifically the area which is required for access/highways improvement works. This area will be subject to substantial engineering and soil removal works to widen the existing 'pinch point'. The section drawings indicate that at least 4m of the retaining wall will be removed alongside the soil and greenery.
- 12.15 This area contains mature trees that can be seen in aerial images, yet it was not part of the Assessment. As such, it is concluded that in respect of this part of the application site, the applicant did not provide sufficient information for the Council to assess compliance with the Stroud District Local Plan Delivery Policy ES8. While it could be accepted that this issue may be resolved with an appropriately worded condition, in this instance the detailed information is needed because these trees contribute to the wider setting of a Grade II* listed building. Without a full understanding of individual trees in this location, it is not possible to understand how the proposed development, particularly the removal of the retaining wall and a large quantity of soil, would impact the remaining trees.
- 12.16 The mature tree canopy along the site's boundary provides an important screening feature as acknowledged in the Landscape and Visual Appraisal document. However, it is noted that the proposed residential gardens for plots 1 - 10 extend into this area, including the existing and the proposed enhanced tree planting. The trees are not



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subject to a Tree Preservation Order and their inclusion into the residential curtilage would result in the loss of control over the permanence and management of this important screening feature. Officers accord a moderate weight against the development of this factor.

- 12.17 Overall, the development proposal fails to demonstrate that the trees and hedgerows that contribute to the landscape character and setting of the development will be retained and appropriately managed in line with the requirements of the Stroud District Local Plan Policy ES7.

13 HIGHWAY IMPACT AND ACCESSIBILITY

Highway Safety Considerations

- 13.1 Access is not a matter reserved for later consideration and as such this element of the proposal requires full detail at the application stage. The Overview of Proposed Site Access Works drawing no. HAS/22-005/03 indicates where the full detail of access is provided and where only 'indicative layouts' apply.
- 13.2 The only vehicular access to the site is via Bowers Lea which connects to the wider highway network through a narrow pinch point. The proposal seeks to deliver a more standardised layout by removing a section of a retaining wall associated with the land at Upper Knapp Farm. Widening of a small section of Pevelands and the remarking of the Pevelands/Bowers Lea junction is also proposed.
- 13.3 GCC as the local highway authority has no objection to the highway improvement works and the widening of the removal of the pinch point, subject to conditions.
- 13.4 The application proposal has been heavily objected to by the local community on the highway grounds with a particular concern relating to the existing parking problems and safety concerns in respect of the traffic/parking during the nearby nursery's pick-up and drop-off times. These are existing issues and are therefore treated as a material consideration in the decision-making.
- 13.5 While the concerns of the residents (and their representatives) are duly noted, the National Planning Policy Framework (paragraph 111) states that *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 13.6 The parking provision on site would be a matter for future determination, however, the proposal is capable of compliance with the adopted parking standards, including visitors' parking. As such, the proposal will not contribute to the on-street parking problem that already exists.
- 13.7 Objectors further noted that the development would compromise the safety of parents and children using public rights of way, particularly where the PROW meets Bowers Lea. Appropriate visibility splays can be achieved within the areas subject to this



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application. As such, officers conclude that while some cumulative impacts on the road network may be a direct result of the development proposal, the impact is not severe. As such, there are no grounds for refusal on highway safety grounds.

Public Rights of Way Considerations -

- 13.8 No works to the Public Rights of Way form part of the application proposal. However, the adjacent byway serves as a direct pedestrian link to a nearby primary school. It is therefore likely that the footfall on this path will increase as a direct result of this development. This is acceptable in principle.
- 13.9 The safety of the footpath users is not considered to be compromised by the proposed access arrangements for the new development. The details and designs of retaining walls between the footpath and the access point to the development site are a matter for later consideration. Furthermore, compliance with the proposed visibility splays can be secured by an appropriately worded condition(s).

Other

- 13.10 Speeding along the local highway network was raised by objectors as one of the major concerns, however, the data examined by the GCC highways indicate that no collisions have taken place on Manor Road. Manor Road is a spine road that connects the 1980's residential estate development in this area. It is predominantly used by the occupants of residential properties as there are no shopping or community facilities in this area that would require the use of a vehicle. The major traffic flow of visiting and commercial vehicles is confined to the A4135 which connects the wider area with the commercial, retail and town centre facilities. In this respect, the speeding of vehicles on Manor Road is a matter for the Traffic Act/Police enforcement and falls outside of the merits of the planning policy.

14 RESIDENTIAL AND GENERAL AMENITY

- 14.1 Concerns were raised by objectors about the potential for overlooking existing private gardens from the development on this elevated site. The site is considered to be sufficiently detached from the existing residential development. Furthermore, the existing mature trees and hedges would provide an appropriate screening between the existing and the proposed development.
- 14.2 While Officers note that the application proposal in its current form does not provide sufficient assurances that this screen will be retained and appropriately managed, this issue could be dealt with by the review of the scheme's internal layout, and by appropriately worded planning conditions. In this context, the application proposal would not compromise the amenity or the loss of privacy of existing residents by overlooking.



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15 DEVELOPER CONTRIBUTIONS

- 15.1 Developer contributions is a collective term mainly used to refer to the Community Infrastructure Levy (CIL) and Planning Obligations commonly referred to as Section 106 obligations.
- 15.2 Stroud District Council adopted its Community Infrastructure Levy in February 2017. The Stroud Infrastructure Funding Statement (IFS) is produced annually and prioritises future spending from CIL and S106 funding. The IFS outlines the projects that Stroud District Council intends to be wholly, or partially funded by Community Infrastructure Levy. The IFS replaces the CIL Regulation 123 List.
- 15.3 The application site does not fall within a strategic housing site allocation. It is a CIL-liable development. Appendix F of the IFS (December 2022) provides the identified areas for prioritisation of Infrastructure Funding. Specifically, the document sets out that Education (covering school places for ages 2 to 19) and Social Infrastructure (including community facilities such as library Services) is to be funded through CIL where the site is not within a strategic allocation. CIL receipts are or will be, available and there is no reason why, on receipt of an acceptable bid, they should not be paid out to fund priority infrastructure.
- 15.4 However, where '*revenue funding*' is required to make a proposed development acceptable in planning terms, for example by funding new school places within the existing provision, CIL funding cannot be used as it relates to capital projects only. Capital projects are those where a whole new facility, for example, a new school, is being provided.
- 15.5 Gloucestershire County Council Infrastructure Team (GCCIT) have requested S106 obligations to mitigate the impact of the development in respect of education and Library Services contributions.
- 15.6 Regulation 122 of the CIL regulations (as amended in 2019) is particularly relevant to the County Council obligation request. The regulation sets out that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is;
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 15.7 In this instance, officers consider that the required funding towards additional primary and secondary spaces, as well as the funding towards Dursley Library, are revenue funding. Furthermore, Officers are satisfied that the purpose of the requested funding is necessary, directly related, and fairly and reasonably related in scale and kind to the development. Accordingly, in respect of this development proposal, the requested obligations comply with CIL regulation 122 as they meet the above tests.



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- 15.8 The application scheme is CIL liable development, however, the development of affordable dwellings is exempt (subject to relevant application) from CIL payments. If permitted as a 100% affordable housing scheme, all of the dwellings could be exempt from the CIL charge.
- 15.9 Officers are satisfied that the effect of using an S.106 agreement to secure the funds would not amount to 'double counting' as it cannot be secured through CIL funding.

Education and Libraries

- 15.10 The application was assessed for impact on various Gloucestershire County Council community infrastructure in accordance with the 'Local Development Guide' ('LDG') that was updated in March 2021, and that is a material consideration in the determination of the impact of proposed development infrastructure
- 15.11 The School Place Strategy (SPS) is a document that sets out the pupil place needs in mainstream schools in Gloucestershire between 2021 - 2026. The assessment provided by the GCC is valid for 1 year and the educational need identified (at the time of writing in January 2023) in respect of this development of 26no. dwellings was as follows:
- 10.01 Primary school places;
 - 4.42 Secondary (age 11-16) places; and
 - 1.56 (Secondary (age 16 - 18) places.
- 15.12 The Assessment highlights that the proposal is for 26no. dwellings all of which are qualifying dwellings in respect of the primary school provision. It further states that "there is significant permitted development impacting on the closest schools which will take current spare capacity in the area. Therefore, Gloucestershire County Council is seeking a contribution of £181,511.33 towards primary places arising from this development. The secondary school contributions of £105,085.50 (age 11- 16) and £37,089.00 (age 16 - 18) are also sought from the development.
- 15.13 The development would be required to contribute £323,685.83 towards educational provision in the area. This contribution is required to make the scheme acceptable in planning terms. The Applicant did not provide a draft S106 agreement to indicate that financial contributions will be made, neither was a justification provided as to why such contributions should not be paid. Officers did not pursue this issue any further because there are fundamental objections in principle as explained elsewhere in the report.
- 15.14 The nearest library to the application site is Dursley Library. The new development will generate a need for additional resources at this library and this is costed on the basis of £196.00 per dwelling. A financial contribution will go towards improvements in customer access to services through refurbishment and upgrades to the existing building, improvements to stock, IT and digital technology, and increased services. The total contribution of £5,096.00 is required by the Gloucestershire County Council.



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15.15 Financial contributions towards education and libraries are required to make the scheme acceptable in planning terms. No agreement to pay such contributions was made, thus **significant weight** against the development is attributed to this factor.

16 CONCLUSION AND PLANNING BALANCE

16.1 The application proposal is brought forward as a 'rural exception' site and as such the application was assessed on its merit and its compliance with the adopted Stroud District Local Plan Delivery Policy HC4 that deals with rural exception sites. The Council is currently able to demonstrate a five-year supply of housing land. Accordingly, the officers assert that Policy HC4 is the principal policy for determining this application alongside other relevant policies contained in the Stroud District Local Plan 2015.

16.2 The proposal fails to demonstrate compliance with criteria (1), (3) and (4) of Policy HC4.

16.3 The proposal fails to demonstrate that the location, scale and use are sympathetic and complement the landscape character of the locality. Furthermore, the development proposal fails to demonstrate that the trees and hedgerows that contribute to the landscape character and setting of the development will be retained and appropriately managed as required by Stroud District Local Plan Policy ES7.

16.4 The proposal does not provide a satisfactory assessment of the potential impact of the proposal on historic assets and archaeology in this locality in line with requirements of Stroud District Local Plan Delivery Policy ES10 and paragraphs 194, 195 and 205 of the NPPF.

16.5 The application proposal fails to demonstrate that the European Protected Species present on site will be appropriately protected, thus the scheme is in conflict with the Stroud District Local Plan Policy ES6. Furthermore, the proposal fails to demonstrate that measurable net gain in biodiversity can be achieved in line with the requirements of paragraphs 174(d), 180 and 182 of the NPPF.

16.6 The provision of 26no affordable dwellings would be a considerable social planning benefit, however, as this proposal is submitted as an 'exception site', the provision of these units as affordable homes is a pre-requisite to make the application proposal acceptable in planning terms. As outlined elsewhere in the report, the applicant did not provide convincing evidence that the proposed scheme will be delivered as 'affordable housing only'. In this context, only a limited weight in favour of the development can be given to this factor.

16.7 It is acknowledged that the proposed development would have some economic benefits, particularly those related to construction jobs. However, these would arise from any other development sites, some of which are located within the settlement development limit of Cam. Such economic benefit is therefore given a limited weight in the decision-making.

16.8 The development would be liable to the relevant developer's contributions towards local libraries and the provision of new school places, which would be an economic benefit,



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however, in the absence of a relevant S106 agreement a significant weight against the development is given to this factor.

- 16.9 As outlined in the relevant sections of the report, the proposal fails to demonstrate that it will protect and enhance the natural environment in which it is located. The potential for significant negative impacts arising from the spread of the invasive species and the lack of clarity on whether the protected species present on site will be appropriately protected weigh heavily against the application proposal.
- 16.10 The application proposal is not accompanied by sufficient evidence to demonstrate that the development's impact on landscape, archaeology and a heritage asset is acceptable. On balance, the modest economic and social benefits of the scheme, even when taken together, would not outweigh the failure to comply with the development plan and other material considerations outlined in this report.
- 16.11 Having regards to the above assessment, the limited identified benefits of the proposed development are significantly outweighed by identified harm and should be refused.

17 HUMAN RIGHTS

- 17.1 In compiling this recommendation the Local Planning Authority has given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.

18 RECOMMENDATION

- 18.1 It is recommended that the outline planning application is **REFUSED**.

For the following reasons:	<ol style="list-style-type: none"> 1. The application proposal is brought forward as a 'rural exception' site and as such the application was assessed against the compliance with the adopted Stroud District Local Plan Delivery Policy HC4 that deals with rural exception sites. The proposal fails to demonstrate compliance with criteria (1), (3) and (4) of Policy HC4. 2. The provision of affordable housing does not bring about a public benefit that would otherwise outweigh the identified harms to the environment arising from the failure to appropriately address the spread of invasive species, and the failure to protect the protected species on site. The proposed development is therefore contrary to Policy HC4 and ES6 of the Stroud District Local Plan (Adopted) November 2015. 3. In the absence of an appropriate Section 106 legal agreement, the proposed development fails to secure sufficient affordable housing. As such the proposed
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development is contrary to Policy CP9 of the Stroud District Local Plan (adopted) November 2015.

4. The proposal fails to demonstrate that measurable net gain in biodiversity can be achieved in line with the requirements of paragraphs 174(d), 180 and 182 of the NPPF.
5. The proposal is above the 50m contour and fails to demonstrate that the location, scale and use are sympathetic and complement the landscape character of the locality. Furthermore, the development proposal fails to demonstrate that the trees and hedgerows that contribute to the landscape character and setting of the development will be retained and appropriately managed as required by Stroud District Local Plan Policy ES7 and Cam Neighbourhood Plan Policy CAMES2.
6. The proposal does not provide a satisfactory assessment of the potential impact of the proposal on historic assets and archaeology in this locality in line with requirements of Stroud District Local Plan Delivery Policy ES10 and paragraphs 194, 195 and 205 of the NPPF.
7. The application proposal fails to demonstrate that the European Protected Species present on site will be appropriately protected. As such the proposed development is contrary to Policy ES6 of the Stroud District Local Plan (adopted) November 2015.
8. In the absence of an appropriate Section 106 legal agreement, the proposed development fails to secure appropriate mitigation to offset the impact of the development on Severn Estuary SAC/SPA. As such the proposed development is contrary to Policy ES6 of the Stroud District Local Plan (adopted) November 2015.
9. In the absence of an appropriate section 106 legal agreement, the proposed development fails to secure appropriate mitigation to offset the impact of the development on the local primary and secondary schools. As such the proposed development is contrary to Policy CP6 of the Stroud District Local Plan (adopted) November 2015.
- 10 In the absence of an appropriate section 106 legal agreement, the proposed development fails to secure appropriate mitigation to offset the impact of the development on the local library. As such the proposed development is contrary to Policy CP6 of the Stroud District Local Plan (adopted) November 2015.

Informatives:

1. **ARTICLE 35 (2) STATEMENT** - Unfortunately this application was submitted without any meaningful pre-application discussions. For the reasons given above the application is recommended for refusal. The applicant/agent has been contacted and the issues explained.



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2. For the avoidance of doubt, plans provided and reviewed as part of this application were:

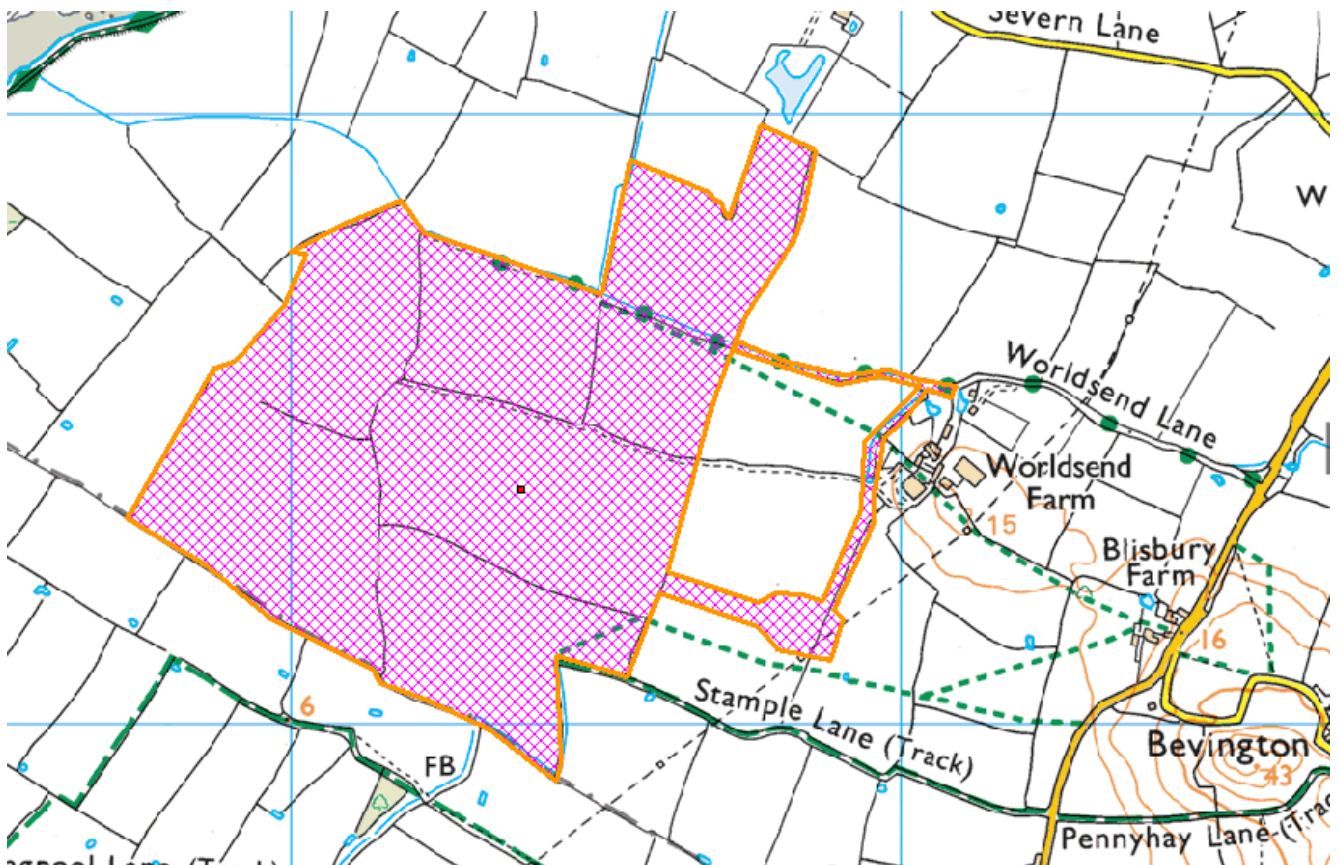
Application form (amended), as received 02/02/2023;
 Site Location Plan Rev. B, as received 18/11/2022;
 Existing Site Plan, as received 02/11/2022;
 Proposed Model Views A, B, C, as received 02/11/2022;
 Topographical Surveys drawing no. 21834-21-01 Rev, as received 02/11/2022;
 Landscape Strategy drawing no. L-200, as received 29/11/2022;
 Indicative Site Plan PL004 Rev F, as received 02/02/2023;
 Retaining Wall Illustrative sketch PL010, as received 02/02/2023;
 Design and Access Statement (amended), as received 02/02/2023;
 Archaeological and Heritage Desk-Based Assessment (amended), as received 02/02/2023
 Ecological Impact Assessment (amended), as received 02/02/2023;
 Landscape Addendum, as received 02/02/2023
 Arboricultural Impact Assessment Survey, as received 02/11/2022;
 Housing needs Assessment, as received 02/11/2022;
 Preliminary Ecological Appraisal, as received 02/11/2022;
 Transport Statement and Appendices, as received 02/11/2022;
 Flood Risk Assessment, as received 08/12/2022; and
 Planning Statement, as received 28/10/2022.

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Item No:	02
Application No.	S.21/1210/FUL
Site Address	Land Parcel West Of Worlds End Farm, Worldsend Lane, Clapton, Berkeley
Town/Parish	Ham And Stone Parish Council
Grid Reference	364377,197385
Application Type	Full Planning Application
Proposal	Erection of a 49.99 MW Solar PV Array, comprising ground mounted solar PV panels, vehicular access from Worlds End Lane with internal access tracks, landscaping and associated infrastructure including security fencing, CCTV cameras, and grid connection infrastructure including transformers and substation compound buildings.
Recommendation	Permission
Call in Request	Head of Development Management





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Applicant's Details	BSR Energy C/o RSK ADAS, 4205 Park Approach, Leeds, LS15 8GB,
Agent's Details	Mr Dale Greetham RSK ADAS, 4205 Park Approach, Leeds, LS15 8GB,
Case Officer	Helen Cooper
Application Validated	11.05.2021
CONSULTEES	
Comments Received	Lower Severn Internal Drainage Board Environmental Health (E) Environmental Health (E) Historic England SW Historic England SW Biodiversity Team Conservation North Team Historic England SW Natural England (E) Archaeology Dept (E) Ham And Stone Parish Council Development Coordination (E) Flood Resilience Land Drainage Archaeology Dept (E) Biodiversity Team Conservation North Team Natural England (E)
Constraints	Berkeley Safeguard Area Berkeley Safeguard Area Flood Zone 2 Flood Zone 3 Glos Centre Env Records - Species South Glos Council Ham and Stone Parish Council Affecting a Public Right of Way SAC SPA 7700m buffer
OFFICER'S REPORT	

MAIN ISSUES

- o Principle of development
- o Design and appearance
- o Residential Amenity
- o Noise
- o Highways
- o Landscape impact
- o Contaminated land
- o Ecology
- o Flood risk
- o Archaeology and Heritage Assets
- o Obligations

DESCRIPTION OF SITE



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The application site comprises a parcel of land which is set within the open countryside and measures approximately 64.62 hectares in area. The land is currently agricultural and used as arable/pastoral fields in connection with World's End Farm. The site lies approximately 3.15 km south west of Berkeley and the site is located within the Berkeley Vale. It is not set within an Area of Outstanding Natural Beauty and it lies within the Severn Vale Grazing Marshland landscape character area. The surrounding area is predominantly rural in character containing a number of individual dwellings and small settlements.

The site lies under 1km away, from the River Severn estuary. The Severn Estuary RAMSAR, Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Special Protection Areas (SPAs) are highly sensitive designated areas within the Severn area and contain important habitats for a number of species. The site lies within the Severn Estuary SAC/SPA linear buffer. These designations are of National and International importance.

The site is set within Flood Zone 3 which is a designated area most of risk of flooding. A number of ponds are set near to the site and drainage ditches are present on the land as well as a primary flow path watercourse.

A cycle route runs to the east of the site along Clapton Road. Ham and Stone Footpath 54 runs alongside the Severn Estuary to the north west of the site. Ham and Stone Footpath 13 runs within the site, although this also ends within the site. Footpath 15 and bridleway 16 are also set in the southern section of the site.

Whitcliff Park a historic park and garden is set approximately 1 km to the south east of Worlds End Farm house. Whilst the application site itself is relatively low lying, this historic park holds an elevated position within the surrounding area. A number of listed buildings are also in proximity to the site with Blisbury Farm, a grade II listed building, the closest which lies approximately 370 metres away from the Worldsend farmhouse and associated buildings.

PROPOSAL

This application seeks planning permission for a 49.99 MW Solar PV Array at World's End Farm on an area of agricultural land measuring approximately 64.62 hectares in size. It is proposed for the site to operate for a period of 40-45 years.

The solar panels would be tilted and set in south facing rows within the existing field pattern. They would measure 3.4 metres at their highest point. The panels would be pile driven to a depth of 2.5 metres. Transformer stations would be positioned throughout the site and these would be raised by 1.6 metres as part of the flood mitigation measures. As such the structures would be 3.7 metres high. The site would be accessed from Worldsend Lane. Access tracks would run through the site to be used by vehicles in connection with the construction and operation of the site.

The Distribution Network Operators compound would be set in the southern area of the site in proximity to an electricity pylon which provide the point of connection to the grid. Due to the sites position in flood zone 3 aspects of the compound, such as the control room and electrical equipment have been raised. The highest structures within the compound, which are the electrical equipment would measure 8.3 metres in height. The control room and switch room would measure 4 metres in height. An underground cable from the substation would lead to a nearby pylon and provide the point of connection to the grid.



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It is proposed to retain hedgerows and trees within the site. Planting is proposed along the eastern and western boundary and around the DNO compound. Security cameras would measure 6 metres in height.

RELEVANT PLANNING HISTORY

An Environmental Screening Opinion reference 2020/0505/EIAS for the Provision of a 49.9MW solar farm was issued on the 20th October 2020. This advised that whilst the proposal was considered to be 'Schedule 2' development under the Environmental Impact Regulations having regard to the requirements of Schedule 3, the proposal was not EIA development. As such an Environmental Statement was not required to accompany this planning application.

A planning application for a solar farm adjoining the site in South Gloucestershire, application reference P22/05462/F' Installation of a 49.9 MW ground mounted solar farm' a Land at Court Hill Farm, Upper Hill, South Gloucestershire, is currently pending determination with the adjacent Local Planning Authority. This is relevant to the EIA screening opinion issued. Paragraph 1b of schedule 3 of the regulations refers to the characteristics of the development and provides that any cumulative effect with existing or approved development must be considered. Legal advice has been sought during the application process in respect of this matter. As the adjacent site does not benefit from planning permission it is not considered appropriate to screen the site again at this time in respect of schedule 3.

REVISED DETAILS

Revised Planning Layout drawing number 1650-0201-00 issue 11 submitted 10th February 2023. Amendments have been made to the planning layout in order to retain the PRow in its existing location within the red line boundary. It also includes a slight realignment of the access track to avoid three root protection areas of trees which was highlighted by the Arboricultural Impact Assessment (AIA) report, undertaken in response to the Ancient and Veteran Tree Survey comments provided as part of the LVIA review comments.

Revised Site Location Plan Drawing number 1650-0200-05. This has been revised to include an additional access track into the site

Revised Mounting System Drawing number 1650-0201-28 received on the 10.02.23 has been received to show the correct height of 3.4 metres.

Illustrative Sections Drawing number 1050692-BSR9001-WOR-L-8001 received 10th February 2023

Illustrative Sections Drawing number: 1050692-BSR9001-WOR-L-8001 received 10th February 2023

The following additional supporting documents/drawings have also been received or updated:

Archaeological supporting letter from weed specialist and agronomist dated 10th June 2022 regarding Black-grass

Revised Transport Statement received 10th February 2023

Revised glint and glare report received 10th February 2023

District License Report - GCNs received 10th February 2023



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Fire risk assessment (Example only) received 10th February 2023
 Revised Landscape and Visual Assessment received 10th February 2023
 Revised Agricultural Land Classification Document received 10th February 2023
 Arboricultural Report received 10th February 2023
 BNG Map and calculations received 4th and 10th May 2023
 Skylark Mitigation and Management Plan received 9th May 2023
 Noise Impact Assessment received 13th March 2023
 Impact Map received 10th February 2023
 Illustrative Sections received 10th February 2023
 Heritage Response to Historic England comments dated 6th February 2023

MATERIALS

PV solar panels - dark grey/blue in colour and have anti reflective coating to minimise glare.
 Fencing - post and wire, mammal gaps would be spaced throughout the fencing.
 WPD control room and switch room building details and colour to be agreed.

REPRESENTATIONS

REPRESENTATIONS

Statutory Consultees:

Ham and Stone Parish Council: (6.6.21) Ham & Stone PC have discussed in detail this application. The decision is to recommend REFUSAL of this application on the following grounds:-

Size: The scale of this application is massive a 62.79 ha, plus on the bordering land another application to S Glos Council for Longlands Solar Farm of 92 ha, almost 155 ha in total.

Access: Weight restrictions through Berkeley, means the construction traffic would need to access via the A38, past Stone and Woodford Primary School, through narrow single track lanes. Pedington Elm bridge is not suitable for heavy traffic, and has a weight limit. Access is a major concern, and considered far too dangerous.

Visual Impact: Issues raised over visual impact, this will be detrimental and spoil the views from the Deer Park and Lydney, whilst causing significant harm to the rural character of the area.

Environmental: Close proximity to designated sites of SPA, SAC, SSSI and the River Severn, a RAMAR site. The scale of this development poses a threat to scarce plants, terrestrial and marine animals and their habitats. The glare/glint of panels could disrupt flight path of large bird population migrating to Slimbridge.

WWT and Natural England should comment directly on this proposal.

: **GCC Archaeologist:** (7.6.2021) Thank you for consulting the archaeology department on this application.

The county Historic Environment Record shows that the proposed development is within an area of archaeological interest. The site includes an undated rabbit warren, a couple of levelled



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earthworks, an early medieval find spot and medieval-post-medieval ridge a furrow remains. Immediately to the north and west of the site are the recorded remains of a substantial Roman settlement and kiln site.

The Desk Based Assessment submitted with the application summarises a high potential for the proposed development to impact buried remains from the Romano-British period and late medieval to post-medieval periods, and a low potential for remains from the prehistoric and early medieval periods. Aerial photography had been assessed indicating the presence of field systems and enclosures not shown on historic mapping. Evidence to the north recorded significant survival of prehistoric submerged forest and peat deposits of a wetland environment during the late Bronze Age to Iron Age periods and therefore there is a high potential for waterlogged remains with potential for the survival of palaeo-environmental evidence, particularly prior to the process of land reclamation from the Roman period.

As recommended in the Desk Based Assessment, considering the potential for significant buried archaeological remains to be impacted by groundworks associated with the proposed development, I recommend that archaeological evaluation in the form of geophysical survey following by trial trench evaluation is undertaken. In line with the National Planning Policy Framework, in order to describe the significance of any heritage asset impacted by a proposal and to avoid or minimise any conflict between conservation of a heritage asset and any aspect of the proposal, this information should be made available prior to determination of the application (see policies 189 and 190).

On the impact of the proposal on designated heritage assets, such as Berkeley Castle, a grade I Listed Building (list no. 1340692) and II* registered Park and Garden (list no. 1000755), and the Roman villa 550m south-west of Woolaston station (list no. 1004860), I refer you to the advice of Historic England.

I will be happy to advise further following receipt of this additional archaeological information. Please do not hesitate to get in touch if you wish to discuss.

Lead Local Flood Authority (LLFA): (4.6.21) I refer to the notice received by the Lead Local Flood Authority (LLFA) requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management and has made the following observations and recommendation.

Flood Risk

The Flood Risk Assessment (Date: April 2021, Document: 881946-R1(05)-FRA) outlines the risk of flood to the site, which is entirely in flood zone 3 and at risk of flooding from the River Severn tide.

The FRA identifies that the lowest ground levels on the site are 6.00mAOD, the current flood level is 7.00mAOD and the flood level with climate change taken into account is 7.47mAOD. The solar panels will be set at 1.6m high so even in the lowest areas of the site they will be above future flood depths. The substation structures will be in the flood zone and may need to be protected. One proposal in FRA is to have demountable flood defences around them. If this



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were to happen, the relatively small area being protected compared to the floodplain means the impact on the overall flood level is likely to be negligible.

If they haven't been consulted already, considering the site is in a flood zone, the LLFA recommends the Environment Agency are consulted on this application.

Surface Water Management

The proposal will see an increase in impermeable area of 0.54ha, made up of the Transformer Station, DNO Substation and Private Switch. The surface water generated from these will be directed to a series of gravel filled trenches to either allow it to infiltrate or direct it to the nearest drainage ditch on site. Considering the sparse positioning of buildings and the relatively small size of the impermeable area, this strategy is acceptable.

The solar panels themselves will be designed to allow rainwater to drop through and off the panels onto the ground below. They will be fixed into the ground with two legs so there will be no decrease in permeable ground beneath them. The FRA also notes the importance of maintaining the vegetation grown beneath and around the solar panels to help promote infiltration. If this is carried out throughout the lifetime of the development there will not be an increase in surface water runoff as a result of the development.

LLFA Recommendation

The FRA shows that the development will not increase flood risk and will manage surface water runoff where necessary. The LLFA has no objection to the proposals.

NOTE 1 :The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2 : Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

Environment Agency: No comments received following consultation dated the 17.09.21.

Biodiversity: (17.8.21) Comments relate to the following document:

Ecological Impact Assessment, by ADAS, dated November 2020

Breeding Bird Surveys, by ADAS, dated June 2020

Wintering Bird Surveys, by ADAS, dated March 2020

Recommendations:

Further information is required to adequately assess Biodiversity Implications for the following reasons:

* Insufficient survey effort has been provided to enable the LPA to undertake an Appropriate Assessment with regards to Wintering SPA qualifying species in accordance with the Conservation of Habitats and Species Regulations 2017.



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* Loss of Habitat for a significant population of Skylarks, in accordance with Local Plan Policy ES6 and Section 41 of the NERC Act 2006.

* No evidence provided to confirm Biodiversity Net Gains, the Defra metric should be used to evidence claims of BNG, in accordance with the revised NPPF. Grassland surveys were undertaken outside the optimum survey season, these surveys should be undertaken during the optimum survey season to enable accurate results and characterisation.

* Great Crested Newt District licence documentation is required to be submitted with the application to enable the LPA to assess the application in accordance with the Conservation of Habitats and Species Regulations 2017 and to enable the LPA to issue a licence on determination of the application.

Comments:

The submitted ecological assessment made the following conclusions:

Habitats on site were found to be poor quality coastal floodplain grazing marsh (priority habitat as listed under Section 41 of the NERC Act 1994), arable land left as winter stubbles, hedgerows and ponds.

The grassland surveys were undertaken outside the optimum survey season and as such some plants may have been missed during characterisation of the habitat type, in particular the coastal floodplain grazing marsh. We would like to see additional surveys undertaken at the appropriate time of year in order to fully understand the baseline ecological value of the site. It is considered that 13 ha of this habitat type will be lost.

The report claims that net gains in biodiversity will be achieved post development, however, this has not been calculated using the Defra metric. SDC would like to see evidence of net gains with the use of the metric prior to determination of the application in accordance with the revised NPPF.

Habitats Regulations Assessment (HRA):

Four on site winter wildfowl bird surveys were undertaken during the winter of 2019/2020 to inform the submitted Appendix 4 information to inform a Habitats Regulations Assessment. The results of those surveys concluded that the proposed development would result in 'No likely significant effects' upon any international sites.

However, a desk study was not undertaken in order to understand if SPA species have been present within or close to the site in previous years, a desk study considering both the NE High Tide Survey reports and BTO data should be undertaken and assessed in order to make the final conclusions. NE felt on a previous solar park application that 6 visits were not adequate to understand SPA species usage of the site. Only 4 visits have been undertaken at this site and were undertaken relatively close together. Therefore, there are concerns over the survey effort and as such SDC consider that there is currently insufficient information provided to adequately assess the usage of the site by qualifying species and thus an assessment of likely effects the development may have on those qualifying species.

During past similar applications NE have considered that developments likely to affect sites that are notified for their wild bird interest should be subjected to at least two years' worth of survey effort. In light of this it is concluded by NE that currently Stroud District Council (SDC) have been provided with insufficient information and thus are unable to make an informed



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Screening Opinion as to whether or not this development will result in likely significant effects on the Walmore Common SSSI, and Severn Estuary SPA/SAC/Ramsar.

Further winter surveys are required as are further data searches in order to adequately assess likely significant effects on qualifying species. Natural England high tide roosts surveys within the Gloucestershire section of the Severn Estuary which can be found at the following link: <http://publications.naturalengland.org.uk/publication/5655612985180160>, this may be useful data to consider when forming conclusions.

Farmland bird species

The site was found to be being used by Linnet and Skylark, Linnet are a hedgerow species and as such it is likely that the proposed enhanced hedgerows and field margins will help to enhance the overall value of the site for this particular species. Skylark, however, require slightly different habitat types such as more open cropland to nest in with short vegetation, ideally spring crops that allow good visibility to enable the species can visualise incoming predators. The proposed solar farm would not allow for this type of nesting within the site and thus degrade the habitat for this red data list species. Winter stubbles are also important feeding areas for Skylarks which will be lost as part of the proposed development.

Skylarks are most commonly found within arable farmland, making use of nesting cover and bare ground for feeding that crops themselves provide throughout the year. In winter they mostly use crop stubble and fallow fields, in which they forage for weed seed and spilled grain. Skylarks are thought to avoid high structures in the landscape which in turn restricts the suitability of farmland with high density hedgerows (BTO).

It is therefore concluded that the proposed solar park will likely result in the permanent displacement of Skylark habitat within the site. However as noted within the ecological appraisal which I would agree with, for other farmland bird species such as Linnet and Yellow Hammer, the retention and enhancement of hedgerows and further habitat creation to the field margins will likely enhance the habitat for those species.

There is also no literature available to suggest that Skylarks will nest under Solar Panels (this is an area of research that is urgently required according to NE), such species require open landscapes in which to nest where they have uninterrupted views of approaching predators.

Great Crested Newts

The ponds on and adjacent to the site were surveyed and DNA samples were taken in order to confirm presence/absence of Great crested newts (GCN). The eDNA samples tested positive for the species and as such the report has recommended that the applicant will be using the District GCN Licence. However, there is no information submitted to suggest that the applicant has engaged with NatureSpace and as such the LPA has insufficient information to adequately assess the application with regards to protected species and the Conservation of Habitats and Species Regulations 2017.

NatureSpace: (12.09.22) The applicant for the above planning application has now been sent their NatureSpace Report which they should shortly submit to yourself. Should you be minded to approve planning for the above planning application there are mandatory conditions and informatives within the Report (on pages 6/7) that must be used in verbatim on the decision notice. This is in order to comply specifically with conditions in the council's district licence.



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If the district licence conditions are not used in verbatim, it could potentially lead to the LPA being unable to send out authorisation paperwork to the applicant on time and a decision notice needing to be reissued. If the authorisation has been issued to the applicant, then it could also mean that an administrative breach of the licence conditions has occurred.

For reference the District Licence conditions and informatives for this application are:

Conditions

No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR112) and with the proposals detailed on plan "World's End Farm: Impact Map for great crested newt district licensing (Version 1)", dated 2nd September 2022.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR112.

No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR112 and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development)

Reason: In order to adequately mitigate impacts on great crested newts.

Informatives:

It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against



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GCN are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 3 above would give rise to separate criminal liability under District Licence condition 12 (requiring authorised developers to comply with the District Licence) and condition 17 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority)

Should you approve, authorisation of the site to act under the council's district licence cannot be issued until after the applicant has discharged their second NatureSpace condition through the submission of a NatureSpace Certificate.

Highways (20.7.21) Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 recommends that this application is refused.

The justification for this decision is provided below.

Gloucestershire County Council recognises that solar PV development can contribute towards meeting national and local objectives for reducing carbon emissions and therefore is able to support solar PV developments in principle. However, the application does not provide details to demonstrate how the means of access to the site for the purposes of construction and decommissioning would be acceptable.

The application comments that the development would comprise 95,000 modules (panels). The size of the heavy goods vehicles expected to be used has not been specified, but the Transport Assessment (TA) states that to minimise the number of vehicle movements, the modules would be brought to the site in large volumes. This clearly suggests that the use of very large vehicles would be intended.

It can be deduced that, with construction extending for around 6 months and a peak construction period of about 16 weeks, the construction activity could result in anything between around 2500 to 4000 heavy goods vehicle movements. These would be delivery vehicles but in addition, construction vehicles, skip waste vehicles and cranes, as well as lighter commercial and employee vehicles, would be required to enter and leave the site.

While the application comments that the proposed development is 'light weight' and could be constructed without needing significant numbers of vehicle movements in heavy vehicles, this is clearly not the case.



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A pre-application enquiry was made in May 2020 and the highway authority provided advice in its consultation response to the Local Planning Authority.

The response noted that careful consideration of construction traffic routing and the size of vehicles to be used would be necessary. HGV swept path analyses would be needed and traffic management proposals along the proposed access route(s) would have to be developed. As well as safe access being required, other matters, such as the impact on public footpaths, were highlighted in the response.

The site is in a remote location and would rely on a network of minor single track country lanes for access. The M5 Motorway is identified as being the primary route for construction traffic but this is 5km distance from the application site. From the M5 it is proposed that the traffic route would use B4509 link to A38 and then northwards to Stone. Thereafter the route would be along minor roads which progressively reduce in width and standard. At Stone the route passes the local primary school, protected by a 20 mph speed limit, before it continues along the derestricted road towards Rockhampton.

This eastern part of this road is of a reasonable standard but some bends in the alignment offer very limited forward visibility and the carriageway width is not sufficient to allow two large heavy goods vehicle to pass safely or even an HGV and a car to pass satisfactorily. The width of the road reduces as it extends westwards. There are no formal passing spaces provided, and where there are occasional field access points that can be utilised by cars, these do not provide large enough areas to accommodate HGVs.

The junction with the Clapton Road is formed as a priority give way junction. The ability of this junction to cater for the movements of large HGVs has not been demonstrated and it is unlikely that such vehicles could be tracked through the junction without encroaching over the grassed verges.

Beyond that junction, the road is very narrow, around 3 metres in width, and has tight, unsighted bends that limit forward visibility. There are no opportunities for vehicles to pass and the road is wholly unsuitable for use by very large commercial HGVs. The junction of World's End Lane with the Clapton Road is formed as a minor T-junction and is unlikely to be able to accommodate large HGVs without encroachment beyond the carriageway edges. Similarly, World's End Lane is wholly unsuitable for use by a large number of commercial HGVs.

The site is located at the end of World's End Lane and is intended to be served from an existing farm access. No new or altered access arrangements have been proposed.

The local lanes as described above are used by other user groups such as pedestrians, horse riders and, notably, cyclists. The TA has given no regard to these vulnerable user groups or how they could be protected from risk.

The application comments that measures would be supported by a Traffic Management Plan (TMP) and suggests that this could be secured by a planning condition. However, no measures have been proposed or indicated and while the TA says a draft TMP has been included as Appendix 1, a Site Plan is found as Appendix 1 and a TMP has not been located.



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The application comments that public footpaths would be affected and some would be proposed to be diverted. However, the Construction Environmental Management Plan states that the public rights of way would be kept open where possible. No details of any proposals for stopping up, re-routing or temporary closures of footpaths have been provided. No proposals have been included for how the rights of way and their users would be protected during the construction period.

No changes should be made to any of the public rights of way direction, width, surface, signing or structures and no vehicles should be taken along or across any of the public rights of way without the prior written approval of the Gloucestershire County Council or the necessary legal process.

It is confirmed that turning space would be available within the site to allow vehicles to turn around but the internal layout has not been demonstrated. The application is submitted in Full and should include layout plans to confirm the details of the size, location and duration of use of the construction compound. Offices, welfare, storage areas, vehicle parking and turning areas and wheel washing should be identified. The locations of topsoil and subsoil that would need to be stripped from the compound area and stored during the construction period should be detailed.

It is acknowledged that during the operational stage of the development only limited access would be required by smaller vehicles and much of the maintenance could be achieved remotely. However, during the construction stage (and the decommissioning stage, which has not been considered) the traffic impact would be very significant. The impact of construction traffic was the matter of highest concern expressed during the community involvement process.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would be an unacceptable impact on highway safety and convenience and therefore recommends that this application is refused.

Historic England: (dated 22.06.2021) Thank you for your letter of 8 June 2021 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The proposed location of this development is in proximity to a number of sensitive, designated heritage assets. These include:

The Scheduled Monument known as Moated Site in Whitcliff Deer Park, 375m south east of Comeley Farm.

The Berkeley Conservation Area, which encompasses a large number Listed Buildings of all grades;

Berkeley Castle, Grade II* Registered Park and Garden (ref: 1000755), to include Whitcliff Deer Park and Park House (Grade II).

Church of St Michael, Hill Grade II* Listed Building (ref: 1136564)

Berkeley Castle Grade II* Registered Park and Garden (RPG) comprises a medieval castle (Grade I) with terraced gardens of C17 to C20 date, adjoining Home Park, and Whitcliff Deer



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Park 1km to south-west. Whitcliff Deer Park, occupies a low rocky ridge, running south-west to north-east and continues to support deer herds. Open parkland slopes away off the ridge to the east and west, interspersed with mature and veteran parkland trees, and later C20 plantings. Small blocks of mixed woodland also occupy parts of the ridge. The park was likely to have been enclosed in C13 during the reign of Henry III and enlarged in C18 when a high boundary wall was constructed. This survives in part along the existing perimeter.

From the ridge along the crest of the park there are long views north-west over the River Severn, south-east to the Cotswold Edge, and north-east back to the Castle. Long distance views are also afforded to the east and west, between the woodland blocks.

Park House (listed grade II), is a crenelated tower house located on the ridge. It was built c.1800, around the same time as the kennels and stables of the Berkeley Hunt, located midway between the castle and the deer park. It is likely to have been used as a banqueting house. Visible from Berkeley Castle, it is a significant design feature within the deer park and would have provided an elevated vantage point from which to view the hunts.

A scheduled, moated site is located 400m south west of Park House and possibly marks the site of an earlier hunting lodge. The moated site is at a lower level in the Park at the head of a small valley. As such it would not have had far-reaching views out to the Severn. If it had been a hunting lodge, it could only have watched the hunt in a limited area of the Park within the small valley it lies at the head of. Its location and the fishponds suggest it was a 'manor' in its own right, perhaps pre-dating the creation of the Park. Once the Park was created and the site ended up within the Park, it may then have been used as a base for the hunt. Alternatively, it may have become the home of the person managing the fishponds, providing fish to the Castle.

Church of St Michael, Hill, associated with Hill Court, approximately 1.7km from the application site. Its principal aspect is its southern elevation with its C14 tower and spire set against a backdrop of mature trees that form the formal Gardens to Hill Court. The immediate setting of the Church is primarily one of the formal gardens and parkland associated with Hill Court and the wider rural landscape levelling to the west and the Severn Estuary beyond.

Berkeley Conservation Area is experienced from the elevated areas of Whitcliff Deer Park and its western slopes. Its position within an almost flat green agricultural landscape to the west provides its setting and contributes to its significance as a tightly-knitted town centred to the north of the castle.

These heritage assets are designated as either Grade I or II*, and as such is in the top 8% of listed buildings. Therefore, greater weight should be given to their conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'.

Impact

Due to current Covid restrictions we have not been able to undertake a site visit to verify the findings of the Heritage Assessment and Design and Access Statement.



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Whilst we appreciate that an assessment of the impact of the scheme on heritage assets has been undertaken, we consider that further evidence is required to substantiate its findings. This includes the following:

Park House - The assessment identifies that there no impact on third point views of the listed building (para 7.17 of the Heritage Assessment). However, it doesn't assess the impact of views from the building. Part of the design intention of Park House was to provide elevated views across the deer park. We consider it would be beneficial for the assessment to include a viewpoint from this location to determine if any harm is being caused to its setting.

Viewpoint 11 from Whitcliff Deer Park. This indicates the approximate extent of the application site, however it is difficult to ascertain what areas of solar panelling will and won't be visible, and the impact of the mitigation measures. To help clarify this we consider it would be beneficial to include a photomontage of the scheme from this viewpoint year 1, and year 10 when the proposed landscaping has matured. As a minimum this should be a wireframe of the site.

Views from the scheduled moated site towards the site should be assessed to confirm any impacts upon setting. It is not clear whether any of the views included in the Heritage Statement specifically includes those from the scheduled site. This required to substantiate the findings in the report that there are no harmful impacts on views.

Church of St Michael- The Heritage Statement concludes that due to the distance from the site, intervening vegetation and natural topography that there would be no setting impacts. While we have unable to undertake a site visit, the photographic evidence in Plates 11 and 12 indicate that there would be no direct impacts on the immediate setting of the church and little impact on its wider setting, which is defined by a rural landscape relatively unscathed by modern development. We are satisfied that any impacts as a result of changes to the rural landscape would not be harmful in this case.

Berkeley Conservation Area - Plate 5 in the Heritage Statement shows the visual relationship between the RPG and the Conservation Area which includes the Grade I castle and numerous other heritage assets. It would be useful for the application site to be identified and include a photomontage of the proposed development within this view, or the wider panorama to the west from this point which may well take in the application site.

Regarding other, Grade II heritage assets located much closer to the site, we advise that you seek views from your Conservation Officer.

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". Section 72 of the act refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties. When considering the current proposals, in line with Para 189 of the NPPF, the significance of the asset's setting requires consideration. Para 193 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Para 194 goes on to say that clear and convincing justification is needed if there is loss or harm.



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Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189, 193 and 194 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

GCC Archaeologist: (10.01.22) Thank you for notifying the archaeology department that a "Written Scheme of Investigation for Archaeological trial trench evaluation", by RSK ADAS Limited, dated December 2021 has been submitted. I advise that in my view the Written Scheme of Investigation proposes an appropriate programme of archaeological work.

Once the results of the archaeological evaluation have been made available I will be happy to advise further on this application.

Conservation Officer: (14.06.22) Thank you for consulting the Conservation Officers on this matter.

We would like to offer the following comments:

Section 72(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66(1) of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, and in particular, listed buildings.

The applicants have identified all the potentially affected heritage assets and have come to conclusions 4.2 as to the level of impact. I would largely agree with their assessments.

The isolated grade II farmhouses of Blisbury Farm, Comelely Farm, Bevington Farm, Dayhouse Farm together with Park House, are the nearest designated assets and these assets will retain the overwhelmingly rural nature of their surroundings. The proposal will not cause any harm to the character of the setting of these assets.

There are some particularly sensitive designated heritage assets to which I have given particular attention. These are:



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The Scheduled Monument known as the Moated Site in Whitcliff Deer Park. A site visit has been undertaken and consideration given to the impact the proposal may have on the Monument and the Deer Park. It is considered that the application site is located sufficiently away from these features to ensure that there are no harmful impacts on views into or out of the site. There will be a retention of the rural nature of the surroundings which characterise the setting of these assets.

Berkeley Conservation area and a large number of listed assets including Berkeley Castle, the grade II* park and garden and the grade II* Church of St Michael. These assets are approximately 3.5km from the site. The majority of land falling from the town is overwhelmingly unpopulated agricultural land; this agricultural land forms the landscape and is a significant contributor to the character and appearance of the conservation area and the designated assets.

It is considered that in medium and long-range views, the proposals would not result in the introduction of atypical, unnatural colours and forms into the verdant, pastoral surroundings of the group of highly graded listed buildings and of the conservation area.

In conclusion, I consider that there are no significant concerns over the impact on the nearby designated heritage assets. Paragraph 196 of the Framework states that any less than substantial harm should be weighed against the public benefits of the proposal.

The proposal has been considered in line with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, policies set out in the NPPF and the Stroud District Local Plan 2015, and guidance from Making Changes to Heritage Assets'- Historic England Advice Note 2.

Natural England: (2nd July 2021) Thank you for your consultation on the above dated 07 June 2021 which was received by Natural England on the same day. We are grateful for the extra time to reply.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - HABITATS REGULATIONS ASSESSMENT STAGE 2 - 'APPROPRIATE ASSESSMENT' REQUIRED

As submitted, the application could, in combination with other new residential development in the authority area, have potential significant effects on the Severn Estuary Special Protection Area (SPA). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

A Habitats Regulations Assessment (HRA) should be prepared taking account of the following reference information:

- o Identification Of Wintering Waterfowl High Tide Roosts On The Severn Estuary SSSI/SPA Phase 4 (Gloucestershire, With Part Of South Gloucestershire) (RP02966)



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Note - Maps 9 and 11 depict the area around the application site. Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Additional Information required - Internationally and nationally designated sites

The application site lies within 1km of a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Severn Estuary Special protection Area (SPA which is a European site. The site is also notified at an international level as the Severn Estuary Ramsar Site and at a national level as the Severn Estuary Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have². The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Further information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. We draw the Council's attention to recent case law³ dealing with the treatment of mitigation measures during the HRA process.

Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you take account of the following information to help undertake an Appropriate Assessment:

In addition to the submitted ecological assessments (wintering bird survey March 2020 - ADAS) please see above (page 1) for a weblink to the most recent high tide roost report information for the locality. Please note that as part of ongoing research into the use of land outside the SPA boundary by SPA wild bird species further unpublished data has now been gathered as part of Phase 6 of the evidence gathering work for the estuary. We attach at Annex B an excerpt from the final draft of the unpublished report to help you carry out the appropriate assessment. Please re-consult us when the Appropriate Assessment is available.

Severn Estuary SSSI



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Our comments above in relation to the international designations for the estuary apply similarly to this SSSI.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Solar Parks - Further information

For additional information relating to Solar Parks please refer to the Technical Information Note at the link below, which provides a summary of advice about their siting, their potential impacts and mitigation requirements for the safeguarding of the natural environment.

Solar parks: maximising environmental benefits (TIN101)

Priority habitats

The entire application site is classified as 'floodplain and coastal grazing marsh' and is afforded 'priority habitat' status under the Natural Environment and Rural Communities Act 2006. Please see our advice in Annex A (overleaf) under 'Local sites and priority habitats and species'.

If you have any queries relating to the advice in this letter please contact me on xx. Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

Please consult us again once the information requested above, has been provided.

Environmental Health: (17.10.22) I would please request a little more information in respect of potential noise impact on dwellings from the use of the development, namely:-

- a) the noise output of transformer units and any potential impact; and
- b) the noise output from the DNO compound and its potential impact.

Furthermore, I would please ask for a little more detail in respect of control of noise from "piling" during the construction process.

Public: 8 members of the public have commented upon the planning application and their comments are summarised below:

Landscape/Heritage Impact

- Concerns have been raised about the economic and visual impact on locality. In conjunction with the solar farm adjacent to it in South Gloucestershire there is concern that it will be far too large and negatively impact historical, precious and important arable land for this community.
-The development will be clearly visible from the surrounding hills on both sides of the river. Although 20 viewpoints are indicated on the map only 4 are pictures



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- The appraisal evaluates the impact on the landscape character and surrounding area as 'major adverse' for the lifetime of the development.
- Concern has been raised in respect of the cumulative impact of the site in relation to the adjacent proposed solar farm in South Glos. The LVA does not offer a full cumulative impact assessment. The site has a 'moderate-high sensitivity to very large-scale solar development' according to the Stroud District Renewable Energy Resources Assessment (2019)
- The two solar farms will turn the landscape into an industrial zone and will seriously impact on the ambience of the area.
- The delicate balance of a very ancient pasture/site is possibly to be destroyed.
- Concern raised about the impact upon the Severn Way

Highways:

- Concern has been raised about access to the site and the route large vehicles would take along narrow roads where there are limited passing places and the potential disruption and danger this may have
- Worldsend Lane is a single carriageway road with limited passing places
- Three residential properties rely on Worldsend Lane as the sole means of access.
- Proposed route potential for danger to other road users, pedestrians, runners, equestrians, domestic pets and wildlife
- Potential damage to road surface, request before and after surveys of the road surface
- A better option for a site access route exists along Stample Lane which is an undeveloped track. This would avoid residential properties
- The new SGS Technology College and Sabina Police Training College at Berkeley have increased local traffic flows between the A38, Ham, Hill and Clapton Road
- Weight restrictions in Berkeley High St mean more HGV traffic on the proposed route from the A38 to Ham
- Clapton Road is now part of the Sustrans national cycling route 41, risk of HGVs in relation to cyclists
- Seasonal operations/agricultural contractors are not captured by the quoted survey and farming traffic can be considerable at times
- Transport Statement is outdated (2009)
- Woodlands Farm houses a number of industrial units one of which services heavy plant
- Concern has been raised that the similar sized solar park at Upper Hill (Longlands Solar Farm in South Glos) is also being proposed. If they have the same construction period this would overload the minor roads. Alternative roads to the south would be totally unsuitable for construction traffic.
- Severn Lane used by the rescue service SARA for training. The rescue services quick access to roads saves lives

Flood Risk

- Concern has been raised over the increased risk of flooding
- Worldsend Rhyne which runs east-west and to the north of Worldsend Lane, is a conduit for surface water drainage. This has flooded previously and concerned that the size and scale of the proposed solar arrays will increase risk of flooding.
- Due to ever improving technology if approved the permitted generating capacity of the site may be achieved using fewer panels, request that consideration is given to abandoning planned development over the two fields on the extreme north-easterly corner of the site, this may reduce run-off water close to Worldsend Rhyne and reduce glint and glare



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-These old farms have ridge and furrow for drainage and ancient land drains, some made from oak pickled by the salt and hard as iron. This could be destroyed by piles and deep drilling

Amenity and noise

-Concern over glint and glare
- Concern over the direct view of the site
-Concerned that no noise levels have been mentioned in respect of construction. Driven piles will cause considerable noise.

Biodiversity

-The wildlife ground nesting birds, as well as the migratory species will decline
- Documented evidence of the presence of migrating Great Crested Newts in Worldsend Lane
-Flight path for wildfowl up and down the riverline to the WWT site at Slimbridge
-Impact upon deer. This has not been considered in the Ecological Impact Assessment, why has it not been assessed?

Loss of Agricultural Land

-The grade of the land is not 4 as suggested Our land is grade 3 and is used to grow arable crops and grass
-Natural England Maps show the site as being grade 3 land not the grade 4 that it has been downgraded to within the report.

Other matters:

Solar panels generate toxic waste and contain lead, cadmium, and carcinogenic chemicals which can wash into the water courses.

Not all residents consulted.

Consultee comments following the submission of additional information

Highways: (17.3.22) The following comments were received following review of the updated Transport Statement:

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 has no objection subject to conditions and financial obligations.

The justification for this decision is provided below.

This consultation response is a second response on the application following the Applicant's submission of revised information, which has included a revised Transport Statement (TS) dated September 2021.

The first response was dated 20 July 2021 and recommended a refusal of planning permission because of a number of aspects of the proposals that were considered to be unsatisfactory in highway terms.

The application did not provide details to demonstrate how the means of access to the site for the purposes of construction and decommissioning would be acceptable.



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It is noted that the development was previously described as comprising 95,000 modules (solar panels). The revised TS now makes reference to 98,000 modules. The increase of 3000 panels is not likely to have any significant impact in terms of highway and transportation matters, but no comment has been made within the TS to explain the increase or the effects on the development, such as the extended area included or the programme for construction. The TS continues to propose that the construction period would have a duration of 6 months.

The site is very remote from the A38 which is the nearest access to the principal highway network. While the TS states that the frequency of vehicles arriving and leaving the site will be modulated so as to be equivalent to the rate of installation of the panels, it is still difficult to consider that there would not be occasions when HGV's and other vehicles would oppose one another on the narrow lanes required to be used for access.

The construction is expected to take place over 132 working days. The delivery of 98,000 panels would therefore require a supply to the site of approximately 742 panels each day. The TS suggests that a single delivery could comprise 400 panels and on this basis 164 two-way HGV movements per month, or 8 movements per day would result. Should smaller vehicles have to be used, carrying half the number of panes, this would increase the vehicle movements to 16 per day. It is understood that vehicles delivering panels could be rigid HGV's with a length of 12 metres.

In addition, construction vehicles would be required to deliver aggregates for the building of the internal access roads. The TS notes that using 15m³ capacity lorries this would require 541 two-way vehicle movements per month for a period of two months. This equates to 25 vehicle movements per day. This simple assessment compares with the TS which at paragraph 3.4 proposes that there would be 26 HGV movements per day. Paragraph 4.2.1 notes that there would be 28 vehicle movements per day. Such vehicles would probably be 6-wheeled, around 8 metres in length and 2.5 metres in width.

These vehicle numbers above do not include other movements associated with the construction of buildings, or of staff and visitors' vehicles, or for deliveries of fuel or panel frames.

It is accepted that some of these activities may be carried out in sequence, rather than together. Nonetheless, the use of the lanes by these numbers of large, heavy commercial vehicles would inevitably result in damage, particularly to carriageway edges and verges that would be over-run where adequate width was not available for two opposing vehicles to pass one another.

The TS provides a breakdown of movements to show that, overall, there would be 26 two-way vehicle movements per day during the busiest period. Given that construction vehicles are expected to operate between 7am and 6pm but to avoid school arrival and departure periods, these movements would occur across a period of about nine hours, equating to about 3 vehicle movements per hour.

Although this does not represent an intense movement of vehicles, it is almost inevitable that vehicles travelling in opposing directions will at times meet and have to pass.



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The Traffic Management Plan attached as Appendix 4 to the TS describes the intended routing of vehicles travelling between the site and A38. While the TS comments that in respect of environmental effects, only 'pedestrian amenity' and 'fear and intimidation' are considered to be affected by the HGV component, the highway authority considers that with such large vehicles using unsuitable lanes with narrow carriageways and poor alignments, 'road safety' is also a real concern. The lanes should be expected to be used by people on foot and bicycle as well as by equestrians.

Appendix 3 of the TS includes drawing no 662706-10-02. This drawing indicates where passing provision for vehicles along the local roads are considered to be and the draft Traffic Management Plan (TMP) at Appendix 4 of the TS comments that swept path analysis has shown that a 12m rigid vehicle can navigate the route with multiple and frequent opportunities for oncoming cars to pass in the opposite direction.

The drawing suggests locations where passing places could be identified but details of swept path analysis have not been provided. A number of the passing locations would require temporary works. In many locations, there is very limited forward visibility towards the suggested passing places, meaning that if two vehicles were to meet within the limited road length, one vehicle would have to reverse back to the passing place.

While the provision of passing places would be required, it is not considered that they would achieve satisfactory traffic management in themselves. The draft TMP identifies a number of other control measures that would be implemented as required and the highway authority considers that these would be required.

Discussions and agreement with the highway authority would be required before the start and during the construction phase of the development to agree and maintain a final TMP and to ensure that all times the appropriate measures were in place.

The draft TMP confirms that pre-construction and post-construction condition surveys of the minor roads used on the approach to the application site will be carried out under formal agreement with the County Council. This will include a provision for any ongoing maintenance and repair to the highway required as a result of the increased usage during construction.

The draft TMP is considered to contain robust procedures and would be required to be developed into a final agreed TMP which would be fully complied with at all times.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

Prior to the commencement of the development hereby permitted, including any enabling works, a final Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority and thereafter the agreed Plan shall be fully complied with at all times during the construction and decommissioning stages of the development.



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Reason: In the interests of safe operation of the adopted highway in the lead into development both during the construction phase of the development and subsequently during the decommissioning of the site.

No materials, plant, temporary structures or excavations of any kind shall be deposited / undertaken on or adjacent to any Public Right of Way that may obstruct or dissuade the public from using the Public Right of Way whilst development takes place.

No changes to any Public Right of Way direction, width, surface, signing or structures shall be made without the prior written approval of the Gloucestershire County Council or the necessary legal process.

No construction / demolition vehicle access shall be taken along or across any Public Right of Way without prior permission and appropriate safety/mitigation measures approved by the Gloucestershire County Council. Any damage to the surface of the Public Right of Way caused by such use will be the responsibility of the developer or their contractors to put right / make good to a standard required by the Gloucestershire County Council.

Reason: In the interests of the safety and amenity of users of the Rights of Way.

Informatives

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

Before any work is commenced upon the development hereby approved representatives of Gloucestershire County Council, as the Highway Authority and the applicant, shall carry out a joint road survey/inspection on the roads leading to this site. Any highlighted defects shall be rectified to the specification and satisfaction of the Highway Authority before work is commenced on the development hereby approved. A further joint survey/inspection shall be undertaken following completion of development hereby approved and any necessary remedial works shall be completed to the specification and satisfaction of the Highway Authority within 1 month or other agreed timescale.

Natural England: (31.03.22) Thank you for your consultation on the above dated 26 October 2021 which was received by Natural England on the same day. We are sorry for the delay replying. This advice letter updates Natural England's position following our advice letter of 2.7.21, our email to you dated 14.3.22 and your reply dated 30.3.22.



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Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Summary of Natural England's Advice

No objection

Based on the ecological information submitted, Natural England notes the Council's Habitats Regulations Assessment (HRA) 'screening' report and considers that the proposed development will not have significant adverse impacts on designated sites or their classified species. We therefore have no objection to the proposal.

European sites - Severn Estuary Special Protection Area including land with potential functional linkages

Mobile species - Special Areas of Conservation (SACs) are designated for rare and vulnerable habitats and species, whilst Special Protection Areas (SPAs) are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats may be used by SPA/SAC populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA/SAC species populations, and proposals affecting them may therefore have the potential to affect the European site.

Our previous advice letter dated 2.7.21 therefore advised that potential impacts from the proposal should be assessed in relation to the SPA wild birds while they are located outside the site boundary as well as within it. Based on the ecological information submitted, Natural England considers that the proposed development will not have likely significant effects on the Severn Estuary Special Protection Area and has no objection to the proposed development. This takes account of the distance between the application site and the recorded high tide roosts and the presence of intervening landscape features such as trees and hedgerows. Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

Upper Severn Estuary Site of Special Scientific Interest

Consistent with our advice on the SPA (above), based on the plans and ecological information submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Should the proposal change, please consult us again.

Historic England: (5.11.21) Thank you for your letter of 20 October 2021 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.



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Historic England Advice

At the time of the EIA application (ref 2016/0588/EIAS) we advised that we were especially concerned about the impact on views from Berkeley Castle Park and Garden. While the scoping report only looked at Designations within 1km of the site, we recommended that a 5km radius was looked at. Therefore as part of our assessment of the planning application, we have identified a series of viewpoints and visual relationships to be assessed for potential impact. While we appreciate that there may be access difficulties with some of the sites, these are key elements of setting of highly-graded heritage assets that need further assessment.

The applicant's letter notes that the council did not request these particular views to be interrogated as part of a previous pre-application submission. However, Historic England was not engaged with the pre-application process; if we had been, we would have identified the same scope of assessment that we are now advocating. Therefore, our previous advice remains valid.

Planning Legislation & Policy Context

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". Section 72 of the act refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties. When considering the current proposals, in line with Para 194 of the NPPF, the significance of the asset's setting requires consideration. Para 199 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Para 200 goes on to say that clear and convincing justification is needed if there is loss or harm.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199 and 200 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Following the receipt of additional information the following comments have been received from consultees:



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Historic England: (20 02 23) Thank you for your letter of 13 February 2023 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Impact of the Proposed Development

In our previous advice of 26th June and 5th November 2021, we identified some additional viewpoints that should be assessed in terms of the impact of the proposed development within the settings of key highly graded heritage assets. These included viewpoints from Park House within the Berkeley Registered Park and Garden, the viewpoint from Whitcliff Deer Park, views from the Scheduled Moated Site in Whitcliff Deer Park, and views from Berkeley Castle.

These viewpoints with wireframes of the extent of the application site have now been provided and demonstrate that there would be either no or very limited visibility of the proposed solar array. We are therefore satisfied that any impacts would not be harmful to the significance of individual heritage assets.

Planning Legislation & Policy Context

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". When considering the current proposals, in line with Para 194 of the NPPF, the significance of the asset's setting requires consideration. Para 199 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Para 200 goes on to say that clear and convincing justification is needed if there is loss or harm.

Historic England's advice is provided in line with the importance attached to significance and setting with respect to heritage assets as recognised by the Government's revised National Planning Policy Framework (NPPF) and in guidance, including the Planning Practice Guidance (PPG), and good practice advice notes produced by Historic England on behalf of the Historic Environment Forum (Historic Environment Good Practice Advice in Planning Notes (2015 & 2017)).

Recommendation

Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 199 and 200. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.



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Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Biodiversity Team: (7.3.23) Please see revised consultation comments from the Biodiversity Team:

S.21/1210/FUL - Land Parcel West of Worlds End Farm, Worldsend Lane, Clapton, Berkley

Comments relate to the following documents:

Natural England Advice Letter dated 31st March 2022

ADAS ecology response dated 21st October 2021

NatureSpace Great Crested Newt District Licence Scheme - District Licence Report (September 2022)

Designated sites

Based on the ecological information submitted, Natural England agree that the Council's Habitats Regulations Assessment (HRA) screening report and concludes that the proposed development will not have significant adverse impacts on designated sites or their classified species. Therefore, there is no objection to the proposal.

Protected Species

Great Crested Newts - NatureSpace have confirmed that the proposal can be dealt with under the district level scheme. There is a requirement for three planning conditions relating to the Great Crested Newt District Licence Scheme, to be attached to the planning consent, if granted.

Farmland Birds - Skylark

Currently, no bespoke mitigation has been proposed for the loss of the Skylark nesting territories and their continued use of the site for breeding purposes appears to be left to chance. The ADAS ecology response states that skylarks 'may continue to nest around the panels or on the edge of the site', and this is based on the findings of the following two studies. Of the studies cited to support this statement, (Stotton, 2018) is interim unpublished data, and cannot be accepted as evidence. The other study (Montag, Parker and Clarkson (2016)) found that there was "no overall difference in the number of skylark territories when comparing solar plots to control plots, although one site showed a statistically significantly higher number within the control plot.

Nesting skylarks were confirmed within several of the control plots but at only one solar plot. The nest within the solar plot was located within the security fencing surrounding the array, but outside of the actual footprint of the array. The study shows that although skylarks may not nest beneath solar arrays, they do nest within solar farms, and they do incorporate solar farms into their territorial boundaries for foraging".

This suggests that Skylarks prefer the control plots for nesting but will use solar farms for foraging and will only use solar farms for nesting if there is suitable habitat and space (open aspect) for them to do so.



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There is a high density of Skylark (18 territories across the site), with the highest concentration in LP4, LP5 and LP7. This ground nesting bird due to its rapid decline (more than 50% in the last 25 years) is a species of high conservation concern (Red Status) and a Section 41 (NERC Act) Species of Principle Importance (Priority Species). Therefore, to ensure that skylarks continue to nest on site, adequate mitigation needs to be put in place through the provision of skylark nesting plots, which would help to address the adverse effect on breeding skylark and ensure their continued use of the site is not left to chance. The LPA now needs to see an outline skylark mitigation strategy, which meets the current RSPB's/Government advice for provision of skylark nesting plots.

Biodiversity Net Gain

An outline biodiversity Net Gain Plan has been provided; this shows that a BNG of 68.5% can be achieved on site. The applicant needs to submit the metric spreadsheet and this needs to be supported with the following information:

* A post-development landscape/biodiversity BNG plan which shows the value of the onsite habitat.

If the above information cannot be supplied, refusal will be recommended for the following reason:

* There is insufficient information to be able to adequately assess the impacts on biodiversity in accordance with policy ES6.

Environmental Health: (31.03.23) Having studied the Noise Report, the conclusions are broadly satisfactory.

However, I would recommend that we condition a further report of this type for approval prior to any use of the development to demonstrate final suitability in noise terms, accounting for the exact specifications of the equipment actually installed.

Arboricultural Officer: I am satisfied that the proposed tree protection measures are adequate to ensure retained trees and hedges on site will be adequately protected should the development be granted consent. This can be secured by a suitably worded condition. I am also satisfied that the proposed new tree and buffer planting will help screen the site and result in an increase in tree cover in the vicinity. Again, this can be secured through a suitably worded condition.

Please let me know if you would like me to suggest the wording of the conditions, otherwise I have no objections regarding this application.

Biodiversity Team: Please see revised consultation comments from the Biodiversity Team: S.21/1210/FUL - Land Parcel West of Worlds End Farm, Worldsend Lane, Clapton, Berkley
Comments relate to the following documents:
Biodiversity Net Gain Plan by ADAS (May, 2023)
Skylark Mitigation and Management Plan by ADAS (May, 2023)

Farmland Birds - Skylark

An area of land (9ha), adjacent to the east of the site will be managed for skylarks as compensation for the loss of breeding habitat on site (18 territories)



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Biodiversity Net Gain

A BNG site plan has been provided.

Conclusion and recommendations:

There is no ecological objection. The application is acceptable subject to the following conditions:

* No development shall take place until a Skylark Compensation and Management Plan, has been submitted to and approved in writing by the Local Planning Authority. This should be supported by agreements to guarantee third party delivery of ongoing habitat management requirements.

The Skylark Compensation and Management Plan shall include:

- i. Identification of the compensation site
- ii. Details of how the compensation site will be managed
- iii. The provision of evidence of arrangements to secure the delivery of compensation measures, including a timetable of delivery; and a management and monitoring plan (for a period of not less than 5 yrs. from the commencement of the scheme). Ecological monitoring reports should be submitted to the LPA in year 2 and year 5 yr.
- iv. Identification of persons responsible for implementing the works
- v. The inclusion of a feedback mechanism to SDC, allowing for the alteration of working methods/management prescriptions, should the monitoring deem it necessary.

Reason: To protect and enhance the site for biodiversity in accordance with paragraph 174 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

* No development, site clearance, soil stripping, removal of materials shall take place until a resurvey (3 months prior to commencement of works) for badgers has been undertaken and the results have been submitted to and agreed in writing by the Local Planning Authority.

Reason: Badgers are protected under the Protection of Badgers Act 1992.

* No works shall take place (including demolition, ground works, vegetation clearance) until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not limited to the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones"
- c) Details of deep excavations to be infilled or ramped access provided to prevent pitfall danger to mammals.
- d) Measures taken to safeguard habitats (e.g. pollution prevention, storage of materials, equipment and waste)
- e) Avoidance mitigation strategy to safeguard great crested newts, breeding birds, bats, badgers and reptiles and other mammals such as hedgehogs.
- f) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)



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- g) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset)
- h) The timing during construction when ecological or environmental specialists need to be present on site to oversee works
- i) Responsible persons and lines of communication
- j) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
- k) Use of protective fences, exclusion barriers and warning signs
- l) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

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

Reasons: To adequately demonstrate biodiversity is safeguarded as required by The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006.

* Prior to the commencement of works, a Biodiversity Net Gain/Landscape Management Plan (BNGLMP) shall be submitted to, and be approved in writing by, the local planning authority addressing how the site will be ecologically enhanced and maintained.

The BNGLMP will be based on the Biodiversity Net Gain metric calculation and supporting plans by ADAS (May, 2023) and shall include the following:

- a) Description and evaluation of the features to be managed.
- b) Aims and objectives of management
- c) Appropriate management options for achieving aims and objectives
- d) Prescription for management actions
- e) Details of biodiversity enhancements, including location of badger gates and mammal gaps.
- f) Preparation of work schedule (including an annual work plan capable of being rolled forward over a 30-year period)
- g) Details of body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The BNGLMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In order to fulfil the requirements of paragraph 175 of the NPPF by ensuring that measurable biodiversity net gains are secured

GCN District Level Licencing conditions

1 No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (W ML-OR112) and with the proposals detailed on plan "World's End Farm: Impact Map for great crested newt district licensing (Version 1)", dated 2nd September 2022.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence W ML-OR112.

2 No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence W ML-OR112), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with,



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has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence.

The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

3 No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence W ML-OR112 and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/ destructive/ night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

Reason: In order to adequately mitigate impacts on great crested newts.

Informatives:

It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence W ML-OR112) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against GCN are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 3 above would give rise to separate criminal liability under District Licence condition 12 (requiring authorised developers to comply with the District Licence) and condition 17 (which requires all authorised developers to comply with the GCN Mitigation Principles(for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act1981 (as amended) and/ or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view at

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>



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Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1).

Section 72(1).

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Councils website:

https://www.stroud.gov.uk/media/1455/stroud-district-local-plan_november-2015_low-res_for-web.pdf

Local Plan policies considered for this application include:

- CP1 - Presumption in favour of sustainable development.
- CP2 - Strategic growth and development locations.
- CP3 - Settlement Hierarchy.
- CP4 - Place Making.
- CP5 - Environmental development principles for strategic sites
- CP7 - Lifetime communities.
- CP13 - Demand management and sustainable travel measures.
- CP14 - High quality sustainable development.
- CP15 - A quality living and working countryside.
- EI12 - Promoting transport choice and accessibility.
- ES1 - Sustainable construction and design.
- ES2 - Renewable or low carbon energy generation.
- ES3 - Maintaining quality of life within our environmental limits.
- ES4 - Water resources, quality and flood risk.
- ES5 - Air quality.
- ES6 - Providing for biodiversity and geodiversity.
- ES7 - Landscape character.
- ES8 - Trees, hedgerows and woodlands.
- ES10 - Valuing our historic environment and assets.
- ES11 - Maintaining, restoring and regenerating the District's Canals.
- ES12 - Better design of places.

The proposal should also be considered against the guidance laid out in SPG Stroud District Landscape Assessment (2000), Heritage Strategy SPA (2018), SPD Planning Obligations (2017).

The Submission Draft Stroud District Council Local Plan and evidence base documents were submitted for examination to the Planning Inspectorate on the 25th October 2021 and it is currently going through the examination process. There are a number of Policies within this document that are of relevance to the proposal and these are listed below:

- DGP1 - Delivering Carbon Neutral by 2030
- CP2 - Strategic growth and development locations.
- CP3 - Settlement Hierarchy
- CP4 - Place Making.
- CP5 - Environmental development principles for strategic sites



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- CP6 - Infrastructure and Developer Contributions
- CP14 - High Quality Sustainable Development
- CP15 - A quality living and working countryside
- SO4 - Transport and Travel
- SO5 - Climate Change and environmental limits
- SO6 - Our District's distinctive qualities
- EI12 - Promoting transport choice and accessibility
- EI13 - Protecting and extending our walking and cycling routes
- ES1 - Sustainable construction and design
- ES2 - Renewable or low carbon energy generation
- ES3 - Maintaining quality of life within our environmental limits
- ES4 - Water Resources, quality and flood risk
- ES5 - Air Quality
- ES6 - Providing for biodiversity and geodiversity
- ES7 - Landscape character
- ES8 - Trees, hedgerows and woodlands
- ES10 - Valuing our historic environment and assets
- ES11 - Maintaining, restoring and regenerating the District's Canals.
- ES12 - Better design of places.

The application has a number of considerations which both cover the principle of development and the details of the proposed scheme which will be considered in turn below:

PRINCIPLE OF DEVELOPMENT

In 2019 the Climate Change Act 2008 was amended to require all greenhouse gas emissions to be reduced to net zero by 2050. This is further supported by the Energy White Paper: Powering our Net Zero Future (2020) and the National Policy Statements (NPS) EN-1 and EN-3 (2011) and the Draft NPS for Renewable Energy Infrastructure (EN-3) (2021).

Renewable energy generation is considered to play a key role in reaching the net zero target and this national drive is material whilst considering the merits of the proposal.

The National Planning Policy Framework (NPPF) further encompasses this principle and section 14 'Meeting the challenge of climate change, flooding and coastal change' is of particular relevance. Paragraph 152 advises that the planning system should 'support renewable and low carbon energy and associated infrastructure'. Paragraph 158 of the NPPF advises that 'when determining applications for renewable and low carbon development, local planning authorities should:'

- a) 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 cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.



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In line with national legislation and guidance Stroud District Council has an ambitious target of becoming carbon neutral by 2030 and this is outlined by Stroud District Council 'The 2030 Strategy, Limiting, Adapting, recovering and Responding in a Changing Climate' (2021). The carbon neutral objective is further emphasised within the Emerging Local Plan by the new core policy, DCP1 'Delivering Carbon Neutral by 2030'.

The 2030 Strategy advises that 'nationally, approximately 29% of electricity is generated from renewable sources. Within Stroud District approximately 12% energy is generated from renewable sources'. One of Stroud's Energy 2030 Stretch Goals outlined by this document is to treble this figure and it is recognised that the proposal would help achieve this target.

To help put this into context the applicant has advised that the site can power 12,501 homes annually. The Stroud District Settlement Role and Function Study Update 2018 advises that in 2018 there were 53,078 dwellings within Stroud District's area and 961 dwellings in the nearby settlement of Berkeley. The proposed solar farm at Worlds End Farm could potentially provide approximately 23 % of Stroud District's energy supply from a renewable source and significant weight must be attributed to this. The applicant has also advised that the proposal will lead to a CO2 emissions saving of 11,702 tonnes a year.

Against this background of support, the National Planning Practice Guidance (2015) advises that this 'does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities.' This is further reflected by local policy ES2 entitled 'Renewable or low carbon generation' of the Adopted and Emerging Local Plan as outlined below:

Policy ES2 of the Adopted Local Plan advises that the Council will support proposals that maximise the generation of energy from renewable or low carbon sources, provided that the installation would not have significant adverse impact (either alone or cumulatively) and includes an impact statement that demonstrates the following factors:

1. The impact of the scheme, together with any cumulative impact (including associated transmission lines, buildings and access roads), on landscape character, visual amenity, water quality and flood risk, historic features and biodiversity
2. Evidence that the scheme has been designed and sited to minimise any adverse impact on the surrounding area for its effective operation
3. Any adverse impact on users and residents of the local area, including shadow flicker, air quality and noise
4. The direct benefits to the area and local community
5. Avoid the use of best and most versatile agricultural land, unless justified by clear and compelling evidence

Policy ES2 of the Emerging Local Plan advises that Decentralised renewable and low carbon energy schemes will be supported and encouraged, and will be approved where their impact is, or can be made, acceptable.

In determining applications for renewable and low carbon energy, and associated infrastructure, the following issues will be considered:



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- a) The contribution of the proposals, in the light of the Council's pledge to be carbon neutral by 2030, to cutting greenhouse gas emissions and decarbonising our energy system.
- b) The impact of the scheme, together with any cumulative issues, on landscape character, visual amenity, water quality and flood risk, heritage significance, recreation, biodiversity and, where appropriate, agricultural land use, aviation and telecommunications.
- c) The impact on users and residents of the local area, including where relevant, shadow flicker, air quality, vibration and noise
- d) The direct benefits to the area and local community.

Policy ES2 of the Draft Local Plan also advises that 'Ground-mounted solar energy developments are more likely to be supported in areas identified as suitable in principle as set out on the policies map. Outside these areas, applicants will need to provide a clear justification for the suitability of the chosen development site for solar development at the relevant scale. Ground-mounted solar developments are more likely to be supported if they fall within Landscape Character Areas of lower sensitivity to the relevant development scale.' It should be recognised that the site at Worldsend Farm falls within an area identified as suitable for solar developments within Appendix B of the Draft Local Plan.

Taking the above legislation, national and local policies into account, in principle the installation of a solar farm is acceptable subject to no significant effect and where any impact is identified, appropriate mitigation measures are provided. The key issues are addressed in turn below:

LANDSCAPE AND VISUAL IMPACT

The potential visual impact upon the landscape is a key consideration when assessing large scale solar installations. Introducing man-made solar photovoltaic equipment across a number of fields will have an impact upon the character of the countryside. In addition, views must be considered from the designated areas which include the Cotswold AONB (approximately 7.2km to the east of the site) and the Wye Valley AONB (approximately 8.6km to the west of the site - other side of River Severn).

The NPPF paragraph 174 seeks to ensure planning policies and decisions contribute to and enhance the local environment.

The NPPG for renewable energy (2015) advises that 'the deployment of large-scale solar farms can have a negative impact upon the rural environment, particularly in undulating landscapes'. However, the NPPG also advises that 'the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.'

The draft NPS EN-3 advises that 'existing hedges and established vegetation, including mature trees, should be retained wherever possible'. It also advises that applicant's should seek to mitigate impact through, for example screening with hedges.

Policy ES2 of the adopted Local Plan, supports renewable energy proposals, provided that the installation would not have a significant adverse impact (either alone or cumulatively) upon landscape character as outlined by criteria 1).

Policy ES7 'Landscape Character' and ES8 'Trees, hedgerows and woodlands' of both the Adopted and Emerging Local Plan are relevant. Policy ES7 of the adopted Local Plan seeks



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to protect landscape character and diversity and advises that development will only be permitted if the following criteria are met:

1. The location, material, scale and use are sympathetic and complement the landscape character; and
2. Natural features including trees, hedgerows and water features that contribute to the landscape character and setting of the development should be both retained and managed appropriately in the future.

Policy ES7 of the adopted Local Plan goes on to say that 'opportunities for appropriate landscaping will be sought alongside all new development, such that landscape type key characteristics are strengthened. The Stroud District Landscape Assessment will be used when determining applications for development within rural areas'.

Policy ES8 'Trees, hedgerows and Woodlands' of the adopted Local Plan advises that 'development that would result in the unacceptable loss of, or damage to, or threaten the continued well-being of protected trees, hedgerows, community orchards, veteran trees or woodland (including those that are not protected but are considered to be worthy of protection) will not be permitted. Where the loss of trees is considered acceptable, adequate replacement provision will be required that utilise species that are in sympathy with the character of the existing tree species in the locality and the site.'

The Draft Local Plan, Appendix B outlines suitable areas for renewable energy (solar and wind). As highlighted above in the section entitled 'Principle' it should be noted that the site falls within an area identified as suitable land for solar development on this map.

The Stroud District Renewable Energy Resources Assessment (2019) is relevant and forms part of the evidence base for the draft Local Plan. This document has informed the Submission Policies Map E: 'Landscape sensitivity to solar and wind renewable energy development'. This document identifies the site at Worlds End Farm as a very large solar installation of between 50-100 ha and the site lies within a landscape area with a Moderate to High Sensitivity to very large solar installations.

The Stroud District Landscape Assessment SPG (2000) page 71 identifies the site as being set within the Severn Vale lowland landscapes and specifically the Severn Vale Grazing Marshes. This document advises in brief, that the area is predominantly open flat landscape with extensive views across a large scale rectilinear field pattern. There is a strong influence of water in drainage ditches, generally characterised by isolated farmhouses. One of the key priorities for action outlined by the SPD is to restrict new development in the area, and the siting of visually intrusive elements such as masts and increased number of pylons. In addition, new woodland planting should include lines of willow and alder.

LPA Officers consider that the level of impact upon the area is exacerbated by the sites position within the flood plain as the solar arrays and associated electrical equipment have been raised 1.6 metres in height in order to mitigate for potential flooding. This results in arrays standing at 3.4 metres in height and the 36 transformer stations set throughout the site would be on mounds measuring 1.6 metres in height, leading to a total height of 3.7 metres. The DNO compound and associated electrical equipment within this would be up to 8.4 metres in height.



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Landscape and Visual Assessment (LVA)

To address the predicted effect of the proposal upon the landscape a LVA accompanies the planning application.

The LVA outlines the methodology, details of the proposed development, relevant planning policies, the landscape character baseline and the appraisal, which describes the effects of the proposed development on the landscape and visual receptors.

An indicative landscape strategy accompanies the LVA and this seeks to retain existing trees and hedgerows within the site and along the boundaries, retain the ditches within the site, create a linear tree and shrub planting area along the eastern boundary, create a tree and shrub planting areas around the DNO compound as well as individual tree planting along the western boundary.

The LVA uses a Zone of Theoretical Visibility (ZTV) which has been created from the potential maximum height of the solar panels. The ZTV takes into account the vegetation and built features and gives a representation of where the proposed development may be seen. Figure 7 within the LVA shows the ZTV and areas where the proposal is most visible from up to 10 km away. The LVA goes on to consider the impact upon visual receptors which includes local residents, users of the road network, PRow users close to the site and on higher ground to the east and west. The impact upon these is assessed at completion and at year 15 when the landscape proposals have had the opportunity to become established.

To assist the Local Planning Authority in reviewing the submitted LVA and associated documents an independent landscape specialist was consulted from Hankinson Duckett Associates (HDA). Subsequently the LVA has been updated and some additional work has been carried out, including a section on cumulative impact, due to the site's proximity to a very large proposed solar farm in South Gloucestershire.

The specialist landscape consultant advised that from the list of designations provided, Whitcliff Park, which is part of Berkeley Castle registered park and garden, which is on elevated ground of the Triassic Ridge and the internationally designated Severn Estuary have the greatest relevance.

The LVA advises that 'the site sits on an area of low ground along the valley floor' and the specialist landscape consultant has commented that the advantages of a flat landscape are that even low hedges have the ability to block views. However, any elevation of viewpoints, such as from the Triassic Ridge means that views across the site are possible. The consultant has also advised that the landscape has experienced very little change historically and the site is in a remote location.

The LVA advises that the change in character of the site and its immediate context (within 500 metres) will be major adverse due to the change from a pasture field to a solar farm. The level of effect assessed is large at completion and year 15. The specialist landscape consultant has advised that the effect of the proposed development is thus significant and material in determining the planning application. The consultant has stated it is acknowledged 'that there would be significant detrimental landscape and visual effects arising from the proposed



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development.' It must therefore be recognised that there is a degree of conflict with Policy ES7 of the Local Plan.

The LVA advises that views of the site are generally restricted to within 2km and areas of high ground to the east and west. The impact upon viewpoints and visual receptors varies with the highest level of impact identified as major adverse. This is mainly at locations in proximity to the site, for instance Worldsend Lane and PROW within the site. However, at year 15 there is a reduced impact to these following the establishment of mitigation planting.

The consultant agrees that the proposed development is unlikely to have an effect on the landscape character of the larger geographical areas, such as the Berkeley Pill Riverine Farmland and the Severn Vale Grazing Marshes, although the impact will be higher than that of slight adverse as identified by the LVA. Of note, the effects upon the Triassic Ridge where Whitcliff Park is situated is assessed as having a negligible adverse magnitude of change which reduces to slight at completion and year 15.

Whilst it is acknowledged that there will be a significant adverse or large impact to the site and immediate area (500 metres) this is considered to be localised. Due to the remote location and the flat topography of the site and the surrounding higher landforms any wider impact is considered to be limited and the proposed landscape strategy will help mitigate the impact of the development. At year 15 any impact upon viewpoints and visual receptors will in the main be reduced.

It should be noted that during the application process buffer planting has been increased and an area of panels has also been omitted in the southern area next to the PROW within the site. This is considered to further help mitigate the impact of development. Whilst it is recognised that there is a large, localised impact within 500 metres of the site this must be weighed against the public benefits of renewable energy generation. This is considered in more detail within the recommendation and planning balance section of the report.

AONB

With regards to landscape designations, due to the high sensitivity of the Cotswold AONB (7.2km to the east) a negligible adverse magnitude of change is identified with a slight level of effect at completion and year 15 by the LVA.

Due to the large separation distance to the Wye Valley AONB (8.6km to the west) the LVA advised that there is very limited visibility between the AONB and the site. As such any impact was not considered further. The LVA has been reviewed and the consultant largely agreed with the report. As such it is not considered that the proposal would result in an unacceptable impact to the Cotswold or Wye Valley AONB and in this regard accords with Policy ES7 and ES2 of the Local Plan 2015.

Residential properties

The LVA identifies a number of nearby properties as well as the impact upon settlements and assesses the visual impact upon receptors from these.

The properties considered were:



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- Worldsend Farm -level of effect moderate at completion and year 15
- Worldsend Cottage -level of effect slight at completion and year 15
- Severn House Farm - level of effect slight at completion and year 15
- Blisbury Farm- level of effect moderate at completion and year 15
- Properties around Clapton Farm, Willis Elm Farm, Severn House and New Elm - at completion moderate effect, although in 15 years reduced to slight
- Properties around Pottinger's Farm and Windrush- At completion effect is moderate and at year 15 this reduces to slight
- Properties around Manor Cottages - At completion effect is moderate and at year 15 this reduces to slight
- Dayhouse Farm and Tranton Cottage - level of effect slight at completion and year 15

On balance the level of impact identified is not considered to be so significant as to warrant refusal and mitigation measures in the form of landscaping will help reduce the impact in a number of cases.

i/ Vegetation, Trees and Hedgerows

It is recognised that access points and roads around the site will result in the removal of some existing hedgerow and vegetation. However, this is mitigated for by the proposed buffer and tree planting as shown on the proposed landscape drawing.

The LPAs Tree Officer has reviewed the Arboricultural Report and has advised that the measures are adequate to ensure retained trees and hedges on site will be protected. In addition, the Officer is satisfied that the proposed new tree and buffer planting will help screen the site and result in an increase in tree cover in the vicinity. Conditions have been recommended at the end of this report in respect of tree protection measures and mitigation planting. Subject to these the proposal is considered to accord with Policy ES8 of the adopted Local Plan.

It should also be highlighted that the solar arrays and associated equipment would sit within the existing field pattern and additional planting would reinforce these boundaries and hedgerows. Policy ES7 2) of the adopted Local Plan seeks natural features that contribute to landscape character to be retained and managed appropriately. A Landscape and Ecology Management Plan (LEMP) is sought via planning condition and this addresses this criterion in accordance with Policy ES7 2) of the adopted Local Plan.

i/ Cumulative Impact

Policy ES2 of the emerging and adopted Local Plan seeks to ensure that the proposed installation would not have a significant adverse impact either alone or cumulatively. It is acknowledged that the cumulative impact of solar installations within the Severn Vale is an important consideration.

Following the Landscape consultant's response, the LVA has been updated to include a section on cumulative impact.



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The document identifies a number of similar proposals within the wider area. However, the document indicates that of particular relevance is the adjoining site, which is set within the adjacent authority, South Gloucestershire. At the time of writing the planning application is currently being dealt with by the adjacent authority for the installation of a 49.9 MW ground mounted solar farm at Land at Hill Court Farm, Upper Hill reference P22/05462/F on approximately 72.5 hectares of land. In addition, a solar farm (42.30 hectares) proposed at Woodlands Farm, planning application reference: S.22/1955/FUL, which is currently pending determination is also important when considering cumulative impacts.

The amended LVA advises that these two sites would be the only renewable energy proposals which would generate any cumulative landscape and visual effects. LPA Officer's agree with this due to the separation distance to other solar installations. The revised LVA considers the effects as a worst-case scenario with all three sites being constructed.

The assessment looks at combined views and where the sites would be seen in succession and the impact upon the visual receptor. The document advises that cumulative visual effects are on the whole limited to combined and sequential views from the visual receptors directly around the site and from the rising ground of the Triassic Ridge to the east. The document advises that these sites would not increase the level of visual effect beyond that already assessed for Worlds End Farm.

LPA Officer's consider that limited weight can be applied to the adjacent solar farm in South Gloucestershire and any cumulative impact within the overall planning balance, as this planning application has not as yet been determined. This is also true of the site proposed at Woodlands Farm reference S.22/1955/FUL, although it is noted that there is a greater separation distance between these sites. The retention of the existing field pattern and the enhancement of existing hedgerows and additional planting will also help reduce the potential cumulative impact.

AGRICULTURAL CLASSIFICATION

The NPPF paragraph 174 seeks to ensure that policies and decisions recognise the 'economic and other benefits of the best and most versatile agricultural land'. The best and most versatile land is defined as grade 1, 2 and subdivision 3a. The PPG 'Renewable and low carbon energy' (2015) also encourages the use of poorer quality land.

Local Policy ES2 5) of the Adopted Local Plan seeks to avoid the use of the best and most versatile agricultural land for renewable energy generation. However, whilst the Emerging Plan currently carries limited weight it should be recognised that revised Policy ES2 is not as stringent with regards to the avoidance of using higher grade agricultural land, however, it does expect any impact upon agricultural land to be considered by criterion b).

It is recognised that the development of this site will lead to the loss of agricultural land which measures approximately 64 hectares in area for a period of up to 45 years.

Natural England's Land Classification Map for the South West Region indicates that the site lies within an area of land which is either good to moderate grade 3. However, it is recognised that these maps are not suitable for site specific classification and tests are required to determine the land quality.



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An Agricultural Land Classification document has been submitted to support the application. The fields are currently used for arable crops and for the grazing of cattle. The Agricultural Land Classification document advises that a survey has been undertaken for 57 hectares of land and advises that the soils are agricultural grade 4 land. The main limitation relates to the soil wetness and the soil is slowly permeable and stoneless with silty clay top soils.

Grade 4 agricultural land is defined as poor quality agricultural land which has severe limitation which significantly restrict the range of crops or level of yields.

The supporting document advises that 7.62 hectares of the site has not been surveyed. During the application process the red line has been altered slightly to include an additional strip of land for mitigation planting along the eastern boundary and around the substation as well as an additional access track. This forms the area of land which has not been surveyed. The supporting document has been updated to refer to the 7.62 hectares and advises that it is likely that this area would be of the same grading. As the area not surveyed has been included following discussion with LPA Officers to help mitigate the impact of development and as the supporting document considers that it is likely that the land would be of the same grading, on balance, its loss is considered acceptable and its inclusion will help mitigate the impact of the development.

The loss of 57 hectares of grade 4 agricultural land and 7.62 hectares of land which has not been surveyed must be weighed against the public benefits of the proposal. In this instance, there are significant benefits to renewable energy generation and meeting carbon neutral targets as well as energy security which aligns with the economic and carbon neutral objective of the development plan. In addition, the development has a lifespan of 45 years. Whilst this is a significant amount of time, in the future the land will be returned to its former agricultural use. As such, on balance, the temporary loss of grade 4 agricultural land and the loss of a smaller area of land that's not been surveyed is considered acceptable in respect of the NPPF and Policy ES2 of the adopted and draft Local Plan.

RESIDENTIAL AMENITY

Policy ES2, ES3 and CP14 of the Adopted and Emerging Local Plan are relevant and seek to ensure development proposals do not have an adverse impact upon residential amenity. The panels and associated equipment are considered to be set a sufficient distance away from residential properties so as not to be overbearing or cause loss of light.

A glint and glare report supports the application. Glint and glare relates to both flashes of bright light and a continuous source of bright light from reflective surfaces. The supporting document focusses upon the potential impact upon dwellings and road users. It should be noted that this document has been amended during the application process to advise that the panel's height is 3.4 metres following comments made by LPA Officers. The document advises that the results of modelling are not predicted to change in respect of this height increase.

The report considered dwellings that are within or close to one kilometre of the proposed development and have a potential view of the panels. In total six dwelling receptors have been identified which meet this criterion. As the panels are south facing these dwelling receptors are set to the east, south east and south west of the site. The document identifies screening in the



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forms of vegetation and/or buildings. It then goes on to say that a low impact is expected to five of the six dwellings with no impact to one property. As no significant impact is expected the document advises that no further mitigation is recommended.

It is therefore recognised that solar reflections may affect a small number of dwellings, however, the impact is considered to be limited in terms of the amount of time that it would be experienced for. This is below 30 minutes per day at certain times of the year. As such, it is not considered that the proposal would lead to a level of harm which would warrant refusal in accordance with Policy ES2 3), ES3 1) and CP14 7) of the adopted Local Plan.

Consideration to the impact of reflections upon road users is considered under the highways section of this report.

NOISE

The NPPF seeks to ensure development proposals do not give rise to significant impacts from noise. Policy ES2, ES3 1) and CP14 2) of both the Adopted and Draft Local Plan further amplify this and advise that permission will not be granted where there is an unacceptable level of noise pollution. It should also be recognised that the granting of planning permission does not override noise nuisance legislation.

It is recognised that construction works will generate noise in respect of construction vehicles and from piling and residents have raised concerns in relation to this. However, any noise generated during construction will only be for a temporary period of time, of approximately 6 months, and subject to a condition restricting construction hours, on balance it is considered that this can be adequately mitigated in accordance with the NPPF paragraph 158.

During the application process LPA Officers have requested further information in respect of potential operational noise that may be generated from the site. To support the application a noise impact assessment has been submitted. This document looks at the existing noise levels at the nearest site receptors and predicts the noise levels once the site is operational. It concludes that the proposed development is in line with relevant standards and guidance and there is a positive indication that noise from the proposed development would have a low impact.

The noise impact assessment has been reviewed by Environmental Health Officers who have advised that the conclusions of the report are broadly satisfactory. They have recommended that a further report is submitted prior to the use of the development which accounts for the exact specifications of the equipment installed. Following this advice LPA Officers have recommended a condition to ensure an additional noise report is submitted.

On this basis it is considered that the proposal is unlikely to result in adverse or significant impacts in relation to noise pollution subject to the recommended conditions and as such the proposal complies with Policies ES3 1) and CP14 2) of the Local and Emerging Local Plan.

HIGHWAYS

A key consideration relates to the potential impact upon highway safety and road users in the wider area. Paragraph 110 of the NPPF advises that when considering development proposals, the following should be ensured:



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- a) Appropriate opportunities to promote sustainable transport modes can be -or have been - taken up, given the type of development and its location;
- b) Safe and suitable access to the site can be achieved for all users;
- c) The design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The NPPF paragraph 111 goes on to say that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Policy ES2 of the emerging and adopted Local Plan seeks to avoid any adverse impact on users and residents of the local area. Policy ES3 criteria 5) looks to ensure permission is not granted which would have a detrimental impact on highway safety. It is noted that a large number of public comments raise concern about the suitability of local roads and highway safety.

A Transport Statement accompanies the application and the Local Highway Authority have been consulted on this application. Following amendments the LHA have raised no objection to the proposal subject to conditions and financial obligations.

It has been highlighted that the site is relatively remote from the A38 and that narrow lanes would be used for construction traffic. Construction traffic would leave the M5, east of the site and join the A38 until Stone. Traffic would eventually go along Clapton Road, a rural single carriageway before entering Worlds End Lane, a rural single lane carriageway.

It is anticipated that there could be 26 to 28 HGV movements per day if work was to take place over a 6 month period and the LHA has advised that this could lead to damage to carriageways. The LHA has recommended a number of conditions which include a review of any temporary traffic management measures that might be required. An informative has also been recommended which advises that under Section 59 of the Highways Act 1980 the Highway Authority can recover additional costs of road maintenance due to damage by extraordinary traffic.

LHA Officers have also advised that with large vehicles using unsuitable lanes with narrow carriageways road safety is a concern. The Transport Statement suggests locations where passing places could be identified, although LHA Officers have advised that a number of these would require temporary works. Detailed discussions and agreement with the Local Highway Authority would therefore be required prior to construction works to ensure appropriate measures were put in place.

Whilst it is therefore recognised that the proposal will impact upon local roads during construction, this would only be for a temporary period of time and subject to mitigation measures such as improved passing places and other control measures to be discussed with



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highways, it is not considered that the proposal would have a long-term detrimental impact upon the surrounding area which would warrant refusal.

Once operational, associated vehicular movements involved in the maintenance and running of the site are unlikely to have a significant impact upon local roads. As such, on balance and subject to condition the proposal is considered to accord with Policy ES2 and ES3 5) of the adopted Local Plan.

Reflections from solar panels

Consideration must also be given to the potential impact upon highway safety once the site is operational. The Glint and Glare study which has been submitted with the application has made an assessment of potential glint and glare upon roads which are within, or close to one kilometre of the proposed development and have a potential view of roads. This report advises that reflections towards road receptors are possible and any reflection can last up to 10 minutes per day. No or a low impact is predicted and as such no mitigation is required. LPA Officers are satisfied with this report and Highways have raised no objection with regards to highway safety.

Public Rights of Way (PROW)

The site has three public rights of way which enter the parcel of land. Ham and Stone footpath 13 runs along an existing field boundary of the site, although it ends within the site. Footpath 15 is set in the southern area of the site and this joins the ham and Stone bridleway number 16 forming a loop. The proposal originally sought to divert these footpaths, however, the revised layout seeks to retain the position of the footpaths on the site.

The Local Highway Authority have recommended a planning condition in respect of PROWs which seeks to protect these routes. Subject to condition it is considered the PROWs in proximity to and within the site shall remain accessible.

Decommissioning

Policy ES2 of the adopted Local Plan advises that 'where appropriate, provision should be made for the removal of the facilities and reinstatement of the site should it cease to be operational.'

Improved technologies have increased the lifespan of solar panels and as such planning permission is sought for a period of 45 years. After this date, or if operations at the site cease to be operational for a period exceeding six months, a condition in line with Policy ES2, is recommended to ensure that the site is decommissioned and returned to its former use. Highways comments (17.03.2022) have also recommended a condition requiring a traffic management plan to be submitted and approved in writing by the Local Planning Authority. This plan would then have to be adhered to throughout construction and decommissioning stages.

It is recognised that there will be a temporary impact upon road users and residents during construction and decommissioning works. However, subject to conditions it is not considered that the proposed development would have a significant or severe impact upon the local road network, PROWs or highway safety. This aspect of the proposal is therefore considered to



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accord with the provisions of the development plan and specifically Policy ES3 5) and ES2 1) of the adopted Local Plan.

CONTAMINATED LAND

The site is considered to be greenfield land and no historic landfill sites are shown as being in proximity to the site.

ECOLOGY

As outlined within the site description the site is set in proximity to a number of highly sensitive designated ecological sites and at its closest point is set approximately 600 metres from the River Severn Estuary, the Severn Estuary RAMSAR, Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Special Protection Areas (SPAs). The site also lies within the Severn Estuary SAC/SPA linear buffer.

Section 15 of the NPPF 'Conserving and enhancing the natural environment' is of relevance. Paragraph 174 seeks to ensure planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 180 of the NPPF goes on to list four key principles which should be followed by local authorities when determining a planning application in relation to habitats and biodiversity.

At a local level the key policy is ES6 'Providing for biodiversity and geodiversity' of the adopted and emerging Local Plan. Policy ES2 1) and ES2 b) respectively are relevant when considering this proposal.

Initially an Ecological Impact Assessment and surveys relating to birds accompanied the planning application and the Biodiversity Team requested additional information during the course of the application.

Upon the receipt of additional information the LPA has undertaken an Appropriate Assessment with regards to Wintering SPA qualifying species in accordance with the Conservation of Habitats and Species Regulations 2017. This assessment has been reviewed by Natural England who agree with the LPA that the development will not have significant adverse impacts on designated sites or their classified species. As such there is no objection to the proposal from Natural England or the Biodiversity Team subject to the conditions which have been recommended.

The proposed development incorporates mammal gaps in fences and it is considered that the proposed planting will lead to biodiversity net gain at the site in accordance with Policy ES6 of the Local Plan. Conditions are recommended in respect of construction work and securing ecological mitigation measures at the site.

Great Crested Newts

The applicant has used the NatureSpace District Licencing scheme in respect of GCNs. This scheme enables money to go directly into habitat creation off site for GCNs. Conditions have been recommended by NatureSpace in respect of mitigating for GCNs on this site and these are available to view at the end of this report.



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Farmland bird species

The site is used by Linnet and Skylark bird species. The Biodiversity Team have advised that Linnet are a hedgerow species and the mitigation measures proposed should improve the habitat for this species of bird. However, Skylark nest in more open crop land and it is recognised that the proposal has the potential to impact upon this species. The applicant is proposing offsite Skylark mitigation measures within fields adjacent to the site as outlined by the Skylark Mitigation and Management Plan which has been submitted to support the application. The Biodiversity Team are satisfied with the proposed mitigation measures and one of the recommended conditions seeks to secure the suitable management of the adjacent parcel of land identified for Skylarks.

FLOOD RISK

The NPPF paragraph 159 advises that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

The NPPF paragraph 162, advises that 'The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.'

Policy ES4 'Water resources, quality and flood risk' is relevant and this seeks to ensure consideration is given to the sequential test and that proposals are safe and do not increase flood risk elsewhere.

The application site is set wholly within Flood Zone 3 which is an area recognised as being susceptible to flooding. To support the application a Flood Risk Assessment has been submitted. This document advises that tidal flooding is the principal source of flood risk at the site and climate change increases this risk.

In accordance with the NPPF and Policy ES4 the sequential test should be applied to steer development into areas with the lowest risk of flooding from any source. If it is not possible for the development to be located within areas with a lower risk of flooding the exception test is then applied.

In order to meet the exception test the application would need to demonstrate both of the following as outlined by paragraph 164 of the NPPF:

- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The supporting Flood Risk Assessment document advises that in terms of the sequential test this is the only suitable site for the solar farm as it is next to the substation. The applicant has then applied the exception test and refers to the NPPF Annex 3 Flood risk vulnerability



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classification which advises that solar farms are essential infrastructure and as such in respect of the exception test are acceptable.

LPA Officers have reviewed the sequential test and requested further justification for the siting of the solar farm in respect of the grid connection and sequential test as the substation forms part of the application. The applicant has advised that they are allocated Points of Connection by the DNOs and in this instance they have located the substation as close to the pylon to avoid any electrical ramifications as well as reducing the impact on the land by a lengthy dig. They have advised that the substation also constitutes 'essential infrastructure'.

On balance, following the submission of this additional information providing justification for siting the substation and point of connection in this location, LPA Officers are satisfied that the sequential test has been carried out.

In respect of paragraph 164 of the NPPF exception test criteria a) it is considered that the development would provide wider sustainability benefits to the community in terms of renewable energy generation which will reduce reliance upon fossil fuels and help meet carbon neutral targets set both nationally and locally.

In terms of the exception test criteria b) consideration must be given to the safety of the development. A number of mitigation measures have been taken to mitigate the risk of flooding. The solar arrays are higher than average with a height of 3.6 metres (set 1.6m up). The transformer stations which are positioned throughout the site are also positioned on mounds so that the finished floor level is 1.6 metres above ground level. The substation and associated electrical equipment, switch room and DNO operator room are also raised by 1.6 metres. It is recognised that the flood mitigation measures which have consisted of raising structures, panels and electrical equipment by 1.6 metres throughout the site will have an additional visual impact which has been considered within the above section entitled landscape and visual amenity.

The Lead Local Flood Authority have been consulted on the application and they have advised that the development will not increase flood risk and will manage surface water where necessary. On this basis no objection has been raised. It is also recognised that there is a low vulnerability of users of the development. On this basis LPA Officers are satisfied that criteria b) has also been satisfied. The proposal is therefore considered to comply with the NPPF and Policy ES4 of the adopted Local Plan.

HERITAGE ASSETS & ARCHAEOLOGY

A key consideration relates to the potential impact of the proposal upon designated and non-designated heritage assets including any archaeological interest. As defined by the NPPF paragraph 189 'heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites'.

Paragraph 194 of the NPPF advises that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'.



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Policy ES10 'Valuing our historic environment and assets' of the Local Plan is relevant. This policy advises seeks to preserve and where possible enhance heritage assets.

In accordance with the development plan a Heritage Statement and archaeological Geophysical Assessment accompanies the planning application.

The Heritage Statement looks to assess the potential impact that the proposed development would have upon the historic environment in this location. The assessment encompassed an outer study area of up to 5 km and an inner study area of 1 km. The assessment advises that due to the nature of the topography surrounding the site, impacts upon designated assets will not extend beyond 5 km from the site.

The assessment identifies three key designated heritage assets in the outer study area as requiring more detailed assessment. These were:

- *Grade II* Berkeley Castle Registered Park and Garden
- *Grade II* Listed Church of St Michael
- *Berkeley Conservation Area

The Grade II* Berkeley Castle Park and Garden's is also known as Whitcliff Park and is the deer park for Berkeley Castle and is located approximately 1km to the south west of the castle. Whitcliff Park holds an elevated position in the area and a moated site within the park is a scheduled monument. The main impact upon this heritage asset are from the southern end of the park looking west across the river Severn. The only mitigation measures proposed in respect of this relate to hedgerow and tree planting on the landscape masterplan.

The Berkeley Conservation Area is approximately 3.5km away from the site and the zone of theoretical visibility indicates that there will be no views of the development from this Conservation Area due to the natural topography.

The grade II* Church of St Michael is located 1.7 km to the south of the site. The Heritage Statement advises that there will be no setting impacts from the proposed development to the Church.

Appendix 1 of the Heritage Statement outlines the designated heritage assets within the study area and the residual impact of the proposal upon these assets. This indicates no change impact for all 332 heritage assets identified. The Statement also contains maps illustrating the study zones and positions of assets as well as photographs from the key heritage assets identified.

The Heritage Statement has been independently reviewed by the LPAs Conservation Team and Historic England.

Historic England initially raised concerns on heritage grounds and requested further information in respect of the impact upon Park House, a crenelated tower house located on the ridge within Whitcliff Park. It was also requested that viewpoint 11 within Whitcliff Deer Park was further clarified and a viewpoint taken at year one and year ten once planting has become established. They also advised that views from the moated site should also be assessed and further information was requested in respect of Berkeley Conservation Area.



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The applicant has sought to address the comments received from Historic England and provided additional information which includes viewpoints with wireframes showing the extent of the application site. Historic England have been re-consulted and they have advised that the additional information supplied demonstrates that there would either be no visibility or very limited visibility of the proposed solar array. They are satisfied that any impacts would not be harmful to the significance of individual heritage assets and have raised no objection to the proposal.

The Conservation Officer has advised that they largely agree with the assessments made within the heritage statement. In relation to the isolated grade II farmhouses of Blisbury Farm, Comelly Farm, Bevington Farm, Dayhouse Farm together with Park House, the Conservation Officer has advised that they will retain the overwhelmingly rural nature of their surroundings and the proposal will not harm the character of their settings. In relation to the sensitive designations considered in detail by the Heritage Statement the Conservation Officer has advised that there are no significant concerns over the impact on the nearby heritage assets.

Paragraph 202 of the NPPF advises that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

Policy ES10 'Valuing our historic environment and assets' seeks to preserve, protect or enhance Stroud District's historic environment. Criterion 5) advises that 'Any harm or loss would require clear and convincing justification to the relevant decision-maker as to why the heritage interested should be overridden'.

In this instance, the public benefits include renewable energy generation which would provide clean power and significantly contribute to meeting the carbon neutral targets set both nationally and locally. Specialist consultees have advised that there are no significant concerns over the impact upon nearby heritage assets and that any impacts would not be harmful to the significance of assets. The level of harm upon heritage assets is therefore considered to be small or less than substantial and is outweighed by the public benefits of the proposal. As such accords with Policy ES10 5) and ES2 of the adopted and Draft Local Plan.

Archaeology

An Archaeological Desk-Based Assessment initially accompanied the application. This document advised that there is potential for unknown buried archaeological remains to be present on the site and there is a high potential for groundworks to impact any surviving buried remains.

The County Archaeologist reviewed the desk-based assessment and advised that the proposed development is within an area of archaeological interest and that 'The site includes an undated rabbit warren, a couple of levelled earthworks, an early medieval find spot and medieval-post-medieval ridge and furrow remains. Immediately to the north and west of the site are the recorded remains of a substantial Roman settlement and kiln site.'

An Archaeological Geophysical Assessment was subsequently submitted in September 2021 to address the comments received from the County Archaeologist. This document advises that



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sinuous, broad geological trends are evident in all fields within the Proposed Development Area (PDA). 'Linear anomalies indicative of ridge and furrow cultivation, former boundaries and regular patterns of field drains attest to agricultural activity from the post-medieval period onwards'. The document concludes that the 'PDA is assessed as of low archaeological potential'.

In December 2021 an Archaeological Written Scheme of Investigation was also submitted providing detailed advice on how trial trenching would be undertaken at the site and this also details the procedures in place in case of an unexpected complex discovery. An archaeological report would then be published and sent to relevant parties. The County Archaeologist advised that they were happy with the written scheme of investigation and recommended that trial trenching was undertaken during the planning application process.

Paragraphs 194 and 195 of the NPPF as outlined below make it clear the need to undertake the necessary field evaluation prior to determination:-

194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

For a development proposal of this size in a location which may be archaeologically sensitive, following the advice given by the County Archaeologist, LPA Officer's requested field evaluation in the form of trial trenching to be carried out at the site in accordance with the written scheme of investigation that was submitted with the application.

The applicant put forward a case advising that due to the prevalence of Black-grass at the site, a weed which can seriously reduce crop yields, if trial trenching was carried out at the site this would lead to further spread of the weed. A supporting letter from a Senior Weed Specialist was submitted advising that if the site is subject to trial trenching then this would spread black-grass throughout the site and would cause a significant economic loss to the landowner. The supporting letter has put forward the case that without a valid planning permission it would be unreasonable for the landowner to incur a significant loss in their farm income through trial trenching. Further supporting evidence has been submitted in the form of black-grass treatments that have taken place at the site and an email from the land-owners agronomist.

It must be stressed that normally trial trenching would be required prior to the determination of an application of this size and scale within an area where there is the potential for archaeology.



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However, following the submission of the supporting letter and evidence of weed treatments at the site, in this instance it is considered that exceptional site-specific circumstances have been demonstrated by the applicant. In this instance it has been shown that trial trenching prior to planning approval may lead the landowner to incur loss in income.

The site-specific evidence of black-grass must be balanced against the archaeological risk. It is considered that in this instance a pre-commencement condition can adequately mitigate for the potential of archaeology at the site whilst ensuring that archaeological work is carried out prior to development. The pre-commencement condition has been recommended by the County Archaeologist following discussion. It should be noted that this approach carries an element of risk for the applicant. If archaeology is found at the site, alterations to the scheme may be required. For instance, pile driven foundations may not be appropriate in some locations at the site. The applicant has been advised that a formal application would be required to deal with any layout changes and depending upon how significant these are it may be possible for this to be dealt with via a S73 variation of condition application.

On balance, subject to a pre-commencement condition, it is considered that archaeology can be protected at the site and as such the proposal complies with Policy ES2 and ES10 of the Local Plan.

OBLIGATIONS

The Local Planning Authority does not seek financial obligations from the type of development proposed. Whilst understanding that any possible community fund might be desirable and provide benefit to the local community it is not considered compliant with the Community Infrastructure Levy Regulations 2010 (as amended) and would not meet the tests of a planning obligation to be necessary, directly relevant in planning terms and fair and reasonable. It can therefore not be required under planning law and should not be given weight either in its presence or absence when considering the planning balance of the planning application.

OTHER MATTERS

Community Benefit

Policy ES2 4) of the Local Plan seeks proposals to demonstrate 'the direct benefits to the area and local community'. Renewable energy generation has wider benefits locally and nationally in respect of reducing reliance upon fossil fuels and providing 'clean' energy. The applicant has advised that in terms of social and economic benefit they will wherever possible look to use local suppliers and that the scheme will offer short and long term job opportunities. The scheme will also provide approximately £120,000 in business rates every year. In addition, they have advised that there are local benefits in respect of biodiversity net gain at the site.

Fire Risk

Fire risk is a concern which is often raised locally in respect of solar arrays. During the application process LPA Officers have requested details in respect of how any fire risk might be managed at the site. The applicant has submitted an example fire risk assessment to show that consideration has been given to this aspect. The Fire Service have been consulted on the application and this document, although no comments were received.



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LPA Officers have recommended a condition in respect of ensuring the submission of a Solar Farm Fire Management Plan prior to energy first being transferred from/to the grid. It is considered that this will ensure early engagement with the Fire Service and help minimise the risk of fire and ensure a fast response time to incidents. On balance, the low risk of fire is considered to be outweighed by the public benefits of the proposal which supports renewable energy generation and reduces reliance on fossil fuels, thereby helping to achieve carbon neutral targets at local and national level.

REVIEW OF CONSULTATION RESPONSES

It is considered that the comments received have been addressed within the main body of the report.

PLANNING BALANCE AND RECOMMENDATION

In terms of Government policies on climate change and Stroud District Council's target of becoming carbon neutral by 2030, it must be recognised that the proposal would make a substantial contribution towards meeting this ambition through renewable energy generation and storage by providing power to approximately 12,501 homes annually. Paragraph 158 of the NPPF advises that when determining applications for renewable and low carbon development, local planning authorities should '*approve the application if its impacts are (or can be made) acceptable.*'

This is a very large solar installation, and the key concern relates to the potential impact upon the landscape and visual amenity of the area. It is recognised that there will be a long-term large impact at the site and within 500 metres and it is considered that this is exacerbated by the height of the structures and associated electrical equipment which have been raised due to the site's location in Flood Zone 3. However, the site is relatively flat and set in a relatively remote location within the District and it must be recognised that the surrounding land forms, which include the Triassic ridge where Whitcliff Park is situated, help minimise the proposals impact upon the wider landscape character areas. During the application process additional planting has been secured and it is considered that this will help reduce the impact of the development from a number of viewpoints within 15 years once planting has become established.

It is noted that there are heritage assets in the surrounding area and of particular importance is Whitcliff Deer Park which is set at an elevated height to the site approximately 1km away. However, both Historic England and the LPAs Conservation Officer have advised that the proposal will not be harmful to the setting of the park or other heritage assets in the area due to limited visibility in accordance with Policy ES2 and ES10 of the Local Plan.

It is recognised that there may be a temporary adverse impact upon the highway during construction works due to the narrow nature of the local road network. However, the LHA have recommended conditions/informatives and subject to these it is considered that construction work can be effectively managed so that vehicle movements do not result in a significant adverse impact in accordance with Policy ES2. Once operational vehicle movements will be low and will not adversely harm the area.



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Other aspects such as the impact upon residential amenity in terms of visual effect and noise, archaeology, flooding, ecology and fire risk on balance are considered acceptable and any impact can be mitigated for by planning condition in accordance with Policy ES2 of the Local Plan.

The sites proximity to an adjacent proposed solar farm within South Gloucestershire and the site at Woodlands Farm are acknowledged. However, limited weight can at present be attributed to any cumulative impact as these proposals do not benefit from planning permission at this time.

Whilst finely balanced in respect of the localised impact upon the landscape, it is considered that this has been mitigated for through additional planting and in this instance the public benefits of the proposal outweigh the harm identified. As such the planning balance lies in favour of the proposal and it is recommended that planning permission be **granted** subject to conditions.

HUMAN RIGHTS

In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.



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Subject to the following conditions:	<p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</p> <p>Site location plan drawing number 1650-0200-05 received 10.02.23</p> <p>Planning Layout Drawing number 1650-0201-00 Issue 12 received 10.02.23</p> <p>Mounting system drawing number 1650-0201-28 received 10.02.23</p> <p>CCTV Detail Drawing number 1650-0204-00 received 11.05.21</p> <p>Fence Detail Drawing number 1650-0205-01 received 11.05.21</p> <p>Transformer Station Detail Drawing Number 1650-0207-00 received 11.05.21</p> <p>Spares Container Detail drawing number 1650-0207-40 received 11.05.21</p> <p>Welfare Container Detail Drawing number: 1650-0207-41 received 11.05.21</p> <p>Access Road Sections Drawing number 1650-0208-10 received 11.05.21</p> <p>DNO HV Compound Drawing Number 1650-0208-80 received 11.05.21</p> <p>DNO HV Compound Elevations Views Drawing Number 1650-0208-81 received 11.05.21</p> <p>Illustrative Sections (A-B) Drawing number 1050692-BSR9001-WOR-L-8001 received 10.02.23</p> <p>Illustrative Sections (C-D) Drawing number 1050692-BSR9001-WOR-L-8001 received 10.02.23</p> <p>Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.</p> <p>3. The permission hereby granted shall be limited to a period of 45 years from the date when electricity is first exported from the solar panels to the local electricity grid (hereafter known as 'The First Export Date'). Written notification of The First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.</p>
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	<p>Reason: In order to safeguard the visual amenity and landscape character of the area in accordance with Policies ES2 & ES7 of the adopted Stroud District Local Plan.</p> <p>4. Within 12 months of the date when the solar panels permanently cease to produce electricity, or the expiration of this permission, whichever is the sooner, the solar panels and its ancillary equipment and infrastructure shall be removed, and the land restored, in accordance with a scheme to be submitted to and approved by the Local Planning Authority. The land restoration scheme shall be submitted within two months of the cessation of electricity production.</p> <p>Reason: In order to safeguard the visual amenity and landscape character of the area in accordance with Policies ES2 & ES7 of the adopted Stroud District Local Plan.</p> <p>5. Notwithstanding the submitted details, the colour and finish of the proposed inverters/ transformers, spare containers, welfare container, DNO Control Room and Customer Switch Room including elevations and floor plans of the control and switch room shall be submitted to and approved by the Local Planning Authority and shall be maintained as such thereafter.</p> <p>Reason: In order to safeguard the visual amenity and landscape character of the area in accordance with Policies CP14, ES3 and ES7 of the adopted Stroud District Local Plan, November 2015. Consideration of dark green or brown matte colours to recess into the landscape should be considered.</p> <p>6. No construction site machinery or plant shall be operated, no process shall be carried out and no construction-related deliveries taken at or dispatched from the site except between the hours 08:00 and 18:00 on Mondays to Fridays, between 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.</p> <p>Reason: In the interests of residential amenity in accordance with Policies CP14, ES2 and ES3 of the Stroud District Local Plan 2015.</p> <p>7. Construction works shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved by the Local Planning Authority,</p> <p>Reason: To protect residential amenity in accordance with Policy ES3 and CP14 of the Stroud District Local Plan 2015.</p> <p>8. Prior to electricity first being exported to the grid a further Noise Impact Assessment shall be carried out and agreed in writing by the Local Planning Authority. The Noise Impact Assessment shall take into</p>
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consideration the exact specifications of equipment installed at the site to demonstrate final suitability in noise terms.

Reason: To demonstrate acceptable noise levels at the site are achieved and to protect surrounding residential amenity in accordance with Policy ES2, ES3 and CP14 of the Stroud District Local Plan 2015.

9. Prior to the commencement of the development hereby permitted, including any enabling works, a final Traffic Management Plan shall be submitted to and approved by the Local Planning Authority and thereafter the approved Plan shall be fully complied with at all times during the construction and decommissioning stages of the development.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the construction phase of the development and subsequently during the decommissioning of the site.

10. The development must be fully compliant with the Arboricultural Impact Assessment BSR Energy Worlds End Farm Solar Park Rev C dated June 2023.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in accordance with Stroud District Local Plan Policy ES8 and with guidance in revised National Planning Policy Framework paragraphs 15, 170(b) & 175 (c) & (d).

11. Prior to commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a qualified tree specialist (where arboriculture expertise is required) shall be submitted to and approved by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in accordance with Stroud District Local Plan Policy ES8 and with guidance in revised National Planning Policy Framework paragraphs 15, 170(b) & 175 (c) & (d).

12. The development hereby permitted shall not be brought into use until further details of hard and soft landscaping for the site have been submitted to and approved by the Local Planning Authority. This should clearly outline the number and species of proposed tree and hedgerow planting at the site. The approved landscaping scheme shall then be managed in accordance with the Biodiversity Net Gain/Landscape Management Plan (BNGLMP).

Reason: In the interests of biodiversity enhancement and visual amenity of the area.



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13. No development shall take place until a Skylark Compensation and Management Plan, has been submitted to and approved by the Local Planning Authority. This should be supported by agreements to guarantee third party delivery of ongoing habitat management requirements.
- The Skylark Compensation and Management Plan shall include:
- I. Identification of the compensation site
 - II. Details of how the compensation site will be managed
 - III. The provision of evidence of arrangements to secure the delivery of compensation measures, including a timetable of delivery; and a management and monitoring plan (for a period of not less than 5 yrs. from the commencement of the scheme). Ecological monitoring reports should be submitted to the LPA in year 2 and year 5 yr.
 - IV. Identification of persons responsible for implementing the works
 - V. The inclusion of a feedback mechanism to SDC, allowing for the alteration of working methods/management prescriptions, should the monitoring deem it necessary.
- Reason: To protect and enhance the site for biodiversity in accordance with paragraph 174 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.
14. No development, site clearance, soil stripping, removal of materials shall take place until a resurvey (3 months prior to commencement of works) for badgers has been undertaken and the results have been submitted to and approved by the Local Planning Authority.
- Reason: Badgers are protected under the Protection of Badgers Act 1992.
15. No works shall take place (including demolition, ground works, vegetation clearance) until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not limited to the following:
- a) Risk assessment of potentially damaging construction activities
 - b) Identification of “biodiversity protection zones”
 - c) Details of deep excavations to be infilled or ramped access provided to prevent pitfall danger to mammals.
 - d) Measures taken to safeguard habitats (e.g. pollution prevention, storage of materials, equipment and waste)
 - e) Avoidance mitigation strategy to safeguard great crested newts, breeding birds, bats, badgers and reptiles and other mammals such as hedgehogs.



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- f) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- g) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset)
- h) The timing during construction when ecological or environmental specialists need to be present on site to oversee works
- i) Responsible persons and lines of communication
- j) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
- k) Use of protective fences, exclusion barriers and warning signs
- l) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works
 - a. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reasons: To adequately demonstrate biodiversity is safeguarded as required by The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006.

16. Prior to the commencement of works, a Biodiversity Net Gain/Landscape Management Plan (BNGLMP) shall be submitted to, and be approved by the local planning authority addressing how the site will be ecologically enhanced and maintained.

The BNGLMP will be based on the Biodiversity Net Gain metric calculation and supporting plans by ADAS (May,2023) and shall include the following:

- a) Description and evaluation of the features to be managed.
- b) Aims and objectives of management
- c) Appropriate management options for achieving aims and objectives
- d) Prescription for management actions
- e) Details of biodiversity enhancements, including location of badger gates and mammal gaps.
- f) Preparation of work schedule (including an annual work plan capable of being rolled forward over a 30-year period)
- g) Details of body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The BNGLMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In order to fulfil the requirements of paragraph 175 of the NPPF by ensuring that measurable biodiversity net gains are secured.



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17. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council’s organisational licence (WML-OR112) and with the proposals detailed on plan “World’s End Farm: Impact Map for great crested newt district licensing (Version 1)”, dated 2nd September 2022.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR112.

18. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

19. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence W ML-OR112 and in addition in compliance with the following:
- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/ destructive/ night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

Reason: In order to adequately mitigate impacts on great crested newts.

20. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording and/or preservation of any archaeological remains that may be destroyed/impacted by ground works required for the scheme. The archaeological programme will



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advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework.

21. Prior to first exported of power to the local electricity grid from the Solar Farm (hereafter known as 'The First Export Date') hereby approved, a Fire Risk Assessment and Management Plan shall be submitted to and approved by the Local Planning Authority. Written notification of 'The First Export Date' shall be given to the Local Planning Authority within 14 days of the event occurring. The development shall be managed in accordance with these approved details.

Reason:

To ensure that fire risk is adequately managed at the site.

Informatives:

1. No materials, plant, temporary structures or excavations of any kind shall be deposited / undertaken on or adjacent to any Public Right of Way that may obstruct or dissuade the public from using the Public Right of Way whilst development takes place.
No changes to any Public Right of Way direction, width, surface, signing or structures shall be made without the prior written approval of the Gloucestershire County Council or the necessary legal process.
No construction / demolition vehicle access shall be taken along or across any Public Right of Way without prior permission and appropriate safety/mitigation measures approved by the Gloucestershire County Council. Any damage to the surface of the Public Right of Way caused by such use will be the responsibility of the developer or their contractors to put right / make good to a standard required by the Gloucestershire County Council.

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