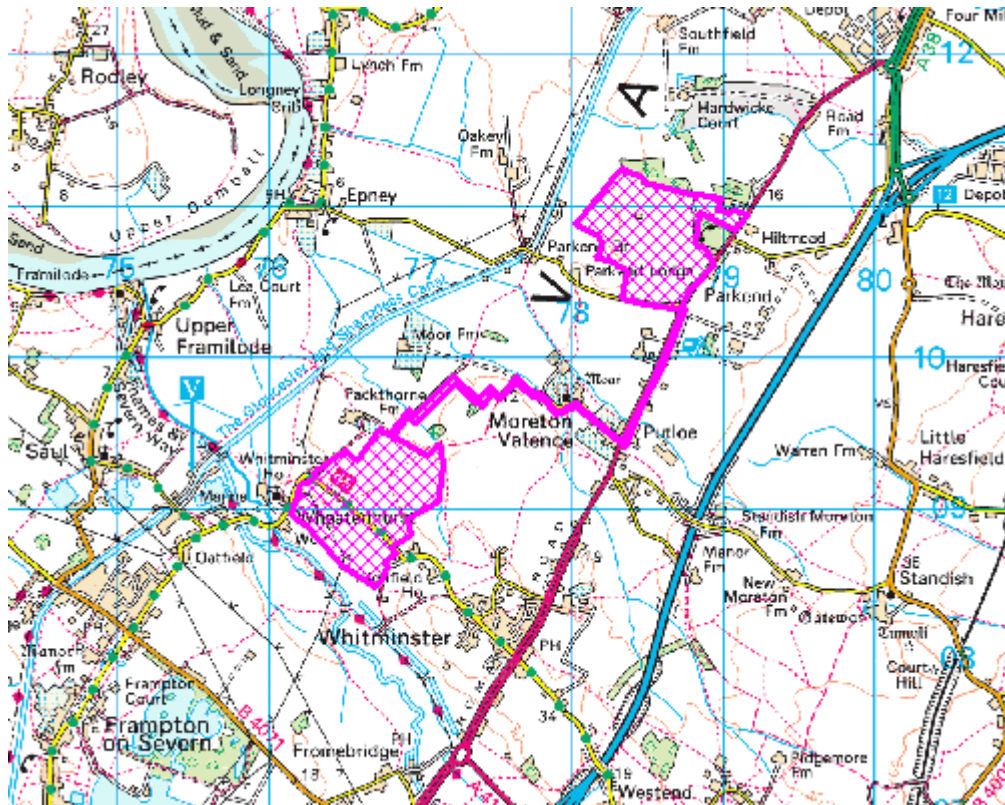




## Development Control Committee Schedule 29/03/2022

<b>Item No:</b>	<b>06</b>
<b>Application No.</b>	S.21/0465/FUL
<b>Site Address</b>	Land Parcels A & B, Near Whitminster, Gloucestershire,
<b>Town/Parish</b>	Moreton Valence Parish Council and Whitminster Parish Council
<b>Grid Reference</b>	378496,210794
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	The construction, operation, maintenance and decommissioning for a renewable energy scheme of up to a 49.9 megawatt (MW) solar farm and up to a 49.9MW battery storage facility.
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Head of Development Management





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<b>Applicant's Details</b>	JBM Solar Projects 7 Ltd C/O Pegasus Group, First Floor, Equinox North, Great Park Road, Almondsbury Bristol BS32 4QL
<b>Agent's Details</b>	Mark Herbert Pegasus Group, Querns Business Centre, Whitworth Road, Cirencester, GL7 1RT
<b>Case Officer</b>	Helen Cooper
<b>Application Validated</b>	23.02.2021
	<b>CONSULTEES</b>
<b>Comments Received</b>	Biodiversity Officer Environmental Health (E) Natural England (E) Conservation North Team Contaminated Land Officer (E) Historic England SW Moreton Valence Parish Council Whitminster Parish Council SDC Water Resources Engineer Flood Resilience Land Drainage Biodiversity Officer Conservation North Team Archaeology Dept (E) Development Coordination (E)
<b>Constraints</b>	Affecting the Setting of a Cons Area Consult area Conservation Area Flood Zone 2 Flood Zone 3 Gas Pipeline Glos Centre Env Records - Species Listed Building Within 50m of Listed Building Moreton Valence Parish Council Whitminster Parish Council Affecting a Public Right of Way SAC SPA 7700m buffer Village Design Statement
	<b>OFFICER'S REPORT</b>



## **Development Control Committee Schedule 29/03/2022**

### **MAIN ISSUES**

- \* Principle of development
- \* Landscape and Visual Impact
- \* Residential Amenity
- \* Noise
- \* Highways
- \* Contaminated land
- \* Ecology
- \* Flood risk
- \* Archaeology and Heritage Assets

### **DESCRIPTION OF SITE**

The application site comprises two parcels of land which are located within open countryside and in total measure approximately 116 hectares in area. They are set to the south west of Gloucester.

Parcel A lies to the north of Whitminster and near to Moreton Valence. The site comprises a series of fields which are currently agricultural. The A38 runs adjacent to the south east boundary of the site. A residential area, Parkend, lies to the other side of the A38 in proximity to the site. No Public Rights of Way (PROW) run within or adjacent to this site.

Parcel B, which is also currently used for agriculture, is set to the north west of Whitminster. Whitminster Lane runs through the land leading to Frampton-on-Severn. The topography rises gently on the site with the highest section near Whitminster. Seven PROW run adjacent to and within the site boundary.

The surrounding area is primarily flat and the land use in the wider area is predominantly agricultural. Whitminster is the largest village within the area and Parcel B is set within 0.5 km to this village.

The site is approximately 2.5 km away from a number of highly sensitive designated areas including an SSSI, SAC, SPA and RAMSAR sites within the Severn area. These contain important habitats for a number of species. The site also lies within the Severn Estuary SAC/SPA 7.7 linear buffer and Cotswolds Beechwoods SAC 15.4km core catchment zone.

The site is neither set within a designated Landscape character area nor a conservation area. However, the Industrial Heritage Conservation Area is set adjacent to the south west boundary of Parcel B.

### **PROPOSAL**

The proposed development consists of a 49.9 MW solar farm and up to a 49.9 MW battery storage facility. The solar panels would be set in straight arrays and would sit within the existing agricultural field pattern, the distance between each array would be between 4 and 7 metres depending on ground conditions and topography. The panels would be mounted on



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aluminium racks and the posts would be driven into the land to depths of between 1 and 2.5 metres. The panels would measure 3 metres in height.

The solar arrays would be set on a tracking system which means that the panels angle throughout the day to face the sun. This helps to maximise energy generation particularly during the morning and evening which fixed panels may not fully capture.

The cabling is concealed to the underside of the panel and within trenches which would measure approximately 0.5 to 1.1 metres in depth and 0.5 metres in width. These would be back filled to the original ground level. The cabling feeds into central inverters and battery storage stations. These would be positioned together and strategically located throughout the site as indicated on the accompanying drawing number P18\_2617.

The inverters would convert the Direct Current (DC) energy into Alternating Current (AC) energy which is used by the grid. The AC cable would also be set within a trench and the cable would run from parcel A into parcel B where it would feed into the main substation which is labelled on the drawings as the Western Power Distribution (WPD) Compound. From here the site would connect into the main grid.

The WPD compound would house the largest equipment in terms of its height, with the transformer, circuit breaker and associated structures measuring approximately 6.3m at their highest points.

The boundary treatment proposed is stock proof deer fencing measuring 2 metres in height and this would mainly follow the existing field boundaries. The site would have 3 m high CCTV poles located throughout the site. Planning permission is sought for the operational lifespan of 40 years.

The northern parcel, Parcel A, would be accessed via a layby set adjacent to the A38 during construction works and when operational through an access along Castle Lane. Parcel B is effectively split in two by Whitminster Lane and each section would be served by its own access from this Lane.

### **RELEVANT PLANNING HISTORY**

An Environmental Screening Opinion reference 2020/0506/EIAS for the Provision of a 49.9MW solar farm and battery storage units was issued on the 22nd 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.

Furthermore, a Screening Direction was requested by a member of the public from the Secretary of State in relation to the proposal. The Local Planning Authority are in receipt of a letter dated the 28.01.2022 from the Secretary of State which advises that in the opinion of the Secretary of State the proposed development is not EIA development agreeing with the previous screening opinion of the Council.



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### REVISED DETAILS

A Revised Landscape Visual Impact Assessment reference P18-2617 and Landscape Strategy reference P18-2617\_13L was submitted on the 24.12.2021. This slightly alters the layout and widens the public rights of way within the site.

A revised Construction Traffic Method Plan reference P18-2617\_TR01\_CTMP and Construction Traffic Method Statement reference P18-2617\_TR02\_CTMS was submitted on the 24.12.2021. A key revision within these documents is the relocation of the construction traffic access for plot A, which has been moved from Castle Lane to the lay by along the A38.

A Heritage Addendum was submitted on the 3rd December 2021.

### MATERIALS

PV solar panels – Blue, grey and black in colour. Steel posts and aluminium frame.

Fencing – stock proof deer fencing and wooden posts, acoustic fencing would comprise timber posts and wire fence.

WPD control room and inverter building details – colour to be agreed.

### REPRESENTATIONS

#### Statutory Consultees:

**Moreton Village Parish Council:** Members of the public raised the following comments and concerns about the application as follows:

Wheelwashing – All vehicles will need to be sprayed with a power wash or the roads will get very muddy and parish council are keen that the water that is used for this is recycled.

Hours of work – Council believes that the proposed hours of work are excessive on a Saturday from 8:00am-7:00pm and would like to see these reduced.

Construction vehicles to comply with the hours of work and if these are ignored a fine system should be put in place. Suggested £200 and this money will go to charity.

Residents noted that there are bats in the area and need to be protected

Field View – there doesn't appear to be a noise assessment for Field View which is the closest house to the proposed development. Council would like to see the developers discussing screening with owners of houses that are closest to the development and therefore are most impacted with loss of views. Residents attending the meeting were keen that all residents are involved in discussing screening.

A resident commented that the contractors have agreed to plant Oak trees but it will take a long time for them to mature and therefore this solution is not adequate and won't cover the view in the residents' lifetimes.



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The panels that are proposed to be 10ft high and residents are concerned that this will impact views. This will also be motorised to move with the sun and residents are concerned about the noise impact. Anything possible to reduce the noise of the panels should be done. Residents asked the question as to whether the panels emit a droning noise as this will have an impact on bats?

There are a number of solar farms in the Severn Vale- We are getting to a point of saturation with solar farms and it will start to destroy the view on the AONB and the view from the Forest of Dean

On the corner of Castle Lane there is a group of trees with protected species-Wood peckers are they are protected?

Where is the area of the compound and where is the vector going to be situated?

What is the result of the survey around ponds?

What Traffic Management procedures will be undertaken on Church Lane?

Access to the site – Can the site be accessed following the access opposite Hiltmead Lane? Presently all farm vehicles use this access point to access the agricultural land

Church Lane is a narrow, single lane country lane. At the moment on both sides of the lane in the verges there are utility pipes in the verges. Will these be damaged on construction? A lot of residents will be extremely inconvenienced when trying to use the lane and residents are concerned about damage to the bridle paths in this area

Do they have an emergency plan for services if there is any damage to the ground?

There is no mention about site offices, places for parking, toilets etc which means that there will be extra machinery on site

Making good repairs to the Highway-The village has worked hard to make the village look tidy and heavy vehicles will make an impact on A38. Will the A38 be dug up and if so how quickly are they going to make good?

Will there be any light pollution on construction? Can we have more details on this topic?

Local residents are concerned that the panels might create a glare due to their movement of the panels

The panels are close to the A38. Will this cause a distraction to drivers on the A38?

On Moreton Lane (Green Lane) there is are a variety of species such as Buzzards, deer, badgers, foxes bats and these need to be protected during construction



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**Whitminster Parish Council:** At a recent meeting of Whitminster Parish Council the above application was considered. After detailed deliberation Council resolved to OBJECT to the proposal on the following bases:

- loss of agricultural land- whilst the applicant has advised, during consultation meetings, that the proposed installations will enable the grass below to be grazed it is rarely the case that this is done in practice. There are already a number of installations in the locality and these appear to have been removed entirely from productive use, whether or not continued agricultural is possible. The panels also reduce the light reaching the ground and restrict or prevent the growth of a good grass crop. It is also the case that areas of the site are used for arable cropping and that would clearly no longer be possible. Whilst the objective of increasing renewable energy is clearly important it must be weighed against the country's need to produce food.
- Visual impact- The site in Whitminster, is sloping and will be very hard to screen from both local and wider viewing points. Therefore, this will give rise to a massive visual intrusion into the countryside as a result of both the overall mass and positioning.
- Scale – The size of the proposed scheme appears to be unprecedented for the area. There are already a number of the solar schemes within the Severn Vale and the impact of those already installed, taken as a whole, is notable. The additional proposal and of the size suggested would move toward a point of oversaturation and would envelop and fundamentally change the character of a rural village and its associated hamlet.
- Disruption of habitat and harm to wildlife – The area is home to a wide range of songbirds, small mammals and other wildlife. The consideration of the impact through site investigations would appear to be limited in scale but the land is understood to be of significance to Skylarks that are in decline. It should also be looked in the wider context of the interaction with the Severn Estuary Ramsar site and other close by Sites of Special Scientific Interest. If the proposal is to be given consent more detailed consideration should be given to the impact on wildlife and mitigation measures.
- Glare and noise nuisance – The applicant has advised that the proposed panels will be motorised and track the Sun. It is understood that, if consented, this would be the first solar farm of this type in the UK and therefore, as yet, it is untested and the impacts unknown. For this to be trialled in such a way and on such a large scale, with potential impacts that would apply for many decades, could give rise to notable unforeseen impacts on wildlife, the local residents and wider visual aspects through the noise of many thousand motorised units moving panels and the glare of the units maintaining their focus on the Sun. The applicant has advised that no data is available in regard to the noise created by the motorised operation. It is understood that the storage facilities will generate noise through cooling systems and other equipment but this has not been quantified. The impact of glare could be applied across a very wide area but there does not appear to be any assessment in which to review this that takes consideration of the movement of the panels.
- Impact on adjacent residents – not only will the outlook of a number of residential properties be significantly compromised but several properties will, essentially, be encircled by the proposed installations. This will be to the detriment and well being of the occupiers and it will also impact on the setting of the affected properties including a number of Listed Building, the Parish Church and other heritage assets.
- Industrial Heritage Conservation Area – The District Council, long with its partners, is investing significant sums in the restoration of the Stroudwater Canal. This is of importance to



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the local economy and will also provide routes for outdoor exercise essential to good mental health and wellbeing. The proposal is sited alongside the Industrial Heritage corridor and will be of severe detriment.

- Impact of construction – Contrary to assertions made within the application there have been a number of recent accidents on School Lane (Whitminster) becoming Whitminster Lane (Frampton). This is a stretch of road largely subject to the national speed limit and with tight bends that vehicles fail to negotiate at speed and are not easily or at all passible by HGV and LGV traffic. There does not appear to have been any analysis if the swept path necessary for delivery and construction vehicles. Deliveries to site may cause a hazard and disruption or if delivered by smaller vehicles will give rise to significantly more vehicle movements than anticipated. Consideration has been given to school start times but not to busy periods along the route of School Lane and past the school for school closing nor nursery ½ day operations. If consent were to be given Council would wish to see a prohibition on traffic at least during school closing times and, given the likely noise arising from piling operations, a prohibition of all work on site prior to 8 am and no work at all over weekends and public holidays. It should be noted that for both construction and operation there is no public transport route allowing access to the site and therefore the use of motor vehicles will be essential and detrimental.

- Alternative options – it is understood that the Severn Vale is considered a good location for solar farms. However, it does not appear that any consideration has been given to alternative locations within the wider area that would be of less detrimental impact. Sites adjacent to the M5 and on the fringe of industrial areas could offer potential with the a much reduced impact on open countryside and residents.

- Public Rights of Way- During the ongoing pandemic footpaths within the area have been heavily used by both local residents but also those seeking exercise from the surrounding urban areas and the expanding residential developments West of Stonehouse and South of Gloucester. Enclosing the many paths that cross the site within fenced corridors will notable impact on the amenity and wider local community value that they currently provide. If fenced in such a way allowances will need to be made to measure the safety of those using these fenced in routes and also to prevent the use of them by motorbikes, small cars and other motorised vehicles for antisocial purposes.

- Impact on National Cycle Route 45 – This cycle route passes through the proposed site and will be impacted by the increase in traffic proposed and the loss of the rural views currently enjoyed that make it a much used route.

- Drainage – Whilst the applicant contends that the impact on drainage is minimal due to open ground remaining beneath the panels, it must be the case that rainwater collects on the panels, runs down and falls off collected on the bottom edge. This concentrates run off in channels beneath the panels in a focused area that would not otherwise be the case. It is therefore suggested that this will give rise to greater likelihood of erosion and resultant discharge to nearby watercourses and appropriate mitigation should be considered along with a requirement for boundary watercourses and ditches to be maintained.

- Community Benefit – If the District Council is minded to give consent this should be conditional on the agreement of a clear community benefit being agreed and of a quantum that reflects the generations capacity of the units proposed for installation within the Parish Boundary of Whitminster.





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- Construction – Also should the District Council be minded to grant consent, detailed consideration will be necessary to facilities such as wheel washing, road sweeping and ancillary measures.
- Decommissioning – It is understood that the applicant is not a developer of sites and would look to dispose of the site to be constructed and owned by a third party following the grant of consent. Therefore, whilst the applicant has put forward a desire to be considerate both during construction and at the end of the useful life of the equipment it will be outside their gift to do so and very detailed conditions will be necessary, through further liaison with the Parish Council and community, in order to achieve this in to the future.

In addition to the points set out above, Council has strong concerns over the consultation process. This is one of the most significant applications to be considered within the Parish of Whitminster over recent years and yet it has not been drawn to the attention of those residents signed up to alerts for developments within the Parish and it is not shown on the Whitminster page of the District Council's planning consultation website. Therefore whilst Council has commented on the application as invited to do so by the District Council it consider the operation of the consultation undertaken by the District Council fundamentally flawed and reserved its right to apply a legal challenge in this respect. This matter has been drawn to the attention of the Head of Planning and others by District Councillor John Jones, on behalf of the Parish, and no acceptable response has been received and the matter has not been addressed.

Council trusts that its view will be taken into account when determining this application and that it will be refused.

**Frampton On Severn Parish Council:** Councillors are concerned that traffic should not be routed through Frampton on Severn to the proposed solar farm location as this route is already being allocated to the Longney solar farm traffic.

It is also noted that no community benefit is being offered and it is felt that the developers should enter into negotiations with adjacent parish councils about community benefit. Planners making a decision should note that community benefit is not being derived from this development (comments received on the 9th April 2021).

Frampton on Severn Parish Council is opposing this application on the following grounds:

- Damage to landscape value and biodiversity.

The Stroud Local Plan (2015) lays out the policies of the council in relation to landscape value and biodiversity in ES6:

### ES6 New Development and the Natural Environment

“All new development will be required to conserve and enhance the natural environment, including all sites of biodiversity or geodiversity value (whether or not they have statutory protection) and all legally protected or priority habitats and species. The Council will support development that enhances existing sites and features of nature conservation value (including wildlife corridors and geological exposures) that contribute to the priorities established through the Local Nature Partnership. Consideration of the ecological networks in the District that may be affected by development should take account of the Gloucestershire



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Nature Map, river systems and any locally agreed Nature Improvement Areas, which represent priority places for the conservation and enhancement of the natural environment. In this respect, all developments should also enable and not reduce species' ability to move through the environment in response to predicted climate change."

In addition, your policy in the Local Plan ES11 states this:

"All developments adjacent to the canals must respect their character, setting, biodiversity and historic value as well as have regard to improving and enhancing views along and from the canals. Environmental improvements to any canal's appearance will include enhancement of its historic and biodiversity value. In assessing any proposals for development along or in the vicinity of any of the Districts three canals, the Council will have regard to any relevant adopted design guidance."

The statements above accord with NPPF 174, 'Habitats and Diversity'

174. To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation;

The Stroud-water canal development is being promoted by Stroud District Council and Gloucestershire County Council as a leisure facility and wildlife corridor. Close views of the surrounding countryside from the new canal towpath include the fields where solar farm panels are proposed to be erected in 'Pocket B'. The views from the canal will seriously deteriorate if the development goes ahead on this site. The existing wildlife canal corridor will be disrupted and the current plans for its enhancement will be damaged.

The Design and Access statement and Winter Bird Survey provided with the documentation understate the presence of target bird species in the southern site. Listed below are observations made by the county bird recorder. This clearly shows that the presence of red and amber listed birds is far more extensive than indicated on the applicant's survey. Many of these could be threatened by a solar farm development and this is in direct contravention of the statement above "All new development will be required to conserve and enhance the natural environment, including all sites of biodiversity or geodiversity value (whether or not they have statutory protection)

Full - Bird recordings table available on online file.

In the light of the above, our council feels that the proposed solar farm would be a totally inappropriate development in the site proposed.

**Contaminated Land Officer:** Thank you for consulting me on the above application. I have no comments.

**Lead Local Flood Authority (LLFA):** I have no comments or objections to make to this application.



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The drainage strategy provided in the Flood Risk Assessment is suitable that there is no requirement for any drainage conditions to be applied to any permission granted against this application.

**SDC: Water Resources Engineer:** Whereas I do not object to the proposals in principle, the applicant will be required to submit an application under the Land Drainage Act for any development within 8m of a watercourse.

**The Gloucestershire Gardens and Landscape Trust:** The Garden Trust, as Statutory Consultee for planning proposals that might impact on Listed or registered parks, gardens and landscapes, has notified The Gloucestershire Gardens and Landscape Trust (GGLT) to respond on its behalf.

It is recognised that the agents and consultants acting on this scheme have adhered to the standard range of good practice survey and specification that one expects from proposals of this scale. This has had a tendency to suppress the potential for landscape enhancement within an area devastated in the 1970's by Dutch Elm Disease. This is exemplified by the application of a standard menu of detailing, such as growing out hedges (Including replanted hedgelines) to a height of 5.000m. This satisfies the notion that if one cannot see the panels, the scheme becomes visually acceptable. (But much of the hedging is flailed elm suckering that will be gappy at low level and will have a life of approximately 13 years before dieback).

However, little recognition has been given to the quality of the setting of adjacent heritage assets, such as Whitminster House (Grade II\*) and the church of St Andrew (Grade II\*) which lie immediately West of Site B. The original setting of Whitminster House has been documented and its site defined by GGLT, as being of Local Significance in a letter to the Gloucestershire HER dated 1st March 2020 (copied to SDC). St Andrews is well documented in Verey and Brooks, Buildings of Gloucestershire: Vale and the Forest of Dean'.

GGLT recommend that a more substantial landscape intervention is warranted and created to recognise the importance of this heritage asset by reinforcing the quality of its landscape setting- rather than just encouraging a further 5.000m hedge line. A reasonably creative approach would be to remove the extreme western block of panels on land facing Whitminster House (NW of a line formed by a SW extension of the a notional line from the acoustic fence bordering the substation site). This would open up a site suited to a small woodland planted that would provide a long term landscape feature anchoring the House and Church into a wider landscape setting.

Overall, GGLT recognises the Government's stance on its sustainable energy policy. However, GGLT is not highly impressed by the scheme's contribution to the improvement of habitat diversity and landscape quality. On this basis GGLT recommends further focus on the establishment of long term landscape features; more varied detailing of hedge screening and barrier planting; and detailed and specialist ecological advice on the establishment and management of the species rich grassland, particularly to enhance opportunities for ground nesting birds, as recommended in the Application's Wintering Bird Survey Report.



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**Gloucester County Council Archaeologist:** Thank you for consulting the archaeology department on this application. I have been in pre-application discussions with the applicant's archaeological advisers to this scheme. Due to the archaeological potential within the proposed development site I have recommended that the results of archaeological evaluation be made available prior to determination of the application.

Geophysical survey has been carried out and trial trench evaluation is currently underway. I therefore recommend that the application is not determined until the reports on the archaeological investigations are made available.

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

### **Following the receipt of additional supporting documents:**

Further to my comment on 13th April. Archaeological evaluation has now been carried out at the proposed development site, following an earlier geophysical survey. Eight distinct areas of archaeological activity were recorded which mostly correlated with the geophysical survey. A number of additional features were recorded that were not shown on the geophysical survey. The activity in seven areas relates to the late Iron Age/Roman Period, consisting of a number of enclosures, pits, gullies, postholes likely to represent settlement. An area at the southern end of the scheme recorded a series of enclosure ditches dating to the medieval period and likely relates to the medieval settlement by Wheatenhurst Church to the east of the site.

The archaeological evaluation has established the presence of a number of areas of archaeological interest which will be impacted by the proposed solar development. Through discussions with the archaeological consultant it is understood that areas of archaeological interest can be preserved beneath the development through the use of ground-mounted panels which do not penetrate the ground such as using ballast blocks. I therefore advise that a strategy can be designed to mitigate the impact of the development on archaeological remains through designing a non-impact approach where possible or through preservation by record. The full extent of archaeological remains within the site has not been fully established, therefore I consider it necessary to have a further programme of archaeological investigation to inform the archaeological mitigation. This programme of archaeological mitigation can be made a condition of planning permission. You may wish to use the following condition:-

'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/mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing 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 recording and conservation of any archaeological remains that may be impacted by ground works required for the scheme. The archaeological programme will advance understanding of any heritage



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assets which will be lost or preserved within the development area, in accordance with paragraph 205 of the National Planning Policy Framework.

This advice follows the guidance as set out in the National Planning Policy Framework and the recent Historic England guidance (Commercial renewable energy development and the historic environment Historic England Advice Note 15) 2021.

**Gloucestershire Group of Ramblers:** I am responding on behalf of the Gloucester Group of the Ramblers in respect of the proposed Moreton Valence site, as our area includes this Parish.

We object to this proposal. Although there are no public Rights of Way across the site there will be considerable visual impact to pedestrians and boaters on the Gloucester - Sharpness canal. In particular looking towards the Cotswold escarpment the present changing scenery will be replaced by a monochrome of colour and possible glare. Although it is said to be the intention to plant oak

trees, these will take several years before they have any visual impact on the scenery. We also have concerns over the loss of productive agricultural land.

**Biodiversity Team:** Comments relate to the following document:  
Wintering Bird Survey Report 2019-2020, Avian Ecology, dated February 2021

Recommendations:

Objection- there is insufficient information to enable SDC, the competent authority, to undertake an appropriate assessment.

Four on site winter wildfowl bird surveys were undertaken during February and March 2020 to inform a Habitats Regulations Assessment. In addition, the report also considered information gathered from winter wildfowl bird surveys carried out by Grassroot Ecology earlier in the winter period (November 2019 to February 2020). The results of those surveys concluded that the proposed site is not functionally linked to the SPA designated site and therefore, the proposed development would result in 'no likely significant effects' upon any EU sites.

However, this submitted information has been discussed with Natural England who feel that the survey effort undertaken to inform these conclusions are insufficient 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. Natural England consider 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. This is felt reasonable given the locality's relative proximity to Slimbridge W&WT site, Frampton Pools SSSI and wider SSSI and SPA which at its closest point is 2.5 km from the proposed site. In light of this, it is concluded that currently Stroud District Council (SDC) have been provided with insufficient information and thus are unable to make an informed decision as to whether or not this development will result in likely significant effects on the Severn Estuary SPA/SAC/Ramsar.



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In addition to the above, please could the project ecologist confirm whether water ditches identified during the ecological assessment connect to the Severn Estuary. There is potential that European protected eels could be present on site, this information will be used by SDC to make an informed decision as to whether or not this development will result in likely significant effects on the Severn Estuary SPA/SAC/Ramsar.

Finally, the applicant has proposed short sections of hedgerows to be removed in order to widen existing access points. Could the project ecologist please confirm whether the hedgerows qualify as important hedgerows in accordance with the Hedgerows Regulations 1997.

### **Following the receipt of additional supporting documents:**

Comments relate to the following documents:

Avian Ecology Comments, dated 15th September 2021

Natural England Comments, dated 22nd September 2021

Ecological Assessment, Avian Ecology, dated February 2021

Great Crested Newt Presence or Absence (eDNA) Survey Report, Avian Ecology, dated February 2021

Wintering Bird Survey Report (2019-2020), Avian Ecology, dated February 2021

Confidential Badger Report, Avian Ecology, dated February 2021

Landscape and Ecology Management Plan, Avian Ecology, dated February 2021

Landscape Strategy, Pegasus Environment, dated 15th February 2021

Recommendations:

Acceptable subject to the following conditions:

All works shall be carried out in full accordance with the recommendations contained in the following reports: Ecological Assessment, Table 5.1, Avian Ecology, dated February 2021, Landscape and Ecology Management Plan, Avian Ecology, dated February 2021, Badger Report, Avian Ecology, dated February 2021 as submitted with the planning application and agreed in principle with the Local Planning Authority.

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 works shall take place (including demolition, ground works and 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) 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)
- c) The locations and timings of sensitive works to avoid harm to biodiversity (e.g. daylight working hours only starting one hour after sunrise and ceasing



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one hour after sunset)

- d) Details of where materials will be stored
- e) Details of where machinery and equipment will be stored
- f) The timing during construction when an ecological or environmental specialist needs to be present on site to oversee works
- g) Responsible persons and lines of communication
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

**REASON:** To protect 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.

### Comments:

After reviewing Avian Ecology's response dated 15/09/21 and Natural England's formal comments dated 22/09/21, it is felt the proposal will not have a significant adverse impact on the European designated site or any of its qualifying features. Therefore, the proposal has been screened out at the preliminary screening stage (preliminary screening has been submitted separately) of the Habitats Regulations Assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

The submitted ecological assessment report has outlined suitable avoidance, protection and mitigation measures to ensure that protected species are safeguarded from the development. Additionally, both the submitted great crested newt eDNA report and the LEMP have outlined detailed reasonable avoidance measures which will ensure amphibians reptiles and small mammals are protected from the development. A construction ecological management plan has been recommended to ensure that a ECoW or similar person(s) is present on site to oversee and facilitate the proposed mitigation additionally, further details regarding equipment and machinery storage is required to ensure adequate buffer zones are implemented to protect important ecological features.

(partly redacted) present in the wider countryside. Subsequently, the layout of the proposed development has been designed to avoid impacts to the identified sett onsite with the implementation of a 30m buffer. Additionally, proposed hedgerow planting, grassland management and mammal friendly gaps which will be incorporated within the perimeter fencing will enhance the site for badgers and maintain connectivity with the wider landscape. All developments should ecologically enhance sites as stated in paragraph 174 of the revised NPPF. The submitted Landscape and Ecology Management Plan (LEMP) has outlined appropriate ecological enhancement features such as: meadow planting, scrub planting, hedgerow planting, bird and bat boxes, hibernacula's and mammal friendly barriers.

The LEMP has also outlined appropriate maintenance and management regimes which should be adhered to in order to maximise the value for biodiversity and achieve the objectives of the ecological mitigation measures.



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**Environmental Health:** With respect to the above application, I would recommend that any permission should have the following conditions and informative attached:-

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 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.
3. The development shall be constructed and implemented in full accordance with the recommendations set out within the submitted LF Acoustics Noise Assessment (Jan 2021). This should include, but not be limited to:-  
the housing of equipment as set out in the report; the provision of additional noise mitigation measures set out in Figure 4 of the report; and the positioning of external condenser units serving battery containers on the sides of the containers facing away from residential receptors.

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.

**Gloucestershire County Council Highways:** 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 be deferred. 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 supports in principle the development of solar PV developments.

The application covers the construction, operation, maintenance and





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decommissioning of a proposed solar farm. The operational period would be expected to be 40 years.

The application site comprises two distinctly separate land parcels. Land Parcel A is proposed to be accessed from Castle Lane which is a single-track rural road with a carriageway width of around 4 metres. Although the application asserts that there are passing places along the Lane, there are no formal passing places provided where large articulated lorries would be able to safely and satisfactorily pass other oncoming vehicles.

The Lane is not considered to be suitable for regular use by heavy goods vehicles. Speed survey data has not been provided to demonstrate that the proposed visibility splays at the access points from Castle Lane would be commensurate with actual approach speeds and therefore they are concluded to be non-compliant. While it is acknowledged that most of the traffic impact would be during the construction stage when the proposed access points could be traffic controlled, they would remain in use with no control during the whole of the operational period.

Land Parcel A is shown to extend westwards to have a boundary with A38, from which it would appear suitable access to the site could be achieved utilising the existing layby off the northbound side of the road. It is considered that a safe and satisfactory construction and maintenance access could be established from the rear of the existing layby to the north of the Castle Lane junction. This should be assessed as a potential safe and satisfactory alternative to the submitted proposals. In conjunction with this, the construction vehicle routeing - described in the Construction Traffic Management Plan (CTMP) - for Land Parcel A should be reconsidered so that vehicles travelling to the site would leave M5 at Junction 13 and continue northbound on A38, turning left into the layby and into the site access, while vehicles leaving the site would turn left out of the site access and the layby and travel northwards on A38 to join M5 at Junction 12. Such access arrangements would obviate the need to use the narrow Castle Lane.

Land Parcel B is proposed to be accessed from Whitminster Lane which has a 6 metres wide carriageway. While it is acknowledged that there is no other feasible access route to the site, the Lane is an extension of School Lane which runs through the Village of Whitminster and the impact of heavy goods vehicles travelling along School Lane, particularly past Whitminster Primary School and the Village Playing Field, must be carefully considered. More detailed construction traffic management measures should be proposed, including delivery time details, access points, and measures to avoid conflicts with busy school times.

Speed survey data has not been provided to demonstrate that the proposed visibility splays at the site access points from Whitminster Lane would be commensurate with actual approach speeds and therefore they are concluded to be non-compliant. While it is acknowledged that most of the traffic impact would be during the construction stage when the proposed access points could be traffic controlled, they would remain in use with no control during the whole of the operational period. There appears to be no overriding reason why the existing field access point must be



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used and the location of one, and probably both, of the proposed site accesses could be optimised by repositioning them.

There appears to be shown a further access point from Whitminster Lane further west, around 50 metres south of Lodge Cottage, using the existing access road leading to an Agricultural Supply Services business. However, this is unclear and details are required to confirm this.

All site accesses must be fit for purpose and should meet standards in terms of visibility splays (compliant with Manual for Streets), geometry, construction (for a length of 15 metres from the highway boundary) and drainage.

It is proposed that turning space would be available within the site to allow heavy goods vehicles to turn around. The internal layout has not been demonstrated. The application states that a single construction compound would be used, located off the main site entrance. It is not clear how the two distinctly separate site areas could be managed from one compound and it is not understood what is the main site entrance. These details need to be clarified.

The compound is described as accommodating, inter alia, a wheel washing facility comprising a portable automatic high-pressure washer. Elsewhere, wheel washing is proposed to be provided by a hose pipe within the site. Proper facilities need to be provided and details are required.

The planning application should contain layout plans to confirm the details of the size, location and duration of use of the construction compound(s). Offices, welfare, storage areas, vehicle parking and turning areas, wheel washing, and road access should be identified. The location of topsoil and subsoil that would need to be stripped from the compound area and stored during the construction period should be detailed.

The application comments that an underground cable is required to connect the two land parcels and is shown to be routed along the entire length of Church Lane from A38. Church Lane has a narrow single-track carriageway with narrow grass verges and is unsuitable for use by heavy goods vehicles. More details should be provided to demonstrate how and where this cable is to be installed, and what mitigation measures would be taken to maintain access for and minimise the impact of work on residents.

The cable route is proposed to continue from Church Lane northwards along A38 to Castle Lane, a length of almost one kilometre. There is a footway, bus stop and private accesses along this section of road and, again, details of how and where the cable is to be installed should be provided, including detailed traffic management proposals.

The application confirms that the public rights of way (PROW) affected by Land Parcel B would be retained but no information has been provided to confirm whether any temporary closures would be required or how the PROWs and their users would be protected during the construction period. The CMPT suggests that these routes would be affected and refers to a



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loss of stiles as a consequence of the development. Details are required to clarify impacts and proposed mitigations. No changes should be made to 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 approval of the Gloucestershire County Council or the necessary legal process.

Notably, the CTMP does not cover the decommissioning stage of the proposed development therefore the application includes no proposals for managing traffic impacts during that stage.

As set out in the comments above, there are a number of aspects for which the development proposals should be modified and others for which more details should be provided.

The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

**Arboricultural Officer:** I have no objection to the application subject to the following conditions.

1) The development must be fully compliant with the Arboriculture Impact Assessment written by Barton Hyatt Associates dated November 2020.

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).

2) Prior to commencement of the development hereby approved (including any ground clearance, tree works, demolition, or construction) a pre-commencement meeting must take place with the main contractor / ground workers with the local planning authority tree officer.

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).

3) Monitoring tree protection. 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 in writing 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).

**Natural England:** Thank you for your consultation on the above dated 27 August 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



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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 WITH RESPECT TO PROTECTED SITES - Habitats Regulations Assessment 'screening' required

Based on the plans and additional information submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. We provide further advice on your Habitats Regulations Assessment of the proposal below. We also provide advice on the development's relationship with the Cotswolds Area of Outstanding Natural Beauty (AONB). We note and welcome the proposed 'construction and environmental management plan' (CEMP), 'landscape strategy' and 'landscape and ecology management plan'. These will be essential in order to deliver the proposed biodiversity enhancements. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Internationally and nationally designated sites 'Habitats Sites' – No objection – HRA screening required. Natural England notes the Council's biodiversity team advice and Avian Ecology's response dated 21.9.21. We note the consultation documents provided do not yet include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017

(as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

To assist you in screening for the likelihood of significant effects on European sites, Natural England offers the following advice, based on the information provided:

- the proposal is not directly connected with or necessary for the management of the European site.
- the proposal is unlikely to have a significant effect on any European site, either alone or in combination with other plans and projects, and can therefore be screened out from any requirement for further appropriate assessment. When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects: Mobile species context: 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. It should be noted that the potential impacts that may arise from the proposal relate to the presence of (SAC/SPA) interest features that are located outside the site boundary. Natural England advises that the potential for offsite impacts should be considered in assessing what, if any, potential impacts the proposal may have on European sites.



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Relevant information for HRA screening:

Wild birds designated as part of the Severn Estuary Special Protection Area (SPA):

- Avian Ecology additional information – 21.9.21 – Field surveys, desk study (local records) and literature review.

- ‘Land with proven or possible linkages with the Severn Estuary SPA/SSSI Phase 5 (Gloucestershire and Worcestershire)’ – Natural England - Unpublished report1.

Migratory fish designated as part of the Severn Estuary Special Area of Conservation (SAC) and Ramsar Site:

- Avian Ecology additional information – 21.9.21 Sites of Special Scientific Interest – No objection Based on the plans and additional information submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Protected landscapes – Cotswolds Area of Outstanding Natural Beauty (AONB)

The proposed development is for a site within the setting of a nationally designated landscape namely the Cotswolds AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraphs 176-7 of the National Planning Policy Framework

which gives the highest status of protection for the ‘landscape and scenic beauty’ of AONBs and National Parks. For major development proposals paragraph 176-7 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the Cotswolds Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB’s statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape’s sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area’s natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to ‘have regard’ for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty. Priority Habitats and species We note and welcome the proposed biodiversity enhancements focusing on ‘extensive grassland’, species rich field margins, wildflower/butterfly meadow, hedgerows including hedgerow trees, thicket and pond/s. We also welcome the proposed Constriction and environmental Management Plan, Landscape & Ecology Management Plan and Landscape Strategy.



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The Council should ensure that:

- (i) provision for the proposed habitat features' delivery, ongoing management and monitoring is secured for the lifetime of the development as part of planning approval (if approved). A suitable mechanism such as a management company with the required skills and experience may be needed to be established.
- (ii) The various delivery focused documents described above are also secured as part of any planning approval.

### Soils and Land Quality

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework). For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils, although more general guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend that this is followed. If, however, you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

We set out further additional advice for your information at Annex A.

For any queries relating to the specific advice in this letter only please contact me.

For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

**Historic England:** Thank you for your letter of 15 October 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 Significance of Designated Heritage Assets

There are a number of designated heritage assets within the area that surrounds the application site, including a number of highly graded (Grade I and II\*), Scheduled Ancient Monuments and Conservation Areas, for which Historic England has a statutory remit in advising on the impacts of the proposed development. Where there are likely to be impacts on the setting of Grade II heritage assets or undesignated heritage assets, we advise that you seek the views of your Conservation Officer. The development area has the potential to impact on known and unknown archaeology and this needs to be assessed by your archaeological advisor.

Of the heritage assets that would or have potential to be affected by the proposals, we refer to the following:

- Hardwick Court (Grade II\*)
- Church of St Andrew, Wheatenhurst (Grade II\*)
- Whitminster House (Grade II\*)
- Church of St Stephen, Moreton Valance (Grade I).
- Stroud Industrial Heritage Conservation Area.



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- Moated site at Moreton Valence. (Scheduled Ancient Monument).

During a previous consultation on an EIA application, we also advised the council that the setting of other heritage assets further away from the site may be impacted and that these impacts should form part of the assessment. These include Haresfield Hill camp and Ring Hill earthworks, scheduled monument (NHLE 1004861). This monument has far reaching views out over the Severn Vale across to the River Severn and this development would be within those views.

As these heritage assets are designated as either Grade I or II\*, and as such, within the top 2% of listed buildings, 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'.

### Summary of proposals.

The application proposes solar arrays on two parcels of land, connected by a section through the village of Moreton Valence where cabling would be laid under the highway. The areas of development would include PV arrays to a maximum height of 3m with associated inverter buildings and acoustic fencing.

### Impact of the Proposed Development

Impacts upon the historic environment will result from changes to their setting where this is presently defined by rural agricultural land with historic field systems divided by hedgerows. This tends to provide far-reaching views to and from individual heritage assets, asserting their primacy within the landscape. Settings vary for different assets and the proposed changes, as a result of the PV arrays, will have differing impacts for each. With this in mind we would offer the following advice regarding the setting of the highly graded heritage assets identified above:

- Hardwicke Court: The principal house has a south-easterly aspect with views over the parkland towards the Cotswolds escarpment. The extent of the historic park abuts the northern boundary of the application site and while this boundary was historically and is still mostly defined by an east-west plantation, there may be some limited intervisibility where the tree belt has been eroded over the years. There may be views of the proposed development from within the historic parkland, but these are probably very limited and therefore the impact on the setting of the Grade II\* house, as defined by its parkland setting is small.

- Church of St Andrew, Wheatenhurst: the landscape surrounding the church is relatively flat with gentle undulations, which gives prominence to its 15th century tower. Its primacy within the rural setting does contribute to its significance which would be eroded by the artificial change to the application site. The solar array would be prominent from within views along Whitminster Lane, north-east of the church and from points within the application site looking south west (notably from Viewpoint 12B). The green, rural landscape which presently defines



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the wider setting of the Grade II\* church would be altered and would result in some harm to significance, albeit less than substantial, under the definition of the NPPF.

- Whitminster House: The Grade II\* house sits lower into the landscape and appears subordinate to St Andrew's Church. Its setting is not substantial, although the historical association of a former owner with the creation of the Stroudwater Navigation Canal and Gloucester and Sharpness Canal is important to its significance. The area to the west and north of Whitminster House where the two canals meet is therefore an important and an intrinsic link to the GII\* house. There will be some limited intervisibility between the house and the application site, but with a low level of harm, as a result of the proposed artificial changes to the wider landscape.

- Church of St Stephen and Scheduled Moated site at Moreton Valance: the section of the application site in this area includes Churchend Lane, running roughly east-west. While we would task your archaeological advisor in assessing impacts upon any undesignated archaeology, we do not consider that the proposed cable routes in this area would impact detrimentally on the setting of these two high-graded heritage assets.

- Stroud Industrial Heritage Conservation Area: while the application site abuts the northern boundary of the Conservation Area, the proposed development would affect its setting. The Industrial Heritage Conservation Area was originally designated in 1987, with a Conservation Area Statement adopted in 2008. The site is immediate north of a section of the "Green Corridor- Rural Frome Vale" character area, and the Statement notes the Conservation Area "ranges in character from sparsely populated idyllic, rural extremities to functional unpretentious industrial areas- with an enormous amount of juxtaposition and variety in between." (pp23-24) It also notes the historic relationship between the agricultural, rural areas and the industrial uses elsewhere along the canal, as well as the visual distinction, and relationships, between settlement groups and mill complexes. It identifies uncharacteristic development of the canal sides and valley bottom, particularly the loss of green open space, as being one of a number of key issues affecting the Area. The wider Conservation Area which stretches for some miles along the Stroud valleys is on the national Heritage at Risk Register. While our statutory remit is limited when considering the impact of development upon the setting of Conservation Areas, we advise that the proposed PV array in the southern parcel of land would impact and cause a degree of harm to the setting of the Conservation Area. If, in the event of an approval, care should be taken in maintaining the green space setting of the Conservation Area with appropriate mitigation.

In addition to the impacts on the setting of close by heritage assets, we also advise that some further assessment is needed of the setting Haresfield Hill camp and Ring Hill earthworks, approx. 3.5KM east of the site on the brow of the Cotswold escarpment. The far-reaching views out over the Severn Vale across to the River Severn contribute to the significance of this heritage asset, and an assessment of impacts of the proposed development, which would be within those views, is required. Viewpoint 13 in the LVIA take a westerly view from Haresfeild Beacon, but the impact of the proposed development from this view needs to be included within the Heritage Statement.





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In summary, we advise that the proposed development will alter the setting of highly graded heritage assets, where this will impact and cause harm to their significance. The level of harm would be less than substantial under the definition of the NPPF and we therefore advise that the council weighs this harm against public benefits of the scheme, as required by para 202 of the NPPF.

### 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 194, 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.

**Conservation Officer:** Thank you very much for consulting me on this application. 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 as to the level of impact. I would largely agree with their assessments, but have



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some reservations over a couple of their conclusions. The first is the impact of the listed group of St Andrew's Church and Whitminster House both Grade II\*. The tower of the church and the house with its surrounding specimen trees, make the group an eye-catching feature in the landscape. New agricultural building at the entrance of the site notwithstanding, their setting when seen from the footpaths within the site, and from the high ground, is overwhelmingly rural. Part of the special interest of the buildings is their standalone quality as an exclusive group, a glimpse into the medieval (and pre-medieval) heart of Wheatenhurst. In my opinion, the conclusions drawn in the submitted heritage statement somewhat underplay the impact on the special interest on the listed group that these proposals would bring through development in its setting.

Similarly, in my opinion, there is some degree of dismissal in the assessment of the setting of the Industrial Heritage Conservation Area, which runs along the bottom of the southern site. The conservation area was subdivided into character parts at the time of its appraisal in 2008. This part of the conservation area was designated as being 'Rural Frome Vale'. The majority of land falling within the Rural Frome Vale character type is overwhelmingly unpopulated agricultural land; this agricultural land forms the landscape through which the Stroudwater Navigation sliced in the late 18th century, and is a significant contributor to the character and appearance of the conservation area, a sharp contrast to the industrial stretches upstream.

This stretch of the IHCA is all the more significant given that adjacent river course predates the Navigation, having formed part of what became the Kemmett Canal, originally a scheme for making the Frome navigable, promoted by the then owner of Whitminster House, Richard Owen Cambridge.

It is considered that in medium and long range views, the proposals would 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, undermining some of their historic relationship with the wider agricultural landscape and each other, thereby eroding an appreciation of their significance. However, I agree with the applicants' assessment that the harm would be less than substantial, albeit at a higher end of the scale than stated, therefore the public benefits of the scheme must be weighed against the harm to the designated heritage assets.

I have no significant concerns over the impact on the nearby designated heritage assets in proximity to the northern limb of the site.

### **Public**

47 representations have been received objecting to the proposal. These are summarised in brief below:

#### *Principle*

- Brownfield/commercial sites and roof spaces should be focussed upon in the first instance
- Other more suitable non fertile sites elsewhere/smaller sites available with less impact
- Concern could lead to housing development in the future

#### *Visual Impact/Landscape/Heritage*



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- Concern raised with regard to the size and scale of panels/security measures and proposal in relation to the size of Whitminster
- Cumulative impact, Cambridge and Longney site are not far away
- Visual impact of development on landscape
- Parcel B visible from Stroudwater Canal and wider area including AONB
- Loss of views to the Forest of Dean
- Impact upon heritage assets – Industrial Heritage Conservation Area, listed buildings at Packthorne Farm, church, vista to St Andrews church
- Changing nature of countryside to semi-industrialised
- Impact upon Gloucester Sharpness Canal and Stroud Water Canal
- Sloping and uneven site will increase prominence
- Too close to Whitminster village, church and school
- Mitigation measures will take too long to grow
- Impact upon PROWs

### *Ecology/Biodiversity*

- Concern raised about the impact of proposal upon ground nesting birds/fatalities through burns/collisions
- loss of countryside/habitat loss
- Anthropogenic noise can harm natural populations/bats and owls
- Reduce hunting areas of barn owls and birds of prey/displacement of wildlife during construction
- Concern that an environmental report has not been carried out
- Fencing will force all wildlife apart from the smallest out of the area
- Application states sheep will graze the fields under the panels. No information has been provided to show that the panels are safe for animals to graze underneath
- Bat Conservation Trust should have been notified
- Weed control measures have not been adequately addressed

### *Highways/PROW*

- Concern raised in relation to the impact upon PROWs, horse rider's safety, spoil enjoyment of footpaths
- Construction traffic disturbance/noise/parking/congestion and construction hours
- Concern with regards to access along Castle Lane
- Concern over use of narrow Church Lane route for cabling/impact upon access/how cable would be installed
- Glare and highway safety
- Concern over HGVs on rural roads and 'S' bend on School Lane
- Damage to underground services

### *Amenity*

- Glare/light/noise pollution, rotating panels and battery stores
- Parcel A is too close to residential properties, approximately 6 metres away
- Disturbance during construction on residents and businesses
- Loss of views
- Concern regarding impact on Stroud Water Canal and the impact upon those trying to enjoy it
- Impact on privacy when being installed, also CCTV cameras on site
- Detrimental to enjoyment of property and countryside
- Impact upon quality of life and tourism



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- Loss of green space to the community/countryside good for mental health  
*Other Matters*

- Concern over structural damage to properties from HGVs using roads
- Loss of value of houses
- De-commissioning must be considered
- Loss of farmland for crops/livestock some of which is grade 3a
- Area already under pressure for new housing/incinerator
- Concern over submission, difficulty viewing documents
- Drainage, could form gully's

68 representations have been received in support of the proposal and these are summarised in brief below:

- Renewable energy alternatives, sustainable clean sources of energy are supported with regards to climate change and reaching zero CO2 emissions
- Reduce the use of fossil fuels, solar is preferable over nuclear power
- Ecological benefits to local nature, reintroduce wildflowers which will help insects
- Reduce dependence on other countries
- Request discounted energy for residents
- Need to invest in clean energy, particular as increase in local houses planned
- Request planting of wildflowers between panels
- Requests installation of high quality power conditioning modules that minimise the creation of RF Electromagnetic Interference
- Duty to have a safe planet for our children

### **CPRE The Countryside Charity:**

We write to object to the proposed development and asked that it be considered by the DCC rather than as a delegated decision.

CPRE nationally and locally recognises the need to generate energy from renewable sources and therefore supports in principle schemes to do so. Our local stance is set out in one of a number of Position Statements, No. 8 entitled Energy Production. We note also the District Council's own commitments and aspirations.

However, in this particular case CPRE opposes the proposed development on a number of grounds, of which landscape impact is the most important. We are not persuaded by the expected improvements in biodiversity, which must be set against the more certain prospect of a decline in food production. Britain has many advantages in this respect – a favourable climate and a well-developed and technologically advanced farming industry, but it also has a large population, limited land and heavy dependence on food imports.

### Environmental Assessment

First of all, we note that the expected output of the proposed development is 49.9 MW, just below the threshold of 50 MW which would oblige the scheme to be determined at national level under the arrangements for nationally significant infrastructure projects. This should have led to the Council insisting on Environmental Impact Assessment, which requires proposals to be assessed with a greater degree of rigor and in particular a consideration of



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alternatives and cumulative impact. Neither of these issues is addressed in the documents accompanying the planning application.

### Landscape Impact

We have carefully considered the applicant's LVIA.

There are a significant number of solar arrays that must be taken into account when considering these two proposed blocks at Morton Valence and Whitminster.

Working north to south in the Berkeley Vale these are:

Longney 101 acres S.19/0760 or 118 acres S.18/0537 allowed on appeal – awaiting delivery of solar panels

Milton End, Arlingham 2021/0166/EIAS 50MW

Denfurlong Farm Frampton on Severn 173 acres 2018/0581 – EIAS required Hill House Farm, Cambridge 97 acres – operating

Land West of Cam-Dursley railway station – operating

Actrees Farm, Heathfield Alkington - operating

Manor Farm, Upper Wick – operating

Upper Huntingford Farm, Charfield – operating

In visibility terms the space between Longney and Hardwicke (Morton Valence) is a few fields and the canal. Similarly Frampton on Severn, Cambridge and Whitminster are visually close.

In the winter solar arrays stand out, despite hedges, and the felling for Ash Die Back disease has accentuated this. From the Cotswold Escarpment, Frocester Hill and Coaley Peak in particular, the Cambridge and the Cam Dursley station solar arrays stand out clearly despite their distance. When the permitted, but as yet unbuilt, arrays are completed they will be equally conspicuous. Haresfield Beacon will also have open views of arrays at Longney and also Morton Valence and Arlingham if these are permitted.

There will be a parallel river of solar arrays down the Severn Vale.

The proposed array at Whitminster 'B' puts a lot of pressure on its neighbours. It is too close to the listed Whitminster House and Whitminster Church, both Grade II\*. It crowds Church Cottage and Packthorn Cottages. It also crowds Sandfurlong. The south west boundary is the boundary of the protected Stroud Industrial Heritage Zone. This is too close. If it were AONB it would not even be considered. The Stroudwater canal system is currently being renovated at enormous cost and is being promoted as a major tourist attraction. It has level, easy walking footpaths along the canal side and the River Frome through a most attractive piece of countryside. 3m high solar arrays along the canal-side boundary is not good planning. It takes a long time to grow dense trees to screen an array like this. The proposed boundary should be moved back significantly.

The narrow dog leg bend in the lane at Sandfurlong will be blind due to the proposed hedge planting and nearness of the array.

The Morton Valence site 'A' will need careful planting along its boundaries which are visible from the canal – with clumps of trees not just a straight line of them. The view of the boundary from the canal must be softened. The canal is a major tourist attraction. Castle Lane is narrow, it could do with some new passing places.



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It is in respect of landscape impact that we consider the lack of any assessment of cumulative impact is especially serious.

### Biodiversity

The planning application documents lay some emphasis on the improvement in biodiversity which would result from the proposed development. Although solar farms have been in operation for some years, their impact on biodiversity has not been definitively established. BSG Ecology published a report *The Potential Ecological Impacts of Ground-Mounted Photovoltaic Solar Panels in the UK* in April 2019. Paragraph 3.2 states “our original review, published in 2014, concluded that the ecological impacts of ground mounted solar panels in the UK were relatively limited and location-specific. Five years on the evidence base has not increased significantly (particularly with regard to UK studies) and most of the literature acknowledges the need for further research” [our emphasis].

The impacts on food production are clearer. The existing use is mainly arable farming with some pasture. The solar farm would prevent grazing by cattle, it also would prevent arable or vegetable farming altogether and hamper, if only in a small way, the switch to a plant based diet widely held to be essential to help mitigate climate change. The application states they will graze sheep in the winter and fill it with wild flowers in the summer, if so there should be provision for bee hives and their keepers and control of noxious weeds which always come up before wild flowers.

### The Planning Balance

We disagree with paragraph 7.2 of the Planning Statement, which acknowledges a measure of adverse impact in respect of landscape and heritage assets, but concludes that these are “not significant” and do not outweigh the benefits. Our view is different: we consider that in this particular case the adverse impacts, especially on landscape, outweigh the benefits and indeed what we consider to be a lack of proper assessment (alternatives, cumulative impact) has tilted the balance in favour.

In respect of paragraph 7.4, the three aspects of sustainable development are no longer dimensions. They are objectives, as paragraph 8 of the NPPF clearly states. Whatever they are called, they receive cursory treatment here. We think that the social objective as defined in paragraph 8 is not relevant. It is difficult to see how the proposed development would assist the economic objective, unless the panels and other necessary equipment were manufactured in the UK from materials obtainable in the UK. This leaves the environmental objective. This focuses on the balance to be struck between the first and last of the considerations summarised in paragraph 8.

We note too the qualification in paragraph 9. While the three objectives are not “criteria against which every decision can or should be judged”, we think that insufficient account has been taken of the second sentence which states that “Planning ... decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area” [our emphasis]. The character of the area, a largely open vale landscape set close to a major estuary, between and visible from two upland areas, one an AONB, is too important and sensitive to sustain the damage which would be caused by this proposal. Needs for



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energy, unlike those for housing, do not necessarily have to be satisfied at a local level; and local solutions such as those advocated in our Position Statement would be preferable. The same can be said of opportunities.

### Potential Conditions

If the Council is minded to approve the application, we would like particular attention to be given to conditions relating to traffic impact and working hours in the construction stage, arrangements for the construction compound, and its impact on the narrow lanes and local residents, walkers, cyclists, and horse riders, particularly bearing in mind school arrival and departure times in Whitminster.

For the reasons given we respectfully request the Council to refuse this application.

### : Revised Plans:

: **Historic England:** Thank you for your letter of 5 January 2022 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 Further to our advice letter of 26th October 2021, a further Heritage Statement Addendum has been submitted which aims to address the points of concern and further assessment outlined in our advice.

There is now a further appraisal of the significance of the scheduled monument of Haresfield Hill Camp, which includes an extensive setting from its elevated position on the Cotswold escarpment. The assessment, particularly paras 1.9-1.11, acknowledges the extent and importance of the wider setting of the camp. The clear and open views, which are fundamental to the defensive function of Haresfield Camp, contributes to its significance and will be sensitive to any change within the landscape.

Due to the flat landscape character it is possible that the proposed solar arrays will be visible in distant views from the hillfort and therefore has the potential to affect to the significance of the scheduled site from development within its setting. However, any harm derived from the development is considered to be less than substantial under the definition of the NPPF.

We have also previously identified less than substantial harm to the settings of the Church of St Andrew, Wheatenhurst and Whitminster House. We retain concerns over the impact of the proposed development on the settings of these highly graded heritage assets, in addition to the setting of the Conservation Area. We urge you seek changes to the proposed development or mitigation of the harm caused, in order to reduce the visual impacts. As the degree of harm is regarded as less than substantial, we task the council in balancing the harm against any perceived public benefits of the scheme, as required by para 202 of the NPPF.

### 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



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(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.

: **Conservation:** Thank you for re-consulting me on this application. For the pre-amble, please refer to my previous response. I appreciate the amendments made, however, it is still considered that in medium and long range views, the proposals would result in the introduction of atypical, unnatural colours and forms into the verdant, pastoral surroundings of the Grade II\* listed buildings, comprising St Andrew's church and Whitminster House, and of the Industrial Heritage Conservation Area, so undermining some of their historic relationship with the wider agricultural landscape and each other, thereby eroding an appreciation of their significance.

The harm would be less than substantial in Framework terms, therefore the public benefits of the scheme must be weighed against the harm caused to the special interest and character and appearance of these designated heritage assets through this development in their setting.

I have no significant concerns over the impact on the nearby designated heritage assets in proximity to the northern limb of the site.

**GCC Highways:** 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.

The highway authority previously expressed concerns regarding the potential impacts resulting from the proposed access to development Parcel B using Whitminster Lane. An underground cable is proposed to be laid to connect the two land parcels of the development and this has been shown to be routed along the entire length of Church Lane from A38 and then along A38 for a distance of about one kilometre. The highway authority raised further concerns about the potential construction impacts of this work.

Further to the highway authority's previous comments and advice, additional information has been submitted in support of the application. This comprises the following documents –

Construction Traffic Management Plan – revised  
Construction Traffic Method Statement – revised





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This response is made following a review of the above documents.

The CTMP Rev A comments that the proposal is the construction, operation and maintenance of a ground mounted solar farm. It is important to note that the proposals are not stated to include the decommissioning phase of the development.

The highway authority previously advised that a CTMP should include -

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); Routes for construction traffic; Any temporary access to the site; Locations for loading/unloading and storage of plant, waste and construction materials;

Method of preventing mud and dust being carried onto the highway; Arrangements for turning vehicles; Arrangements to receive abnormal loads or unusually large vehicles and Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Access will be taken to the northern parcel (A) via the layby on A38, as previously suggested by the highway authority. This will obviate any need for construction traffic having to use Castle Lane. During the operational phase of the development, maintenance vehicles will use Castle Lane via a new access to be constructed. However, these are expected to be smaller vehicles and not large HGVs. Access to both portions of the southern parcel will need to be taken via Whitminster Lane and the use of this Lane by large and heavy construction vehicles has caused concern to be raised.

It is proposed that there will be around 12 deliveries per day to the site equally split between the northern and southern parcels. Hence it would be expected that there would be six HGV deliveries and therefore 12 HGV two-way movements along Whitminster Lane each day during the six months' construction period.

Access arrangements have been shown for both parcels. The proposal to access the northern parcel from the rear of the layby on A38 is acceptable and would obviate the need for large construction vehicles having to use Castle Lane. A separate access on Castle Lane is proposed to be used by maintenance vehicles during the operational phase of the solar farm and would not be used for construction traffic. The proposals described in the CTMP are considered to be acceptable.

Access to the two portions of the southern parcel are proposed to be taken from Whitminster Lane. It is accepted that Whitminster Lane is the only viable means of achieving access to this portion of the site. The access points have been shown with appropriate visibility splays being provided and the accesses are shown to be constructed so that the effective size of the accesses can be reduced to serve maintenance vehicles only once construction has been completed and during the 40-years operational period of the development.

These proposals for site access are considered to be acceptable.

Suitable areas within the site are shown to be provided for the turning around of HGVs so that all construction vehicles will access and egress the site accesses in a forward gear.



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It is confirmed that each of the three portions of the solar farm will have a temporary construction compound. The CTMP acknowledges that Public Rights of Way would be affected by the proposed development of the southern parcel. It would be necessary for the developer to notify the highway authority's Rights of Way Team prior to undertaking any works that would have an impact on the PROW or their users.

The submitted Construction Traffic Method Statement (CTMS) has also been submitted. The CTMS is comprehensive and gives details of the procedures to be used for the installation of the underground cable required to link the separate portions of the site.

Directional drilling will be deployed where obstructions preclude the use of open trench excavations, and also along the narrow Church Lane. It confirms that on-site provisions would be made for plant and materials storage, and for operators' vehicle parking.

It is proposed a that banksman would be used to manage delivery vehicles in turning, entering and egressing the site. Section 50 Street Works Licenses would be applied for as required and detailed traffic management layouts, site specific risk assessments and method statements would be submitted for agreement with the highway authority.

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**

The Construction Traffic Management Plan and the Construction Traffic Method Statement hereby submitted 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 demolition and construction phase of the development and subsequently during the decommissioning of the site.

Prior to the commencement of any other works related to the development, the means of vehicle access to each parcel or portion of the site shall have been constructed and completed in accordance with the approved plans. All gates shall be situated at least 20 metres back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway. The area of the access way within at least 20 metres of the carriageway edge of the public road shall be surfaced in bound material, and shall be so maintained thereafter.

Reason: In the interests of highway safety.

Prior to the first vehicular use of any site access visibility splays at that access point shall be provided from a point 0.9 metres 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 the distances along the carriageway in each direction as



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shown on the submitted drawings. Nothing shall be planted, erected and/or allowed to grow on the triangular areas of the land so formed which would obstruct the visibility as described.

Reason: In the interests of highway safety.

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 construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway.

There are Public Rights of Way running through the site and the applicant will be required to contact the PROW team to arrange for an official diversion as necessary. If the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000-514514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) to arrange a temporary closure of the Right of Way for the duration of any works. The developer is advised to seek independent legal advice on the use of the Public Rights of Way for vehicular traffic. This permission does not authorise additional use by motor vehicles, or obstruction, or diversion. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but in particular reference is made to "respecting the community". This says:

Constructors should give utmost consideration to their impact on neighbours and the public Informing, respecting and showing courtesy to those affected by the work; Minimising the impact of deliveries, parking and work on the public highway; Contributing to and supporting the local community and economy; and Working to create a positive and enduring impression, and promoting the Code.



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### **NATIONAL AND LOCAL PLANNING POLICIES**

National Planning Policy Framework.

Available to view at

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

National Policy Statements EN1 (2011)

National Policy Statement EN3 (2011)

Draft National Policy Statement EN3 (2021)

### **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](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).



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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 anticipated that the plan may be adopted by winter 2022. The Emerging Local Plan currently carries limited weight in decision making. However, there are a number of Policies within this document that are of relevance to the proposal and these are listed below:

DCP1 - Delivering Carbon Neutral by 2030  
CP2 - Strategic growth and development locations.  
CP3 - Settlement Hierarchy  
CP4 - Place Making.  
CP5 - Environmental development principles for strategic sites  
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 and its storage are 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



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particular relevance. Paragraph 152 advises that the planning system should 'support renewable and low carbon energy and associated infrastructure'. Whilst paragraph 158 b) advises that applications should be approved 'if its impacts are (or can be made) acceptable'.

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 a 49.9 MW site such as that proposed can power approximately 15,000 homes annually. The Stroud District Settlement Role and Function Study Update 2018 advises that in 2018 there were 391 dwellings in Whitminster and in total 53,078 dwellings within Stroud District. This site could therefore potentially provide approximately 28 % of Stroud District's energy supply from a renewable source and significant weight must be attributed to this.

Whilst limited weight can be attributed to current events in terms of local planning policy, Members may also wish to consider recent global events and the 'energy crisis' which refers to the recent price surges of electricity and gas which have been widely reported on within the UK. 'The energy price crunch' a document within the House of Commons Library, advises that 'gas has led the price rise, but electricity prices have followed as gas is one of the fuels used to generate electricity'. It must be acknowledged that in the longer term, renewable energy proposals will help the UK become less dependent upon overseas sources and reduce the country's reliance upon fossil fuels. This should reduce the UK's vulnerability to global gas price rises which are currently being experienced and enable self-reliance. In broader policy terms this would meet the economic objective outlined within the NPPF.

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



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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:

- 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 Emerging 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.' The majority of the site appears to fall within an area identified as suitable for solar developments within Appendix B of the emerging Local Plan.

Taking the above legislation, national and local policies into account, in principle the installation of a solar farm and battery storage facility 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 landscape and visual impact of the proposal is considered to be one of the key issues. The proposal will introduce solar photovoltaic equipment and associated man-made structures across a large area of this landscape. Consideration must be given as to the impact this will have upon the landscape character area and the setting of the nearby designated area the Cotswold AONB as well as the further afield Wye Valley AONB in the Forest of Dean.



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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.’

Policy ES2 of the adopted Local Plan, as outlined in full within the principle section of this report, 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 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 Stroud District Renewable Energy Resources Assessment (2019) is relevant and forms part of the evidence base for the emerging Local Plan. This document has informed the Submission Policies Map E: ‘Landscape sensitivity to solar and wind renewable energy development’.

Natural England identifies the site as lying within the 106 Severn and Avon Vales National Character Area (NCA). The Stroud District Landscape Assessment SPG (2000) further identifies the area as being set within the Rolling Agricultural Plain and more specifically within the Lowland Plain area. This document advises in brief, that the area is predominantly





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open flat plain with a strong field pattern, a dispersed pattern of isolated villages and a land use mix of arable and pasture.

This is considered to accurately reflect the site although it should be added that the Gloucester and Sharpness Canal is in proximity to the site and small woodlands are distributed in the area. This is more so true of Parcel A which has an adjacent woodland feature, which helps to provide some screening. Parcel B, the southern site, is more accessible to the public and arguably as a result of this has a higher visibility and susceptibility to the proposal with a number of PROWs in and adjacent to the site.

The Renewable Energy Resources Assessment and Policy Map E of the emerging Local Plan identifies both parcels of land as falling within a landscape area which has a medium sensitivity to very large scale solar energy development (50 – 100 hectares).

To address the predicted effect of the proposal upon the landscape a Landscape and Visual Impact Assessment (LVIA), Landscape and Ecology Management Plan (LEMP) and a Landscape Strategy Plan accompany the planning application.

The LVIA considers the impact of the proposal upon the landscape character of the local area and the impact upon landscape elements and features (e.g. vegetation, topography and water bodies). The document looks at the existing landscape and seeks to predict the effects that the proposal will have upon the visual amenity of the surrounding area by identifying local receptors.

A study area with a 5 km radius from the site boundaries was initially established, although subsequently a more focused approach was followed. The document outlines a methodology and creates a Zone of Theoretical Visibility (ZTV) which identifies, through viewpoints, the potential locations that the development could be visible from. They have also incorporated a screened ZTV which indicates the screening effects of woodlands and buildings. Receptor groups include residents, PROW, visitors and highway users.

To assist the Local Planning Authority in reviewing the submitted LVIA and associated documents an independent landscape specialist was consulted from Hankinson Duckett Associates (HDA).

The Landscape Consultant provided a critical analysis of the LVIA. Whilst in general the consultant was in agreement with the judgements regarding visual effects further assessment and mitigation measures were recommended. In response the applicant has revised the LVIA and Landscape Strategy Plan to carry out a further assessment to include additional viewpoints, address the issues raised and to provide further mitigation.

The revised LVIA identifies 16 viewpoints and assesses the impact of the proposal upon the landscape from these positions. Impact is considered during construction, at year 1, year 15 and at decommissioning. Receptor sensitivity is also a key consideration within the LVIA. It is summarised that the development will have a moderate or a minor adverse effect upon the majority of viewpoints and this will reduce to minor or negligible by year 15 and during decommissioning. However, a major adverse impact is identified during construction and by



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year 1 at six viewpoints. Table 11 within the LVIA advises that major adverse means that 'the visual receptor is of high sensitivity with the proposals representing a high magnitude of change and/or the proposals would result in a major deterioration of the view'.

The viewpoints which the development would have a major adverse impact upon are as follows:

- Viewpoint 4: From the Gloucester and Sharpness Towpath Trail looking east (into parcel A)
- Viewpoint 8: From Whitminster bridleway 4 looking south (into parcel B)
- Viewpoint 10: from Frampton on Severn footpath 37, Thames and Severn Way looking North (into parcel B)
- Viewpoint 11: From Whitminster footpath 22, looking east (into parcel B)
- Viewpoint 12: From Whitminster footpath 8, looking north (into parcel B)
- Viewpoint 14: From footpath EWH22, looking northwest to northeast (into parcel B)

It is recognised that a major adverse impact can also be considered as significant in regard to Policy ES2 1) of the Local Plan. However, the LVIA further advises that by year 15 and during decommissioning the impact of the proposal upon the landscape at these points will reduce to a moderate adverse effect. Table 11 of the LVIA advises that this means that 'the visual receptor is of medium sensitivity with the proposals representing a medium magnitude of change and/or the proposals would result in a clear deterioration in the view'.

It should also be acknowledged that the Landscape Consultant considered the moderate adverse impact to be cautious and that the impact should be higher. Concerns were also raised in relation to Parcel B's suitability due to the number of PROW adjacent to and within the site. However, the Landscape consultant agreed that there would be minor long term benefits to the local landscape character. This is due to enhancement of landscape features through proposed mitigation measures.

It must therefore be acknowledged that there is some conflict with Policy ES7 1) of the Local Plan, in particular during construction and year 1. Following receipt of the Landscape Consultant's response the LVIA and Landscape Strategy Plan has been revised and the layout amended. For instance, the PROW routes were reviewed and widths have been increased to allow for hedgerow planting. Taking the revised supporting document and plan into account Officers are now satisfied that following the establishment of mitigation methods the impact would be moderate adverse at year 15 and decommissioning. As such, whilst it is considered that the proposal will have a moderate adverse impact upon the character of the landscape in the longer term, on balance this must be weighed against the public benefits of the proposal. This is considered in more detail within the recommendation and planning balance section of the report.

### *AONB*

The supporting documents advise that Parcel A is 2.3 km and Parcel B is 3.2km away from the Cotswold Area of Outstanding Natural Beauty (AONB). The LVIA advises that whilst the site will be visible from long distance views out of the Cotswold AONB and possibly from the Forest of Dean, that on balance the site would represent a small part of the wider panorama.



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The Landscape Consultant agreed with this conclusion and does not consider that the proposal would result in significant visual effects in views from the Cotswold AONB.

### *Vegetation, Trees and Hedgerows*

To allow for the required visibility splays at accesses into the site and perimeter security fencing the proposal will result in the loss of existing plants/hedgerows. Approximately 292 linear metres of hedgerow will be removed. This has been considered by the Biodiversity Specialists and they are satisfied that this loss is satisfactorily offset by hedgerow, tree and thicket planting as well as infilling existing hedgerow. The Arboricultural Officer has considered the Arboricultural Report and is satisfied with the proposal subject to condition. On this basis 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. It is considered that the Landscape and Ecology Management Plan (LEMP) satisfactorily addresses this criterion and as such the proposal is considered to comply with Policy ES7 2) of the adopted Local Plan.

### *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. A number of concerns have been raised by Parish Councils and members of the public in relation to this issue advising that they feel the area is becoming saturated with solar panels, examples of approved solar installations have also been cited.

In this instance, it is considered that the cumulative impact of the proposal is somewhat reduced as the site has been split over two different parcels of land which are separated by fields. The proposed planting and retention of the existing field pattern should also help reduce any cumulative impact. Longney, an approved solar installation reference S.18/0537/FUL (appeal decision), is set to the north of Parcel A and on the other side of the canal. Whilst it is recognised that the proposal would be in proximity to this site it is considered that the presence of the canal, separation distance and retention of the existing field pattern will help reduce any cumulative impact and provide a strong 'buffer' or degree of visual separation between the solar installations. In respect of Policy ES2 it is therefore not considered that the cumulative impact of the proposal is so great as to lead to a significant adverse impact upon the landscape character area and as such would not warrant refusal on these grounds.

## **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.



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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).

An Agricultural Land Classification document has been submitted with the application. This advises that the agricultural land at this site comprises approximately 5 ha of grade 3a – good quality agricultural land and approximately 100 ha of grade 3b – moderate quality agricultural land. The higher quality land is indicated as being located in the south west section of parcel B.

The vast majority of the site is not classified as the best and most versatile agricultural land and as such its loss is considered to comply with the NPPF and policy ES2 of the Adopted and Emerging Local Plan.

The loss of a small section of good quality, grade 3a, agricultural land results in some conflict with Policy ES2 5) of the adopted Local Plan. However, the accompanying planning statement advises that the grade 3a good quality agricultural land does not comprise whole fields and as such it is only possible to farm to the lower grade 3b). It is also recognised that the proposed lifespan of the proposal is 40 years. This is a temporary period of time and the land can be reinstated to its agricultural use following the removal of the solar arrays and associated equipment. As such, on balance the loss of a small area of good quality agricultural land in this instance is considered to be acceptable.

### **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.

It is acknowledged that there are a number of nearby residential properties and consideration must be given as to any potential impact the proposal may have upon them.

The LVIA identifies residential receptors around each parcel of land. This document advises that there is a potential for temporary major adverse effects during construction works due to the potential for a medium to high magnitude of change to views. However, by year 15 a moderate to negligible impact is anticipated, due to the proposed established planting mitigation. Officers consider that whilst there may be a temporary major adverse impact upon views from properties, sufficient mitigation measures satisfactorily address these issues and on balance it is not considered that the proposal would have such an adverse impact upon outlook in the long-term as to warrant refusal in accordance with Policies ES2, ES3 1) and CP14 7).

A glint and glare report has been submitted with the application. This primarily focuses upon the potential impact upon receptors (road users and residents) within a 1km radius. The document identifies and numbers dwellings in the locality and advises the effect on each grouping. Out of 149 dwellings assessed 117 have the potential to experience some solar



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reflections. The assessment further subdivides these dwellings into green, yellow and orange bands. No predicted impacts are required for green due to existing screening. Properties identified as yellow will experience impact for less than 60 minutes a day for less than 3 months a year and the document advises that the overall impact is low and mitigation is not required. A moderate impact is identified in relation to the orange category. This is where solar reflections may be experienced for less than 60 minutes a day for more than 3 months a year.

The majority of properties fall into the green band where they will not experience solar reflections in practice due to existing structures and vegetation. However, a moderate impact has been identified in relation to 13 properties within the report. The document advises that existing vegetation would reduce any impact to three of these properties and as such no further mitigation measures are necessary. Mitigation measures in the form of hedgerow planting are proposed in proximity to the 10 remaining dwellings identified.

It is therefore recognised that solar reflections may affect a relatively small number of dwellings, although the impact is considered to be limited in terms of the amount of time they would be experienced for each day (less than 60 minutes). The level of harm would further reduce over time once planting becomes established. 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.

### **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 Emerging Local Plan further amplify this and advise that permission will not be granted where there is an unacceptable level of noise pollution. To address this, a Noise Assessment has been carried out and accompanies the planning application.

Whilst it is recognised that there will be some noise and disturbance during the construction phase this would only be for a temporary period of time. Any impact could be mitigated and managed through the recommended planning conditions such as construction hours.

Public comments have expressed great concern over longer term impacts from the noise generated by the panels tracking the sun and from the battery storage units. The noise assessment advises that the noise generated by the motors tracking the sun would be low and generally not audible outside of the site boundaries.

The noise assessment identifies the battery storage units, associated central inverters and DC-DC converters as the main source of noise at the site. These are spread throughout both parcels of land. The central inverters would only be operational during daylight, however, the battery storage units would run throughout a 24-hour period. The substation located in Parcel B is also identified as producing noise emissions.

Mitigation measures proposed include acoustic fencing and the housing of equipment within containers. Environmental Health Officers have reviewed the Noise Assessment and raise no



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objection subject to a number of conditions and an informative being attached if planning permission is granted. On this basis officers are satisfied that the proposal will not result in adverse or significant impacts in relation to noise pollution subject to the proposed mitigation measures and 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:

- 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 must be recognised that once operational, associated vehicular movements involved in the maintenance and running of the site are unlikely to have a significant impact upon local roads. The submitted information advises that there will be around one site visit per month by maintenance vehicles and this vehicle is unlikely to be larger than a small van (CTMP, paragraph 4.14). It is considered that this would have a negligible impact upon the surrounding roads and complies with national and local policy.

However, it is recognised that there is likely to be some impact and inconvenience upon road users and residents during construction due to the number of heavy goods vehicles (HGVs) accessing and egressing the site.

A Construction Traffic Management Plan (CTMP) and a Construction Traffic Method Statement (CTMS) accompany the application. These have been reviewed by the Highways department at Gloucestershire County Council and subsequently revised to address the concerns raised as outlined below.



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The application originally sought permission to access Parcel A via Castle Lane. Gloucestershire County Council raised concerns about the suitability of Castle Lane for HGVs and recommended that a safe and satisfactory alternative would be creating an access from the rear of the existing layby to the north of the Castle Lane Junction. The revised Construction Traffic Management Plan and Method Statement has taken this advice and proposes a new access built into the existing layby for use by construction vehicles. This access would be temporary and will be closed once the solar farm is operational (paragraph 4.3, CTMP). A field access approximately 215 metres to the west of the A38 on Castle Lane will be upgraded to allow access for maintenance vehicles for when the site is operational.

Whitminster Lane runs through Parcel B and construction and maintenance vehicles would both access the eastern and western section of this site along this road.

It is proposed that all three portions of the solar farm will have temporary construction compounds. HGVs heading to both parcels of land would be routed along the A38 from J13 of the M5. The CTMP advises that all construction traffic would enter and exit both parcels of land in a forward gear. It is anticipated that the construction period would be over 6 months and this would equate to around 12 deliveries per day (paragraph 6.13 CTMP).

The CTMP advises that construction traffic and deliveries would avoid peak hours and school pick up and drop off times. However, it does state in paragraph 6.2 that vehicles will be limited between 0800-1900 on Saturdays. Environmental Health have requested that hours are limited at the site on Saturdays between 08:00 and 13:00. It is recognised that this may have a slight knock on effect in terms of overall construction time. However, taking on board Environmental Health's comments and concerns raised by members of the public in relation to construction hours during the week and weekend, this is considered necessary to reduce the short term impact upon residents and road users. Condition 6 has been recommended to reflect this.

### *Cable route*

An underground cable would link the two sites and this would be laid partly along Church Lane which is narrow. It is noted that a number of concerns have been raised by residents in relation to works along this stretch of road. The revised CTMS details how this would be carried out and Highways have raised no objection on highway safety grounds.

### *Reflections from solar panels*

Concerns have also been raised in relation to the site potentially distracting motorists and that the glare from panels could potentially cause accidents. The glint and glare study which accompanies the application advises that there would only be a low impact in the worst case scenario and no mitigation is required. Officers are satisfied with this report and Highways have raised no objection with regards to highway safety.

### *Public Rights of Way (PROW)*

Land Parcel A has no adjacent PROW that run adjacent to or through the site. However, Parcel B has a number of PROW adjacent to and within the site. The proposal seeks to retain these with a 2 metre wide buffer once the site is operational. During construction works a designated crossing point is proposed and HGVs will not be allowed to cross the footpath



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(paragraph 4.22 CTMP). The applicant will be required to contact the PROW team as outlined by the recommended informative. Members of the public have raised concern in relation to horse riders safety along the adjacent bridleway. It is noted that the applicant is proposing signage and information boards which should sufficiently inform residents and PROW users about the works.

The National Cycle Network route 45 runs along Whitminster Lane within Parcel B. The CTMP paragraph 4.25 proposes signage warning cyclists to be aware of construction traffic. Officers are satisfied that these measures are sufficient to mitigate any adverse impact upon highway safety.

### *Decommissioning*

Planning permission is sought for a period of 40 years. After this date the site would be decommissioned and returned to its former use. Highways comments (25.02.2022) advise that it is important to note that the proposals are not stated to include the decommissioning phase of the development. Paragraph 4.26 of the revised CTMP advises that the decommissioning of the site will involve the same measures as proposed during construction. The Design and Access Statement advises that this will be over a period of six months generating 80 vehicle movements per week.

A planning condition is recommended in order to secure the removal of the solar development and battery storage facility. This requires a decommissioning strategy to be submitted and approved by the local authority a year prior to the expiry of the permission. In addition, 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.' In line with the provisions of Policy ES2 a decommissioning condition has been recommended. This condition is considered reasonable and ensures that a suitable decommissioning strategy is submitted and adhered to in the event that the site ceases to be operational for a period exceeding six months.

Taking the above into consideration whilst there may be some impact upon local roads and users during the construction phase this would only be for a temporary period of time. Subject to the recommended 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 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 as confirmed by the Contaminated Land Officer no conditions requiring a watching brief or further investigations are required in relation to this matter.

### **ECOLOGY**

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





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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.

An Ecological Assessment and a Landscape and Ecology Management Plan (LEMP) accompany the planning application. Following comments received from statutory consultees an ecology response was submitted providing further details and addressing the comments made by Natural England and the Biodiversity Team.

The Ecological Assessment sought to provide information on the current habitats within the site and wider area as well as identify the proximity to designated and non-designated sites and presence or potential presence of protected species. This document and the LEMP also provide recommendations for mitigation measures and management.

Whilst the report considers the land to be of low ecological value due to its existing agricultural land use, it must be recognised that it is in proximity to seven statutory designated sites as identified within the Ecological Assessment table 3.1 which lie within 5km of the site boundary. These include SSSI, SAC, SPA and RAMSAR sites within the Severn area, which contain important habitats for a number of species. A number of these such as Frampton Pools SSSI and designations at the Severn Estuary are much closer (under 2.5 km away). Non-statutory designated sites such as local wildlife sites are also identified by the Ecological Assessment (table 3.2).

A wintering bird, amphibian and badger survey have been carried out by the applicant as well as an initial walkover in December 2019, followed by an extended Phase 1 habitat survey in April 2020. Records for protected and non-protected species are also examined by the Ecological Assessment.

Due to the sites proximity to the designated areas listed above, any proposals which could affect them require a Habitat Regulation Assessment (HRA). Following the submission of additional information, the Biodiversity Team have advised that the site has been screened out at the preliminary screening stage of the Habitat Regulations Assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

The Ecological Assessment paragraph 4.2.6, advises that during construction small scale lighting is proposed, however, once operational the development will not be lit. Mitigation measures and habitat enhancements include new hedgerow planting, scrub planting, creation of grassland area to replace arable land and meadow grassland. Bird boxes and bat roost provision are incorporated into the scheme as well as gaps within fences or under gates to allow the movement of badgers and smaller mammals. It is recognised that in conjunction with reduced agricultural practices this may enhance habitats as outlined within the LEMP.



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It is acknowledged that members of the public and Parish Councils have raised a number of concerns in relation to the impact of the proposal upon wildlife. However, Natural England have advised that they have no objection with respect to protected sites and they welcome the proposed biodiversity enhancements. The Biodiversity Officer has also raised no objection to the proposal subject to the recommended conditions. As such, subject to conditions which will ensure the biodiversity enhancements are implemented and managed for the lifespan of the proposal it is considered that the application is in accordance with paragraph 174 of the NPPF and Policy ES2 1) and Policy ES6 of the adopted Local Plan.

### **FLOOD RISK**

The NPPF seeks to ensure that when 'determining any planning applications, local authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment' (paragraph 167, NPPF).

In line with the NPPF a Flood Risk Assessment (FRA) has been submitted with the application. The majority of the site falls within Flood Zone 1, with a small area in the west of both parcels in Flood Zone 2 and 3. The FRA advises that the arrays would not be constructed on these areas. The FRA has been reviewed by Stroud District Council's Water Resources Engineer and the Lead Local Flood Authority who have raised no objection and advised that the proposed drainage strategy is suitable.

A condition has been recommended to ensure that the proposal is carried out in accordance with this document to ensure that where required permeable surfaces such as gravel are used to enable drainage and infiltration.

### **ARCHAEOLOGY & HERITAGE ASSETS**

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'.

In accordance with the development plan a Heritage Assessment accompanies the planning application. The assessment encompassed a study area with a minimum 1km radius from the site boundary. Within the study area 43 listed buildings were identified, one scheduled monument and one Conservation Area.

Stage 1 of the assessment identified the following assets within this area as having the potential to be affected by the proposal:

- Grade II\* Hardwicke Court



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- Grade II Broadfield Farm
- Grade I Church of St Stephen at Moreton Valence
- Grade II\* Church of St Andrew at Wheatenhurst
- Grade II\* Whitminster House
- Grade II\* Packthorne Farmhouse
- Stroud Industrial Heritage Conservation Area

Step 2 of the Heritage Assessment provided a further analysis of each asset and its setting and the potential impact of the development upon its significance. This is in line with the detailed guidance contained within the historic environment NPPG. In brief the level of harm identified by the Heritage Assessment is listed next to each asset below:

- Grade II\* Hardwicke Court – *No harm identified*
- Grade II Broadfield Farm – *Modest degree of harm, equating to less than substantial harm at the lowermost end of that spectrum*
- Grade I Church of St Stephen at Moreton Valence – *No harm identified*
- Grade II\* Church of St Andrew at Wheatenhurst – *Harm arising from the proposed development is anticipated to be limited, being at the lower end of the less than substantial scale*
- Grade II\* Whitminster House – *Modest degree of harm, less than substantial harm at the lowermost end of that spectrum*
- Grade II\* Packthorne Farmhouse – *Small degree of harm at the lower end of less than substantial*
- Stroud Industrial Heritage Conservation Area – *No harm identified*

The Heritage Assessment has been independently reviewed by Stroud District Council's Conservation Specialists, Gloucestershire County Council Archaeologist, Historic England and The Gloucestershire Gardens and Landscape Trust.

Conservation advise that they largely agree with the assessments made. However, advise that the conclusions underplay the impact the proposal would have upon the setting and special interest of St Andrew's Church and Whitminster House both Grade II\*. Similarly, concern was raised in relation to the impact upon the Conservation Area. This section of the Conservation Area is designated as 'Rural Frome Vale' and the 'unpopulated agricultural land' which the site is part of is considered to contribute to the character and appearance of the conservation area. Nonetheless, the Conservation Team agree with the overall findings that the level of overall harm would be less than substantial, although at a higher level of the scale than indicated within the assessment.

Historic England also broadly agreed with the findings of the Heritage Assessment, although found that the proposal would have a degree of harm on the Conservation Area. Historic England recommends that in the event of an approval care should be taken in maintaining the green space setting of the Conservation Area with appropriate mitigation. In addition to the above buildings, Historic England identified the Moated Site at Moreton Valence (scheduled Ancient Monument) although they did not consider the proposed cable route would detrimentally impact the setting and considered that the archaeologist would assess any impact upon undesignated archaeology.



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Historic England requested a further assessment in regard to the setting of Haresfield Hill camp and Ring Hill earthworks, which are approximately 3.5 km east of the site.

### *Archaeology*

With regards to archaeology a geophysical survey was initially carried out as detailed within the Heritage Assessment. The County Archaeologist has been in pre-application discussions with the applicant and due to the archaeological potential identified by the geophysical survey subsequently trial trench evaluation was carried out. The archaeological evaluation established that there were seven areas on the site that could be impacted on by the proposal relating to the late iron age/Roman period and medieval and one area relating to the medieval period.

The County Archaeologist has advised that any impact upon this heritage asset could be mitigated through the use of ground mounted panels which do not penetrate the ground and are instead secured by methods such as ballast blocks. The County Archaeologist has recommended a condition to ensure that full investigation is carried out and mitigation methods agreed prior to commencement of development. On this basis, subject to condition, Officers are satisfied that any impact upon archaeology can be appropriately mitigated and raise no concerns.

### Heritage Addendum

The applicants submitted a Heritage Addendum to respond to Historic England's comments and to include the further assessment requested. In brief the document found the following level of harm:

*-Haresfield Hill Camp and Ring Hill Earthworks – No harm identified*

Historic England and Conservation were re-consulted on the addendum. Historic England have advised that it is possible that the solar arrays will be visible in distant views from the hillfort and therefore has the potential to affect the significance of the scheduled site, although any harm would be less than substantial.

Historic England also reiterated that whilst the harm is regarded as being less than substantial to heritage assets they would urge the local authority to seek changes or mitigation of the harm caused to reduce the visual impacts of the development. The Conservation Specialist has again advised that whilst the proposal would erode an appreciation of the significance of the Grade II\* St Andrews Church and Whitminster House and the Industrial Conservation Area the harm would be less than substantial. It is noted that no further mitigation measures have been forthcoming and Stroud District's Conservation Specialist has not advised that such measures are necessary to mitigate the impact of the proposal upon the Conservation Area. We therefore have to make a decision on the submitted information.

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



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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 and storage which would provide clean power and significantly contribute to meeting the targets set both nationally and locally. In this instance it is considered that the public benefits outweigh the less than substantial harm identified by the Heritage Assessment, Conservation Specialist and Historic England. As such the proposal is considered to comply with the provisions of the development plan and convincing justification has been provided to satisfy Policy ES10 5) of the adopted Local Plan and addresses the heritage impact. Whilst an adverse impact has been identified the level of harm is not considered to be significant with regards to the provisions of ES2 of the adopted and emerging Local Plan and as such the proposal is also considered to be in accordance with this policy in respect of the impact upon heritage assets.

### **OBLIGATIONS**

The Local Planning Authority does not seek finance community benefits from the type of development proposed. Whilst understanding that any possible community fund might be desirable and provide benefit to the local community is it 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.

This does not preclude separate discussions about a community fund between the developer and the local community/Parish Councils.

### **REVIEW OF CONSULTATION RESPONSES**

It is considered that the majority of concerns raised have been addressed above in the main body of the report.

Comments have been received raising concern with regards to the lack of community benefit being offered. Policy ES2 4) seeks proposals to demonstrate ‘the direct benefits to the area and local community’. The accompanying Planning Statement advises that there are social and economic benefits to the proposal. For instance, construction will lead to employment opportunities, whilst local businesses will be contracted for relevant parts (e.g. component suppliers). Construction workers may also spend their wages locally and the proposal would help meet local energy needs. In addition, it is considered that there would be local biodiversity enhancements which would benefit the area. As such, on balance Officers are satisfied that the proposal complies with Policy ES2 4).



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Public comments have raised concern in relation to the loss of value of properties. This is not considered to be a material planning consideration and weight cannot be attributed to this issue. Concern has also been raised in relation to the consultation process and Members are advised that this has been carried out in accordance with the legislation requirements and Stroud District's Statement of Community Involvement with significant time allowed for comments to be submitted.

Public comments also advise that the use of brownfield sites would be preferable to this location. It is recognised that due to the size and scale of the proposal, brownfield sites would be unlikely to be able to accommodate the scheme. Officers are satisfied that in order to generate the amount of electricity proposed the location is acceptable.

### **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 15,000 homes annually.

The key areas of concern in this instance relate to the impact upon the landscape character area, the impact upon residential amenity in terms of visual effect and noise, the impact upon the highway, ecology and heritage assets in the wider area. It is also recognised that there will be temporary adverse impacts associated with the construction of the site such as increased vehicle movements in the area. However, it is considered that subject to the mitigation measures proposed and their ongoing management, on balance the impact upon residents, the highway and ecology are acceptable and can be managed via planning condition.

It must be recognised that the proposal will harm the setting of a number of designated heritage assets, although this has been identified as less than substantial by the Heritage Assessment, addendum and by Stroud District's Conservation Specialists and Historic England. In line with the provisions of the NPPF paragraph 202 and ES10 5) this harm should be weighed against public interest.

In addition, it is recognised that the proposal will have a large impact upon the character of the landscape. As outlined within the landscape section of the report, following the submission of the revised Landscape Strategy and LVIA, Officers agree that in the longer term at year 15 the proposal would have a moderate adverse impact. However, initially during construction and year 1 a major adverse impact would be experienced by some receptors. It is therefore acknowledged that there is some conflict with Policy ES7 1), however, the impact upon the landscape must also be weighed against the public benefit of the proposal.

In terms of the planning balance the benefits of the proposal are considered to outweigh the less than substantial harm that would be caused to the heritage assets and the adverse impact upon the character of the landscape. The environmental benefits of the scheme are significant and would contribute in achieving Stroud and the UK's renewable energy targets.



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It is therefore considered that the balance lies in favour of the proposal and it is recommended that planning permission be granted subject to condition.

### 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.

<b>Subject to the following conditions:</b>	<ol style="list-style-type: none"><li data-bbox="459 835 1501 1019">1. The development hereby permitted shall be begun before.  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.</li><li data-bbox="459 1055 1501 2038">2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:  Site location Plan submitted on the 23.02.2021  Proposed Site Layout and WPD Control Room Drawing Number GCS0020-4 Rev 4 submitted on the 23.02.2021  Typical Acoustic Timber Fence Rev: A submitted on the 23.02.2021  Typical Battery Station Details Rev: A submitted on the 23.02.2021  Typical Battery Station Details Rev A submitted on the 23.02.2021  Typical Customer Switchgear Details Rev A submitted on the 23.02.2021  Typical Fence, Track and CCTV Details Rev A submitted on the 23.02.2021  Typical Inverter Building Details Rev A submitted on the 23.02.2021  Typical Single Axis Tracker Table Details Rev A submitted on the 23.02.2021</li></ol>
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Typical Spares Container Details Rev A submitted on the 23.02.2021

Typical Trench Sections Details Rev A submitted on the 23.02.2021

Landscape Strategy Revised Drawing Number: P18\_2617\_13 submitted on the 24.12.2021

Construction Signage and public rights of way plan submitted on the 23.02.2021

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.

3. The permission hereby granted shall be limited to a period of 40 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.

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.

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.

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.

5. Notwithstanding the submitted details, the colour and finish of the proposed inverters/ transformers and substation buildings, including elevations and floor plan drawing for the WPD control room shall be submitted to and approved by the Local Planning Authority and shall be maintained as such thereafter.





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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, grey or brown matte colours to recess into the landscape should be considered.

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.

Reason: To protect residential amenity in accordance with Policy ES3 and CP14 of the Stroud District Local Plan 2015.

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.

Reason: To protect residential amenity in accordance with Policy ES3 and CP14 of the Stroud District Local Plan 2015.

8. The development shall be constructed and implemented in full accordance with the recommendations set out within the submitted LF Acoustics Noise Assessment (Jan 2021). This should include, but not be limited to: -  
the housing of equipment as set out in the report; the provision of additional noise mitigation measures set out in Figure 4 of the report; and the positioning of external condenser units serving battery containers on the sides of the containers facing away from residential receptors.

Reason: To protect residential amenity in accordance with Policy ES3 and CP14 of the Stroud District Local Plan 2015.

9. The Construction Traffic Management Plan and the Construction Traffic Method Statement (ref tbc) hereby submitted 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 demolition and construction phase of the development and subsequently during the decommissioning of the site.



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10. Prior to the commencement of any other works related to the development, the means of vehicle access to each parcel or portion of the site shall have been constructed and completed in accordance with the approved plans. All gates shall be situated at least 20 metres back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway. The area of the access way within at least 20 metres of the carriageway edge of the public road shall be surfaced in bound material, and shall be so maintained thereafter.

Reason: In the interests of highway safety.

11. Prior to the first vehicular use of any site access visibility splays at that access point shall be provided from a point 0.9 metres 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 the distances along the carriageway in each direction as shown on the submitted drawings. Nothing shall be planted, erected and/or allowed to grow on the triangular areas of the land so formed which would obstruct the visibility as described.

Reason: In the interests of highway safety.

12. 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.

13. 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/mitigation in accordance with a written scheme of investigation which has



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been submitted to 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 recording and conservation of any archaeological remains that may be impacted by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost or preserved within the development area, in accordance with paragraph 205 of the National Planning Policy Framework.

14. All works shall be carried out in full accordance with the recommendations contained in the following reports: Ecological Assessment, Table 5.1, Avian Ecology, dated February 2021, Landscape and Ecology Management Plan, Avian Ecology, dated February 2021, Badger Report, Avian Ecology, dated February 2021 as submitted with the planning application and agreed in principle with the Local Planning Authority.

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.

15. No works shall take place (including demolition, ground works and vegetation clearance) until a construction ecological management plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall include, but not limited to the following:

- a) Risk assessment of potentially damaging construction activities
- b) 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)
- c) The locations and timings of sensitive works to avoid harm to biodiversity (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset)
- d) Details of where materials will be stored
- e) Details of where machinery and equipment will be stored
- f) The timing during construction when an ecological or environmental specialist needs to be present on site to oversee works
- g) Responsible persons and lines of communication
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
- i) Ongoing monitoring, including compliance checks by a



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competent person(s) during construction and immediately post-completion of construction works

Reason: To protect 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.

16. The development hereby permitted must be carried out fully in compliance with the Arboriculture Impact Assessment written by Barton Hyatt Associates dated November 2020.

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).

17. Prior to commencement of the development hereby approved (including any ground clearance, tree works, demolition, or construction) a pre-commencement meeting must take place with the main contractor / ground workers with the local planning authority tree officer.

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).

18. Monitoring tree protection. 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 in writing 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).



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19. Drainage at the site shall be maintained and managed in accordance with the details provided within the Flood Risk Assessment submitted on the 23.02.2021.

Reason: To ensure adequate surface water drainage is provided.

Informatives:

1. 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.
2. The applicant is advised that required to submit an application under the Land Drainage Act for any development within 8 m of a watercourse.
3. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway.
4. There are Public Rights of Way running through the site and the applicant will be required to contact the PROW team to arrange for an official diversion as necessary. If the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000-514514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) to arrange a temporary closure of the Right of Way for the duration of any works.
5. The developer is advised to seek independent legal advice on the use of the Public Rights of Way for vehicular traffic. This permission does not authorise additional use by motor vehicles, or obstruction, or diversion.  
It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but in particular reference is made to "respecting the community".  
This says:



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Constructors should give utmost consideration to their impact on neighbours and the public Informing, respecting and showing courtesy to those affected by the work; Minimising the impact of deliveries, parking and work on the public highway; Contributing to and supporting the local community and economy; and Working to create a positive and enduring impression, and promoting the Code.