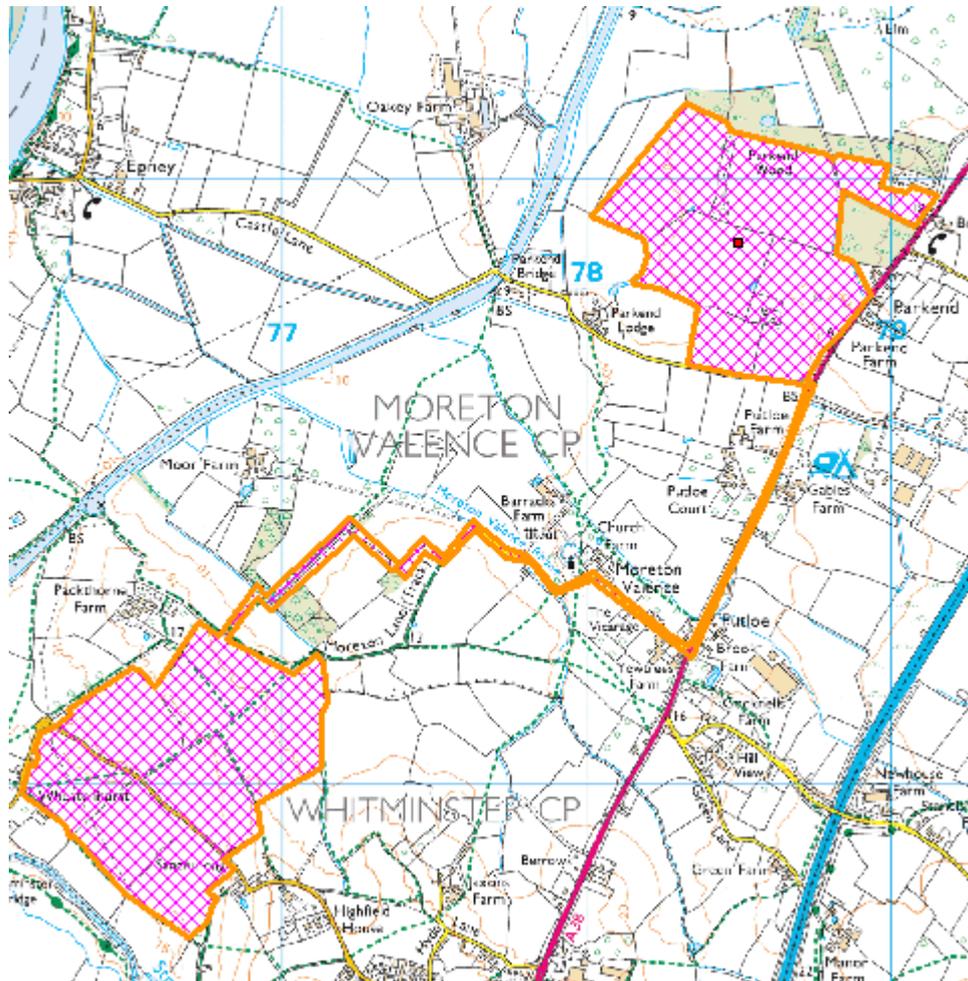




## Development Control Committee Schedule 25/04/2023

<b>Item No:</b>	<b>05</b>
<b>Application No.</b>	S.22/2098/VAR
<b>Site Address</b>	Land Parcels A & B, Near Whitminster, Gloucestershire,
<b>Town/Parish</b>	Moreton Valence Parish Council
<b>Grid Reference</b>	378496,210794
<b>Application Type</b>	Variation of Condition
<b>Proposal</b>	Section 73 Variation of Condition 2 (Approved Plans) of Permission S.21/0465/FUL (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). Variation to consist of two point-of-contact masts required to connect solar farm to electricity grid, reconfiguration of solar arrays and addition of spare containers.
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Councillor John Jones





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<b>Applicant's Details</b>	Mr M Herbert Pegasus Group, Querns Business Centre, Whitworth Road, Cirencester, GL7 1RT
<b>Agent's Details</b>	Mr M Herbert Pegasus Group, Querns Business Centre, Whitworth Road, Cirencester, GL7 1RT
<b>Case Officer</b>	Helen Cooper
<b>Application Validated</b>	26.09.2022
<b>CONSULTEES</b>	
<b>Comments Received</b>	Environmental Health (E) Historic England SW The Gardens Trust Archaeology Dept (E) Public Rights Of Way Officer Mr M Coles - Gloucester Group Whitminster Parish Council Conservation North Team Historic England SW The Gardens Trust Environmental Health (E) Development Coordination (E) Archaeology Dept (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 Within 50m of Listed Building Moreton Valence Parish Council Whitminster Parish Council Affecting a Public Right of Way SAC SPA 7700m buffer Surface flooding 1 in 100 years Surface flooding 1 in 30 years Village Design Statement
<b>OFFICER'S REPORT</b>	



## **Development Control Committee Schedule 25/04/2023**

### **Background**

This application has been brought to Development Control Committee at the request of Cllr Jones.

### **MAIN ISSUES**

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

### **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.



## **Development Control Committee Schedule 25/04/2023**

### **PROPOSAL**

This is a Section 73 application which seeks a variation of Condition 2 (Approved Plans of planning permission S.21/0465/FUL (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 49.9 MW battery storage facility). The variation consists of two point-of-contact masts required to connect the solar farm to electricity grid, reconfiguration of solar arrays and addition of spare containers.

Application S.21/0465/FUL advised in the Design and Access Statement that an underground cable would join the northern and southern parcels of land and the point of connection would be via an underground cable within the western part of the southern parcel. This would have led from the substation to the pylon.

For clarification during the application process the applicant has provided an illustrative drawing 'option 1' to demonstrate the original point of connection which illustrates the underground cable leading to a pylon in the northern section of the field.

This application seeks to alter the point of connection and due to the height of the proposed masts the amendments are not classified as permitted development under the Town and Country Planning (General Permitted Development) Order (As Amended).

The proposed masts would be located adjacent to a pylon within the western area of Parcel B. They would measure approximately 32 metres in height, although approximately 2.8 metres at the top of the mast would be narrow. The masts would be finished in galvanised steel and cables would run up the masts and across to the pylon. The masts would be enclosed in a secure compound with a 2.4 metre high fence measuring approximately 29.7 m in width by 46.6 m in length.

The supporting information advises that the two point of connection masts provide a more efficient connection to the grid. Several benefits are outlined which include low maintenance, minimal environmental impact as there is no need for deep foundations, improved safety during construction and cost savings to the developer.

In addition to the masts the landscape drawing has been updated to include a number of spare containers throughout the site.

The solar arrays have also been slightly reconfigured on the revised drawing across both parcels of land and the applicant has advised that the re-positioning of arrays reflects the actual electrical engineering interpretation of the approved layout (Revision L).

### **REVISED DETAILS**

A number of revised plans have been received during the application process.

Revised Landscape Strategy drawing number P18\_2617\_13 Rev P received on the 9th December 2022 – now superseded (showed the revised mast position)



## **Development Control Committee Schedule 25/04/2023**

Revised Landscape Strategy drawing number P18\_2617\_13 Rev Q, detailing the revised position of the point of connection masts and additional landscaping information – now superseded

Supporting/follow up letter relating to the new mast position received on the 15th December 2021.

Residents were re-consulted on the above revised information and revised description which was amended to include the reconfiguration of solar arrays and the addition of spare containers on the 15th December 2022.

Looped in POC Mast connection Rev A – A revised drawing was received on January 10th 2022. Whilst the appearance of the masts has not changed the drawing was amended to show their revised position on site in line with the revised landscape strategy. The scale was also amended, and measurements added for clarification.

Revised Landscape Strategy drawing number P18\_2617\_13 Rev R received on the 20th February 2023 – The landscape drawing has been revised further to show some additional planting along the access track to the west of the POC and the area of vegetation removal has been extended to reflect construction work in more detail. Now superseded.

Revised Landscape Strategy drawing number P18\_2617\_13 Rev S received on 6th March 2023. This drawing adjusted the position of the solar arrays slightly on the site. – now superseded

Revised Landscape Strategy drawing number P18-2617\_13T Rev T received on the 28th March 2023. This drawing has amended the area of landscaping adjacent to Church Cottage.

Additional supporting information has also been submitted in respect of site capacity on the 6th March 2023.

An illustrative original Point of Connection Drawing has also been submitted in addition to supporting information outlining several options for grid connection and a commentary upon their viability. Received on the 27th March 2023.

### **RELEVANT SITE 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 planning application S.21/0465/FUL.

S.21/0465/FUL 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. This application was granted planning permission on the 5th April 2022.



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### MATERIALS

As approved under application S.21/0465/FUL:

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.

Masts – Galvanised Steel to match pylon, enclosed by fencing as outlined on drawing 'Looped in POC Mast connection Rev A'.

### REPRESENTATIONS

#### Statutory Consultees:

**Whitminster Parish Council:** (6.12.22) At a recent meeting of Whitminster Parish Council the above application was considered in some detail.

Council is concerned that the consultation being carried out in regard to the application is flawed. This is because that whilst the application relates to variations to the proposed development located wholly within the Parish of Whitminster, the application is not listed on the planning portal when searching for applications within the Parish and is instead listed as being within Moreton Valence. This means that those signed up for planning alerts are not notified and those wishing to submit comments, if informed of the application, are unable to find the details when searching for through those applications concerning the Parish. We would ask that this issue be appropriately considered and addressed with further consultation. This seems to be a repetitive problem associated with the District Council's processes and website that has not been dealt with despite previous requests.

After due deliberation on the matters relating to the application for a variation Council resolved to OPPOSE the application for the following reasons:

- It is no doubt the case that the applicant would have anticipated the need for this infrastructure when submitting their original application. Council would contend that if this detail had been submitted, pertaining to a particularly sensitive part of the overall site, and had it been considered within the totality of the impact then it would surely have affected the decision reached and therefore a wider consideration of the application should now be entered into afresh.
- The proposed structures, as a grouped cluster adjacent to an existing pylon, would be a significant visual intrusion into the landscape that cannot be mitigated. This impact intrudes on new views and at a greater distance from those matters considered in relation to the original application.
- The proposal will impact to the detriment of the setting of a group of highly graded Listed Buildings, including Whitminster Church, and also impact on the vistas to and from the Industrial Heritage Conservation Corridor close by. It would also neither preserve or enhance a Conservation Area. The point of connection is, as advised by Historic England, the closest possible point to the most highly graded heritage assets across the whole site area. There is



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a great potential for harm and this needs to be addresses in accordance with paragraph 200 of the National Planning Policy Framework.

As a result of the above considerations, Council would wish to see the application refused.

In considering the application Council would also ask that full weight it given to all issues raised in the response made by Historic England and nearby residential occupiers.

**The Gardens Trust:** (13.10.22) The Garden Trust, as Statutory Consultee for proposals that might adversely impact Listed or Registered parks, gardens or landscapes, has consulted The Gloucestershire Gardens and Landscape Trust (GGLT) to respond on its behalf.

You will recall that GGLT did comment on the original Application to try and achieve more robust areas of tree planting in this sector of this proposal. However, it also seems possible that this specialist applicant might have anticipated this additional infrastructure at the time of the original submission, that would further intrude on this sensitive part of the layout. At this late stage, the introduction of additional visually intrusive masts grouped with a pylon does little to improve the impact of this scheme.

At this point in the approval process one assumed that the District Council would be hard pressed to ameliorate this situation as you have issued an Approval. Massed plantings of ivy will not help either.

**Environmental Health:** (17.10.22) With respect to this application, I would please request additional information in respect of any additional noise impact as a result of the proposed masts and supporting equipment.

**Environmental Health:** Following the submission of an email detailing noise emissions on the 24th November, Environmental Health commented: (29.11.22) My concern was noise, so I'm satisfied with that and if to be located further away from residential properties that will also assist.

**Historic England:** (17.10.22)

Thank you for your letter of 11 October 2022 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

The proposed mast subject of the variation of condition application would be within the setting of the Church of St Andrew. While it sits on relatively flat topography and screened by trees to the north, its significance is contributed by its primacy in the landscape, particularly from the south along Whitminster Lane. The Church is designated as Grade II\*, and as such is in the top 8% of listed buildings. Therefore, greater weight should be given to its conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the



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process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance’.

### Summary of proposals.

Further to consent for a solar farm across two parcels of land, for which we did raise some concerns, a variation of Condition 2 (approved plans) has been submitted to propose two point-of-contact masts required to connect the solar farm to electricity grid. This would be to the south west of an existing electricity pylon close to Whitminster Lane.

### Impact of the Proposed Development

The landscape surrounding the Church of St Andrew is relatively flat with gentle undulations, but gives prominence to its 15th century tower. Its primacy within the rural setting contributes to its significance which would be viewed in the context of the proposed masts. This would tend to exacerbate the impact of the existing pylon, where the masts would coalesce with the skeletal structure and divert visually away from the Church tower, resulting in a modest degree of harm.

We advise that as the proposed location for the masts is the closest point to a highly-graded heritage asset across the entire application site, the harm could be removed if the masts were located further away and connected to another pylon within the site (even the adjacent pylon to the south-east). As it stands, your council would need to balance the harm of the proposed location against the perceived benefits, as required by para 200 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.

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



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Heritage assets are an irreplaceable resource NPPF 189 and consequently in making your determination your authority will need to ensure you are satisfied you have sufficient information regarding the significance of the heritage assets affected,

including any contribution made by their settings to understand the potential impact of the proposal on their significance NPPF 194, and so to inform your own assessment of whether there is conflict between any aspect of the proposal and those assets' significance and if so how that might be avoided or minimised NPPF 195.

The significance of a heritage asset can be harmed or lost through alteration or destruction of the asset or development within its setting. As heritage assets are irreplaceable, any harm (whether substantial or less than substantial) is to be given great weight, and any harm to, or loss of, the significance of a designated heritage asset (or site of equivalent significance) should require clear and convincing justification.

### Recommendation

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

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.

**Gloucester Ramblers:** (20.10.22) Gloucester Ramblers has no objection to this variation.

**Conservation:** (24.10.22) 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 site is in proximity to the Industrial Heritage Conservation and the highly graded listed group at Whitminster.

The proposed amendments would not compound the harm identified in my comments on the original application.



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**Archaeology:** Thank you for consulting the archaeology department on this application. Archaeological desk based assessment, geophysical survey and field evaluation have been carried out in relation to permitted scheme S21/0465/FUL. Due to the presence of archaeological remains of significance being recorded within the site a programme of archaeological work/mitigation has been made a condition of planning permission. I therefore have no additional comments to make in relation to the reserved matters application.

In terms of the impact of the two point-of-contact masts on the setting of designated heritage assets I urge you to address the concerns raised by Historic England.

I have no further observations to make.

**Public Right of Way Officer:** (28.10.22) This planning application has been forwarded for the attention of the Area Public Rights of Way Officer for further investigation.

They may respond in further detail; however, the following must be strictly observed in all circumstances: -

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless:-

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs to be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

b) Important: if the development will permanently affect any public right of way, then the developer must apply for a diversion of the route through the Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order. The area Public Right of Way Officer should be consulted as part of this process.

2) Additionally:-

a) There must be no encroachment on the width of the public right of way. b) No building materials may be stored on the public right of way.

c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.

d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council. It is important to note the Definitive Map is a minimum record



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of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.

**PROW Officer:** (7.11.22) Following on from the email sent by my colleague, I would appreciate contact with the developer about this proposal. It appears that some of the rights of way will be used as access for the construction and I would like to discuss these proposals further, in order to protect these existing paths.

**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.

The justification for this decision is provided below.

I do not consider that the proposed development will produce any additional issues to that already identified in and approved but the substantive development, planning reference number S.21/0465/FUL.

One aspect will be the delivery of the pylon components but this can be achieved through the approved access route by way of the Construction Management Plan which has already been submitted and approved, so I would wish to recommend that this condition is imposed upon this application. 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 - Revision A reference P18-2617/TR/01 and the Construction Traffic Method Statement reference P18-2617/TR/02 submitted on the 16.03.2022 in respect of application No. S.21/0465/FUL approved on 05/04/2022 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.

**Public:** Three residents have objected to the application and the comments that have been received are summarised below:

- Trees planted will take a considerable time to block masts of this size.
- Masts will make it more industrial



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- If this had been in the original plans it might have affected the previous decision.
- Masts approximately 100 metres from 1 and 2 Packthorne Cottages, these properties should have been considered in the original application.
- Masts should have been declared during the initial planning application.
- Additional impact may have influenced views and decisions
- Concerned about health effects on residents and possible noise pollution
- Concern raised in relation to the impact upon the heritage asset of St Andrews Church, vista from church and surrounding area will be destroyed.
- Visible along Whitminster Lane and School Lane
- A bat survey at Packthorne Farm suggests the presence of the Greater Horseshoe Bats, concern has been raised that this will have implications on the whole solar farm planning and needs to be addressed

**Frampton On Severn Parish Council:** No comments received

**Moreton Valence Parish Council:** No comments received

**National Grid Plant Protection:** No comments received

### Revised Drawings:

**Whitminster Parish Council:** At a recent meeting of Whitminster Parish Council the above application was considered in some detail.

Again, in regard to this revised application, Council is concerned that the consultation being carried out is flawed. This is because that whilst the application relates to variations to the proposed development located wholly within the Parish of Whitminster, the application is not listed on the planning portal when searching for applications within the Parish. This means that those signed up for planning alerts are not notified and those wishing to submit comments, if informed of the application, are unable to find the details when searching for it through those applications concerning the Parish. We would ask that this issue be appropriately considered and addressed with further consultation and resources applied to address the problem in the future. This seems to be a repetitive problem associated with the District Council's processes and website that has not been dealt with despite previous requests.

After due deliberation on the matters relating to the application for a variation Council resolved to OPPOSE the application for the following reasons:

- It is no doubt the case that the applicant would have anticipated the need for this infrastructure when submitting their original application. Council would contend that if this detail had been submitted, pertaining to a particularly sensitive part of the overall site, and had it been considered within the totality of the impact then it would surely have affected the decision reached and therefore a wider consideration of the application should now be entered into afresh.
- The proposed structures, as a grouped cluster adjacent to an existing pylon, would be a significant visual intrusion into the landscape that cannot be mitigated. This impact



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intrudes on new views and at a greater distance from those matters considered in relation to the original application.

- The proposal will impact to the detriment of the setting of a group of highly graded Listed Buildings, including Whitminster Church, and also impact on the vistas to and from the Industrial Heritage Conservation Corridor close by. It would also neither preserve or enhance a Conservation Area. The point of connection is, as advised by Historic England, the closest possible point to the most highly graded heritage assets across the whole site area. There is a great potential for harm and this needs to be addressed in accordance with paragraph 200 of the National Planning Policy Framework.

It is noted that a revised location has been proposed for the siting of this equipment but this does not adequately mitigate the concerns raised. Council would suggest that a new application should be submitted to consider the proposed development in full.

As a result of the above considerations, Council would wish to see the application refused.

In considering the application Council would also ask that full weight is given to all issues raised in the response made by Historic England and nearby residential occupiers.

**Environmental Health:** I have no further comments on this application.

**Historic England:** Thank you for your letter of 15 December 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

The revised site for the proposed masts away from the Grade II\* Church of St Andrew is a significant improvement and given that these will now coalesce with the electricity pylon, the cumulative impact would be reduced. We appreciate that the proposed revised site is closer to the Conservation Area boundary, but your Conservation Officer will advise whether or not this would be acceptable. As it stands, we have no further concerns in view of impacts on the historic environment.

### Recommendation

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

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



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**The Gardens 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 to this variation on its behalf.

It is worth noting that GGLT was less than enthusiastic about the impact of this scheme on the heritage assets of Whitminster.

The Trust proposed moving the arrays and associated kit further north-east and reinforcing the planting at a time when the additional masts were not in evidence. This second variation does little to help the situation; and from the Pegasus Groups letter of the 15th December, only seems of benefit to the client and contractor.

The District Council has to make up its mind between Government policy to promote solar energy; and its commitment to the management and conservation of the District's historic and aesthetic heritage.

The drawing by JBM of the "looped in POC mast connection" showing the NE and SW elevations of the cumulative masts, demonstrates quite clearly that this will be of substantial visual detriment to the sensitive historic and aesthetic importance of the area. This issue should have been addressed from the outset.

**Archaeology:** Thank you for consulting the archaeology department on this application. Archaeological desk based assessment, geophysical survey and field evaluation have been carried out in relation to permitted scheme S21/0465/FUL. Due to the presence of archaeological remains of significance being recorded within the site a programme of archaeological work/mitigation has been made a condition of planning permission.

You have consulted us on the following revised details:-

Revised description of development

Revised position of point of connection masts as shown on Revised Landscape Strategy Drawing Number P18\_2617\_13 Rev Q

Supporting letter relating to new mast position, reconfiguration of panels and spare containers

As archaeological matters will be dealt with through the forthcoming mitigation strategy I have no specific comments to make on these revised details.

I have no further observations to make.

**Arboricultural Officer:** I've reviewed the arboricultural information in relation to T40. I have no reason to doubt the accuracy of the arboricultural report and I agree with your comments in the tree section from the committee report. I have no concerns or objections to the proposals. The tree is of low quality and in rather poor condition. It contributes little to the amenity of the site now, and will have very limited contribution into the future. It is not a rare tree, veteran/ancient tree, and nor is it a particularly good specimen. If it is possible to secure, it maybe of more longer term benefit to allow the removal of the tree and plant a replacement tree elsewhere on site.



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**Conservation:** No comments received.

**Frampton On Severn Parish Council:** No comments received

**Moreton Valence Parish Council:** No comments received

**National Grid Plant Protection:** No comments received

**Public:** Further objections have been received from Hurst Lodge and 82 Pitts Lane. To summarise the following concerns have been raised.

- Reading through the original planning application there is no mention of how the connection point is connecting to the grid, this is only outlined in the Design and Access Statement and no details are given.
- If the connection and method of connection were omitted from the application would the permission granted also be invalid?
- Queries why this wasn't included in the original application and advises that POC masts were in use prior to Feb 2021
- Has there been a study detailing the effect on wildlife around this type of mat, especially as the site is close to the canal and birds
- Concern raised in relation to the trench for the cable and potential impact upon archaeology
- Concerns how the high voltage electricity will be transported from the sub station on one side of the highway to the other side and across a field. Query if this will be high voltage underground cables or overground cables across the carriageway, will there be another variation to move the substation closer to the pylon.
- Detrimental impact upon the countryside and historic rural landscape
- Concern raised that JBMs website shows the Moreton Lane Solar Farm as having a 73 MWP capacity and the site should have been considered as a major infrastructure project.

### **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)



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Local Plan policies considered for this application include:

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

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

The Submission Draft Stroud District Council Local Plan and evidence base documents were submitted for examination to the Planning Inspectorate on the 25th October 2021 and it is anticipated that the plan may be adopted by Winter 2023. 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



## **Development Control Committee Schedule 25/04/2023**

- 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**

Renewable energy generation is key in helping to achieve carbon neutral targets set by national and local government. The National Planning Policy Framework (NPPF) 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'.

Stroud District Council outlines tackling the climate and ecological emergency as a priority and objective within The Council Plan 2021-2026. Emphasis upon meeting carbon neutral targets is outlined within Stroud District Council 'The 2030 Strategy, Limiting, Adapting, recovering and Responding in a Changing Climate' (2021). The carbon neutral objective is also contained within the emerging Local Plan new core policy, DCP1 'Delivering Carbon Neutral by 2030'.

The principle of development at this location has been established following the grant of planning permission S.21/0465/FUL.

The main consideration in this instance therefore relates to whether the proposed variation of the approved plans will result in any significant adverse impacts above those previously identified and mitigated for under permission S.21/0465/FUL.

Taking into account the overall scale and character of the original permission, the revised point of connection, addition of spare containers and reconfiguration of solar arrays are considered to be minor in nature and as such are appropriately the subject of a S73 application.

### **Connection Options**

Permission S.21/0465/FUL outlined that the site would be connected to the grid via an underground cable leading to a pylon within this section of the site. This is shown on the illustrative drawing 'Option 1'.



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The applicant has advised that an engineer has now investigated the various options for grid connection and has found that due to the angle of the tower and on the line this option is no longer viable. In order to connect the site to the grid either an additional tower would be required as illustrated by drawing entitled 'Looped POC with two terminal towers' or they have the option of the proposed two point of connection masts.

As the applicant has advised that the original point of connection is not possible consideration will now be given to the appearance of the proposed masts and the potential impact upon the site and wider area.

### **LANDSCAPE AND VISUAL AMENITY**

The site is set within the Lowland Plain Landscape Character Area and a key consideration relates to whether the variation to permission S.21/0465/FUL would have a significant adverse impact upon the landscape and visual amenity of the area.

Policy ES2 'Renewable or low carbon energy generation' 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)'. Policy ES7 'Landscape Character' is also relevant and this seeks to protect the landscape character of an area.

It is recognised that the proposed masts would become prominent features within the site due to their appearance and respective heights of approximately 32 metres, however, they would be sited next to an existing pylon which is of a similar mass and scale. Whilst there may be some adverse impact upon the landscape character area this would be localised and it would be viewed within the context of the solar farm. To an extent it is also considered that the masts would merge with the existing pylon. Therefore the proposed variation would not significantly alter the previously approved scheme or cumulatively lead to a level of unacceptable visual harm to the landscape in accordance with Policies ES2 and ES7 of the Local Plan.

The siting of the spare containers and the slight alterations to the position of arrays are considered to represent a minor change to the permission and will not alter the existing level of impact that the proposal will already have upon the landscape. As such, these elements of the variation are considered to comply with Policy ES2 and ES7 of the Local Plan.

i/ Vegetation, Trees and Hedgerows

The masts have been repositioned during the application process to sit adjacent to a pylon within the southern section of the field. The masts would be securely enclosed in a compound for security and safety reasons and the applicant has advised that there is no scope to reduce the size of the compound due to this. Due to the size of the compound the revised siting of the masts will result in the removal of some of the vegetation/hedgerow along this section of the field boundary, although the proposal seeks to retain the trees in this area. The revised landscape strategy Rev R outlines the extent of removal.

It is noted that the tree root protection area as outlined on the revised landscape strategy shows encroachment into the root protection area for one of the trees. This is identified as a



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sycamore tree by the Arboricultural Assessment and described as T40 'Mature tree located within boundary group, severe decline, canopy dieback, unbalanced canopy due to a large failed leader'.

Condition 16 of permission S.21/0465/FUL reads as follows:

*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).*

In light of the potential impact upon the root protection area of tree number T40 and the planned removal of some of the hedgerow, identified as C2 within the Arboriculture Impact Assessment, it is recommended that condition 16 is amended to read as follows:

*The development hereby permitted must be carried out fully in compliance with the Arboriculture Impact Assessment written by Barton Hyatt Associates dated November 2020, with the exception of the root protection area of T40 and C2 as identified within this report, in order to facilitate the revised point of connection as approved under S.22/2098/VAR.*

*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).*

To help mitigate the loss of existing vegetation/hedgerow an additional hedgerow is proposed along the western boundary of the access track. This would be maintained at 5 metres in height and is considered sufficient to offset any loss to the previously approved landscaping scheme.

In addition, Condition 17, which seeks a pre-commencement meeting with the local planning authority officer, and condition 18, which seeks tree protection monitoring and site supervision prior to the commencement of works, are considered adequate to help protect the adjacent trees and their retention is recommended.

Whilst the proposed fencing has the potential to damage the root area of one of the adjacent trees, as the tree falls into category C1 under BS5837, the potential loss of the tree is afforded limited weight. On balance, the revised position of the masts and the reduced impact upon the landscape and heritage assets in this location are considered to outweigh its potential loss.

It should also be noted that the covering letter identifies an error within the original Arboricultural Report in respect of reference G51 a small linear boundary group near to Church Cottage. It is agreed that this is a minor matter and the proposed landscaping in this area of the site is similar to what was previously approved.



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### RESIDENTIAL AMENITY

Policy ES2 3), ES3 1) and CP14 seek to protect residential amenity.

By virtue of the separation distance between the proposed masts and residential properties it is not considered that they will appear overbearing.

The proposed spare containers are set throughout the site and by virtue of their position in relation to neighbouring properties it is not considered that they will have an overbearing appearance or harm residential amenity in accordance with Policy ES2 3), ES3 1) and CP14.

The solar array configuration slightly differs to that previously approved throughout both parcels of land, however, the changes are considered to be relatively minor and it is not considered that there would be any additional impact in respect of glint or glare.

### Noise

Environmental Health requested additional information in respect of any additional noise impact as a result of the proposed masts and supporting equipment. The applicant has advised that *'The masts connect an electricity cable to the transformers on the pylon; the noise emitted from this connecting cable would not be greater than the noise generated by the electricity line and pylon, due to its size and characteristics. There is no equipment that would emit any noise in the compound surrounding the masts.'*

Environmental Health have advised that they are satisfied with this information. As such it is not considered that the proposed variation would be harmful in terms of noise emissions.

Condition 8 requires the development to be carried out in accordance with the submitted LF Acoustics Noise Assessment (Jan 2021). It is recommended that this condition is retained and based on the specialist technical advice received from Environmental Health it is not considered necessary to update this approved document in respect of the proposed masts and supporting equipment.

### HIGHWAYS

It is not considered that the variation to permission S.21/0465 will have any additional impact upon highway safety. It noted that the underground cable to the point of connection will still have to cross Whitminster Road, although this is at a slightly different point along the road as shown in blue on the submitted drawings. The Construction Management Plan remains relevant and it is recommended that condition 9 which requires compliance with this document is retained. Informative 3 is also relevant which advises the applicant that they must obtain the permission of Gloucestershire Highways before commencing any works on the highway.

### Public Rights of Way

The PROW Team at Gloucestershire County Council have commented on the application as outlined above, raising concern that the PROW might be used for access during construction.



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LPA Officers have been in touch with the PROW Team and highlighted the informatives that are attached to permission S.21/0465/FUL. These relate to the PROW and would be retained by this variation. The PROW Team are satisfied that this is sufficient to make the developer aware of the issues. The applicant has also advised that they will look to get in touch with the PROW Team shortly. Subject to informatives LPA Officers are satisfied that the proposed variation will not have a detrimental impact upon the PROW on the site.

### **ECOLOGY**

By virtue of the proposed position of the masts, which are primarily located on agricultural land, it is considered that any additional impact upon ecology would be minimal. With regards to the loss of hedgerow and possible habitat the proposed replacement planting to the west is considered adequate to offset this loss and further mitigate the impact of the development. The variation is therefore considered to comply with Policy ES6 of the Local Plan.

The reconfiguration of the panels and addition of spare containers are also considered to be relatively minor alterations which should not harm ecology at the site.

Public comments have mentioned that a bat survey at Packthorne Farm suggests the presence of the Greater Horseshoe Bats. Concern has been raised that this has implications for the solar site. In response, surveys were undertaken by the applicant and reviewed by both the Biodiversity Team and Natural England during the determination of S.21/0465/FUL and no objection was raised. Condition 15 also seeks to ensure a construction ecological management plan (CEMP) is submitted prior to work starting and this will look to protect species that use the site and surrounding area in respect of foraging and nesting. It should also be recognised the protected species are protected by separate legislation.

Concern has been raised by a member of the public in relation to the potential impact of the masts upon wildlife. It is considered that the proposed structures are similar in scale and use to the existing pylon and do not present any additional risk to wildlife. It is noted that the secure fencing does not include mammal gaps as outlined in the wider site and this will help protect animals from electrical equipment at ground level.

### **FLOOD RISK**

The proposed masts are located within Flood Zone 1, although flood zone 3 is in proximity to this area of the site. As the masts would be located within Flood Zone 1 it is not considered that they would increase flood risk. The applicant has advised that the area inside the compound would comprise gravel which is a permeable material and this would enable drainage. A condition is recommended in respect of this to ensure materials are agreed.

### **ARCHAEOLOGY & HERITAGE ASSETS**

A key consideration in this instance relates to whether the variation would alter the level of impact upon the nearby listed buildings and the adjacent Industrial Heritage Conservation Area.



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During the application process Historic England initially raised concern that the proposed masts would be within the setting of the Church of St Andrew, which is a Grade II\* listed building. They advised that the masts would result in a modest degree of harm.

The position of the masts has subsequently been revised and they are now set further away from the Church of St Andrew. Historic England have advised that this is a significant improvement and as these coalesce with the existing electricity pylon the cumulative impact is reduced. Discussions have been held with the Conservation Officer in respect of the revised mast position and the proximity to the Industrial Conservation Area and they have advised that they do not deviate from the view provided by Historic England.

It is therefore considered that the proposed masts will have a less than substantial impact upon the setting of the Grade II\* Church of St Andrew and other nearby heritage assets including the Industrial Heritage Conservation Area.

Paragraph 202 of the NPPF advises that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. Policy ES10 'Valuing our historic environment and assets' seeks to preserve, protect or enhance Stroud District's historic environment. Criterion 5) advises that 'Any harm or loss would require clear and convincing justification to the relevant decision-maker as to why the heritage interested should be overridden'.

As it has been identified that there would be less than substantial harm to heritage assets this can be weighed against the benefits of renewable energy generation. On balance, the public benefits of renewable energy and a secure grid connection are considered to outweigh the less than substantial harm identified. As such the proposal accords with Policy ES10 of the Local Plan.

It is noted that comments have been received from the public raising concern about the potential impact upon archaeology and the laying of the underground cable. The County Archaeologist has been consulted on the application and has no additional comments to make on the variation. Condition 13 ensures that a programme of archaeological work/mitigation is submitted to and approved by the LPA prior to the commencement of works on site. This remains relevant to the proposed variation application and is considered sufficient to ensure any archaeological remains of interest are preserved accordingly.

### **OBLIGATIONS**

Obligations are not sought for this development as they would not meet the tests of a planning obligation to be necessary, directly relevant in planning terms and fair and reasonable.

### **REVIEW OF CONSULTATION RESPONSES**

A number of comments have been addressed above in the main body of the report.



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Concern has been raised about the limited information provided in respect of permission S.21/0465/FUL and the original point of connection. Details were contained within the Design and Access Statement which advised that the point of connection was to be via an underground cable. It should be noted that electricity undertakings have a number of permitted development rights as outlined in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and this allows for the installation of an electric line over or under land 'reasonably necessary in connection with an electric line' subject to a number of criteria.

For clarity additional information has been submitted by the applicant detailing the original point of connection. This shows an underground cable leading to a pylon in the western section of parcel B and some minor alterations to the pylon.

Concern has been raised about the figures displayed on the applicant's website showing the site as having a capacity of 73 MWP. The applicant has advised that this figure represent electricity in direct current (DC) form. The figure 73 MWP is the sites direct current and not the alternating current (AC) which is 49.9 MW. In order to avoid confusion the applicant has updated the website to reflect the AC of 49.9 MW as approved.

The Parish Council raised concerns in respect of consultations and automatic planning alerts. This has been investigated and where a proposal lies within two Parishes the system currently only allows for automatic alerts to be sent out to residents within one of the Parishes. This issue has been raised again internally and is being looked into with the software provider. A site notice has been displayed, letters have been sent and the proposal was originally advertised in the paper.

### **REVISED CONDITIONS**

It is recommended that condition 1 is amended to reflect the three-year period from the date of the original permission S.21/0465/FUL.

It is recommended that condition 2 is amended. Landscape Strategy Rev L is to be substituted with Landscape Strategy T. Additional drawing 'Proposed Masts Point of Connection' has also been included in the list of approved drawing numbers.

It is recommended that condition 16, is amended, as outlined in the above section entitled i/ Vegetation, Trees and Hedgerows.

An additional condition (20) is recommended in respect of hard and soft landscaping within the compound to ensure that details are agreed.

It is recommended that all other conditions are retained as previously approved under S.21/0465/FUL.

### **RECOMMENDATION**

To summarise, the applicant has advised that the original point of connection is not viable, and they have explored various options to connect the site to the grid.



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Whilst it is recognised that the masts are visually prominent due to their appearance, height and the cable connections, they are sited next to an existing pylon and it is considered that this will help minimise their impact upon the landscape and the wider visual amenity of the area. The additional hedgerow planting to the west of the enclosure is considered sufficient to offset the loss of vegetation.

The revised position of the masts is considered preferable in respect of reducing the level of potential harm to heritage assets and protecting the setting of the Grade II\* Church of St Andrew. Whilst the introduction of the masts will have a localised impact upon heritage assets due to the revisions it is considered that the level of harm would be less than substantial. In accordance with the NPPF this should be weighed against the public benefits of the proposal. On balance, it is considered that the provision of an efficient point of connection to the grid and renewable energy generation and storage outweigh the less than substantial harm identified.

The revised point of connection is not considered to represent a significant alteration to the original consent or increase the landscape impact to a level of adverse significance in respect of Policy ES2. The benefits of an efficient grid connection to export renewable energy must be given significant weight in the overall planning balance. The wider proposal and the two point of connection masts will help achieve carbon neutral targets set nationally and locally and this is considered to outweigh any less than significant impacts upon the landscape.

The other alterations to the solar array layout and the addition of spare containers throughout the site are relatively minor and will not exacerbate any impact previously identified and mitigated for under the original consent S.21/0465/FUL.

For the reasons outlined above it is considered that the proposal complies with all relevant policies with the adopted Local Plan 2015 and as such it is recommended that permission **be granted**.

### 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>	<p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
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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 GCS0020-2 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

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 Rev T submitted on the 27.03.2023

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

Looped in POC Mast connection Rev A received on the 10th January 2023

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.



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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.

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 and no process shall be carried out 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.

In addition to the above and notwithstanding the approved CTMP & CTMS, no construction-related deliveries shall be taken at or dispatched from parcel B (Whitminster sites) on Saturdays.

Reason: To protect residential amenity and to respond to the nature and use of the local highway network and the nearby sensitive tourism destinations in accordance with Policies 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



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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 - Revision A reference P18-2617/TR/01 and the Construction Traffic Method Statement reference P18-2617/TR/02 submitted on the 16.03.2022 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.
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



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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 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



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(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 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, with the exception of the root protection area of T40 and C2 as identified within this report, in order to facilitate the revised point of connection as approved under S.22/2098/VAR.

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).



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18. 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).

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.

20. Prior to the connection to the grid, details of hard and soft landscaping within the compound where the proposed masts and point of connection will be sited, shall be submitted to and approved by the Local Planning Authority. The details shall include an implementation timetable and the landscaping shall then be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and 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.



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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:  
  
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.
6. **ARTICLE 35 (2) STATEMENT** - The case officer contacted the applicant/agent and negotiated changes to the design that have enhanced the overall scheme.