

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	16 November 2021
<b>Site Location:</b>	Land At Claydon Farm Claydon Tewkesbury
<b>Application No:</b>	21/00259/FUL
<b>Ward:</b>	Isbourne
<b>Parish:</b>	Ashchurch Rural
<b>Proposal:</b>	Construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure.
<b>Report by:</b>	Paul Instone
<b>Appendices:</b>	Site location plan P20-0069_02 Rev B Site Layout and Landscape Strategy Plan P20-0069_08 REV: I Proposed Substation Layout P20-0069_17 Rev A Typical Ballasted Tracker Table Details
<b>Recommendation:</b>	Permit

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** The application site comprises two, connected, parcels of land. The first, eastern parcel of the site, which is proposed for the solar panels extends to circa 96ha and comprises 12 agricultural fields located to the south of Claydon Farm and to the east of Fiddington. The agricultural land is currently used for a mix of arable and pastoral farming and there are a number of trees, hedgerows and field boundaries located within and adjacent to the site.
- 1.2** Two Public Rights of Way (PRoW) pass through the eastern parcel of the site, including Ashchurch Bridleway 32 which runs through the site on an east to west axis and Stoke Orchard Footpath 24 which runs through a section of a southern field to join the bridleway. A PRoW which forms part of the Gloucestershire Way also runs close to the northern boundary of the site and continues east to join the A435 (see attached location plan). A gas pipeline also runs across the northern part of the site.
- 1.3** The eastern parcel of the application site is bounded by a railway line to the west, beyond which is agricultural land and the nearest dwellings in the settlement of Fiddington are located approximately 190 metres to the west beyond the railway line and agricultural fields. To the north of the site are agricultural fields, the Gloucestershire Way and dwellings within Claydon. The nearest dwellings in the settlement of Claydon are located approximately 200 metres to the north west of the proposed solar panels. To the east of the site are agricultural fields and the A435 is located 1.25km to the east and the settlement of Oxenten is 1.5km to the east. Elevated land with the designated Special Landscape Area (SLA) in the Local Plan and Cotswolds AONB lies to the east of the A435 and the AONB is

approximately 1.5km to the east with the SLA in the foreground. To the south, the site is abutted partly by agricultural fields and partly by Bozards Lane. There are a number of isolated dwellings and businesses located along Bozards Lane and the nearest dwelling is located approximately 70 metres from the proposed solar panels. Vehicular access onto agricultural land within the application site can currently be achieved via a field gate on Bozards Lane.

- 1.4 Planning permission (ref: 14/00785/FUL) has previously been granted for a solar on the eastern portion of the eastern parcel of land, however this permission has now lapsed.
- 1.5 The western parcel of land extends to 0.37 ha and a sub-station is proposed on this parcel. The western parcel of land comprises part of an agricultural field which is currently used for pastoral farming to the south of Bozards Lane. Sherdons Golf Centre is located to the north of the site beyond Bozards Lane. The site is bounded by hedgerows along its northern boundary to Bozards Lane and there is an existing field gate providing access to the site from Bozards Lane. A PRoW (Stoke Orchard 7) runs diagonally across the site from north east to south west. Dwellings within the village of Tredington are located approximately 250 metres to the west and there is intervening vegetation and field boundaries screening views.
- 1.6 The western and eastern parcels of land are connected by a strip of land which follows Bozards Lane including a bridge across the M5. Underground cabling is proposed along this stretch of road to link the solar panels to the substation.
- 1.7 The application is submitted in full and seeks the construction, operation, maintenance and decommissioning of a solar and a battery storage facility as well as a sub-station and associated infrastructure. The applicant advises that the solar farm would provide for up to 49.9MW of electrical energy which can meet the energy needs of approximately 10,000 homes. The application seeks permission for the sub-station and associated access on a permanent basis, as the substation will become part of the local electricity distribution network. Temporary permission for a 40 period is sought for the solar panels, battery stations and associated equipment which will be removed after this time period.

### **Solar Arrays and Supporting Equipment**

- 1.8 The solar farm on the eastern parcel of the site would be located on a north/south single axis tracking system. The panels will be laid out in north/south rows across the site and will have the ability to move throughout the day on the axis to track the movement of the sun. The panels will have a maximum height of 3 metres above ground level. The panels are spaced to avoid any shadowing effect from one panel to another with topography dictating exact row spacing that can range between 3.8m – 7m. Some panels would have ballasted foundations and some would not. The ballasted foundations are required in certain archaeological zones at the request of the County Archaeologist. **Images of the two arrangement are shown in the committee presentation.**
- 1.9 The panels would be mounted on aluminium metal racks. The racks will be laid out in multiple parallel rows running north-south across the various field enclosures. Land between and beneath the panels would be used for biodiversity enhancements and the applicant also advises the fields would be used for seasonal sheep grazing.

- 1.10 The posts for the solar arrays will be driven into the ground with a small plant rig by impactation to depths between 0.8m – 2m and this will be guided by localised ground conditions. The solar panels will be connected via underground trenches to transformers, associated inverters and battery storages which will be located throughout the site. The battery storage units are located across the site and comprise of shipping containers, plus storage containers and inverter cabins and ancillary equipment.
- 1.11 Each group of solar panels would be surrounded by agricultural stock-proof wire fencing of 2 metres in height with wooden supporting posts placed at intervals of 3.5 metres. In addition to fencing there would be 3 metre high poles mounted with CCTV security cameras within and around the site.
- 1.12 Vehicular access to the site will be obtained from the existing field gate on Bozards Lane and internal tracks will be laid throughout the site with a width of 4m and which will be constructed of crushed aggregate. Sections of existing hedgerow will be removed in places to allow for the construction of these internal access tracks.
- 1.13 New hedgerow will be planted/and existing hedgerow infilled in various locations across the site, which notably include a new hedgerow being planted along the western boundary of the site adjacent to the railway line and new/infilled hedgerow on the north, south and eastern boundaries.
- 1.14 The application also proposes to resurface Ashchurch Bridleway 32 within the site with a dust compact surface
- 1.15 At the end of the 40-year operational lifespan of the solar farm, the site would be restored back to full agricultural use with all equipment and below ground connections removed.

#### **Sub-Station**

- 1.16 The sub-station within the western parcel of land comprises a flat roof control building, electrical equipment and a transformer. The electrical equipment/transformer will be a maximum of 6.7 metres high and the control building will be circa 4.5 metres high. The sub-station would be built of brick with a fibreglass roof. The sub-station would be enclosed by steel mesh fencing and stock proof fencing. Access would be obtained to the sub-station from a new access road via the existing field gate.

#### **Cable**

- 1.17 The application site also includes Bozards Lane between the solar array and the substation and a cable connecting the two parts of the proposal would be laid within the carriageway.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
14/00785/FUL	Installation of an 18.2MW Solar Farm	PER	05/02/2015
20/00008/SCR	Request for Screening Opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), Regulation 6 - Proposed solar farm together with associated equipment and infrastructure on Land at Claydon Farm, near Fiddington, Gloucestershire	EIANR	27.10.2020

## 3.0 RELEVANT POLICY

The following planning guidance and policies are relevant to the consideration of this application:

### 3.1 National guidance

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

### 3.2 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017

– SP1, SP2, SD3, SD4, SD6, SD8, SD9, SD14, INF1, INF2, INF3, INF5

### 3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

– TPT13

### 3.4 Tewkesbury Borough Plan 2011-2031 Pre-submission Version (October 2019)

– HER2, HER4, NAT1, NAT2, NAT3, ENV2, ENV3 HEA1, TRAC1, TRAC6

### 3.5 Neighbourhood Plan

No Made Neighbourhood Plans

### **3.6 Other relevant policy**

- Human Rights Act 19
- 98 - Article 8 (Right to Respect for Private and Family Life)
- The First Protocol - Article 1 (Protection of Property)
- Tewkesbury Area Draft Concept Masterplan 2018
- Flood and Water Management Supplementary Planning Document (March 2018)

### **4.0 CONSULTATIONS**

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

#### **4.1 Ashchurch Rural Parish Council – Object**

- The Parish mainly object to this application due to the difficult access during the construction phase. The roads are narrow lanes used by vulnerable roads users including cyclists, equestrian and walkers as well as farm traffic and light vehicles and are not suitable for heavy traffic that will conflict with the existing users of these lanes.
- If the application is permitted we believe it should be subject to the following conditions:
  - 1.- the applicant has stated that the bridle way surface through the site would be upgraded. This should be to a specification to include hard surface along its length to overcome the muddy quagmire during winter months, replacement where necessary of existing gates and the hedging cutback along its length. In addition a sum should be provided to fund ongoing maintenance throughout the life of the solar farm itself said to be circa 40 years. All specifications & maintenance requirements to be approved by GCC PROW team.
  2. The applicant has indicated that they would provide some solar panels to a community building but not install them. The solar panels should be applied to Ashchurch Village Hall and be of a number that the roof can accommodate to also include full installation and commissioning including connection to the mains supply. The applicant has previously indicated that they would not install and this is not acceptable

#### **4.2 Stoke Orchard and Tredington Parish Council – Object**

- The potential contribution of brownfield land and roof spaces for solar generation should be considered before the loss of agricultural land for 40 years
- The need for renewable energy does not automatically override environmental protections and the planning concerns of local communities

- The construction phase of the proposal will have detrimental impacts on traffic and the environment
- The proposal conflicts with planning policy to concentrate solar farm developments in areas where the prospect of local agricultural production is not damaged
- The site is graded 3b, this classification states that it is "Land capable of producing moderate yields of a narrow range of crops, principally: cereals and grass, lower yields of a wider range of crops and high yields of grass which can be grazed or harvested over most of the year". This represents potential which should not be discarded without good reason. There are considerable areas of poorer quality land (graded 4 "poor") elsewhere in the Borough which should be considered as an alternative rather than granting permission on this site.
- The reason that the land is graded 3b rather than 3a is poor subsurface drainage. The Parish Council are concerned therefore that the flood risk assessment does not appear to consider the potential impact of the increased likelihood of extreme rainwater events over the period of operation of the farm especially by way of positively vetting the likely impact on (a) Bozards Lane and (b) Tredington in the vicinity of the sub-station site.
- The presence of the solar farm would exacerbate drainage problems. This will affect drainage run off from fields due to the pooling effect of run from Panels
- The Parish have noted a marked increase in the speed of run off from Troughton Solar farm which has flooded Sherdons Golf Centre on an increased level and frequency.
- The installed land drainage system will be destroyed by the driven spikes supporting the Panels as it was during construction of the Troughton Solar farm. Without such drainage, this land will become waterlogged which will destroy any residual agricultural value.
- The Parish note that the applicant suggests that the land will be used for sheep grazing. The Parish's experience suggests otherwise. This was proposed in the application for planning consent in the case of the extant solar farm which lies in this parish. No blades of grass have been consumed by any sheep in this farm and this should be discounted from the consideration of the current proposal
- The consideration of the application should take into account the loss of potential productivity of the land and the loss of hedgerow and grazing areas and a holistic consideration of alternatives should be undertaken
- The Parish Council object most strongly to the details of implementation which impact directly on its parish. The plans for access to the site are unsatisfactory. The application assumes Bozards Lane is 3.8 metres in width but in many places it is significantly less and only in one location is it 3.8 metres in width. The information provided by the applicant is knowingly false. Proceeding on the basis set out would constitute such a danger that the Parish Council believe that the Secretary of State would be obliged to call the application in to determine it.
- The use of Bozards Lane is just not practically possible. It is too narrow, the road is

in dangerous condition and the use for construction traffic will damage it further. It will be dangerous to cyclists and pedestrians and horse riders in direct conflict with County Council Highways policy and the sustainable transport policies in the Adopted Borough Plan.

- The trenches for the Mains Cables would have to cross the railway, two high pressure gas mains and a 24 inch High Pressure water main and the M5. During the Troughton Solar farm Construction, the M5 carriageways were destabilised to such an extent that surrounding fields and the school car park were waterlogged and still await compensation and repair and the M5 Carriageway sank to such an extent that Highways England had to close some carriageways to repair. The uneven surface is still evident.
- The proposal cites a number of public benefits the principal ones of which accrue to the national sustainable energy supply. The Parish Council do not dispute these but argue that there are better ways of providing them, whilst there will potentially be considerable dis-benefits to the residents with no concomitant benefits.
- It would be normal for a proposal such as this to provide benefits in compensation for any disruption in the form of a contribution for improved infrastructure, and the Parish Council have noted that the applicant has promised this in recent cases (e.g. in a recent granted application near Swindon). The Parish Council have received no such offer as yet but would be willing to forgo this in the event of permission being refused and the refusal being upheld on any appeal or the proposal being refused after being called in by the Secretary of State.
- The Parish Council suggest that if the proposal were to proceed it should be only on the basis that a surety bond is made available to the sum of at least £2m to ensure the performance of any restoration works to the highway network. This bond should be secured to enable the Borough Council to take responsibility for the work in the event of the Company actually responsible for the work going into liquidation.
- The Parish Council have concerns about the financial stability of the applicant and therefore a bond is appropriate.
- Notwithstanding the concerns should permission be granted as well as the applicant posting a bond, an access to the site should be provided off the A435 and power access should be across fields and not the highway.

#### **4.3 Oxenton Parish Council - Object**

- Whilst it is accepted that to address the Climate Change issue, projects such as Solar Farms are an important part of the measures to generate electricity in the future meanwhile cutting carbon emissions, the choice of this particular site raises serious objections. Claydon Farm lies within a designated Special Landscape Area (T11) adjoining the Cotswold AONB with its scattering of small settlements including historic buildings, Public Rights of Way and rural low lying countryside. The adopted Cotswold AONB Landscape Strategy and Guidelines state that following the National Planning Framework, ... "in designated areas including AONBs, the conservation of the landscape and scenic beauty has great weight with respect to planning issues". Under the section on Escarpment Outliers (which includes Oxenton Hill) section 1.4 states that proposals for Solar Farms

which will impact negatively on Landscape character and intrude into views to and/or from the outliers should be prevented. (Officer Note: The application site is not located in the designated Special Landscape Area)

- Has there been sufficient investigation into the use of nearby brown field sites and sites adjacent to areas which have already been industrialised and commercialised? For instance, there is an area of disused allotments on the west side of the A435 at Bishops Cleeve.
- The application also raises the question of how such a development would relate to the proposed upgrade of the A46. Although the options for routing of this new road have yet to be publicised, the 2018 Highways England Strategic Outline Business Case for the A46-M5 Junction 9 to Teddington Hands (Ashchurch By-pass) included two options running through land between the A435 and current A46. Building a Solar Farm at Claydon Farm before the route options have been decided would surely be premature
- The Glint and Glare Study includes 59 dwellings within 1 km of the development but does not include any of the dwellings to the East on the AONB. In particular, Woolstone is not at the foot of the AONB but on rising inclined ground. Residents in these dwellings will have a view of the solar farm. Measurements for receptors have apparently been taken using a height of 1.7m from the ground. This is inappropriate when considering residents in these dwellings as potential receptors, particularly from first floor viewpoints especially as the solar panels will be 3m off the ground. No calculation is included to indicate the height of mitigating planting which will be necessary to prevent glint and glare to these receptors. We consider that a further glint and glare assessment should be performed in the same way that assessments from individual properties in the Fiddington area were carried out to remedy this unacceptable omission. The same considerations for mitigating planting as are proposed for the lower lying properties within 1 km of the development should be applied to receptors in these elevated dwellings.
- Similarly pedestrian receptors at viewpoints 13 (Crane Hill) and 14 (Cleeve Hill) will be subject to glint and glare as well as impairment of the view as they traverse the PRoWs and look westwards. This further supports the argument that planting of sufficient height on the Westward boundary of the development is necessary to mitigate these adverse effects. The argument that as these receptors will be moving and the effects therefore transient is clearly incorrect.
- We do not accept the opinion that "the views (of the development) will be barely visible to the naked eye", and "occupy a small proportion of the landscape view" and therefore can be ignored. Nor do we accept that the "Magnitude of Change will be Low" (Para 8 LVAI) or that because the superb view across to the Malverns is "already degraded" (Para 4.19 LVAI) no further mitigation measures are required on the Western boundary of the development.
- Finally, there has been no assessment of reflected moon light on properties on the slopes of the AONB from the proposed Solar farm.
- Construction Traffic Management Plan: The plan envisages construction traffic moving south down the A435 from Teddington Hands to Gotherington Cross, turning right into Gotherington fields, following this road as it rounds a blind bend to the right, then

meeting Bozard lane where vehicles will execute a left turn for a short distance before turning right to enter the south side of the site. Vehicles exiting the site will turn left down Bozards Lane to the A435. Both these roads are narrow and contrary to Para 2.5 are not lightly trafficked being used frequently by wide farm vehicles (lorries and tractors with trailers). Much of the non-farm traffic uses these roads at an inappropriately fast speed often at more than 45mph. In most parts of both roads there is insufficient room for vehicles coming from opposite directions to pass each other. There are in effect no passing bays on Gotherington Fields. As it is, vehicles having to pass either have to reverse considerable distances or move onto the grass verges which are already severely damaged. Para 3.7 is incorrect therefore in stating that HGVs requiring the total width of the lane will not be an issue. A further factor which has not been addressed in the Plan is the narrowness and poor sight lines at Gotherington Cross made worse by the recent modifications to this junction where concrete kerbs have been installed.

- The severe inconvenience and danger of accidents to local and farming traffic is ignored in this Plan. Consideration should be given to routing construction traffic from the A38 and entering the site from the N. There is no evidence that this option has been assessed in the Plan.

- If a decision is taken after consideration of alternatives to persist with this route, then a condition of the approval should be that a number of passing bays should be constructed on Gotherington Fields road (as were constructed on Bozard Lane when HG Vs used it during the shoring up of the railway embankment some years ago) and those on Bozard Lane increased in number. JBM solar should be legally obliged to contribute substantially to these costs. As the Plan stands at present, the conclusion at 3.18 is wrong. All roads proposed to access the site are patently certainly not suitable to safely accommodate construction vehicles.

- The site is traversed by popular PROWs including the Gloucestershire Way. Whilst the proposal talks of mitigating planting of hedgerows and shrubs of the type usually found in the countryside, consideration should be given to planting wild flowers, examples of specimen shrubs of flowering varieties and trees and shrubs which will produce attractive autumnal colours. This would enhance the environment for those using the footpaths and offset the jarring ugliness of the solar panels. All mitigating planting should comprise trees and shrubs of adequate height from the outset so that it is not necessary for several years to pass before appropriate screening is achieved.

- Mention is made of sheep grazing. For whatever reason this has often been abandoned in Solar Farms of recent construction. If this is not made a condition of approval, without sheep, rats appear. These nibble the wires and require poisoning. Birds eat the poisoned rats and are poisoned themselves so that a planning condition should be that a regular collection of dead rats is carried out. It is essential that children and animals are kept out so that regular maintenance inspections of the fencing are performed.

- It is possible to grow some crops such as lettuce on solar farm sites and this merits consideration. The PROW area adjacent to the wood at the proposed site entrance and further on where the footpath turns left is consistently subject to lying water in the winter months but no detail is supplied as to how this problem will be remedied and any potential increase in run off dealt with.

- Other sites not impacting on areas adjacent to the AONB should be considered for a Solar Farm.
- There are deficiencies in the Glint and Glare study which should be addressed.
- The traffic management plan proposed involves the use of inappropriately narrow rural roads, which will further destroy the verges, will lead to frustration for usual users and increase accident risk.
- The mitigation measures involving planting of trees and shrubs should be reviewed with an intention to enhance the experience of users of the PROWs
- Land drainage measures to deal with the extensive lying water in the area which will potentially be exacerbated by increased run off should be detailed.

#### **4.4 Gotherington Parish Council – Object**

- The access lanes are populated by local traffic, cyclists and horse riders. There is a network of muddy footpaths and bridleways around the site which do not afford an easily accessible alternative route for pedestrians.
- Fully support the Gloucestershire County Council's objections (officer note – these were subsequently withdrawn) to the application but would further assert that no reasonable assessment has been made of the added traffic which will come from Ashchurch Garden Town development and outlet village.
- Local access will be along Gotherington Lane/Bozard Lane avoiding traffic hold ups at Ashchurch traffic lights, Teddington roundabout. The Parish expect traffic in this region to at least triple.
- There must be an expectation of some tranquility in this greenspace which is already invaded by noise from the M5.
- If the development goes ahead the Parish Council asserts the requirement for community compensation in the form of solar panelling to its community buildings and an improvement to rights of way/bridlepaths and a dedicated cycle path in the development area.

**4.5 Environmental Health (Noise) –** No objection subject to conditions. The submitted revised noise assessment predicts that noise from the operation of the proposed solar farm should not adversely impact the nearest sensitive receptors in terms of both BS4142:2014+A1:2019 and BS8233:2014 based on the proposed revised layout. The proposed location of the substation is remote from any residential dwellings and road traffic noise from the M5 is likely mask any noise from the substation. No objection to the application in terms of noise during the operational phase. The applicant should submit a construction method statement for the piling works for the construction phase together with any necessary noise mitigation measures

- 4.6 **Environmental Health (Air Quality)** - No adverse comments to make with regards to air quality.
- 4.7 **Ecology** – No objection further to amendments being secured to the scheme
- 4.8 **Lead Local Flood Authority** – No objection
- 4.9 **County Highways Authority** – No objection subject to conditions
- 4.10 **Nature Space** – No objection - Great Crested Newt Certificate Granted
- 4.11 **County Archaeologist** – No objection subject to conditions
- 4.12 **Landscape Advisor** - The submitted LVIA has identified no significant effects on the landscape and visual receptors within the site and surrounding area due to the implementation of the proposals. I concur with this assessment and through the implementation of the proposed Landscape Strategy any change will be managed, either by reducing visual change or enhancing local landscape characteristics. Further clarification of external lighting within the site should be provided and managed through a lighting strategy if required.
- 4.13 **Natural England** – Do not wish to comment on the application
- 4.14 **Conservation Officer** – No objection – there is no perceived impact on built heritage assets
- 4.15 **Network Rail** – No objection subject to conditions/informatives
- 4.16 **Urban Design Officer** – No comments to make
- 4.17 **Garden Town Team** - No formal comments to make
- 4.18 **Public Rights of Way Officer** – No objection - The application provides an opportunity to improve the PRowS. The bridleway enhancement plan will be an improvement on what currently exists.
- 4.19 **Tree Officer** – No objection subject to conditions
- 4.20 **Gloucestershire Airport** – No Objection
- 4.21 **Civil Aviation Authority** - Awaiting consultation response. An update will be provided at committee
- 4.22 **Highways England** - Awaiting consultation response. An update will be provided at committee
- 4.23 **CPRE** – Object – In summary the adverse impact on the landscape and in terms of cumulative effects are significant and in this case outweigh the benefits

## 5.0 PUBLICITY AND REPRESENTATIONS

Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

5.1 The application has been publicised through the posting of a site notice for a period of 21 days.

5.2 A total of 18 representations have been received, 10 objections and 8 in support,

### Objections (summarised)

- The application is riddled with errors which might be a breach of planning regulations
- Errors in the Traffic Plan may mean that construction isn't possible. The applicant should withdraw the application and correct the errors
- The omission of a methodology statement on laying the cables in Bozards Lane is infringement of regulations as this is within the site boundary
- The application gives rise to overdevelopment in a rural community when taken into consideration alongside other developments
- There is already a solar farm which is less than half a mile from this site
- Detrimental impact on AONB it will be clearly visible
- Negative impact on amenity of the area for residents, drivers, walkers cycling and horse riders
- There will be a loss of amenity for users of the PRowS
- The solar farm will exacerbate flooding of the PRowS
- Negative impact on wildlife including reflections on birds of prey
- Proposed transport routes for construction traffic is inadequate. The roads aren't wide enough and there will be congestion and hazards for users
- The proposal should include a new access from the A435
- Uncertainty on the sustainability of the proposals
- The development will create an alien form in the landscape which will be clearly visible
- The applicant may not have sufficient resources to meet their liabilities and this should be addressed with a suitable bond
- The proposal will result in flash flooding

- There will be a glint and glare impact on surrounding dwellings
- The CCTV may intrude on personal privacy
- The loss of agricultural land isn't justified
- It is unlikely that sheep will graze on the site- this hasn't happened elsewhere
- There has been insufficient consultation and the application address is unclear
- The proposal will impact on hacking rights of adjacent dwellings

### **Support (Summarised)**

- Renewable energy tackles climate change and will benefit the planet
- It is a better use of the land than housing
- The site is a good location
- All the new housing and businesses in the area require electricity to come from somewhere
- Schemes such as this are preferable to power stations
- Solar farms give rise to limited disruption after the initial changes
- The fact that there are other solar farms in the area is not argument against more
- This scheme should be considered as part of the strategic suitability of this location for development
- All public rights of way will be retained and improved
- The site is not within the AONB

## **6.0 POLICY CONTEXT**

**6.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

**6.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.

- 6.3** The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Pre-Submission TBP was submitted for examination in May 2020. The Examination in Public (EiP) took place over five weeks during February and March 2021. The examining Inspector's post hearings Main Modifications letter was received on 16<sup>th</sup> June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'.

A schedule of Main Modifications to the Pre-submission TBP (MMTBP) were approved at the meeting of the Council on 20th October 2021 and is now published for consultation.

Those policies in the Pre-submission version of the TBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies (including as with modifications as published for consultation) will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

- 6.4** The relevant policies are set out in the appropriate sections of this report.

- 6.5** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).

## **7.0 ANALYSIS**

### **Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017**

- 7.1** Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the proposal constitutes Schedule 2 development (under Column 3a of the EIA Regulations, as the size of the application site exceeds 0.5 hectares). The applicant requested an EIA screening opinion in respect of the development on 4th August 2020 to determine whether an EIA was required as part of the application. On the 24th September 2020, the Local Planning Authority issued an adopted screening opinion in respect of the proposed development which was that the submission of an Environmental Statement in connection with this development was not required.

### **Analysis**

- 7.2** The main issues in this case are considered to be the principle of the development, availability of alternatives and its effect on the landscape character and visual amenity of the area, ecology, residential amenity and highway impact during construction phase

## **Principle of development**

- 7.3** The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways.
- 7.4** Paragraph 152 of the NPPF states that planning system should support the transition to a low carbon future in a changing climate and support renewable and low carbon energy and associated infrastructure. Paragraph 158 states that when determining applications for renewable and low carbon development local planning authorities should:
- (a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
  - (b) approve the application if its impacts are (or can be made) acceptable.
- 7.5** National Planning Practice Guidance (PPG), which is a material consideration in the determination of planning applications, sets out the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms.
- 7.6** The PPG states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
- 7.7** The PPG states that particular factors a local planning authority will need to consider include:
- Encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
  - Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. In this regard a written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015 by the Secretary of State stated ‘that we want to be clear that any proposal for a solar farm involving the best and most versatile land will need to be justified by the most compelling evidence’;
  - That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
  - The proposal’s visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
  - The extent to which there may be additional impacts if solar arrays follow the daily

movement of the sun;

- The need for, and impact of, security measures such as lights and fencing;
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- The energy generating potential, which can vary for a number of reasons including, latitude and aspect.

**7.8** Policy INF6 of the JCS supports proposals for the generation of energy from renewable resources provided the wider environmental, social and economic benefits of the installation would not be outweighed by a significant adverse impact on the local environment, taking into account the following factors

- The impact (or cumulative impact) of the scheme, including any associated transmission lines, buildings and access roads, on landscape character, local amenity, heritage assets or biodiversity
- Any effect on a protected area such as the Cotswolds AONB or other designated areas such as the Green Belt
- Any unacceptable adverse impacts on users and residents of the local area, including emissions, noise, odour and visual amenity.

**7.9** Policy INF6 states that proposals are more likely to be supported when they demonstrate:

- That they have been designed and sited so as to minimise any adverse impacts on the surrounding area
- Benefits arising directly from the scheme to the local economy, the community and achievement of national targets
- The feasibility and cost-effectiveness of removing any installation and re-instatement of the site in future years
- The net gain of carbon savings, taking into account carbon use through manufacturing and installation of the technology.

**7.10** Policy ENV3 of the Emerging TBP provides emerging policy on solar farms and states that in considering proposals for large scale, stand-alone solar photovoltaic installations priority will be given to sites on previously developed land or non-agricultural land. Where the proposed use of agricultural land is shown to be necessary priority will be given to poorer quality agricultural land. Proposals located on the best and most versatile agricultural land will only be permitted where there is compelling evidence to justify its use. Proposals on agricultural land should allow for the continued agricultural use of the site and/or encourage biodiversity improvements around arrays.

**7.11** Emerging Policy ENV3 states that in all cases proposals

- Must have no unacceptable impact on the landscape and the visual amenity of the locality, paying particular regard to protected landscape areas,
- Ensure that all ancillary apparatus are designed and located to have a minimal impact on the landscape and the visual amenity of the area.
- Have regard to the cumulative impact of the development on the area when viewed together with other permitted and operational solar installations in the locality.
- Respect the historic environment with particular regard to the setting of heritage assets in the area.
- Enable the conservation or enhancement of habitats and biodiversity features within the site and its surroundings.

**7.12** The panels would be connected to the national grid and it is anticipated that they would generate up to 49.9 mw of power. The panels would be erected for a period of 40 years and would see renewable energy fed into the grid, thus representing a contribution to the UK's renewable energy targets. The Planning Statement states that the energy generated would be sufficient to power 10,000 homes with a reduction in 20,000 tonnes of CO2 emissions annually.

**7.13** These benefits would accord with the NPPF's provisions to support the transition to a low carbon future. Notwithstanding these benefits, it is necessary however to consider whether the proposal encourages the effective use of land, whether the proposed use of agricultural land has shown to be necessary and poorer quality land has been used in preference to higher quality land, the visual impact of the proposal and potential for mitigation, the impacts on habitats and biodiversity and other material considerations

#### **Consideration of Alternatives and Agricultural Land Classification**

**7.14** As set out above PPG states that a local planning authority should encourage the effective use of land by encouraging large solar farms on previously developed land. Where a proposal involves greenfield land, the PPG states that consideration should be given to whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

- 7.15** The application is supported by Sequential Analysis Study (SAS) and an Agricultural Land Classification Report which confirms that the majority of the site is Grade 3b Agricultural Land. As the site is classified as Grade 3b Agricultural Land, sites with a poorer agricultural land quality (such as Grades 4 and Grade 5), have been considered in the Study Area.
- 7.16** The Site Search Area within the SAS is a 3km zone around the site, including the section of 132kV overhead line (at the site of the sub-station).
- 7.17** This area was defined because:
- The 132kV line has sufficient capacity for the export of electricity compared to lower voltage lines such as 66kV, 33kV or 11kV;
  - The Applicant secured a connection agreement from the Distribution Network Operator (DNO) to connect to the Electricity Network via this 132kV line;
  - This location would ensure a viable connection would be possible. The closer the connection, the more viable it is.
- 7.18** The search area extends into south Tewkesbury, Newtown, Northway and Ashchurch. No suitable previously development sites of sufficient size were identified within this search area as an alternative to the Application Site.
- 7.19** It is also advised that to generate an equivalent output to the proposed development, it would be necessary to deploy rooftop solar panels and batteries to around 10,000 individual residential dwellings. For the applicant, such works would not be feasible or viable due to the fragmented nature of construction
- 7.20** In regard to alternative agricultural land of lower quality, whilst there are some areas of Grade 4 Agricultural Land within the Study Area, these are small in size and/or located within the AONB. Therefore there are no sites of poorer agricultural land quality which could accommodate the proposed development
- 7.21** As such it is considered that there are no previously developed sites available or suitable sites of lower quality agricultural land (Grade 4 or 5) suitable for the solar park development.

#### **Effect on landscape character and visual amenity of the area**

- 7.22** Paragraph 174 of the NPPF requires the planning system to recognise the intrinsic character and beauty of the countryside. Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Policy ENV3 of the Emerging TBP states that proposals for large scale solar farms must have no unacceptable impact on the landscape and the visual amenity of the locality. Additionally the ancillary apparatus related to the solar farm must be designed and located to have a minimal impact on the landscape and the visual amenity of the area. The cumulative impact of multiple developments is also a consideration.

- 7.23** The site is located within Landscape Character Type (LCT) Settled Unwooded Vale within the Gloucestershire Landscape Character Assessment (2006). This published Landscape Character Assessment provides a number of prevailing key characteristics that are present within this LCT which include, but are not limited to being a 'mixed arable and pastoral land use enclosed by hedgerow network, in places forming a strong landscape pattern'. The prevailing characteristics of the site generally align with the relevant identified key characteristics
- 7.24** There are no national, regional or local landscape designations covering the site itself or its immediate surroundings, however, the AONB is located 1.6 km to the east. Given this separation distance the application would not impact on the setting of the AONB.
- 7.25** The site is located between the railway line and A435 running north/south. Arable crop farming dominates the countryside, with some instances of livestock grazing also providing land use. The fields are generally large and regular in shape to allow for modern farming practices. The fields generally have hedgerow boundaries and are contained by the industrial setting to the north at Ashchurch.
- 7.26** The field network of the application site is divided by a network of mature hedgerows with trees also present within the mix. The hedgerows are generally in good condition although some gaps are present. The topography of the area is generally flat with only a gentle slope present across the site. This is characteristic of the surrounding Vale and is in contrast to the elevated landform seen in middle and long distance views to the north and east. PRowS are present within the site and the surrounding area.
- 7.27** A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the planning application. The LVIA identifies that visual receptors will generally experience a change to the baseline view that is at the lower end of the significance of visual effect table.
- 7.28** The Council's Landscape Advisor has been consulted on the application and has stated that he agrees with this assessment and has confirmed through field verification that the visual envelope is generally contained to the site, surrounding area and elevated ground to the east.
- 7.29** The network of mature hedgerows and trees around the site and within the surrounding area filter or screen views into and across the site. This filtering effect is enhanced by the flatness of the areas topography as no vantage points are provided.
- 7.30** Whilst views are present from elevated landforms to the east within the AONB including from PRowS, the composition of these views is that of an agricultural landscape punctuated with scattered development and some settlements. The Council's Landscape Advisor advises that this proposal would occupy a small part of this view and in his opinion would not appear dominant or incongruent. In addition to this, these elevated footpaths within the AONB are approximately 2km away meaning that detail within the view is missing. This intervening distance aids in the assimilation of the proposal within the landscape.

- 7.31** Visual change will be most apparent along the PRowS within the site. This change would be most apparent from PRow Stoke Orchard 24 as it crosses the open field and would be flanked in places by panels on both sides. This would occur over a short stretch of the PRow and would not be a significant detractor to a footpath users experience during a walk. The remaining PRowS within and adjacent to the site are flanked by mature hedgerow and the application proposes new hedgerow and additional planting which would minimise views of the proposal.
- 7.32** The overall impact of the proposed solar farm on the landscape character area and on the character of the site is considered to be minor adverse. The impact of the development would also be ultimately reversible due to the life cycle of the solar farm (approximately 40 years) and thus any impact would not be permanent.
- 7.33** Overall, the submitted LVIA has identified no significant effects on the landscape and visual receptors within the site and surrounding area. In all viewpoints beyond the immediate site and its surroundings the LVIA assesses the impact as negligible by year 10. The Council's Landscape Advisor concurs with this assessment and advises that through the implementation of the proposed Landscape Strategy any change will be managed, either by reducing visual change or enhancing local landscape characteristics.
- 7.34** In regard to the sub-station site, the development would be screened by existing hedgerows on Bozards Lane and views from dwellings in Tredington would be filtered by existing vegetation. The landscape impact of this part of the proposal is also considered acceptable.
- 7.35** Overall, whilst there would be a minor adverse impact on the landscape arising from the proposal, the impact is considered acceptable by officers.

### **Ecology and Trees**

- 7.36** Government Circular 06/05 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. When determining planning applications, paragraph 180 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 7.37** JCS Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area in order to establish and reinforce ecological networks that are resilient to current and future pressures.

- 7.38** Policy NAT5 of the Emerging TBP states that development likely to result in the loss, deterioration or harm to features, habitats or species of importance to biodiversity, environmental quality or geological conservation, either directly or indirectly, will not be permitted unless: a) the need for, and benefits of the development clearly outweigh its likely impact on the local environment, or the nature conservation value or scientific interest of the site; b) it can be demonstrated that the development could not reasonably be located on an alternative site with less harmful impacts; and c) measures can be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for the adverse effects likely to result from development. The policy also states that proposals, where applicable, will be required to deliver a biodiversity net gain.
- 7.39** The application is supported by an Ecological Assessment, Biodiversity Management Plan, Great Crested Newt report and Wintering Bird Survey Report.
- 7.40** The Site does not lie within or adjacent to any statutory designated sites for nature conservation and the Ecological Assessment confirms that there is no potential for direct effects on any designated sites.
- 7.41** The footprint of the proposed development is located within intensively managed arable and largely improved grassland considered to be of low ecological value and ubiquitous in the local landscape. The habitats of most value are confined to the boundaries of the fields.
- 7.42** The solar panel array layout has been designed to avoid higher value habitats including field boundary features such as trees, hedgerows, ditches and ponds within and adjoining the Site. One tree, a Category C Oak Tree, is due to be removed as part of the works and approximately 288m of species-poor hedgerow will be lost. Hedgerow removal is largely proposed to accommodate access and visibility splays. The Council's Tree Officer and Ecological Advisors do not object to the loss of the tree and hedgerows, subject to conditions including securing additional planting of new native species hedgerows and trees as shown on the submitted Landscape Strategy.
- 7.43** The proposed cable route will be focussed within arable/improved grassland habitats and existing track ways and roads, with excavations restricted to a narrow trench. Cable route construction will have short term temporary effects along a narrow corridor of land, involving cut and fill excavation, with the ground reinstated immediately on completion of each section of excavation. In addition, no trees or hedgerows will be impacted by the proposed cable route works, with nearby features safeguarded with suitable root protection zones.

**7.44** In terms of habitat enhancements, the application proposes:

- The creation of approximately 90ha of grassland on the land beneath and surrounding the panels and around the perimeter fencing to replace currently intensively managed arable land
- Over 9.5ha of botanically diverse species rich grassland will be created around the Site perimeter and selected field boundaries;
- Approximately 1.4km of swale creation; and
- The creation of botanically diverse grassland across the site, including over 9ha of new wildflower meadow replacing existing intensively managed arable and grassland.

**7.45** The Ecological Assessment identifies that there will be an overall net gain of 18.49% of habitat units.

**7.46** In regard to protected and notable species the ecological assessments recommend measures to protect species including undertaking works outside the bird nesting season, unless an ecologist is present, and inspecting the tree which is to be felled for bat roosts prior to its felling. Additional habitat will also be created for protected species through additional planting - strengthening habitat connectivity - and through the installation of bat boxes and bird boxes.

**7.47** Great Crested Newts have been confirmed to be present and the application has been granted a Certificate under the South Midlands Great Crested Newt District Licensing Scheme which confirms that subject to the imposition of conditions the proposal can be covered under the District Licence. Therefore no further surveys are required and appropriate mitigation for Great Crested Newts has been proposed.

**7.48** The Council's Ecological Advisors and Tree Officer have been consulted on the application and raise no objections subject to appropriate planning conditions to protect retained trees, secure protection of existing habitats, biodiversity enhancements and mitigation as set out in Ecological Assessment. The proposed development is therefore considered acceptable in regard to ecology.

### **Flood risk and Drainage**

**7.49** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the Emerging TBP and the NPPF.

- 7.50** The application has been supported by a Flood Risk Assessment (FRA) which demonstrates that the area where the solar panels, control equipment and substation is proposed falls within Flood Zone 1, which has the lowest probability of flooding (less than 0.1% chance). The cable passes through areas within Flood Zones 2 and 3, but the cable route does not alter the nature or form of the land and therefore does not have implications for existing flooding. The cable is “Essential Infrastructure” related to an electricity generating scheme and is therefore appropriate development within the Flood Zones 2 and 3.
- 7.51** The solar array site presently drains by overland flows and sub-surface agricultural land drains generally towards the watercourse along the site’s northern boundary and to the south. Surface Water Depth and Surface Water Velocity Maps demonstrate that surface water currently could collect in isolate low spots and shallow overland flow routes are present in the northeast corner and northwest part of the site associated with the route of the unnamed watercourse.
- 7.52** The FRA proposes a Drainage Strategy where all control equipment is restricted to areas of ‘very low’ flood risk and solar panels are raised above the areas of potential surface water flood risk. The solar panels are raised above the existing ground allowing a permanent grass sward to be maintained underneath the panels. Rainfall falling onto the photovoltaic panels would runoff directly to the ground beneath the panels and infiltrate into the ground at the same rate as it does in the site’s existing greenfield state, and access tracks will be permeable in nature. The extent of impermeable cover as a result of the Solar Farm amounts to 0.18 % of the total site area.
- 7.53** The Drainage Strategy, involves the implementation of SuDS in the form of swales, for managing surface water runoff. Swales are proposed at the low points of the application site to intercept extreme flows which may already run offsite. The swales have no formal discharge arrangements but will gradually empty by a process of infiltration, evaporation, and evapotranspiration and provide runoff pathway management.
- 7.54** In regards to the sub station site the compound will be on crushed stone which is a permeable surface.
- 7.55** The Lead Local Flood Authority have been consulted on the application and advise that the Flood Risk Assessment describes the hydrological environment of the solar farm and that the management of water within it will ensure that there is no increase in flood risk as a result of the development. The LLFA therefore raise no objection of the application proposals. In light of this, the application is considered acceptable in regard to drainage and flood risk.

### **Archaeology and Cultural Heritage**

- 7.56** Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess.

- 7.57** Paragraph 194 of the NPPF states 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. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.58** The Council's Conservation Officer has been consulted on the application and has advised that there are no designated heritage assets within the site and the nearest listed buildings are a considerable distance away with little or no intervisibility according to the information available. As such there is no perceived impact upon built heritage assets and the Officer raises no objection in regard to impact on heritage buildings.
- 7.59** In regard to heritage assets with archaeological interest an archaeological field evaluation has been undertaken earlier this year. The evaluation has confirmed the presence and extent of significant archaeological remains of the Iron Age period in several extensive areas. The County Archaeologist has been liaising with the applicant to define protection zones where the archaeology will be preserved in situ through the use of non intrusive foundations for the solar panels. A small mitigation excavation in one restricted area where non-invasive construction would not be cost-effective and the archaeological monitoring of the excavation of trenches for cable runs has also been agreed.
- 7.60** The County Archaeologist has confirmed further to these measures that there is no objection in principle to the proposed development subject to conditions to secure the implementation of a programme of archaeological works and to agree the type and depth of the new foundations within the agreed archaeological protection zones.
- 7.61** Therefore subject to the imposition of conditions, the application is considered acceptable in regard to heritage assets and archaeology.

#### **Access and highway safety**

- 7.62** The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. JCS Policy INF1 echoes the NPPF.
- 7.63** Vehicular access to the solar array will be via an upgraded field gate on the southern boundary of the site off Bozard Lane. The general site access has been designed with a 15-metre radius bellmouth on the eastern and 10 metre radii on the western sides of the bellmouth. Visibility splays of 2.4 metres x 121 metres to the nearside kerblines are shown to be achievable. The access track will have a carriageway width of 7.5 metres for the first 30 metres before reducing to 4 metres.
- 7.64** The substation access will be served from an existing field gate access from Bozard Lane. Visibility splays of 2.4 metres x 121 metres to the nearside kerblines are achievable within highway controlled land.
- 7.65** During the operational phase the Transport Statement advises that trips to both sites will be made on an ad-hoc basis and will be generally minimal.

- 7.66** A number of objections have been received to this application due to concerns about the construction phase of the development for the solar farm. The application is supported by a Construction Management Plan alongside additional information requested by the County Highways Authority during the determination of the application.
- 7.67** It is anticipated that the solar farm will take up to 26 weeks to complete. This includes the preparation of the site, the temporary internal access roads, erection of security fencing, assembly and erection of the PV strings, installation of the inverters/transformers and grid connection. A maximum of up to 60 to 80 construction workers are forecast to be on site during peak times during the construction period. A temporary car parking area (including spaces for minibuses), storage and the turning of HGVs will be provided on the site within a temporary construction compound. Parking will therefore be contained within the site and no unnecessary parking will occur on the local highway network.
- 7.68** The construction period will include the use of HGVs to bring the equipment onto the site. The Construction Management Plan advises that 784 deliveries (1,568 two-way movements) could be made by HGV vehicles associated with construction, at an average of around six deliveries (12 two-way movements) per day.
- 7.69** The **Construction Routing Plan is included in the Committee Presentation** and access to the solar farm for construction vehicle would be taken from the A435/Gotherington Fields and egress would be via Bozards Lane/A435. Access and egress to the sub-station site would be via the A38 and Stoke Road.
- 7.70** The County Highways Authority have been consulted on the application and advise that the proposed routes to the application site are lightly trafficked and there are a number of passing places where should an opposing vehicle meet a car they could pass safely. Swept path analysis has also been produced by the applicant along the whole of the proposed length of the route which the HGV's are proposed to take. This demonstrates that whilst there are some pinch points on the highway, the HGV's can adequately navigate the surrounding roads without overrun on the verge.
- 7.71** As such, subject to the imposition of conditions the Highways Authority raise no objection to the application subject to the imposition of conditions to secure the site accesses and the measures within the Construction Traffic Management Plan. The attention of the applicant is also drawn to Section 50 of the Highways Act 1980 which allows the Highways Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.
- 7.72** A number of objections have also been received to this application due to the disruption which would be caused through the laying of the cable between the solar farm and the sub-station along Bozards Lane. The County Highways Authority have advised that this isn't a planning matter and the process is managed through other legislation.
- 7.73** Taking account of all of the above, it is considered that the application would not have an unacceptable impact on highway safety or a severe impact on congestion. The proposal is therefore considered acceptable in regard to highway safety and accessibility.

## **Residential Amenity**

- 7.74** Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users. JCS policy SD14 states that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants and result in no unacceptable levels of pollution.
- 7.75** The nearest residential properties are located in Claydon to the north and on Bozard Lane to the south. Given the flat topography of the landscape, once the landscaping strategy is implemented and new native hedgerow planted and reinforced, visibility of the solar panels would be limited from these properties. Notwithstanding this matter, views which would exist of the solar farm would not give rise to an overbearing or over-dominating impact which would unacceptably impact on residential amenity
- 7.76** In regard to other environmental factors, the application is supported by a noise assessment. The submitted noise assessment predicts that noise from the operation of the proposed solar farm should not adversely impact the nearest sensitive receptors in terms of both BS4142:2014 and BS8233:2014 based on the proposed layout. Environmental Health have been consulted on the application and raise no objection to the application in terms of noise during the operational phase.
- 7.77** In regard to the construction phase, concern is raised that depending on ground conditions the method of driving/piling the PV mounted frames into the ground may give rise to noise which would potentially adversely impact on amenity and it is recommended that a condition is imposed on the planning permission to require the applicants to submit a construction method statement for this operation with details of any necessary noise mitigation.
- 7.78** In regard to glint and glare, the application is supported by a Glint and Glare Study which considers glint and glare impact on residential receptors within 1km of the application site. Concerns have been raised by objectors and Parish Council's that more distant dwellings with views of the site should also be considered but the applicant has advised that dwellings located outside of the 1km buffer do not typically require technical modelling for glint and glare assessments - this is in line with industry best practice. This is because the impact upon these dwellings would be considered low in the worst-case scenario due to the separation distance.
- 7.79** The Glint and Glare Study identifies 59 dwellings within 1 km of the site and solar reflections are geometrically possible to 58 of these dwellings. Of these dwellings, when discounting the effects of existing screening the study identifies that there will be views for 23 dwellings. Mitigation is proposed in the form of additional planting within and along the site boundaries and the Study advises that the height of the planting should be managed such that views of the reflecting panels are sufficiently obstructed. There are 3 dwellings to the north of Fiddington where a moderate impact is predicated and no mitigation is recommended given the separation distance of 560 metres and that solar reflections are only predicted when the sun is low in the sky beyond the reflecting panels which would mean that in these circumstances the direct sunlight is a more significant source of light.

- 7.80** In respect to amenity impact of HGV vehicular traffic during the construction period, it is clear from the information submitted with the application that there would be an increase in the volume and frequency of HGV traffic compared with that which currently uses the network. However, the increase in HGV is temporary during the 26 week construction period and therefore any associated impact on amenity is also temporary and considered acceptable.
- 7.81** With regard to the sub-station component on the application, Environment Health have advised that the proposed location of the substation is remote from any residential dwellings and road traffic noise from the M5 would mask any noise from the substation. Therefore, Environmental Health advise that the sub-station would cause no noise nuisance at the nearest residential dwelling.
- 7.82** Overall, and subject to the imposition of conditions, it is considered that the proposed development would not give rise to a detrimental impact on the amenity of existing residents and the proposal is in accordance with JCS policies and the NPPF.

### **Railway Line and Airport**

- 7.83** A railway line runs along the western boundary of the application site. Network Rail have been consulted on the application and raise no objection but due to the proposal being next to Network Rail land, recommend a series of measures to ensure that the development does not adversely impacts the safety, operation and integrity of the operational railway. These measures include appropriate planting measures along the boundary and ensuring panels are at 90 degrees to the railway. It is recommended that these measures are secured by condition.
- 7.84** Gloucestershire Airport have been consulted on the application and have confirmed that there are no operational impacts for this planning application and raise no objection. The Civil Aviation Authority have also been consulted on the application to seek confirmation that no objection is raised on aircraft safety grounds due to potential glint and glare. At the time of writing this report no consultation response has been received and **an update will be provided at committee.**

### **Tewkesbury Garden Town**

- 7.85** The Tewkesbury Garden Town is a development proposal for the Tewkesbury area. The size of the development will help to meet the housing and employment needs for the longer term. The Garden Community scheme is a Government led initiative to bring forward development to help meet the target of 300,000 homes delivered nationally per annum by 2025.
- 7.86** A Draft Concept Masterplan for the Tewkesbury Garden Town was published in January 2018. The Concept Masterplan provides an indicative boundary of the Garden Town which is centred around Ashchurch. The proposed development is located on the edge of but outside of the Study Area. The concept Southern Development Road is currently shown to be north of the application site.
- 7.87** The Garden Town Team have been consulted on the planning application and have no comments to make.

## **Other Matters**

- 7.88** Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. They must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. These tests are set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).
- 7.89** Parish Councils in their consultation responses have requested that the applicant should provide solar panels for community buildings. However, planning officers do not consider that this request meets the statutory tests and would not assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations for solar panels on community buildings have therefore not been pursued with the applicant.
- 7.90** The application also advises that land beneath the panels would be used for seasonal sheep grazing. Concerns have also been raised by objectors that in reality this would not occur and that the agricultural land would be lost for the lifetime of the planning permission. Officers have considered these comments and consider that the land would remain suitable for sheep grazing, but given that there are no previously developed sites available or suitable sites of lower quality agricultural land (Grade 4 or 5) for the solar park development, it is not necessary for sheep to graze on this land to make the development acceptable in planning terms. As such, it would not be appropriate to impose a planning condition requiring the land to be used for seasonal sheep grazing.

## **8.0 CONCLUSION AND RECOMMENDATION**

### ***Benefits***

- 8.1** The proposed development would make a significant contribution to meeting targets for renewable energy and would contribute to the reduction of greenhouse gases. There are considered to be no available or suitable areas of previously developed land or lower quality agricultural land (Grade 4 or 5) suitable for the solar park development.

There are also benefits arising through job creation during the construction process which would provide economic benefits to the area and the UK economy. This lends weight in favour of the economic dimensions of sustainability as defined in the NPPF, although these benefits, in so far as they relate to the development proposed, are tempered as they would be short-term, for the extent of the construction period.

### ***Harms***

- 8.2** The overall impact of the proposed solar farm on the character of the landscape character area and on the character of the site is considered to be minor adverse. The impact of the development would also be ultimately reversible due to the life cycle of the solar farm (approximately 40 years) and thus any impact would not be permanent.

There will be detrimental impact on residential amenity during the construction phase of the development, however, given that this is a temporary impact and the extent of the impact can be controlled and mitigated through conditions, it is considered that the impact on residential amenity arising from the construction phase would not be unacceptable and contrary to Policy SD14 of the JCS, but it is still a matter which weighs against the

proposal.

**Neutral**

- 8.3** Subject to the imposition of conditions it is considered that there would be neutral impact on archaeology, heritage assets, flood risk and highway and access issues. The application demonstrates that the proposal will achieve a biodiversity net gain.

**Overall conclusion**

- 8.4** It is concluded that the benefits of the proposal, outweigh the identified harms. It is also concluded that the application is generally in accordance with development plan policy.

It is therefore recommended that the application is permitted.

**CONDITIONS:**

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following documents:

- P20-0069\_08 REV I Site Layout and Landscape Strategy Plan
- P20-0069\_17 REV A Proposed Substation Layout
- Typical 132 kV compound 49.9 MW Rev A dated 26 October 2021
- Bridleway enhancement details Rev A dated 26 October 2021
- Typical single axis tracker table details Rev A dated 10 February 2021
- Typical Fence, Track & CCTV Rev A dated 10 February 2021
- Typical Inverter Building Details Rev A dated 10 February 2021
- Typical Spares Container Details dated 10 February 2021
- Typical customer Switchgear Details Rev A dated 10 February 2021
- Typical battery station details Rev A dated 10 February 2021
- Claydon Solar Farm, Ecological Assessment Report (Including appendices reports) Pegas-075-1259 Issue V5 dated 04/10/2021 prepared by Avian Ecology
- Proposed Solar Farm, Land at Claydon Farm, Tewkesbury, Gloucestershire Flood Risk Assessment Issue 2 dated 01.10.2021 prepared by PFA Consulting
- Noise Assessment, Claydon Solar Farm Revision 1.3 dated 9/9/21 prepared by prepared by LF Acoustics Ltd
- Claydon Solar Farm, Tewkesbury Archaeological Evaluation Report Ref 244850.2 Issue 2 dated 09/06/2021 prepared by Wessex Archaeology
- Arboricultural Impact Assessment Claydon Solar Farm dated September 2020 prepared by Barton Hyett Associates
- Claydon Solar Farm, Construction Traffic Management Plan Ref P20-0069 dated February 2020 prepared by Pegasus Group
- P20-0069 Figure 2 General Construction Site Proposed Access Arrangements dated 16/09/2021
- P20-0069 Figure 4 Substation Access Visibility Splays dated 16/09/2021

- Claydon Solar Farm, Site Waste Management Plan Ref P20-0069 dated February 2020 prepared by Pegasus Group
- Solar Photovoltaic Glint and Glare Study, Claydon Solar Farm dated February 2021 prepared by Page Power

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. No building or use hereby permitted shall be occupied or use commenced until the means of access for vehicles, pedestrians and/or cyclists have been constructed and completed in accordance with drawing reference P20-0069 Figure 2 and P20-0069 Figure 4 of the approved Construction Traffic Management Plan

Reason: In the interest of highway safety.

4. The development hereby permitted shall be constructed in accordance with the Construction Management Traffic Plan dated February 2021 and the Transport Letter dated 21 July 2021.

Reason: In the interest of highway safety

5. All mitigation and enhancements detailed within the Ecological Assessment (Avian Ecology, 2021), Biodiversity Management Plan (Avian Ecology, 2020), Great Crested Newt eDNA report (Avian Ecology, 2021), Wintering Bird Survey Report (Avian Ecology, 2021) and Confidential Badger Survey Report (Avian Ecology, 2021) are to be strictly adhered to throughout the works, this is to include a site check for badgers immediately prior to works by a suitably experienced ecologist.

Reason: In the interests of biodiversity

6. Prior to the removal of Tree T11 (as referenced in the Ecological Assessment), a confirmatory letter from a qualified ecologist shall be provided to the planning authority to confirm whether bats are present. If bats are found then the bat survey report and subsequent bat licence (assuming Natural England grant one) should be sent to the Local Planning Authority.

Reason: To protect protected species

7. The development hereby approved shall be carried out in accordance with Proposed Solar Farm, Land at Claydon Farm, Tewkesbury, Gloucestershire Flood Risk Assessment Issue 2 dated 01.10.2021 prepared by PFA Consulting.

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

8. Notwithstanding the submitted details no development shall take place above slab level until details (to include the proposed colour and finish) of the external materials of all the buildings, structures including solar panels, fencing (including details of mammal access), CCTV poles, tracker tables, inverter building, spares containers, switch gear, battery station, sub-station control building have been submitted to and approved by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: In the interests of visual amenity

9. Notwithstanding the submitted details no development shall take place until details of all surface materials, including the access roads, internal tracks and sub-station surfacing have been submitted to and approved by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: In the interests of visual amenity

10. No external lighting shall be installed on the site at any time other than in accordance with details that shall have been submitted to and approved by the Local Planning Authority.

Reason: In the interested of visual amenity, residential amenity and ecology

11. The type and depth of new foundations, and all other ground intrusions within agreed archaeological protection zones as shown on the plan received by the Local Planning Authority on 15<sup>th</sup> September 2021 shall be approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: It is important to agree the design of any foundations and other groundworks in advance of the commencement of the development, so as to make provision for the conservation of significant heritage assets.

12. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved 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 and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost.

13. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR94) and with the proposals detailed on plan 'Claydon Solar Farm: Impact Plan for great crested newt district licensing (Version 3)' dated 11th August 2021.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-OR94).

14. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR94 and in addition in compliance with the following:
  - Works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the GCN Mitigation Principles.
  - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
  - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable

habitat, installed for the period of the development (and removed upon completion of the development).

- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

- The recommendations in report 'Land at Claydon Farm District Licence HMMP' Version 4 dated 7th of September 2021 and detailed on plan 'Claydon Solar Farm: Habitat Management and Monitoring Proposals' Version 4 map dated 8th of September 2021.

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

15. No development / construction hereby approved shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- Details of the method of driving / piling and any necessary noise mitigation measures

Reason: In the interests of residential amenity.

16. Where replacement planting is shown on the approved Site Layout and Landscape Strategy Plan, the trees/hedgerows to be removed shall be replaced during the first planting season following removal by trees/hedgerows of a species, size and in locations that have first been submitted to and approved in writing by the Local Planning Authority. Any replacement trees/hedgerows which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

Reason: In the interests of visual amenity and the character and appearance of the area.

17. All planting comprised in the approved details of tree/hedgerow planting shall be carried out in the first planting season following the occupation of any building or the completion of the development, whichever is the sooner. Any trees or hedgerows, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

Reason: To ensure adequate provision for trees/hedgerows, in the interests of visual amenity and the character and appearance of the area.

18. No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

These measures shall include:

1. Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS

5837 (2012) shall be agreed in writing by the Local Planning Authority prior to the start of development. The RPA is defined in BS5837(2012).

2. Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing by the Local Planning Authority.

The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area.

19. No removal of trees/scrub/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the nature conservation interest of the site is protected.

20. Notwithstanding the submitted plans, no soakaways, attenuation ponds or septic tanks as a means of storm/surface water disposal shall be constructed within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains.

Reason: In the interests of railway safety

21. Notwithstanding the submitted plans, all buildings/structures shall be situated at least 2 metres from the Network Rail boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure.

Reason: In the interests of railway safety

22. Notwithstanding the submitted details, where trees exist on Network Rail land the design of any foundations close to the boundary shall take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

Reason: In the interests of railway safety

23. Where vibro-compaction/displacement piling plant is to be used, details of the use of such machinery and a method statement shall be submitted for the approval by the Local Planning Authority prior to the commencement of works. The works shall only be carried out in accordance with the approved method statement.

Reason: In the interests of railway safety

24. All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by the Local Planning

Authority prior to the commencement of development. The development must be carried out in accordance with the approved method statement.

Reason: In the interests of railway safety

25. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority. Works shall only be carried out in accordance with the approved details.

Reason: In the interests of railway safety

26. Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway (with the exception of agreed Network Rail possessions of the railway line for specific works). All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Reason: In the interests of railway safety

27. Notwithstanding the approved Landscaping Strategy no trees shall be planted closer than 1.5 times their mature height to the Network Rail boundary fence.

Reason: In the interests of railway safety

28. Notwithstanding the conclusions of the Solar Photovoltaic Glint and Glare Study, should glare or reflection interfere with the line of sight of train drivers or the reflection of light from panels impact upon signalling during the lifetime of the development, the applicant shall be required to liaise with Network Rail and a Remediation Strategy shall be submitted to the Local Planning Authority for approval within one week of glint or glare occurring. The Remediation Strategy shall be implemented in accordance with the approved details and at the applicant's expense.

Reason: In the interests of railway safety

29. The planning permission hereby granted for the solar arrays is for a period of 40 years from the date of first export of electricity from the development to the grid (the 'first export date') after which the solar arrays, associated infrastructure and access tracks on the eastern part of the site hereby permitted shall be removed. This condition does not relate to the sub-station and associated access track on the western parcel of the application site. Written notification of the first export date shall be given to the Local Planning Authority no later than 14 days after the event.

Reason: In the interests of visual amenity

30. Not less than 12 months before the cessation of the development hereby permitted, or not less than 12 months from the cessation of electricity production by the development, whichever is the sooner, a Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement shall include details of the removal of the panels, supports, inverters, cables, buildings and all associated structures, fencing and access tracks from the eastern part of the site, and a timetable for these works. This condition does not relate to the sub-station and associated access track on the western parcel of the application site. The DMS shall also include details of the proposed restoration. The site shall be decommissioned in accordance with the approved DMS and timetable within 6 months of the expiry of the 40 year period of planning permission, or within

18 months of the cessation of electricity production by the development, whichever is the sooner.

Reason: In the interests of visual amenity.

## **INFORMATIVES:**

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details
- Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

3. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic. Before any work is commenced upon the development hereby approved representatives of Gloucestershire County Council, as the Highway Authority and the applicant, shall carry out a joint road survey/inspection on the roads leading to this site. Any highlighted defects shall be rectified to the specification and satisfaction of the Highway Authority before work is commenced on the development hereby approved. A further joint survey/inspection shall be undertaken following completion of development hereby approved and any necessary remedial works shall be completed to the specification and satisfaction of the Highway Authority within 1 month or other agreed timescale.
4. There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, 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. It is advised you seek your own independent legal advice on the use of the public right of way

for vehicular traffic.

6. The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.
7. It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.
8. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 3 above would give rise to separate criminal liability under District Licence condition 9 (requiring authorised developers to comply with the District Licence) and condition 21 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).
9. Any tree felling works where there is a risk of the trees or branches falling across the Network Rail boundary fence will require supervision from Network Rail