

UPDATE PAPER

Northern Area Planning Committee

Date: Thursday 21st September 2023
Time: 5.30 p.m.
Venue: Conference Room 1, Beech Hurst, Weyhill Road,
Andover, Hampshire, SP10 3AJ

**Northern Area Planning Committee – 21st September 2023
Update Paper**

The purpose of the report is to provide information on planning applications which has been received since the agenda was printed.

Report of Head of Planning and Building

1. Background

- 1.1 Reports on planning applications are prepared for printing on the agenda some 10 days before the date of the Committee meeting but information and representations received after that time are relevant to the decision. This paper contains such information which was received before 10.00am on the date of the meeting. Any information received after that time is reported verbally.

2. Issues

- 2.1 Information and representations are summarized but the full text is available on the relevant file should Members require more details. The paper may contain an officer comment on the additional information, amended recommendations and amended and/or additional conditions.

7. **21/03760/FULLN (REFUSE) 10.01.22** **10 - 43**
SITE: Land at Lains Farm, Cholderton Road, Quarley,
AMPORT

CASE OFFICER: Emma Jones

8. **23/01336/FULLN (PERMISSION) 24.05.23** **44 - 63**
SITE: The River Test Distillery Ltd, River Barn Cottage,
Southside Road, **LONGPARISH**

CASE OFFICER: Katie Nethersole

APPLICATION NO.	21/03760/FULLN
SITE	Land At Lains Farm, Cholderton Road, Quarley, AMPORT
COMMITTEE DATE	21 September 2023
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1.0 **ADDITIONAL INFORMATION**

- 1.1 On the 19th September 2023, the applicant provided Members of the Northern Area Planning Committee with a document setting out their proposals (including the benefits that would arise) and their position in respect of aviation matters, together with the reports prepared by the applicant's aviation consultant, which were submitted as part of the application and referenced within the main agenda report. Examples of small aerodromes with solar farms have also been cited by the applicant.
- 1.2 In addition to this, the applicant has subsequently submitted information in respect of a planning application in Durham, which they consider is relevant to this current application. It is advised that the site is within the administrative area of Durham County Council, and that the application is for a 41.4MW solar farm located immediately next to Fishburn Airfield, a General Aviation Airfield like Thrupton. It is advised that the application was recommended for approval and received the support of the Planning Committee last week, and that of direct relevance is that the application documents also indicated the potential for yellow glare on approaches. It is advised that the airfield wrote in support of the application quoting the CAA's own guidance in which they state that in respect of solar installations, including those close to aerodromes, that "...to date the CAA has not received any detrimental comments of issues of glare at these established sites". It is noted that having reviewed the application details, it appears that the CAA was not consulted on this particular application.
- 1.3 On the 18th August 2023, the applicant notified the LPA and the Planning Inspectorate of their intention to submit an appeal against the non-determination of the planning application, where the applicant will request the Public Inquiry procedure. The likely date of the submission of the appeal is stated to be the 25th September 2023.

2.0 **CONSULTATIONS**

- 2.1 **Ecology**; Comments, summarised;
- RSPB has not confirmed they are confident in the land mitigation and strategy, as a strategy has not been submitted. With the risk of disturbance, a precautionary approach would be best placed until Ground Nesting Mitigation Strategy has been provided.
- 2.2 **Civil Aviation Authority Airfield Advisory Team**; In addition to the comments summarised at paragraph 5.13 of the main agenda report, further clarification on

certain matters was provided by the CAA, as follows;

- Our role is to provide an independent, aviation subject matter expert perspective on a wide variety of matters. In the case of this application and as highlighted throughout our commentary, a number of questions remain unanswered in relation to the extent of glint and glare that could emanate from the proposed scheme;
- Renewable energy schemes are not the issue of course. In this case, the position and proximity of the scheme to the established general aviation environment, the hitherto unknown extent of glint and glare and the potential impact upon aviation safety, are the concerns of the aerodrome which are entirely reasonable;
- In terms of what further work would be required to provide a more robust assessment for this proposal, we had been supporting Aviatica (the applicant's aviation consultants) in developing their understanding of the concerns of the aerodrome. Additionally, we guided Aviatica towards the sequential enhancement of their assessment criteria. As documented in our previous commentary, each subsequent assessment indicated that an increase in yellow glare was expected. At the conclusion of our final meeting with Aviatica and following further guidance from the CAA, we had been expecting to review a new assessment and discuss the findings, prior to it being published, this did not transpire however;
- In terms of what suitable mitigation measures the applicant could utilise; firstly, the applicant should have a detailed understanding of the sort of risk they are trying to mitigate, in order to do so effectively. Had the applicant reached a stage, through assessment, that the extent of glint and glare was known, it may be possible to begin to consider mitigation measures. The reality is that throughout the assessment process, it has been clear that there were gaps in the assessment criteria, proven by each subsequent assessment, providing greater signal of yellow glare;
- Depending on the appetite of the applicant, it may not be possible to adequately mitigate the impact of yellow glare. Perhaps the key issue at this stage is the lack of certainty regarding the extent of yellow glare and potential receptors;
- In relation to our comment in the summary section in our earlier document, the comment (*there are numerous reports of large solar arrays having an adverse impact on general aviation aerodromes*) goes on to give a specific example, there are of course other examples of "adverse impacts" such as thermal activity. What is most important to highlight here is that what might work at one site might not at another for a variety of reasons;
- It is perhaps not useful to respond directly to the question relating to FAA view point on yellow glare as it is not known whether such consideration was given when considering comparable general aviation environments. What we do know is that when considering UK general aviation, such schemes should be adequately assessed in order to accurately demonstrate the extent of such phenomena. What we know here is that each assessment iteration has shown a greater extent of yellow glare;
- Our position has been to ensure that the aerodromes' reasonable concerns are understood. We have sought to support each consultant in

their respective assessments and iterations which has shown an increase in yellow glare as described above. Until an accurate assessment has been completed the full extent and thus impact cannot be known nor mitigation considered.

3.0 REPRESENTATIONS

3.1 **1 x letter**; Support from Manor Farm, Grateley, with comments;

- I am a local pilot and have been flying into Thrupton aerodrome since 1978. I have used runway 30 on numerous occasions and never had an issues with the existing solar farm. Many other airfields that I use have solar panels around them and many have solar panels on the airfield itself, for example Membury Airfield, Turweston Airfield. I've never heard other pilots have any complaints regarding solar panels near airfields;
- Given the energy crisis we are in, the energy sector needs as much support as possible. As this is an extension to an existing site it shouldn't present any problems.

3.2 The number of representations as set out at paragraph 6.4 of the main agenda report should read 143 and not 147. It is advised that the representations summarised at paragraphs 6.4 and 6.5 of the main agenda report were received together in a batch, some of which were subsequently removed at the request of individuals as they were unaware that they were being asked to support a particular planning application.

4.0 PLANNING CONSIDERATIONS

4.1 **Biodiversity**

Further to paragraphs 8.24 and 8.25 of the main agenda report, the Salisbury Plain SPA and the Porton Down SPA has been designated for its chalk grassland and juniper scrub. The chalk grassland supports a notable population of breeding stone curlews who favour the chalk grassland habitat. The stone curlews are a qualifying feature of both SPAs. Within the SPA the stone curlews breed mainly on cultivated plots and some scrapes on the military land. Outside of the Salisbury Plain SPA there are widespread breeding sites both on MOD land and on farmland particularly to the east and south of Salisbury Plain. The application site is located within 6kms of the Salisbury Plain SPA to the north west, and approximately 5kms from the Porton Down SPA to the south west.

4.2 The submitted assessments in respect of ground nesting birds consider that the application site and the surrounding agricultural fields show limited suitability for stone curlew, and whilst this is low potential, it is not negligible. There are also records of stone curlews being present within 500m of the application site, and therefore the possibility of this species being present at the application site cannot be ruled out. RSPB Guidance requires surveys to be carried out for a period of three years on a site to ascertain if stone curlews are utilising land for breeding. Whilst an assessment of the habitats both on site and adjacent have taken place, surveys for a period of three years have not. However the submitted assessments set out that, in consultation with RSPB, this would be disproportionate to the level of risk in this instance, and the assessments that have been carried out by the applicant are appropriate, as set out at paragraph

8.25 of the main agenda report. Notwithstanding this, the LPA considers that a precautionary approach should be taken, as it cannot be categorically ruled out that stone curlews are not present at the site, or using the site for breeding. Based on the information submitted, the LPA believes that the development, in the absence of appropriate mitigation, therefore has the potential to have a significant effect on the Salisbury Plain SPA and the Porton Down SPA. Permission cannot be granted unless further Appropriate Assessment (carried out by the LPA), in accordance with the Habitats Regulations, can conclude that the development would not adversely affect these sites, taking into account any mitigation proposed.

4.3 It is considered that in order for an Appropriate Assessment to be carried out by the LPA (followed by a satisfactory consultation with Natural England in respect of this), a detailed mitigation strategy for the proposed new habitat for ground nesting birds to the north east of the application site (within land edged blue on the submitted site location plan) needs to be submitted and agreed (in consultation with the Council's Ecologist and the RSPB), so as to ensure that this would be satisfactory and would result in no adverse effect on the integrity of the Salisbury Plain SPA or Porton Down SPA. In the absence of a Ground Nesting Bird Mitigation Strategy, it is not possible to conclude that this would be the case, and an Appropriate Assessment cannot be carried out at this time. Due to the protection afforded to these protected sites and species, it is considered that this is not a matter that could be dealt with by condition.

4.4 It is therefore considered that insufficient information has been provided with the application to demonstrate that the proposal would have no adverse effects on the integrity of the Special Protection Areas at Salisbury Plain and Porton Down. As such, it cannot be concluded that the proposal will not result in a likely harmful significant effect on protected sites and species, in accordance with the requirements of the Conservation of Habitats and Species Regulations. As such, the proposal fails to comply with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

4.5 **Glint and glare – Aviation**

Further to paragraphs 8.34 – 8.41 of the main agenda report, and paragraphs 1.1 and 1.2 of this Update paper, whilst examples of other solar farms within close proximity of airfields exist, it is important to highlight that what might be acceptable at one site might not be acceptable at another site for a variety of reasons. This could include the orientation of runways relative to the solar panels, the scale of the solar farm, and the angles at which the solar panels are installed. It is also not known what mitigation measures may have been required at each of these other examples in order to make the locations acceptable. As set out in the main agenda report, the LPA has been advised by the CAA that in their opinion, insufficient modelling in relation to Thruxton Airfield has been submitted within the submitted aviation impact assessments to be able to conclude at this time that the proposed development would not have an unacceptable impact on the safe operation of Thruxton Airfield, in terms of harmful impacts from glint and glare, taking into account the specific aviation environment at this airfield, which may of course differ to that of other airfields.

5.0 CONCLUSION

- 5.1 The proposals are considered to be acceptable in respect of the principle of the development, landscape and visual impacts, heritage, residential amenity, the highway network and water management, and would comply with the relevant policies of the Test Valley Borough Revised Local Plan 2016 in these respects. However, it is considered that insufficient information has been submitted with the application to demonstrate that the proposed development would not have an unacceptable impact on the safe operation of Thruxton Airfield, in terms of harmful impacts from glint and glare, contrary to RLP policy E8. Furthermore, as the 'agent of change', the proposed development has failed to demonstrate (through the provision of appropriate mitigation) that unreasonable restrictions would not be placed on the operation of Thruxton Airfield as a result of the proposed development, contrary to paragraph 187 of the NPPF.
- 5.2 In addition, it is considered that insufficient information, in the form of a detailed Ground Nesting Bird Mitigation Strategy, has been provided with the application to demonstrate that the proposal would have no adverse effects on the integrity of the Special Protection Areas at Salisbury Plain and Porton Down. As such, it cannot be concluded that the proposal will not result in a likely harmful significant effect on protected sites and species, in accordance with the requirements of the Conservation of Habitats and Species Regulations. As such, the proposal fails to comply with RLP policy E5.
- 5.3 As set out at paragraph 9.2 of the main agenda report, it is acknowledged that the proposed development would result in a number of significant benefits, including in respect of biodiversity enhancements and the generation of renewable energy, however it is not considered that these benefits would outweigh the harm that could be caused to aviation safety and the operation of Thruxton Airfield, and the nearby Special Protection Areas (SPAs) and protected species.

6.0 RECOMMENDATION REFUSE

1. **Insufficient information has been provided with the application to demonstrate that the proposal would have no adverse effects on the integrity of the Special Protection Areas at Salisbury Plain and Porton Down. As such, it cannot be concluded that the proposal will not result in a likely harmful significant effect on protected sites and species, in accordance with the requirements of the Conservation of Habitats and Species Regulations. As such, the proposal fails to comply with Policy E5 of the Test Valley Borough Revised Local Plan (2016).**
2. **Insufficient information has been submitted with the application to demonstrate that the proposed development would not have an unacceptable impact on the safe operation of Thruxton Airfield, in terms of harmful impacts from glint and glare. The proposed development would thereby fail to comply with Test Valley Borough Revised Local Plan 2016 Policy E8. Furthermore, as the 'agent of change', the proposed development has failed to demonstrate (through the provision of appropriate mitigation) that unreasonable**

restrictions would not be placed on the operation of Thruxton Airfield as a result of the proposed development, contrary to National Planning Policy Framework paragraph 187.

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**

APPLICATION NO.	23/01336/FULLN
SITE	The River Test Distillery Ltd, River Barn Cottage, Southside Road, LONGPARISH
COMMITTEE DATE	21 September 2023
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1.0 CONCLUSIONS AND CONDITIONS

- 1.1 Paragraph 9.2 should refer to tours per weekend and not week, please see amended paragraph below.

It is considered appropriate to condition the use of the building so that it is retained for the use as described in the application, as a gin distillery with ancillary visitor space and shop. A further condition is recommended to restrict the amount of floor space used for retail, as any greater retail space would require additional assessments in terms of a sequential assessment. To ensure that the amount of traffic coming and going from the site is kept to a minimum, a condition is included to restrict the tours to being pre-booked only and for a maximum number of people per tour and a maximum number of tours per weekend.

2.0 CONDITION AMENDMENT

- 2.1 Condition 12 requires greater clarification on the limit of the number of tours. Hampshire Highways recommend that only 3 tours per weekend should occur and therefore the condition has been amended as follows:

12. The distillery shall only be open to members of the public through pre-booked tours as detailed within the submitted Transport Assessment by Nick Culhane received 24th May 2023 and as per the details in paragraph 6, page 5 of the report, no more than 20 people shall be booked per tour, and no more than 3 tours shall occur on weekends.

Reason: To restrict vehicle movements to and from the site in accordance with policy T1 of the Test Valley Borough Revised Local Plan 2016