

Urgent Item

**Northern Area
Planning Committee**

Date: Monday 10 June 2024

Time: 5.30 pm

Venue: Upper Guildhall, High Street, Andover, Hampshire SP10 1NT

For further information or enquiries please contact:

Sally Prior - 01264 368000
sprior@testvalley.gov.uk

Legal and Democratic Service
Test Valley Borough Council,
Beech Hurst, Weyhill Road,
Andover, Hampshire,
SP10 3AJ
www.testvalley.gov.uk

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Northern Area Planning Committee

Monday 10 June 2024

AGENDA

**The order of these items may change as a result of members
of the public wishing to speak**

4 21/03760/FULLN - 10.01.2022

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ITEM 4

APPLICATION NO.	21/03760/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	10.01.2022
APPLICANT	Novus Renewable Services Ltd
SITE	Land at Lains Farm, Cholderton Road, Quarley, AMPORT
PROPOSAL	Installation of a solar farm including battery storage and associated development
AMENDMENTS	None
CASE OFFICER	Emma Jones

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

1.1 This matter is presented to NAPC to inform Members that one of the reasons for refusal that formed part of the NAPC resolution, will not be defended by the Local Planning Authority at the forthcoming appeal.

1.2 This planning application was considered by the Northern Area Planning Committee on the 21 September 2023 when, in accordance with the officer recommendation, it was resolved to refuse planning permission on the following grounds:

- 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.*

1.3 The applicant, Novus Renewable Services Ltd, submitted an appeal to the Planning Inspectorate against this refusal, which was registered on the 11 April 2024. The appeal, which is to be considered at a Public Inquiry, is scheduled to take place from the 9 to 11 July 2024.

1.4 A copy of the Officer report to NAPC is contained at **Appendix A**
A copy of the Update Paper to NAPC is contained at **Appendix B**

2.0 **BACKGROUND**

2.1 In its previous role as Competent Authority (under the Habitats Regulations) and at the point a decision was made on the planning application, the LPA considered that insufficient information, in the form of a detailed Ground Nesting Bird Mitigation Strategy, had been submitted with the planning application, with the effect that the LPA could not carry out an Appropriate Assessment (in consultation with Natural England), in accordance with the Habitats Regulations, that would conclude that the effect of the development on the interests of the Salisbury Plain SPA or Porton Down SPA was acceptable. A condition to secure the submission of a mitigation strategy would not have been an appropriate method of completing that process prior to the determination of the application. In that circumstance reason for refusal 1 was recommended and accepted by NAPC in its resolution.

3.0 **CURRENT POSITION**

3.1 The appellant has since submitted additional information as part of their current Appeal, comprising of a Ground Nesting Bird Mitigation Strategy. The Council has corresponded with the RSPB in respect of this. The RSPB has confirmed that the submitted mitigation strategy is acceptable in respect of the proposals. It is considered that it can be concluded that the effect of the proposal on the interests of the European sites is acceptable, and that the method by which the mitigation can be secured would be via condition in the event that planning permission is granted.

3.2 That said, the LPA no longer retains the role of the Competent Authority in the determination of the appeal matter. That function will now be performed by the Planning Inspector (PINS) in accordance with Regulation 7(1) of the Conservation of Habitats and Species Regulations (2017). Given that the Council considers that the Ground Nesting Bird Mitigation Strategy would enable PINS to complete a satisfactory Appropriate Assessment (in consultation with Natural England), it is no longer necessary for the LPA to defend that reason for refusal. Indeed, the LPA can now assist the appeal process in this matter by confirming the position set out in this report.

4.0 **CONCLUSION**

4.1 It is the Council's position that the Ground Nesting Bird Mitigation Strategy that accompanied the Appeal submission would, had the LPA retained its role as Competent Authority under the Habitats Regulations, have been sufficient for the LPA to conclude that the proposal would not adversely affect the interests of the European sites, and would address the basis on which this reason for refusal formed part of the resolution of the Committee. It is the Council's position that as this is now a matter for PINS to conclude on, there is no longer

a basis for the Council to defend this reason for refusal. The appeal will continue in relation to the other remaining reason for refusal, in relation to the impacts from glint and glare on Thruxton Airfield.

- 4.2 The urgency in this matter is that if the position is maintained for longer than necessary the Council could be at greater risk of a costs award at the appeal.
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SITE	Land at Lains Farm, Cholderton Road, Quarley, AMPORT
PROPOSAL	Installation of a solar farm and associated development
AMENDMENTS	Amended/additional plans and information submitted: <ul style="list-style-type: none">• 28.01.2022• 09.02.2022• 10.02.2022• 01.03.2022• 03.03.2022• 07.04.2022• 11.04.2022• 12.04.2022• 23.05.2022• 19.01.2023• 23.01.2023• 07.03.2023• 14.04.2023• 27.06.2023• 29.06.2023• 24.08.2023• 30.08.2023• 31.08.2023
CASE OFFICER	Emma Jones

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

1.1 The application is presented to Northern Area Planning Committee at the request of a Member for the reason that it raises matters more than just general public interest.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The site is located in the countryside to the north east of the village of Quarley, and adjacent to the A303 dual carriageway. The site contains an existing solar farm, which is a partial implementation of the planning permission granted in 2015 (see paragraph 4.2 below), with the north part of the site not yet having been built out, but now forming part of this current application. The existing solar farm is surrounded by agricultural fields which are partially now subject of this current application.

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3.0 **PROPOSAL**

3.1 The proposed development consists of the construction, operation and decommissioning of ground mounted solar panels with a capacity of 22.5MW, and ancillary equipment. The proposal would have an operational lifespan of up to 40 years. The proposal comprises the following elements;

- Ground Mounted Solar PV Arrays (highest edge of the panels would be approximately 3.1m above ground level and the lower edges of the panels would be between approximately 0.8m and 1.1m above ground level)
- Transformers
- Customer Sub-station
- Distribution Network Operators (DNO) Compound
- Spares Storage Containers
- Temporary Construction Compound
- Stock Proof Perimeter Fencing (mesh with wooden posts at approximately 2.2m high)
- CCTV poles (placed at intervals along the inside of the perimeter fencing at approximately 3m high)
- Landscape and Ecological Mitigation

3.2 Amended/additional plans and information have been received during the consideration of the application, in respect of the following matters;

- Noise;
- Glint and Glare/aviation impacts;
- Landscaping;
- Heritage;
- Trees;
- Ecology;
- Removal of battery storage element of proposal (application description has been amended to reflect this)

4.0 **RELEVANT HISTORY**

4.1 21/01411/SCRN; Screening opinion under the Environment Impact Assessment Regulations 2017 - Installation of solar farm – EIA Not Required - 01.06.2021

4.2 14/03017/FULLN; Installation of 5MW ground mounted photovoltaic solar arrays with transformer stations; internal access track; biodiversity enhancement; landscaping; stock fencing; security measures; access gate; and ancillary infrastructure – Permission - 17.07.2015

5.0 **CONSULTATIONS**

5.1 **Landscape**; No objection subject to conditions

5.2 **Conservation**; No objection

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- 5.3 **Ecology**; Comments (summarised);
- Ongoing discussions around the details and recommendations relating to ground nesting birds. This includes the production of a Ground Nesting bird Mitigation Strategy which is still to be submitted. The strategy will also outline the barrier requirements around the nesting area on which discussions are progressing.
- 5.4 **Trees**; No objection
- 5.5 **Environmental Protection**; No objection subject to conditions
- 5.6 **Highways**; No objection subject to conditions
- 5.7 **Archaeology**; No objection
- 5.8 **Rights of Way**; No objection;
- The solar farm is proposed north of an existing solar farm and Public Rights of Way are not directly affected by the proposals. We therefore have no objection.
- 5.9 **Minerals and Waste**; No objection
- 5.10 **Lead Local Flood Authority**; No objection subject to condition
- 5.11 **Environment Agency**; No objection
- 5.12 **Defence Infrastructure Organisation**; No objection
- 5.13 **Civil Aviation Authority Airfield Advisory Team**; Comments, summarised;
- Despite its very narrow scope (2 nautical miles straight in approach), the first assessment carried out by Neo Environmental concluded that the proposed scheme would have an unacceptable impact on aviation operations at Thrupton aerodrome;
 - Following AAT support, each subsequent assessment undertaken by Aviatica has adopted an improved assessment methodology although they have remained limited in scope. Despite limitations, each has shown an increase in yellow glare which has the potential to produce an after-image effect;
 - It is important to highlight that any comparison to other aerodromes with solar development in their proximity should be taken with caution. What may suit one aerodrome's operating environment may not suit another for a variety of reasons including type of operation, scale and position of solar development in relation to aerodrome and circuit pattern etc.;
 - There are numerous reports of large solar arrays having an adverse impact on general aviation aerodromes. In January 2023, a large solar scheme was refused planning permission. One specific reason for the refusal was because the scheme posed unacceptable safety risk due to the potential for yellow/green glare. This scheme was located close to a small, unlicensed general aviation aerodrome with a flight training scene;

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- Due to the close proximity of the proposed scheme to Thruxton Aerodrome, the impact to aviation safety as a result of the scheme should be assessed;
- We came to this proposal by commenting on the suitability of the assessment and continue to consider its robustness. It is not within our remit to determine the scope for assessing the impact, but instead, to comment on the suitability of such a scope and the relevance of assessment outcomes;
- Such assessments can identify how much yellow glare could be present because of the proposed scheme. It is widely accepted throughout industry, even for airports with more linear airborne tracks, that yellow glare is not acceptable. Despite the lack of robustness of the current assessment process, yellow glare is concluded to be present at certain receptors where pilots fly their aircraft. At this point, this could be enough to conclude that suitable mitigation measures need to be proposed in order to reduce this level of impact.

5.14 **National Highways**; Recommended condition

5.15 **Natural England**; Comments, summarised;

- We consider that the proposed development is unlikely to lead to significant long term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by metal frames with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas;
- However, during the life of the proposed development it is likely that there will be a reduction in agricultural productivity over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land;
- We would also advise your authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

5.16 **Ramblers Association**; Objection, summarised;

- Object to this application unless a compensating action were taken to meet the National Planning Policy Framework July 2021 and TVBC Local Plan requirements.

6.0 **REPRESENTATIONS** Expired 21.07.2023

6.1 **Amport Parish Council**; No objection

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- 6.2 **1 x letter**; Objection from Test Valley CPRE, with comments raising (summarised);
- We do not consider that there are any landscape issues with the proposed site which is not in a location where it can be viewed from many public roads or paths;
 - We wish to raise the issue of the quality of the agricultural land which, by the applicant's own analysis, is 54% grade 3a or higher and this component is officially categorised as 'good' quality land. TVBC has given approval for many solar farms on good quality farmland in recent years, but TVBC should now give consideration as to whether Test Valley is playing its part in contributing to the sustainability of UK's food supply as well as contributing to the UK's renewable energy supply;
 - Attention drawn to NPPG (Paragraph: 013 Reference ID: 5-013-20150327) and Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP's Written Ministerial Statement 25 March 2015. This advice clearly discourages solar farms on good quality land and also encourages grazing on land allocated to a solar farm;
 - CPRE objects to the inclusion of Grade 2 and 3a land in the proposed site and also suggests that a condition of approval for solar panels on the remaining land is that grazing should be required in parallel with generation.
- 6.3 **2 x letters**; Objections from Western Air (Thrupton), with comments;
- Western Air (Thrupton) Ltd operate Thrupton Aerodrome and surrounding land, located to the north of the Application Site (north of the A303);
 - Thrupton Aerodrome is an active licenced airfield which is used for private charter flights but also heavily used for training for both fixed-wing and rotary-wing aircraft. It is also used by the Hampshire Air Ambulance (HAA). On an average 8-hour period the Airfield can experience up to 220 movements on the runways which is not insignificant. As a licenced airfield, our Client has a regulatory obligation for safeguarding the Aerodrome. This includes protecting aircraft from the risk from glint and glare (e.g. solar panels);
 - Having reviewed the submitted Glint and Glare Assessment (GGA) dated 3rd March 2022, our client is significantly concerned by the potential impacts of the Proposed Development on the safe on-going operation of the Airfield. The GGA acknowledges at paragraph 6.3 that 'yellow glare is anticipated to impact only Runway 07 and Runway 30 at Thrupton Airfield, which is an unacceptable impact' (our emphasis). Whilst an attempt has been made at paragraph 6.35 to mollify this, our Client is concerned about the sole reliance on pilot behaviour in order to mitigate this 'unacceptable' impact. As noted above, a significant amount of training takes place at the Airfield and there is therefore a real risk that less experienced pilots may struggle with the additional workload of trying to mitigate the distraction caused by glare. We would add that the stated view from an 'instructor' lacks substance and is ultimately an opinion which is not shared by our Client as operator of the Airfield;

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- There appears to be no assessment within the GAA of the potential risks posed to the pilots of rotary-wing aircraft which rarely fly the approach paths to the runways and to whom the risk of significant distraction would be increased by the scale of the Proposed Development. This is a critical issue which requires due consideration;
- Our Client is also concerned by the sheer extent of the solar array proposed and what the means of emergency access would be should an aircraft come down and crash into the middle of the Proposed Development;
- We duly request that no decision be made on this application until such a time that our Client has been able to undertake a full Safeguarding Assessment of the potentially hazardous effects of the Proposed Development on Thrupton Airfield (including for both fixed-wing and rotary-wing aircraft). This is currently underway and we should be in a position to provide a further response once completed.
- Western Air (Thrupton) Ltd is for the purposes of the Air Navigation Order (ANO) 2016 Article 212 the Aerodrome Operator and therein holder of a UK National Aerodrome Licence. Legal obligations placed upon Western Air (Thrupton) Ltd for the safety of aircraft, pursuant to Article 212, includes not only land under its control (which forms the aerodrome) but also “the airspace within which its visual traffic pattern is normally contained”. In Thrupton’s case this airspace extends for a 2 Nautical Mile (approximately 3.7km) radius. This includes the proposed development site;
- As the Aerodrome Operator has no legal ability to prevent development outside of land under its control it relies upon the Local Planning Authority to protect its interests in order to not cause a situation whereby a development may endanger an aircraft in flight and thereby the potential for prosecution of the developer for contravention of ANO Article 240, as recognised in the submitted Glint and Glare Assessment (GGA);
- As the Aerodrome Operator, Western Air (Thrupton) Ltd considers that the submitted GGA does not provide robust evidence that the potential for glint and glare will not impact on the safety of aircraft flying within the visual traffic pattern. Indeed it is acknowledged at paragraph 6.3 that ‘yellow glare is anticipated to impact only Runway 07 and Runway 30 at Thrupton Airfield, which is an unacceptable impact’ (our emphasis). The GGA relies solely on pilot ability to mitigate this impact. Given the significant amount of training which takes place at the Airfield, there is a real concern about the extent to which less experienced pilots would be able to satisfactorily mitigate the impact which therefore raises a principle concern over safety;
- In addition to fixed winged aircraft that may use runway 07 or 30 there is extensive helicopter flying south of the aerodrome making approaches over/adjacent to the proposed development site to two helicopter landing areas referred to as “Heli South” and “Heli North”. The GGA is entirely silent on potential impacts on rotary-winged aircraft using the airfield.

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6.4 **147 x letters**; Support from (Andover) 29 & 53 Suffolk Road; 5 & 13 Arundel Court; 1 & 17 Ferndale Road; 17 Bourne Court; 2 Manor Copse; 50 Constable Court; 76 South Street; 332 Picket Twenty Way; 58 Woodlands Way (x2); 42b London Street; 14 Meadow Heights; 43 Junction Road; 22 The Elms; 84 King George Road; 55 Armstrong Rise; 14 Foal Close; 14 Olaf Close; 15 & 30 Hanover House, King Meadow; 11 Wolverdene Road; 17 & 43 Boulter Road; 16 Hockney Green (x2); 15 Herons Rise; 34 Lynwood Drive; 17 (x2) & 49 Launcelot Close; 144a Camelot Close; 11 Drummond Road; 99 Charlton Road; 3 Cricketers Way; 29 Whitebeam Close; 25 Acre Court; 35 Beckett Road; 24 Porchester Close; 19 Sutherland Court (x2); 28 Westfield Court (x2); 26 Nelson Walk; 15 Kingfisher House; 6 Barnfield Rise; 7 Flower Dew Court; 31 Garden Close; 2 & 17 Galahad Close; 6 Lillywhite; 28 McEvoy Gardens; 80 & 120 Old Winton Road; 16 Earls Road; 23 Fars Avenue; 23 Batchelors Road; 3 Livia Close; 10 Gould Close; 6 Bremen Gardens; 58 Borkum Close; 15 Weyhill Road; 8 Cross Lane; 26 Woodcutters Court; 8a Croye Close; 10 Portland Grove (x2); 7 Locksbridge Road; 12 Barton Close; 81 Highlands Road; 38 Lynwood Drive; 42 Orchard Road; 3 Sidmouth Road; 1 Charles Dalton Court; 1 Ashlawn Gardens; 12 Sycamore Walk; 126 Merino Road; 11 The Close (x2); 44 Wolverdene Road; 1 & 9a Millway Road; 68 Mylen Road; Clanville House; 2 The Signals; 19 St Thomas Close; 32 Camelot Close (x4); 4 Bachelors Barn Road; 9 Eleanor Court; 34 Bridge Street (x2); 6 Kennet Court; Love Lane (x2) (unknown property numbers); 24 Constable Court; (Anna Valley) 196 Bury Hill Close; 1 White Oak Way; (Ludgershall) 6 & 10 Taylor Crescent; (Weyhill) 16 Lodge Drive; Westmead; (Amport) Brook House; Crofter's Heron; (Monxton) Monxton Manor (x3); (Abbotts Ann) Teal; 1 Hillside; (Over Wallop) 10 King Lane Cottages (x2); (Middle Wallop) 3 Cottage Road; (Goodworth Clatford) 8 Burdock Close; 7 St Peters Close; (Vernham Dean) 2 Hatchbury Lane; (Hurstbourne Tarrant) Springwell; (Broughton) Ancestors; (Kings Somborne) Harvest Cottage; (Whitchurch) 24 Micheldever Road; 22 Station Road; 17 Bicester Close; (Basingstoke) 95 Cambrian Way; (Sparsholt) 18 Woodman Close; (Twyford) 4 Prystock; (Pewsey) Owen Sound, Marlborough Road (x2); (Thimbleby, Lincolnshire) Windmill Cottage (x2); (Newark) 4 North End; (Ryde, Isle of Wight) 100 Sherbourne Avenue; (Milton Keynes) 12 Grizedale Heelands; (Wellington, Somerset) 63 Bovet Street; Unknown addresses in Salisbury; Marlborough (x2); Great Shoddesden; summarised as follows;

- These letters are intended as individual submission and not as a petition. We told people doing the letters that they would be received as individual submissions. Part of the exercise was to show just how popular solar power is. Climate change is an urgent problem and we need renewable energy solutions;
- Climate Change is one of the greatest threats facing our planet, it's a climate emergency, and we need urgent action on the issue. We need renewable technology solutions, such as this proposed solar farm, to tackle climate change;
- This solar farm could provide enough electricity to power around 5467 homes a year, equivalent to approximately 10% of homes in the Test Valley district;
- The proposed solar farm will save approximately 5271 tonnes of carbon dioxide per year;

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- This supports Test Valley Borough Council's Climate Emergency declaration;
- The solar farm provides a significant Biodiversity Net Gain;
- The project would generate significant local and national economic benefits;
- The UK has set a target to fully decarbonise the electricity system by 2035. Solar helps to meet this low target;
- Solar is a low-cost source of energy contributing to our energy security, helping to make the UK more energy independent;
- Want action on climate crisis;
- Take action;
- Would love to see financial support for solar panels on social housing;
- Go solar;
- Rooftop solar is ideal, but a field is a good 2nd best;
- We need as much help for this planet as possible. Thank goodness we are not in Europe/USA (heat wave!);
- Son works in s/power and more jobs, also climate change;
- It's a climate crisis;
- Close down the nearby airport;
- Happy to see solar panels in fields;
- Do it/something now;
- I want action on the climate crisis;
- Yes to solar, yes to wind;
- Important to have community funding;
- To help mother earth;
- The planet is the most important thing, when it goes we go. No one is immune;
- Get on with it;
- Fully support the transition to green energy as quickly as possible;
- For the future;
- Why aren't we doing more about this now. Really important and we need to do something more now;
- Good luck. Anything we can do to support our future;
- To help people save money and to help save the planet;
- Support renewable initiatives;
- While there could be valid debate about the merits of installing solar panels on medium grade agricultural land, that is not at issue here and solar energy is a key part of the UK's net zero goals;
- The application has been well thought out and the plans amended to take account of landscaping/visibility issues and the site has good proximity to the local grid connection point;
- It appears that the only substantive point of contention is the potential impact of the installation on flying activities at Thruxton. Believe this concern should be dismissed;
- Western Air (Thruxton) do not appear to have reported or suffered any adverse effects from the immediately adjacent existing solar installation, which has been operational for several years, nor to my knowledge objected to the recently approved Kimpton installation;

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- The comments from the Airfield Advisory Team about the potential impacts from glint and glare appear nebulous and unsubstantiated by any specific objections or recommendations. Furthermore they acknowledge that “to date the CAA has not received any detrimental comments or issues of glare at these established sites” [where SPV cells have been established close to aerodrome boundaries];
- Importantly the Air Ambulance Service, which appears to be the most regular flight activity from the aerodrome and presumably has limited operational adaptability) has confirmed that the installation would have no adverse impact on its activities;
- Private aircraft for the type frequently flown from the aerodrome must already be adversely constrained by potentially dangerous flying conditions such as storms, low visibility and high winds; to the extent at there may be a few hours a year where glint and glare could conceivably be a material problem, there is no reason why flying patterns cannot be managed to mitigate any perceived risk;
- The planning decision rests on balancing the positive ecological benefits of the solar farm against unsubstantiated concerns of a far-from-green (and noise-polluting) leisure activity;
- As a local Council Taxpayer, I am concerned that any refusal to grant planning will be overturned on appeal at substantial additional cost to TVBC.

6.5 **3 x letters**; Neutral stance from 133 Camelot Close; 1 Wooley Square, Cricketers Way; 134 South Street.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

SD1 – Presumption in favour of Sustainable Development

COM2 – Settlement Hierarchy

E1 - High Quality Development in the Borough

E2 – Protect, Conserve and Enhance the Landscape Character of the Borough

E5 – Biodiversity

E7 – Water Management

E8 – Pollution

E9 - Heritage

LHW4 – Amenity

T1 – Managing Movement

T2 – Parking Standards

7.3 Hampshire Minerals and Waste Plan (2013) (HMWP)

Policy 26; Safeguarding – waste infrastructure

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7.4 Supplementary Planning Documents (SPD)

National Policy Statement for Energy – EN3 (renewables)
Revised (Draft) National Policy Statement for Energy – EN3 (renewables)
Test Valley Renewable and Low Carbon Energy Study

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development
- Landscape and visual impacts
- Heritage
- Biodiversity
- Amenity and pollution
- Highway network
- Water management
- Other matters

8.2 **The principle of development**

Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The RLP was adopted in January 2016. There are no specific policies within the RLP relating to renewable energy. Policy SD1 of the RLP has a presumption in favour of sustainable development. It states that where there are no policies relevant to the application the Council will grant planning permission unless material considerations indicate otherwise – taking into account whether;

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole or;
- b) Specific policies within that Framework indicate that development should be restricted.

8.3 The site is located within the countryside, outside of any settlements as defined by the RLP inset maps. RLP policy COM2 sets out that development would be permitted provided that it is appropriate within the countryside as set out in other relevant RLP policies, or it is essential for it to be located within the countryside. The relevant policies set out in RLP policy COM2 do not cover the creation of solar farms. Consideration therefore needs to be given to whether it is essential for the proposal to be located in the countryside and whether there are any relevant material considerations.

8.4 The National Policy Statement for Energy (EN-1) sets out how the Government is going to reduce its carbon emissions by 2050 as at present the UK is heavily reliant on fossil fuels, which has an impact on global climate. To keep rising global temperatures to below 2 degrees there needs to be a move away from the use of fossil fuels. As part of its strategy the Government has set out its need for new low carbon energy infrastructure to contribute towards climate change mitigation.

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8.5 The NPPF (2021) states in paragraph 158 that when determining planning applications for renewable and low carbon development local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognises that even small-scale projects provide a valuable contribution and that the application should be approved if its impacts are or can be made acceptable.

8.6 *Site selection*

The proposal is for a solar farm covering approximately 25 hectares. Sourcing viable sites is dependent on a number of factors including connection to grid, and the submitted Planning Statement sets out that “the site was selected in reflection of the primary site criteria for solar farms, which are:

- A suitable electrical connection -it must be technically and economically viable to connect the site to the local electrical distribution system;
- There is a suitable solar resource -taking into account site orientation and absence of excessive shading;
- Land is available- the landowner supports the development and is prepared to enter into an arrangement to accommodate the proposal;
- Site sensitivities and potential impacts of development-there must be no clear barriers to potential development and a relatively low impact on the local area.
- Road access -there must be adequate access to the site from the national road system for delivery and construction purposes.”

The submitted Planning Statement also sets out that “the applicant has secured a grid connection nearby, the landowner is supportive, and the level of irradiation is good. Road access is excellent, via the adjacent A303. The site is not designated or particularly sensitive, as confirmed by the EIA Screening Opinion, and the application is accompanied by a range of topic specific assessments and reports which confirm the acceptability of the scheme. The primary locational requirements are therefore met”. In addition, the submission sets out that “the applicant has considered the possibility of locating on brownfield land and examined the Council’s Brownfield Register. This shows only fifteen sites, the largest of which is 3.78 ha which is too small for the proposed solar farm”.

8.7 *Use of agricultural land*

The National Planning Practice Guidance (NPPG) on Renewable and Low Carbon Energy advises that where possible solar farms should be located on previously developed land. Where a proposal involves greenfield land 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.”

8.8 Agricultural Land is classified into 5 grades. Grade 1 is best quality and Grade 5 is the poorest quality. The NPPF defines the Best and Most Versatile (BMV) agricultural land as being those in Grades 1, 2 and 3a and that LPA’s should recognise the economic benefits of this land and steer significant development towards poorer quality land.

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- 8.9 The application is supported by an Agricultural Land Classification (ALC) report, which advises that the site comprises a mixture of Grades 2 (4%), 3a (50%) and 3b (46%) agricultural land. Therefore the proposed development would be constructed on land that falls under the category of Best and Most Versatile Land. The submitted ALC report sets out that the agricultural land classification maps and Natural England “predictive best and most versatile” land quality maps show that the general area is predicted to contain a moderate (20-60%) or mostly high (>60%) proportion of BMV land, and therefore development in the wider area is very likely to involve BMV land, with limited poorer quality land (Grades 4 and 5) available. The submitted ALC report highlights the above by setting out that the existing solar farm adjacent to the application site, and another solar farm recently granted planning permission in Hatherden, also resulted in the loss of Grade 2 and 3a BMV.
- 8.10 Natural England has been consulted on the application, and has advised that the proposed development is unlikely to lead to significant long term loss of best and most versatile agricultural land, as a resource for future generations. They have advised that this is because the solar panels would be secured to the ground by metal frames with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards, and although some components of the development, such as construction of a sub-station, may permanently affect agricultural land, this would be limited to small areas.
- 8.11 Biodiversity enhancements are proposed as part of the application and could be secured via condition. The application submission also sets out that it is proposed that the land would continue to be used for sheep to graze. In addition, the proposed development is a temporary and reversible use of the land with no permanent loss of agricultural land. Accordingly, the 40 year/temporary loss of the ability to farm the land for arable purposes is considered acceptable. A condition could be recommended in respect of decommissioning the proposed development and returning the land to its former condition, in the event that planning permission were to be granted.
- 8.12 In conclusion on the principle of the proposed development, the agricultural land that would be utilised by the proposed development is a mix of Grade 2, Grade 3a and 3b land and would be temporarily taken out of agricultural use to facilitate the provision of renewable energy. It is considered that it has been shown that to create a viable solar farm it is essential for it to be located within the countryside and as such accords with Policy COM2 of the RLP.
- 8.13 **Landscape and visual impacts**
Policy E2 of the RLP requires development to protect, conserve and enhance the landscape of the Borough. The NPPG on Renewable and Low Carbon Energy recognises 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*”.

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- 8.14 The site lies to the south of the A303 and sits between the villages of East Cholderton, Ampport and Quarley, all of which are designated Conservation Areas. To the southwest of the site is Quarley Park, which is on the Hampshire Register of Historic Parks and gardens (local list). To the southeast of the site is Ampport Park found on the English Heritage Register of Parks and Gardens of Historic Interest (grade II). Further southwest is Quarley Hill, an iron age fort. There are a number of Public Rights of Way (PRoW) within the vicinity of the site, including Ampport:28 and Ampport:31, to the east and north east, Ampport:12b, Ampport:13 and Ampport:27, to the south, and Ampport:24 to the south west. Public views of the proposed development from a number of these vantage points would be possible.
- 8.15 The site comprises of an agricultural field which rises up from the south. An existing smaller solar farm is located within the field, and the proposal would effectively wrap itself around this. The application is supported by a comprehensive and detailed LVA, and includes a detailed visual assessment. It is considered that the submitted LVA provides an accurate representation of the impacts of the proposed development. The proposed solar farm is a relatively vast development, and would have a substantially larger impact upon the character of the landscape, although it is noted that the landscape has been changed somewhat by the introduction of the existing solar farm. It is accepted that due to the topography of the site, and the proximity of PRoWs and other vantage points (adjacent highways etc), it would not be possible to fully screen the proposed development. However it is considered that with the appropriate mitigation (which is characterful of the local landscape), from a landscape perspective, the proposed development could be achieved without considerable landscape harm, and would result in a positive response to the landscape. In particular, the southern boundary of the site is proposed to be planted up robustly, together with the gapping up of existing hedgerows along the roadside. In time this would provide a strong landscape buffer to the proposed development when viewed from lower ground to the south, as well enhancing the local and wider landscape. A detailed landscaping plan, together with details of its implementation and long term management and maintenance, could be secured by condition in the event that planning permission were to be granted.
- 8.16 *Trees*
The application is supported by arboricultural impact reports and method statements, which detail how existing trees and hedges to be retained would be protected during the construction and operation of the proposed development. This is considered to be acceptable, and would ensure that the health and future retention of important landscape features is not likely to be prejudiced, and that existing landscaping and landscape features would enable the proposed development to positively integrate into the landscape character of the area, in accordance with RLP policy E2. In the event that planning permission were to be granted, a condition could be recommended in respect of the tree protection measures.

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- 8.17 The proposed development would result in short term landscape impacts, however this impact would diminish in the longer term as a result of the proposed mitigation planting. It is considered that, subject to conditions, the proposed development would not have a long term detrimental impact on the appearance of the immediate area and the landscape character of the area, and would ensure that the health and future retention of important landscape features would not be prejudiced, and that existing and proposed landscaping and landscape features could be accommodated within the site that would enable the proposed development to positively integrate into the landscape character of the area. The proposed development would thereby comply with policy E2 of the RLP.
- 8.18 **Heritage**
RLP policy E9 requires development to make a positive contribution to sustaining or enhancing the significance of heritage assets, taking account of their character, appearance and setting.
- 8.19 The statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 8.20 *Listed buildings and Conservation Areas*
The application is supported by a Heritage Assessment report. On the basis of the assessment, and the separation distances and limited degree of intervisibility, it is considered that the proposed development would not have any significant effects on the settings of any nearby heritage assets. It is considered to be important to maintain/improve the existing level of screening at the site, particularly at the edges of the site nearest to Quarley, and this is proposed.
- 8.21 *Archaeology*
The application is supported by an Archaeological Assessment report, which identifies the site of a Bronze Age burial mound that has been ploughed down and indicates that the proposed mitigation strategy is to preserve that site by an exclusion zone. This is identified on the submitted plans, and is considered to be acceptable. The report also indicates that the site has a high archaeological potential relating to both prehistoric and Roman activity, and that it is possible that archaeological evidence of these periods may be encountered during groundworks associated with the proposed development. However, during the course of a recent aerial photograph review, a further probable ploughed down Bronze Age burial site has become apparent, just to the south west of the existing site being preserved, suggestive that it was part of the same complex which is a little larger than previously understood. As this has only recently been noted it is not reflected in the archaeological assessment nor in previous comments regarding the site from the County

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Archaeologist. Nonetheless, at the time of considering the application, it is a material consideration.

- 8.22 It is considered that the site of the burial mound should be subject to some confirmation by trial trenching, and the issue/options of preservation by design (whether exclusion or surface mounting) or mitigation by excavation ahead of development addressed. It is considered that this could be dealt with by condition, in the event that planning permission were to be granted. The submitted report also sets out that the substantive ground impacts of the proposed solar array would also need to be mitigated (although noting that this excludes in general the installation of the arrays where the impact is 'pin cushion' and is more addressed to substantive groundwork such as access tracks, cable runs and compounds). A condition could also be recommended to secure a level of archaeological mitigation appropriate to the scale, location and impact of the installation ground works, in the event that planning permission were to be granted. It is considered that, subject to conditions, the proposed development would sustain the significance of heritage assets, in accordance with RLP policy E9.
- 8.23 **Biodiversity**
Policy E5 of the RLP requires development to conserve, and where possible restore and/or enhance biodiversity. The application is supported by ecological assessments of the site.
- 8.24 *Ground nesting birds*
The submitted surveys identify that ground nesting birds (eg lapwing and skylark) are present on the site. In addition, Stone Curlews are one of the rarest ground nesting birds in the UK and are protected under Schedule 1 of the Wildlife and Countryside Act 1981. It is an offence to intentionally or recklessly disturb birds and their young on or near an active nest and also to disturb a breeding attempt. Stone Curlews are a migratory species and breed in limited areas within the UK. Salisbury Plain is a known area where they do breed and the application site is in close proximity of the Plain. Salisbury Plain has a Special Protection Area (SPA) where stone curlews are a notable species. The submitted surveys and assessments also consider Stone Curlews, and discussions have taken place between the applicant and the RSPB in respect of this species, confirming that the assessments carried out are appropriate.
- 8.25 Details have been provided with the application in relation to the provision of a new habitat to the north east of the application site (edged in blue on the site location plan) for ground nesting birds. It has been suggested by the applicant that a mitigation strategy for this land could be dealt with by condition, and further discussions are ongoing in respect of the appropriateness of this with the Council's Ecologist. Further consideration in respect of this will provided in the Update paper to Committee. A condition could be recommended to secure the provision and retention of this mitigation, in the event that planning permission were to be granted.

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8.26 *Dormice*

The submitted assessment considers it unlikely that dormice would be present on the site, due to the lack of hazel and honeysuckle within the existing hedgerows, and lack of connectivity to suitable woodland habitat. Whilst this does not necessarily rule out the presence of dormice, it is noted that no hedgerow removal would be required to facilitate the proposed development, and new hedgerow planting and enhancements are proposed. It is therefore not considered that the proposal would impact adversely on dormice.

8.27 Overall it is considered that subject to conditions, the proposed development would conserve biodiversity at the site and would accord with RLP policy E5.

8.28 **Amenity and pollution**

Policy E8 of the RLP sets out that development will be permitted provided that it does not result in pollution which would cause unacceptable risks to human health, the natural environment or general amenity, and that development that would or could potentially generate pollution will only be permitted if it can be demonstrated that there would not be any adverse impact on human health, the natural environment or general amenity. For the purposes of this policy, pollution includes noise and vibration, light and air. The main considerations in respect of this proposal relate to noise emission from static plant and equipment; the risks to amenity and aviation from glint and glare from the solar panels; and the risks posed by the construction phase.

8.29 *Noise from static plant*

The application is supported by a noise assessment report, which assesses the risk of noise impact upon residential receptors located to the West and East of the site. It is understood that some of the equipment/plant associated with the proposed solar farm may operate at night time hours. The conclusion from the assessment is that the impact upon residential amenity from the operation of the proposed development would likely be one of low impact. This outcome would, however, be reliant on the equipment/plant meeting the emission outputs contained within the submitted assessment, and the position of the plant. In the event that planning permission were to be granted, a condition could be recommended to ensure that the equipment/plant is installed and operated in accordance with the noise assessment.

8.30 *Glint and Glare – Residential amenity*

It is stated in the application details, that external lighting will not be installed on site, but details of this could be secured by condition to ensure that it is appropriate in respect of amenity.

8.31 Consideration is therefore limited to the risk of sunlight reflecting off the solar panels giving rise to glint or glare impacts to residential properties. A glint and glare assessment has been submitted with the application. The report concludes that 19 residential receptors are located within 1 km of the development and positioned where glint and glare impacts are possible, due to the orientation of the solar panels. Prior to consideration of any physical barriers (the so called 'bald earth' scenario); the impact significance is described as 'high' for 10 receptors; 'medium' for 7 receptors; 'low' for 2

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receptors and 'none' for 8 receptors. Taking account of physical barriers currently in place, the assessment of significance was that 1 receptor only, that being Bush Farm to the south east, still had a 'high' significance and all others were of no significance. Remediation is proposed in respect of this receptor, consisting of a soil bund and hedgerows to obscure the view of the solar panels. The report also concludes that there is sufficient mature vegetation to screen the development, and therefore there would be no impact from glint and glare. It is considered that the risk of a significant impact on this receptor is unlikely. In the event that planning permission were to be granted, a condition could be recommended to ensure that the mitigation measures are provided and retained.

8.32 In addition to the above, the submitted construction management plan sets out arrangements for controlling noise and dust impacts from the construction phase of the proposed development.

8.33 Overall it is considered that the impacts of the proposed development on nearby residential properties in respect of noise, lighting, glint and glare, and construction activity would be acceptable, and could be controlled by conditions.

8.34 *Glint and Glare - Aviation*

The Civil Aviation Authority (CAA) has been consulted on the planning application, and has reviewed the submitted glint and glare assessments, particularly in respect of impacts on the adjacent Thruxton Airfield (operated by Western Air Thruxton), which is located to the north. The operator of the airfield has raised an objection to the proposed development, as set out at paragraph 6.3 of this report. Discussions have taken place between the CAA and the applicants during the consideration of the application. The CAA advise LPAs in respect of general aviation (GA). Paragraph 106 f) of the NPPF sets out that "*planning policies should recognise the importance of maintaining a national network of GA airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the government's General Aviation Strategy*".

8.35 It is understood that Thruxton Airfield operates 7 days a week with two runways, enabling the aerodrome to operate throughout the year in variable wind conditions and caters for a mix of aircraft types, including flight training and commercial operations. The CAA advise that circuit training is a fundamental part of flight training which involves repetitious take off and landings designed to familiarise student pilots with the most dynamic and critical phases of flight. All successful landings are predicated on accurate circuit flying for which the maintenance of a visual reference to ground features and other airspace users is crucial.

8.36 In respect of the submitted glint and glare assessments, the CAA advise that they do not accurately consider the general aviation environment at Thruxton Airfield and in particular, the flight training environment. They set out that advice that they have provided throughout the application process has sought

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to ensure that adequate assessments were undertaken to ensure that glint and glare, and in particular yellow glare, was not present as a result of the proposed scheme. Yellow glare has the potential to cause visual disturbances (after image effect) on receptors. The CAA cites that the criteria used for the applicant's assessment was too narrow in scope to accurately assess the potential impact of the proposed scheme, and that whilst the assessment methodology has improved in later submissions, each subsequent assessment has shown an increase in yellow glare.

- 8.37 The CAA advises that only assessing the final approach track is an inadequate assessment of potential impact when considering the flying environment at Thrupton. This is due to the variable positions of aircraft within the circuit pattern at Thrupton, and the need for student pilots to orientate themselves visually with local features in order to facilitate accurate circuit flying, as well as to see and avoid other airspace users and sequence themselves with other traffic. The CAA advises that, owing to the nature of the flying environment, it would be prudent to assess the impact of the proposed scheme on the tracks flown over the ground by aircraft operating at Thrupton, rather than a short final approach track only. Additionally, as a training environment, various heights should be assessed too. The CAA also highlights that any comparison to other aerodromes with solar development in their proximity should be taken with caution, in that what may suit one aerodrome's operating environment may not suit another for a variety of reasons, including type of operation, scale and position of solar development in relation to aerodrome and circuit pattern etc.
- 8.38 Despite the limited scope of the submitted assessments, each has shown an increase in yellow glare, which has the potential to produce an after-image effect which could be detrimental to the safe operation of Thrupton Airfield. Without a more robust assessment, it is not possible to conclude what mitigation would be required in order to address the impacts identified, and indeed those that remain unknown. It is considered that insufficient information has been submitted to demonstrate that the proposed development would not have an unacceptable impact on the safe operation of Thrupton Aerodrome.
- 8.39 The applicant has cited within their submitted assessments the Government's revised National Policy Statements, and in particular EN-3 (renewables). This is still a draft policy, and the second round of consultation on this has recently closed. Paragraph 3.10.150 of the latest draft of EN3 sets out that "*Whilst there is some evidence that glint and glare from solar farms can be experienced by pilots and air traffic controllers in certain conditions, there is no evidence that glint and glare from solar farms results in significant impairment on aircraft safety. Therefore, unless a significant impairment can be demonstrated, the Secretary of State is unlikely to give any more than limited weight to claims of aviation interference because of glint and glare from solar farms*". As discussed already, it is considered that insufficient assessment has been undertaken to demonstrate that there would not be a significant impairment as a result of the proposed development. Therefore whilst this NPS is still in draft form and therefore carries limited weight, it is not considered that the proposal would comply with this paragraph.

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- 8.40 It is important to have regard to paragraph 187 of the NPPF, which sets out that “*planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities...Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established*”. This is referred to as ‘the agent of change’, and essentially requires any new development to mitigate the impacts of that development, as opposed to existing businesses and facilities having to mitigate for the new development. As set out above, in the absence of a robust assessment in respect of the impacts of glint and glare on Thrupton Airfield, it is not possible to conclude what mitigation would be required in order to address the impacts identified, and indeed those that remain unknown, and it would not be reasonable to rely on the airfield altering their existing operations to address any impacts caused by the proposed development, which may have implications for them, for example in respect of safety or commercial interests.
- 8.41 Overall, the Civil Aviation Authority (CAA) maintain concerns about the scope of, and methodology used in the submitted glint and glare assessments. Therefore it is considered that there is insufficient information submitted with the application to demonstrate that the proposed development would not have an unacceptable impact on the safe operation of Thrupton Airfield, contrary to RLP policy E8. Furthermore, as the ‘agent of change’, the proposed development has failed to demonstrate (including providing suitable mitigation) that unreasonable restrictions would not be placed on the operation of Thrupton Airfield, contrary to paragraph 187 of the NPPF.
- 8.42 **Highway network**
Policy T1 of the RLP requires development to not have an adverse impact on the function, character and safety of and accessibility to the local and strategic highway network or the rights of way network. It is considered that during the operational phase, the proposed development would be an extremely low traffic generator. Therefore any highway impacts to consider would be in respect of the construction and decommissioning phases of the proposed development. The application is accompanied by a Construction Traffic Management Plan.
- 8.43 **Site Access**
The site would be accessed via the existing Lains Farm access junction on Quarley Road. The visibility splays provided are acceptable to the Highway Authority, which includes approximately 14.4 metres of hedgerow to the south of the access being trimmed to a height of one metre in order to achieve the required visibility. The applicant has provided acceptable vehicle tracking of 16.5m articulated lorry demonstrating construction vehicles can safely enter the access. Furthermore, the applicant proposes to provide temporary signage during the construction phases to inform the public of the construction works. Once the construction phase is complete, it is stated that maintenance vehicles (transit van or similar) would enter the site once or twice a month.

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8.44 *Construction Vehicle Routing*

The designated route for construction vehicles provides safe and adequate routing for large construction vehicles. Large construction vehicles accessing and egressing the site from the west would travel along the A303, B3084, and Quarley Road, and from the east, large construction vehicles would utilize the A303 and Quarley Road. The proposed temporary designated route signage to direct construction traffic and inform other drivers is proposed in acceptable locations. The management of deliveries has been provided and proposes adequate operation arrangements which are acceptable to the Highway Authority. The Highway Authority would also accept the proposed routing set out in the Construction Traffic Management Plan.

8.45 *Contractors' Compound and Internal Routing*

The Highway Authority are satisfied that there would be no severe impact to the local highway network from overspill parking or mud/debris on the road, as there is sufficient parking on site for contractors, and wheel washing facilities would be provided.

8.46 *Construction Vehicle Trip Generation*

The Highway Authority notes that the construction phase of the development would last for approximately 18 weeks and would consist of 4 phases: Enabling Works, Solar Farm, Battery Storage, and Site Clearance. The maximum approximate number of two-way trips for deliveries in the construction phases of the development is a total of 1686 across the 18 weeks, not including the trips for construction workers which would arrive in low numbers and likely outside of peak times. Succeeding the completion of the construction phases, the site would have a low number of trips associated with maintenance of the development of approximately 4 two-way trips per month, and therefore it is determined by the Highway Authority that this would not have a detrimental impact on the local highway network. Additionally, the Highway Authority is satisfied that the number of HGV movements for the 18 week construction period would not have a severe impact on the local highway network.

8.47 *Proposed Mitigation Measures*

The applicant has provided sufficient proposed mitigation measures which would reduce risk to the safety and operation of the local highway network, and therefore, are deemed acceptable by the Highway Authority. The applicant has also stated that a pre-construction walk-over condition survey would be conducted and agreed with by highway officers at HCC. This is considered to be acceptable. Conditions could be recommended in respect of these measures, in the event that planning permission were to be granted.

8.48 *Strategic Road Network*

The proposed development would be located a sufficient distance away from the edge of the hard shoulder of the A303 so as not to have any meaningful impact on the safe and efficient operation of the SRN (A303), and National Highways has raised no objections to the proposal in this respect.

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8.49 *Public rights of way*

There are a number of Public Rights of Way (PRoW) within the vicinity of the site, including Amport:28 and Amport:31, to the east and north east, Amport:12b, Amport:13 and Amport:27, to the south, and Amport:24 to the south west. These existing PRoWs would not be directly affected by the proposals.

8.50 The Ramblers Association has identified that the proposed development would be visible from PRoW Amport:12B, and that, as set out in the NPPF (paragraph 100) “planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks...”. They have advised that this could be met by either providing a new ProW from Amport:31 to the Quarley road to the west, resulting in PROWs Amport:31 and Amport:28 being more used, and providing a link from west Amport to the north of the A303; or a new path provided between Amport:31 and Amport:11 along the boundary with the A303, providing a new circular walk. The policy test for RLP policy T1 is whether a proposed development would have an adverse impact on the function, safety and character of and accessibility to the local rights of way network. It is not considered that the proposed development would result in an adverse impact on the ProW network that would justify the suggested mitigation of new routes by the Ramblers Association. The current ProWs would remain unimpeded following the construction of the proposed development, and landscape mitigation is proposed which would reduce the visual impact of the proposed development from these routes.

8.51 Subject to conditions, it is considered that the proposed development would not impact adversely on the highway or rights of way networks and would comply with RLP policy T1.

8.52 **Water management**

RLP policy E7 requires consideration to be given to the impact of development on flood risk and ground water matters. The site is located within Flood Zone 1, which is the zone with the lowest probability of flooding.

8.53 The application indicates that some elements of the proposed solar farm would be set on gravel pads which would discharge surface water into the ground (infiltration). While infiltration testing has been carried out at the application site, the applicant has not carried out a groundwater assessment which demonstrates that there would be at least a 1m unsaturated zone between the base of the proposed infiltration features and the highest groundwater level recorded including seasonal variations. It is understood that access roads would be formed using gravel to avoid creating impermeable areas across the site. If the proposed surfaces are just for reinforcement to increase the bearing strength of the ground, without any additional construction which would change the underlying soils (such as any impermeable area), this would be considered as permeable. However, if the proposals consider any impermeable surfaces, the applicant should submit additional information to show how the additional surface water runoff would be managed (required attenuation volume,

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discharge point, hydraulic calculations and drainage layout). In considering the shallow nature of the require infiltration features, the Lead Local Flood Authority has raised no objection to the proposals, subject to compliance with the submitted flood risk and drainage information, or any such amended scheme that shall be submitted to the LPA for approval. Subject to this, the proposed development would comply with RLP policy E7.

8.54 **Other matters**

Minerals and waste safeguarding

The application site lies within the buffer zone of the safeguarded site Thruxton Airfield operated by Earthline Limited. This area is informed by the safeguarded sites list as defined through Policy 26: Safeguarding – waste infrastructure of the adopted Hampshire Minerals and Waste Plan (2013) (HMWP). The purpose of this policy is to protect current and potential waste sites from pressures to be replaced by other forms of development, including through ‘encroachment’ where nearby land-uses impact their ability to continue operating. The application is accompanied by a Minerals and Waste Statement, which sets out that the applicant contacted the operator of the safeguarded site prior to the submission of this planning application, and at the time of contact (September 2021) a no comment response was provided, however the operator did retain their right to make comment once any planning application had been submitted. The applicant made further contact with the operator in January 2022 following the submission of this planning application. No response was received, and no representations in respect of minerals and waste have been submitted to the LPA for consideration. The Minerals and Waste Authority (HCC) has confirmed that the proposed development satisfies the requirements of Policy 26 of the HMWP, and has raised no objections.

8.55 *Aerodrome safeguarding*

The application site occupies the statutory safeguarding zone surrounding AAC Middle Wallop, MOD Boscombe Down and Netheravon Airfield. The MOD has been consulted on the application, and has advised that they have no safeguarding objections to this proposal.

9.0 **CONCLUSION AND PLANNING BALANCE**

9.1 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.

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9.2 Whilst it is acknowledged that the proposed development would result in a number of benefits, including in respect of biodiversity and the generation of renewable energy, it is not considered that these benefits would outweigh the harm that could be caused to aviation safety and the operation of Thruxton Airfield.

10.0 RECOMMENDATION REFUSE

- 1. 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.**
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APPLICATION NO.	21/03760/FULLN
SITE	Land at Lains Farm, Cholderton Road, Quarley, AMPORT
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1.0 **ADDITIONAL INFORMATION**

- 1.1 On the 19 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 18 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 25 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.

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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.

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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 Thruxton 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.

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- 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).

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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.**

Note 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.**
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