



Strategic Planning Committee

Date: Monday, 24 January 2022

Time: 10.00 am

Venue: A link to the meeting can be found on the front page of the agenda.

Members (Quorum 3)

Robin Cook (Chairman), John Worth (Vice-Chairman), Shane Bartlett, Dave Bolwell, Alex Brenton, Kelvin Clayton, Jean Dunseith, Mike Dyer, Sherry Jespersen, Mary Penfold, Belinda Ridout and David Tooke

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services
Meeting Contact 01305 224202 - elaine.tibble@dorsetcouncil.gov.uk

For easy access to all the council's committee agendas and minutes download the free public app called Modern.Gov for use on any iPad, Android, and Windows tablet. Once downloaded select Dorset Council.

Please note this meeting will be held virtually.

Members of the public are welcome to watch this meeting and listen to the debate, apart from any items listed in the exempt part of this agenda online by using the following link.

[Link to live meeting - morning session starts at 10:00](#)

[Link to live meeting – afternoon session starts at 14:00](#)

Members of the public are invited to make written representations provided that they are submitted to the Democratic Services Officer no later than **8.30am on Wednesday 19 January 2022**.

This must include your name, together with a summary of your comments and contain no more than 450 words.

If a councillor who is not on the Strategic Planning Committee wishes to address the committee, they will be allowed 3 minutes to do so and will be invited to speak before the applicant or their representative provided that they have notified the Democratic Services Officer by **8.30am on Wednesday 19 January 2022**.

Please note that if you submit a representation to be read out on your behalf at the committee meeting, your name and written submission will be published as part of the minutes of the meeting.

For information about public speaking, filming and how to get involved in committees, please see this page. In particular Guidance to Public Speaking at a Planning Committee and specifically the "**Covid-19 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings - effective from 20 July 2020**" included as part of this agenda (see agenda item 4 - Public Participation)

Using social media at virtual meetings

Anyone can use social media such as tweeting and blogging to report the meeting when it is open to the public.

Agenda

Item		Pages
1. APOLOGIES	To receive any apologies for absence.	
2. DECLARATIONS OF INTEREST	To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration. If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	
3. PUBLIC PARTICIPATION		5 - 6
	To receive questions or statements on the business of the committee from town and parish councils and members of the public. <u>Public speaking has been suspended for virtual committee meetings during the Covid-19 crisis and public participation will be dealt with through written submissions only.</u> Members of the public who live, work or represent an organisation within the Dorset Council area, may submit up to two questions or a statement up to a maximum of 450 words. All submissions must be sent electronically to elaine.tibble@dorsetcouncil.gov.uk by the deadline set out below. When submitting a question please indicate who the question is for and include your name, address and contact details. Questions and statements received in line with the council's rules for public participation will be published as a supplement to the agenda. Questions will be read out by an officer of the council and a response given by the appropriate officer at the meeting. All questions, statements and responses will be published in full within the minutes of the meeting. The deadline for submission of the full text of a question or statement is 8.30am on Wednesday 19 January 2022.	
4. APPLICATION FOR THE REGISTRATION OF A TOWN OR		7 - 26

VILLAGE GREEN AT HAPPY ISLAND, BRIDPORT

- 5. APPLICATION NO: P/FUL/2021/02046 - LAND AT PARK FARM, ACCESS TO PARK FARM, GILLINGHAM** 27 - 60

Construct solar photovoltaic farm, battery storage and associated infrastructure, including inverters, batteries, substations, security cameras, fencing, access tracks and landscaping.

6. LUNCH BREAK

The meeting will resume at 14.00hrs

- 7. APPLICATION NO: P/FUL/2021/02622, - LAND AT E 384686 N 99993, SOUTH OF BLANDFORD HILL (A354), WINTERBORNE WHITECHURCH** 61 - 122

Construct solar farm and erect electric vehicle charging station, form vehicular access, parking, landscaping, and carry out associated works including installation of equipment, batteries and necessary infrastructure.

8. URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

9. EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

This page is intentionally left blank

Agenda Item 3

Dorset Council

Covid-19 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings – effective from 20 July 2020

Due to the Covid-19 pandemic the council has had to put in place measures to enable the council's decision making processes to continue whilst keeping safe members of the public, councillors and council staff in accordance with the Government's guidance on social distancing by applying new regulations for holding committee meetings from remote locations.

The following procedures will apply to planning committee meetings until further notice, replacing where appropriate the relevant sections of the Guide to Public Speaking at Planning Committees:

1. While planning committee meetings are held remotely during the Coronavirus outbreak public participation will take the form of written statements (and not public speaking) to the committee.
2. If you wish to make a written statement it must be no more than 450 words with no attached documents and be sent to the Democratic Services Team by 8.30am two working days prior to the date of the committee – i.e. for a committee meeting on a Wednesday written statements must be received by 8.30am on the Monday. The deadline date and the email contact details of the relevant democratic services officer can be found on the front page of the committee agenda. The agendas for each meeting can be found on the Dorset Council website

Dorset Council Committee List

3. During this period the council can only accept written statements via email and you should continue to bear in mind the guidance in the public speaking guide when preparing your representation.
4. The first three statements received from members of the public for and against the application (maximum six in total) will be read out together with any statement from the town and parish council, by an officer (but not the case officer), after the case officer has presented their report and before the application is debated by members of the Committee. It may be that not all of your statement will be read out if the same point has been made by another statement and already read to the Committee. This is to align with the pre-Covid-19 protocol which limited public speaking to 15 minutes per item, although the Chairman of the Committee will retain discretion over this time period as she/he sees fit. All statements received will be circulated to the Committee members before the meeting.
5. This addendum applies to members of public (whether objecting or supporting an application, town and parish councils, planning agents and applicants).
6. Councillors who are not on the Planning Committee may also address the Committee for up to 3 minutes by speaking to the Committee (rather than submitting a written statement). They need to inform Democratic Services of their wish to speak at the meeting two working days before the meeting.

This page is intentionally left blank



Application for the registration of a town or village green at Happy Island, Bridport

Date of Meeting: 24 January 2022

Lead Member: Cllr Dave Bolwell, Cllr Kelvin Clayton and Cllr Sarah Williams – Dorset Council members for Bridport

Lead Officer: Matthew Piles, Corporate Director for Economic Growth and Infrastructure

Executive Summary: This report considers an application to amend the Register of Town and Village Greens by the addition of an area of land at Happy Island, Bridport as shown on Drawing 15/05 attached as Appendix 1.

Equalities Impact Assessment: An Equalities Impact Assessment is not a material consideration in considering this application

Use of Evidence: The applicant submitted user evidence forms from users of the claimed green in support of the application. The landowner has submitted evidence in objection. Notices explaining the application were erected on site. Any relevant evidence provided has been discussed in this report.

Budget: A decision whether or not to accept the application to register the identified area as town or village green may result in a challenge through the Courts by way of judicial review

Risk Assessment: As the subject matter of this report is the determination of a Town or Village Green application the Council's approved Risk Assessment Methodology has not been applied.

Other Implications: None

Recommendations:

That:

The application VG1/2014 to register land at Happy Island, Bridport as a Town or Village Green is refused.

Reasons for Recommendation:

The evidence presented to the Council demonstrates that application VG1/2014 does not meet the criteria set out in the Commons Act 2006 and should therefore be refused.

Appendices:

1. Drawing 15/05 – Area of land which is the subject of the application
2. Drawing 15/06 – Showing addresses of users
3. User evidence table and matrix showing activities in which users participated.
4. Charts to show periods and level of use
5. Drawing 21/VGAP1/2014 – Location plan
6. Photograph of notice on the Land

Background Papers:

The file of the Executive Director, Place (ref. VG1/2014).

Officer Contact

Name: Vanessa Penny, Definitive Map Team Manager

Tel: 01305 224719

Email: vanessa.penny@dorsetcouncil.gov.uk

1 Background

- 1.1 Dorset Council (“the Council”) is the Commons Registration Authority for the purpose of exercising functions under the Commons Act 2006. An application has been made on behalf of ‘King Charles Estate Residents Association’ for the registration of land at Happy Island, Bridport as a town or village green.

2 Description of the land

- 2.1 The area of land, which is the subject of the application (“the Land”), is shown in red on Drawing 15/05 attached as Appendix 1. It consists of approximately 2.3 hectares of land, which forms an open grassy area known as Happy Island Field on the King Charles Estate in the parish of Bradpole. Bounded to the south west by Happy Island Way, to the south east by Jessopp Avenue, to the north west by Footpath 8 adjacent the River Asker and to the north east by open fields.
- 2.2 The Land consists of one section, crossed from north west to south east by Footpath 9, Bradpole.

3 Law

Commons Act 2006

- 3.1 Under Section 15(1) of the Commons Act 2006 any person may apply to the Commons Registration Authority to register land as a town or village green in a case where subsection (2), (3) or (4) applies (according to whether the use continued at the date of the application or not).
- 3.2 This application was made under Section 15(2) which requires that:
- (a) a significant number of the inhabitants of any locality, or of any neighbourhood in a locality, have indulged as of right in lawful sports and pastimes on the Land for a period of at least 20 years; and
 - (b) they continue to do so at the time of the application.

The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007

- 3.3 These Regulations set out the procedure to be followed by the Council on receipt of an application:
- (a) The Regulations require that the application is publicised, giving at least 6 weeks for any objections to be made. Following the end of the objection period, the Council is required to proceed to the further consideration of the application as soon as possible and the consideration of statements (if any) objecting to that application.
 - (b) The Regulations also require that the Council:

- (i) Consider every written statement in objection to an application which it receives before the date on which it proceeds to the further consideration of the application; and
 - (ii) May consider any such statement which it receives on or after that date before the authority finally disposes of the application.
- (c) The Council must not reject the application without giving the applicant a reasonable opportunity of dealing with –
- (i) The matters contained in any statement of which copies are sent to him...; and
 - (ii) Any other matter in relation to the application which appears to the authority to afford possible grounds for rejecting the application.

Human Rights Act 1998

- 3.4 The Human Rights Act 1998 incorporates into UK law certain provisions of the European Convention on Human Rights. Under Section 6(1) of the Act, it is unlawful for a public authority to act in a way which is incompatible with a convention right. A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful by Section 6(1) and that he is (or would be) a victim of the unlawful act, may bring proceedings against the authority under the Act in the appropriate court or tribunal, or may rely on the convention right or rights concerned in any legal proceedings.
- (a) Article 8 of the European Convention, the Right to Respect for Private and Family Life provides that:
- (i) Everyone has the right to respect for his private and family life, his home and his correspondence.
 - (ii) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.
- (b) Article 1 of the First Protocol provides that:
- Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

4 General Issues

- 4.1 The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 set out the procedures to be followed in respect of such applications. In accordance with those Regulations, advertisements on site and in the local press invited objections to the application within the period specified in the Regulations: in this case the objection period expired on 8 May 2015. Objections were received from a local resident and the Farmers Club Charitable Trust as landowner. The Applicant has made comments on those objections.
- 4.2 In its capacity as Registration Authority, the Council is required to adjudicate on the application and to register the application land if there are sound reasons for doing so or, if not, to reject the application. It is for the applicant to prove his or her case and there is no requirement for the Registration Authority to instigate its own research into the application. Nonetheless, there may be disputes of fact and/or issues of law to be resolved or considered before a decision can properly be made. Further, the Council has discretion to deal with the application on the basis of the evidence available to it and not necessarily solely on the basis applied for.
- 4.3 The decision to accept or reject an application rests with the Council alone and can only be challenged through the Courts by way of judicial review. It is therefore particularly important that the Registration Authority's scrutiny of the application and any objections is thorough and that this Committee is well informed and advised before the application is finally determined.

5 The application

- 5.1 The application was initially received on 22 February 2013. The applicant was given opportunity to make corrections and a revised application was submitted on 4 June 2013. The application was formally acknowledged by the Council on 17 December 2014. The application states that the Land should be registered as a town or village green because it has been used "...for many types of lawful leisure activities over a period of many years by local residents...well in excess of the minimum period of 20 years...without any objection by the Land Owner(s) or Occupiers...". The application is "duly made" for the purposes of the Commons Act 2006.
- 5.2 The application was accompanied by a map showing Happy Island Field, an aerial photograph of the field and the King Charles Estate and 14 forms of evidence detailing use of the Land by 16 witnesses. Drawing 15/06 illustrates the addresses of users who completed evidence forms and statements in relation to the Land and is attached as Appendix 2.

5.3 The user evidence is summarised together with a matrix showing the activities in which people participated at Appendix 3 and charts showing periods and level of use from Appendix 4. Typical uses described by witnesses are walking, picking blackberries, picnicking, sledging and kite flying most of which are certainly lawful sports, pastimes and activities capable of supporting registration of land as a town or village green; there is debate about whether picking berries is a lawful pastime.

6 Objections to the application

6.1 An objection was received from a resident of Bradpole on 17 April 2015. He states that:

- (a) The field may have been previously regarded as a recreational area, but this is no longer the case since the island in the river changed.
- (b) The top eastern portion of the field was never regarded as a public recreational area.
- (c) If the top eastern part of the field is developed, the landowner may allow the bottom western portion to go into local government ownership as a public area.

6.2 Nantes Solicitors Ltd made a submission objecting to the application on behalf of the owner of the Land, The Farmers Club Charitable Trust, on 7 May 2015. They raise a series of points:

- (a) The quantity of user evidence is insufficient – significant user is not made out for the locality
- (b) There is not evidence of 20 years use up to the date of the application in 2014.
- (c) The user evidence is predominantly of linear user
- (d) Use for lawful sports and pastimes is wholly anecdotal. No photographic evidence of qualifying user has been produced.
- (e) Use of the Land was not raised when the Parish objected to the development of the Land.
- (f) Since at least 17 April 1997 and continuing, the land has been in agricultural use.
- (g) The Parish of Bradpole has been identified as the locality. There is no evidence suggestive of user Parish wide.
- (h) The pro forma user evidence forms do not provide a proper basis for this application.

- (i) The user evidence dates to around February 2013, whereas the application was made on 17 December 2014. Therefore, user to the date of application is not evidenced.
 - (j) The Farmers Club became owners of the Land in approximately 1996. Since that time the Land has been let to various individuals for agricultural use which included grazing and growing crops. The agricultural activities would have interrupted any public use of the Land save for the use of the public footpath.
 - (k) In 2008 signs were erected on site stating "PRIVATE LAND This land is privately owned by the Farmers Club Charitable Trust. There is no public access to this land other than along the route of the Public Footpaths. For any enquiries please contact the owners' agents: Faulkners Tel: 01923 264264". They were subsequently torn down but were replaced and some still remain. (See Appendix 6.)
- 6.3 The objection is accompanied by paperwork relating to Footpath 9 and a deposit under Section 31(6) of the Highways Act 1980, photographs of the Land and a copy of the West Dorset, Weymouth and Portland Draft Local Plan. The Land was initially included in the Draft Local Plan but was subsequently removed.

7 Response to objections (dated June 2015)

- 7.1 The applicants' response to the objection raised by the local resident is summarised below:
- (a) The objection has no substance in law and is merely opinion.
 - (b) The river is not part of the application.
 - (c) The field has not been included in the West Dorset District Council Development Plan and therefore cannot be developed.
 - (d) No evidence has been provided to support the objection and it should therefore be dismissed.
- 7.2 The applicants' response to the objections raised by the landowner is summarised below:
- (a) The application was made on 4 June 2013 which should be used a reference point. The letter from Dorset County Council confirming receipt was 17 December 2014.
 - (b) There is no requirement to produce a proportional number of evidence forms and witness statements are not required.
 - (c) The dates the evidence forms were signed are the relevant ones showing that the land was used in the preceding 20 years.
 - (d) Evidence does not have to be photographic.

- (e) There has been no ‘Trigger Event’. Objections to the land being included in the development plan had to be based on planning considerations.
- (f) They object to the inclusion of one of the photographs as it is of a private property and the owner did not give consent to its inclusion.
- (g) The inclusion of the draft Local Plan is irrelevant and out of date. The site is outside the development boundary and is included in an Area of Outstanding Natural Beauty.

8 Issues to be considered

- 8.1 The objector has raised a number of points which need to be addressed. The main issue is whether the test in section 15(2) of the Commons Act set out in paragraph 3.2 has been satisfied: that the Land has been used by a significant number of inhabitants of the locality (or neighbourhood within the locality) as of right for sports and pastimes for at least 20 years. The constituent parts of the test are considered in more detail below.

Locality or neighbourhood within a locality

- 8.2 The locality or neighbourhood within a locality should be identified by reference to a recognised administrative area or an obvious geographical characteristic. For example, a particular parish or a housing estate.
- (a) The applicant has identified the locality in respect of which the application is made as the Parish of Bradpole. A location plan of Bradpole is attached at Appendix 5.
 - (b) Objectors consider that “it appears likely that “Bradpole Parish” will represent an administrative area”. However, they also state that no argument is put forward for there being a “neighbourhood within a locality” and that this is fatal to the application.
 - (c) Officers consider that the applicant has adequately identified a locality. The application form requires that a locality or neighbourhood within a locality is identified. It is not a requirement to identify both, one is sufficient.

Significant number of inhabitants

- 8.3 A significant number does not need to be a considerable or substantial number. The number of people using the Land has to be sufficient to signify that the Land is in general use by the local community; in this case by those within the identified locality.
- (a) The objectors have determined that according to the census records for 2011, the population of Bradpole Parish then was 2,339. The 14 user evidence forms submitted is not even close to a significant number of the Parish and this too is fatal to the application.

- (b) They also state that the user evidence is from a much narrower geographic area than the locality claimed and is limited to a few roads near the application Land.
- (c) Officers consider that the evidence of use from 16 people is not sufficient to demonstrate that the Land is in general use by the local community. Case law suggests “one in two hundred would not be significant”, which is a similar proportion to the evidence of use under consideration here.

Use as of right

- 8.4 Use is as of right if it is without force, without secrecy and without permission.
- (a) Access to the land must be free. Use by force could be by breaking down fences, climbing over gates or by ignoring effectively worded signs prohibiting access.
 - (b) The objectors have provided written and photographic evidence that notices were erected on site in 2008 stating “PRIVATE LAND This land is privately owned by the Farmers Club Charitable Trust. There is no public access to this land other than along the route of the Public Footpaths. For any enquiries please contact the owners’ agents: Faulkners Tel: 01923 264264” which demonstrate that use of the Land by the public was effectively by force. Seven of the witnesses have mentioned in their forms that they saw signs on site in recent years.
 - (c) Officers consider therefore that the use evidenced in support of the application indicates that use was not as of right.
 - (d) A deposit was made by the landowners in 2001 under Section 31(6) of the Highways Act 1980 demonstrating that they acknowledge the presence of the existing public right of way across the Land, and no other ways over the land have been dedicated as highways. This has no effect on the use of the Land for the purposes of accruing town or village green rights.

Lawful sports and pastimes

- 8.5 The use evidenced in support of the application indicates that the activities qualify as lawful sports and pastimes. One objector states that use of the Land for lawful sports and pastimes is “wholly anecdotal” but concedes that dog walking is a qualifying activity and is the predominant activity alleged by the witnesses.

For a period of 20 years

- 8.6 The test for a continuous period of use over 20 years appears to be satisfied on the basis of the applicant’s evidence.

Use continued at the date of application

- 8.7 The user evidence forms were completed in January and February 2013 and the application was first received on 22 February 2013. In accordance with the Regulations, the applicant was given the opportunity to make corrections and an amended version was received on 4 June 2013. The Council acknowledged receipt on 17 December 2014. Case law has held that corrections have retrospective effect, therefore the official date of the application is 22 February 2013 and the evidence indicates that use was continuing.

Trigger Event

- 8.8 One of the objectors raised the issue of the Draft West Dorset, Weymouth and Portland Local Plan and the potential effect on the Land. The Draft Local Plan was published for consultation in March 2012 and initially the Land was put forward to be considered as an “alternative site” for housing development but following a consultation process was removed from the Draft Plan later in 2012. At the time of the application for the Green, the Land was not included in the Draft Local Plan and therefore no trigger event was in effect.
- 8.9 The final Local Plan was adopted in 2015. The application Land is not included within any area allocated for residential development or employment uses.

9 Discussion

- 9.1 There are three main options available to the Committee:
- To accept the application;
 - To refuse the application;
 - To defer a decision pending a public inquiry.
- 9.2 Conflicts in personal evidence should be tested at a public inquiry where witnesses may attend to give evidence and be available for cross-examination. The Committee is not in a position to hear evidence in this way. This will ensure that a decision is made in the knowledge that the evidence has been fully tested and both the applicant and the objector have had the opportunity of exploring the evidence in public.
- 9.3 If a public inquiry is held, the Inspector will hear all of the evidence from the applicant and objector and prepare a report setting out his or her conclusions on the evidence and whether the test for registration is satisfied. The Inspector's report will recommend to the Committee how the application should be determined. The ultimate decision remains with the Committee and so a further report would be made to the Committee following receipt of the Inspector's recommendation.

- 9.4 As discussed in section 8 above, there are two instances where the evidence does not meet the legal tests required for the successful registration of a town or village green. It is considered that there is insufficient evidence of use to demonstrate that a significant number of inhabitants have used the Land. Also, the landowner has taken action by putting up effective signs in previous years which means that use of the Land was by right not as of right. Several of the witnesses of use state that they saw the signs and so officers do not consider that there is a conflict of evidence on this point.
- 9.5 As a result, officers do not consider that there are conflicts of evidence which need to be resolved at a public inquiry before the Committee is in a position to reach a decision.

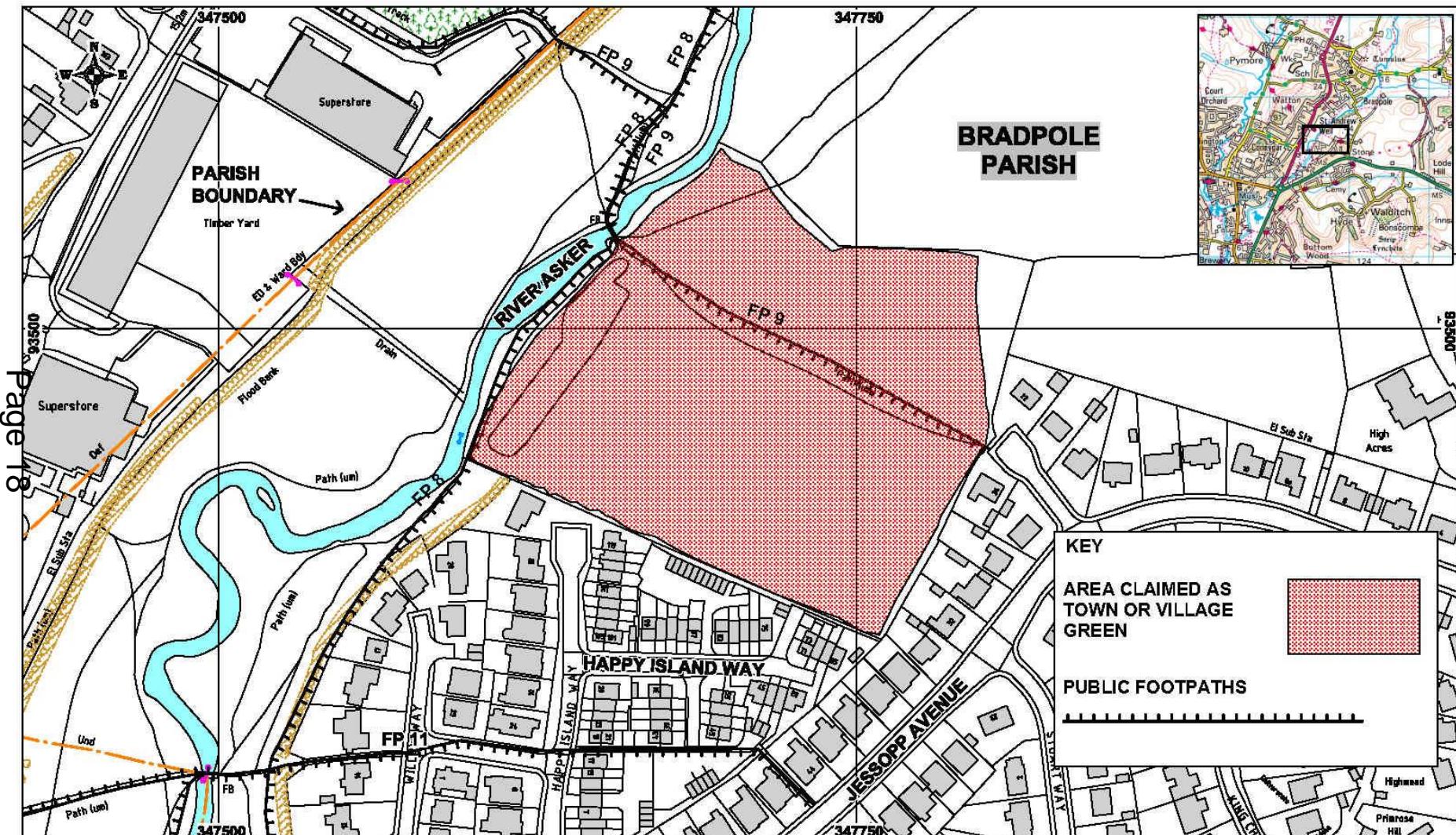
10 Conclusion

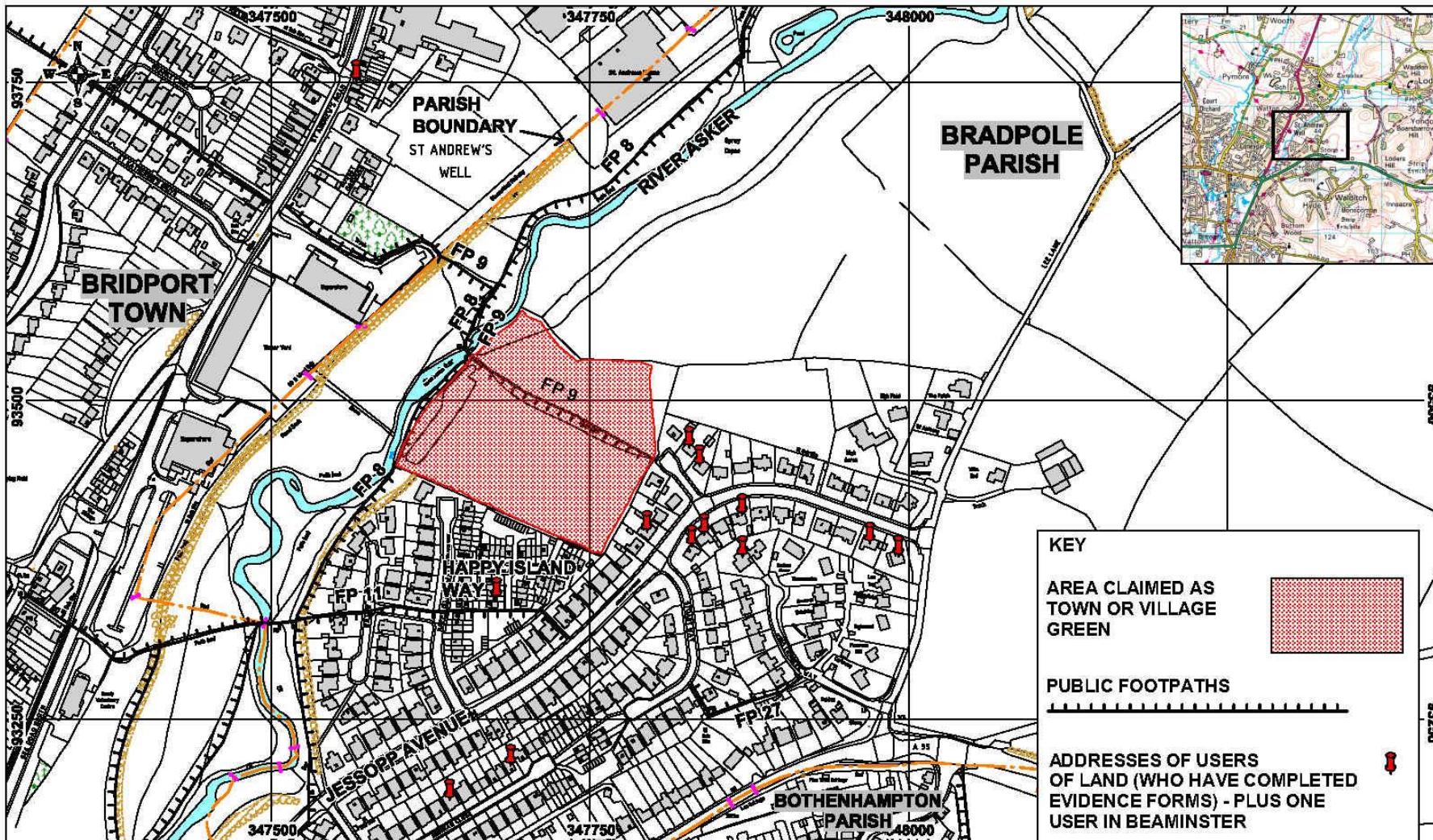
- 10.1 The evidence indicates that signs erected on the Land by the landowner in 2008 demonstrate that use of the Land was not as of right. It is also considered that the evidence of use of the Land does not represent a significant number of inhabitants. As such, the legal tests for the registration of a new town or village green are not met and it is therefore recommended that the application is refused.

Matthew Piles

Corporate Director for Economic Growth and Infrastructure

November 2021





SECTION 15, COMMONS ACT 2006

APPLICATION FOR THE REGISTRATION OF LAND AS A TOWN OR VILLAGE GREEN AT HAPPY ISLAND/ KING CHARLES ESTATE, BRIDPORT (BRADPOLE PARISH) - LOCATION PLAN OF USERS

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

Ref: 15/06

Date: 15/01/2015

Scale 1:4000

Drawn By: AP

Cent X: 347857

Cent Y: 93481

GEOGRAPHICAL INFORMATION SYSTEMS



© Crown copyright and database rights 2015 Ordnance Survey 100019790.
You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form. Aerial Photography © UKPerspectives 2002
© Getmapping 2005, 2009 & 2014

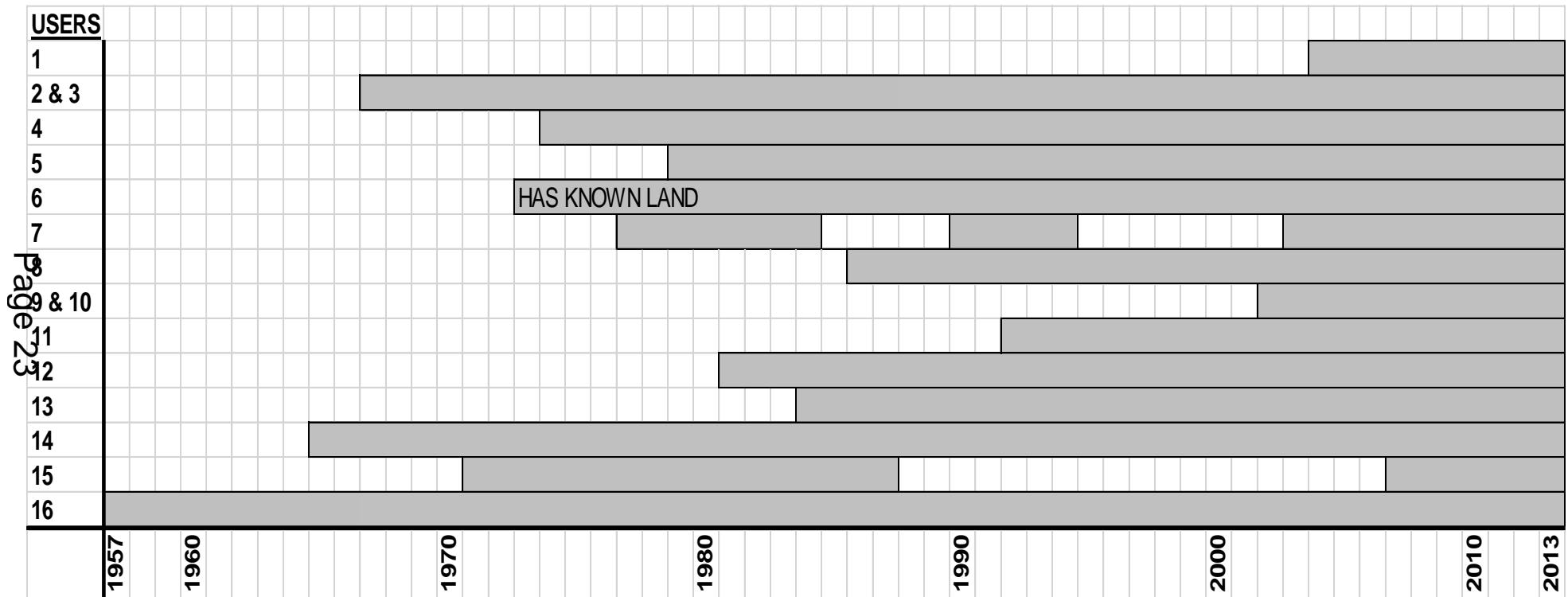
**APPLICATION FOR THE REGISTRATION OF LAND AS A TOWN OR VILLAGE GREEN
– HAPPY ISLAND, BRIDPORT.****Table of user evidence – Forms completed in 2013**

USERS	DATES OF USE	DETAILS OF USE
1. (Applicant)	2004 – 2013	Land used quarterly on average to use the footpath, bird watch, fly kites, play football and pick fruit. Other activities include sledging in winter snow. Notice to keep to paths erected in recent years.
2. & 3.	1967 – 2013	Gained access to land for many years over a stile. Land used two or three times a day walking to and from work.
4.	1974 – present	Land used twice daily to walk to local shops and to walk dogs. Family uses the land for cross country and charity runs. Sledging also takes place there.
5.	1979 – 2013	Land used between 2-3 times a week and twice a month for walking and recreational use. Took part in general family games.
6.	Has known the land from 1973 – 2013	In 1970s and early 1980s cattle were grazed on the land. He used land for walking. Also used to exercise dog 1972-1976 and for his children to play 1973 – 1980. Notice present regarding footpath.
7.	1977 – 1984 1990 - 1994 2003 – 2013	Land used almost daily for walking, dog walking and bird watching. Also on nature rambles with children, blackberry picking, children's games, flying kites, sledging in snow and model aircraft. Notices state 'Private Land Access to Public Footpaths Only'.
8.	1986 – 2013	Access from road. Land used daily for social activities and dog walking. Land is also used by a running club. Schools use land for nature study and field studies. Seasonal activity – sledging also takes place on the land. Notice and fencing used to prevent / discourage use.
9. & 10.	2002 – 2013	Land used every day for dog walking. There are well used footpaths across land in addition to the official footpath.

USERS	DATES OF USE	DETAILS OF USE
11.	1992 – Present (form completed in 2013)	"A welcome green, breathing space to all on the estate, fine views." Land used to get to supermarket, to exercise dogs and to enjoy a walk in only local green space. Used more often in summer than winter as sometimes looked after other people's dogs every day. There are many dogs on the estate, all of which are exercised on this land. Picnics in summer. Motor cyclists club rarely used the land. In recent years, only since the Farmers Trust took it over, "it has been made more explicit that we keep to the footpaths". The owners gave him permission to go onto the land, latterly the Famers' Trust.
12.	1981 – 2013	Land used 4-5 days a week for exercise, walking dog, enjoying the view and flying kites. Now uses land with grandchildren to watch birds and play in the snow. Seasonal activities take place here such as sledging and building snowmen. Spoke to other dog walkers whilst using land. When the Farmers Trust acquired the land they put up a notice saying the right of way was confined to the public footpath and put a gate near the bridge. Prior to that there was no restriction on use. Must have been using land by tractor drivers. Other paths on land in addition to public footpath.
13.	1984 – 2013	Used land quite often walking for pleasure. Has copies of postcards showing evidence of use of the land. Has been told by one of their members of the Postcard Club that the field has been the same for over 70 years.
14.	1965 – 2013	Land used regularly for dog walking and for going to the shops. Also used land for sledging and general recreation. Notice present.
15.	1971 – 1987 2007 - 2013	Land used several times a week for dog walking. Also used taking children/ grand children to play in river at Happy Island. Stated he was given permission to go onto the land. Also says that if owner/occupier saw him using it nothing was said by anyone.
16.	1957 to date (form completed in 2013)	Used land weekly for recreational walks. Cub and Scout activities took place here such as picnics, barbeques and fishing.

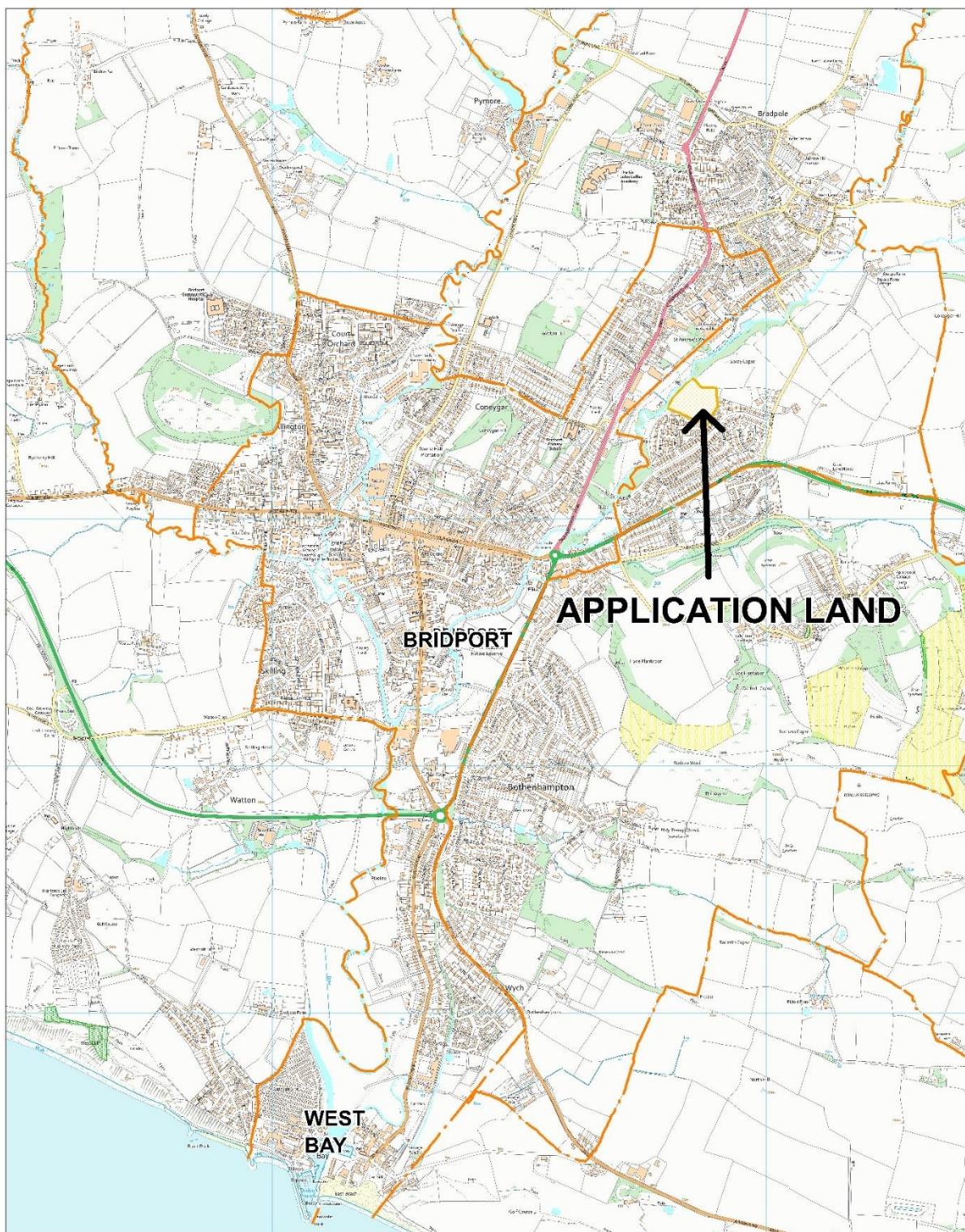
ACTIVITY	USERS	1.	2. & 3.	4.	5.	6.	7.	8.	9. & 10.	11.	12.	13.	14.	15.	16.	TOTAL
CHILDREN PLAYING		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	16
ROUNDERS		✓						✓					✓			4
FISHING		✓	✓						✓					✓		5
DRAWING AND PAINTING		✓	✓				✓			✓			✓			6
DOG WALKING		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	16
TEAM GAMES		✓	✓					✓					✓			5
PICKING BLACKBERRIES		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	16
COMMUNITY CELEBRATIONS																0
FETES																0
FOOTBALL		✓	✓		✓		✓	✓		✓		✓	✓			9
CRICKET								✓				✓				2
BIRD WATCHING		✓	✓	✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	13
PICNICKING			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	14
KITE FLYING		✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓			12
PEOPLE WALKING		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	16
BONFIRE PARTIES																0
BICYCLE RIDING		✓						✓	✓				✓			4
CAROL SINGING																0
OTHER	Picking sloes												Picking sloes & hazelnuts, golf practice			2

Chart showing periods of use



Location Plan

Appendix 5



Location Plan - Bradpole

Ref:
21/VGAP1/2014
Date: 17/09/2021
Scale 1:20000
Drawn By:
Cent X: 346874
Cent Y: 92577



© Crown Copyright and database rights 2021 Ordnance Survey 0100050963.
You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.
Aerial Photography © UK Perspectives 2002 & © Geomapping 2005, 2009 & 2014
Geomapping Plc and Bluesky International Limited [2017]



This page is intentionally left blank

Agenda Item 5

Application Number:	P/FUL/2021/02046
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land at Park Farm Access to Park Farm Gillingham
Proposal:	Construct solar photovoltaic farm, battery storage and associated infrastructure, including inverters, batteries, substations, security cameras, fencing, access tracks and landscaping.
Applicant name:	Fern Brook Solar Farm Ltd
Case Officer:	Ross Cahalane
Ward Member(s):	Cllrs Val Pothecary, Belinda Ridout and David Walsh

1.0 Summary of recommendation:

REFUSE for the following reason:

1. The following identified harms are, in combination, considered to form adverse impacts that would significantly and demonstrably outweigh the benefits arising from the proposal:
 - a) The proposed development, by reason of its appearance, scale and positioning within the setting of surrounding Heritage Assets (which includes the surrounding landscape), would lead to unacceptably adverse harm to the significance of these Heritage Assets and their setting. This harm is considered "less than substantial" having regard to the National Planning Policy Framework (NPPF), but is not outweighed by the identified public benefits arising from the proposal. The proposal is therefore contrary to Policies 5 and 22 of the adopted North Dorset Local Plan Part 1 (January 2016), retained policy GRF1 of the North Dorset District-Wide Local Plan 2003, and Chapter 16 of the NPPF.
 - b) The proposed development, by reason of its appearance, scale and location within a valued landscape (including views from rising topography along Public Footpath N69/7), would lead to unacceptably adverse harm to the character of this landscape (including its recreational, scenic, tranquil and natural/cultural heritage attributes), contrary Policies 4, 5 and 22 of the adopted North Dorset Local Plan Part 1 (January 2016), retained policy GRF1 of the North Dorset District-Wide Local Plan 2003, policies MOT5 and MOT7 of the Motcombe Neighbourhood Plan 2019 and paragraph 174a) of the NPPF.

- c) The surrounding Heritage Assets referred to in a) above are:
- Designated Heritage Assets
- i) Kings Court Palace Moated Site (Scheduled Monument 1017276)
 - ii) Gillingham Park Boundary Bank (Scheduled Monument 1002382)
 - iii) Remains of East Haimes House and Adjacent Deer Park Pale (Scheduled Monument 1465898)
- Non-designated Heritage Assets
- iv) Gillingham Forest Deer Park (Monument MDO27854)
 - v) Sections of Park Pale (Monument MD03873)
 - vi) Donedge Lodge Farm (Locally Listed Building)

2.0 Reason for recommendation

- The public benefits of the development are not considered to outweigh the cumulative harm caused to the character and specific attributes of the site forming part of a valued landscape, the significance and setting of heritage assets and their intrinsic relationship with this rural and valued landscape. The proposed development would therefore also be contrary to the objectives of the Gillingham Royal Forest Project Area.

3.0 Key planning issues

Issue	Conclusion
Principle of development	The benefits of the proposed renewable energy are accepted, although the site is located within the Gillingham Royal Forest project area and the setting of a number of heritage assets.
Residential Amenity	Not considered to be significant as to merit withholding of permission for this reason.
Heritage Assets	Less than substantial harm to the significance of surrounding heritage assets is identified, including the contribution made by their setting.
Visual Amenity and Landscape	Cannot be successfully assimilated into the receiving valued landscape, as its industrial character and scale will be visually intrusive and unacceptably harmful to the surrounding valued landscape.
Highway Safety	No severe highways issues would arise, subject to conditions.
Biodiversity	Initial concerns have now been addressed, subject to planning conditions and s106 contribution towards enhancements of the Gillingham Royal Forest area.
Flooding	Proposed layout avoids areas of surface water and fluvial flood risk from main river.

Rights of Way	Proposal includes improvements to public footpath within the site – details subject to agreement with the Council's Senior Ranger who raises no objection.
---------------	--

4.0 Description of Site

The application site measures approximately 33.06 hectares, or 39.10ha including the cable connection to Shaftesbury substation to the east. Vehicular access is via the B3081 (Shaftesbury Road) to the south and up through the Park Farm tracks. The site is located approximately 600m east of Gillingham and 1km west of Motcombe village.

The site comprises four grazed pasture fields bounded by managed hedgerows and offsite woodland and scrub. It is bordered to the west, south and east by more agricultural land, and to the north by an area of ancient woodland (King's Court Wood). The site is relatively isolated, with the closest farmsteads containing residential properties over 240 metres to its north east.

There is a Bridleway within part of the northern and north-western boundary of the site, forming part of the White Hart Link which also links Gillingham with Motcombe. The Fern Brook river runs along the western and southern boundaries of the site. Two unnamed watercourses are located within the site.

The site is within the setting of several Scheduled Monuments, two areas of Ancient Woodland, and a dwelling identified as a non-designated heritage asset. It is also within Gillingham Forest Royal Deer Park, which is recorded as a non-designated heritage asset (monument).

5.0 Description of Development

The proposed development comprises the construction and operation of a solar photovoltaic farm with associated infrastructure. The proposal includes the following:

- rows of solar PV panels (proposed site plan indicates approx. 105 rows across four fields when counting from north to south – with the field boundaries retained)
- 12 inverters and transformers and 12 battery containers (within containerised units similar to shipping containers)
- one Distribution Network Operator (DNO) substation and one customer substation
- an approx. 4.5 km cable route to Shaftesbury substation
- internal access tracks
- internal buried cabling
- perimeter fence
- CCTV cameras.

Vehicular access (for Distribution Network Operators) would be from B3081 Shaftesbury Road (via Park Farm) to the southwest, utilising the existing highway access point and farm tracks in the holding.

Amendments to the scheme were submitted following initial consultation responses, comprising the following key design changes:

- additional shrub planting along the northern site boundary

- removal/relocation of small section of panels near northeast and western site boundaries to facilitate additional planting
- additional tree planting along part of the east and west boundaries, and
- improvements to Public Right of Way (PRoW) within northwest corner of the site

6.0 Relevant Planning History

P/ESC/2021/00740 – Request for EIA Screening Opinion under Section 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for a proposed solar farm with battery storage and associated infrastructure

Decision: EIA Development (19th May 2021)

7.0 List of Constraints

Bridleway E69/6 within northwest section of site.

Adjacent beginning of Footpath N69/7 to north

Agricultural land Grade 3/4

Within Gillingham Royal Forest Project Area

Adjacent Ancient Woodland and Sites of Nature Conservation Interest

Within setting of designated and non-designated heritage assets

Consultations

All consultee responses can be viewed in full on the website.

Consultees

Ancient Monuments Society - objection

- Given relatively unaltered setting and relationship of important Scheduled Ancient Monuments (SAMs), the development, being sited between these SAMs, would result in a disconnection of these inherently related sites and cause considerable harm to their setting and significance. Therefore fails to meet NPPF requirements.

Council's Contaminated Land Consultants

- Contaminated land site investigation should be undertaken in a tiered manner that is subject to planning conditions. Evident that vicinity has been heavily involved in agricultural practice and there have been some significant changes to landform
- Concerned with risks to construction workers, site visitors and maintenance crews following development. Unlikely that development will disturb contamination in a manner that will affect controlled waters. Also unlikely to be extensive voids created through construction phase to present risk from ground gas. If not the case, provision of a phase one site investigation will identify any such concerns.

Cranborne Chase AONB Team - objection

- In 2019 this AONB was designated the 14th International Dark Sky Reserve
- Concerned about light pollution. Should be a lighting strategy, prior to a decision, that complies with International Dark Sky Reserve criteria
- Non-Technical Statement of the ES is inadequate in considering visual impacts – including the time of year and the location and number of viewpoints from AONB

- Proposal is extensive and industrial, effectively converting agricultural land into a site primarily for energy generation
- Would be seen in the context of the southern Gillingham extension - the cumulative adverse impacts are not identified and evaluated
- Important view from Castle Hill, Shaftesbury, has not been considered
- Mitigation planting to take 15 years to achieve screening is far too long
- Proposal will be a substantial and unusual feature in views from this AONB
- If minded to approve, AONB will expect that adverse impacts in setting of AONB will be compensated for – e.g. annual payment to conserve and enhance natural beauty as set out in AONB's Management Plan

Dorset Wildlife Trust – objection/comments

- Object on grounds of impact development in this location will have on aims of Gillingham Royal Forest (GRF) Project, a partnership project which promotes access to countryside, enhancement of historic landscape and restoration of ecosystems within farmed landscape, of which DWT is a key partner
- Insufficient ecological information provided to assess impacts upon biodiversity

Gillingham Royal Forest

- Concerns over impacts on landscape, viewed locally, from Cranborne Chase AONB, and on the enjoyment of Rights of Way - especially as proposed development lies immediately adjacent a well-used bridleway between Motcombe and Gillingham, which forms part of the White Hart Link circular route, and is visible from the connecting footpath. GRF project has already supported significant capital works to improve the bridleway and accessibility for a wider sector of the local population, by improving surfaces for easier access and replacing stiles with gates to facilitate accessibility for people with limited mobility. Location of proposed development immediately adjacent is likely to significantly limit the benefits delivered to local communities through this work
- Though hedgerow screening is proposed, a solar farm will impact on views to open countryside and is likely to create a more urban feel, contradicting the aim of Policy GRF1 to promote and enhance area as greenspace

Sites of Nature Conservation Interest (SNCI)

- Welcome proposed 15m buffer to be retained adjacent King's Court Wood and planting of new species rich hedgerow adjacent to development boundary to screen the woodland and provide additional buffer from the development. However, will have impacts on the connectivity of the habitats and the wider availability of the landscape for wildlife

Dorset Ecological Networks

- Parts of the site are also mapped as part of the potential Dorset Ecological Network. These areas have been identified as important habitat areas to support biodiversity, as well as the overall ecological function of the landscape. Desirable to see the landscaping measures and biodiversity enhancement to include areas outside the application site, to enable the proposals to actively work towards enhancement of the ecological network and the historic landscape

- Woodland planting to connect two SNCI areas to west of proposed development would be highly desirable to contribute towards the enhancement of the ecological networks and contribute towards the aims of Policy GRF1 and the GRF Project

Construction Environmental Management Plan (CEMP) and Landscape & Ecological Management Plan (LEMP)

- If application is approved, A CEMP must provide full details of working practices to safeguard buffers and retained habitats on site and minimise indirect impacts of construction phase. If such measures are agreed, secured through pre-commencement planning condition and implemented, proposal is unlikely to have direct adverse impacts on SNCI
- Also requires a LEMP to be submitted for review by Dorset Council's Natural Environment Team (NET), in line with the Dorset Biodiversity Appraisal Protocol (DBAP). Recommend that permission is not granted until a valid Certificate of Approval is issued by NET for any submitted LEMP, and its implementation secured through a planning condition.

Biodiversity Net Gain (BNG)

- Ecological Assessment (dated May 2021) includes a claimed BNG of 14% for Habitat Units and 38% for Hedgerow Units. However, not clear that site baseline assessment and proposed post-development habitats support this. Request that more detailed supporting information is provided for BNG to be properly reviewed
- Also consider it essential that habitat maps are included in support of the calculations, identifying the pre- and post-development habitats on-site and making it clear which areas are to be lost, retained, enhanced and created. Significant discrepancy between survey map showing boundary of survey site with Phase 1 habitats included in the Ecological Assessment report, the submitted Location Plan (dated 09/04/2021) and the Landscaping Proposals (EIA Figure 6.9) - making it very difficult to assess what boundary is being used in this calculation and where the areas of habitat being considered are
- Essential that post-operational landscape retains the biodiversity gains to ensure that measurable biodiversity net gain is delivered in the long-term.

Re-consultation comments

- Continue to object to principle of proposal in this location, as it is perceived to conflict with the aims of the Gillingham Royal Forest Project which is working to enhance the way that people are able to experience and value the natural, cultural and historic heritage of the area
- Welcome the additional proposals for tree planting and hedgerow enhancement within amended submission. Also welcome additional information provided by the submitted Biodiversity Net Gain (BNG) Report (October 2021) - it has taken on board the amendments suggested and clarity requested in previous response
- If minded to approve the application, DWT recommend that in addition to on-site measures secured to enhance setting of the development, a financial contribution is made to support work within wider GRF Project Area, to be administered by Dorset Council. This should be used to support work that will contribute towards the aims of saved Policy GRF1 by enhancing landscape through woodland planting and promotion of countryside recreation and tourism activities

Historic England - objection

- Previously provided advice as part of screening application. Consider that the proposed Fern Brook solar farm at Park Farm, Gillingham would result in unacceptable harm to the significance of the highly designated and nationally important heritage assets from development within their setting
- Application area is within a Scheduled Monument known as Gillingham Park boundary bank (National Heritage List Entry 1002382)
- Gillingham Deer Park is known to have been in existence by the end of the 13th Century and is associated with Kings Court Palace moated site, a fortified royal residence and hunting lodge dating from around 1228 (Scheduled Monument 1017276). Palace is at north-west end of the former royal deer park
- To the north but associated with Palace site is Remains of East Haimes House and the adjacent section of the deer park pale (Scheduled Monument 1465898)
- Park pale is clearly discernible through extant field boundaries and hedges, and in some sections, earthworks
- Gillingham was an important medieval Royal Deer Park, the boundary of which remains recognisable in the landscape
- Proposed development would have harmful impact on setting of park pale through transforming base-line historic setting from open rural farmland of historic fields to industrial-scale solar farm. Potentially impact visual and associative relationships
- Ability to appreciate and understand the significance of the Royal Deer Park would be diminished by the proposal and the conservation strategy should be to conserve the monument and not develop within its setting
- As the Deer Park is associated with the scheduled Royal palace, great weight should be given to its conservation
- Proposal is harmful as a result of marked change from rural landscape to large industrial development with fields of PV panels and associated infrastructure, including perimeter fencing
- Development would result in harm in these views and to the significance derived from this aspect of the setting of this historic, scheduled landscape

Re-consultation comments

- Still consider that the degree of harm caused would be less than substantial, as defined by the NPPF
- Given the significance of the heritage assets here and the contribution to that significance made by their settings, clear and convincing justification is needed if there is loss or harm and - can see no clear evidence that the harm is justified
- As previously stated, no amount of screening or planting could reduce the impact this development would have to the significance of the heritage assets here
- Our advice stands and as was clearly stated at the outset, do not consider that our objection can be overcome by providing further information, reducing the scale of the proposed solar array or by any additional mitigation in terms of planting, as this would still result in harm to the significance of the setting of designated heritage assets associated with this former Royal Hunting Park.

Wessex Water - comments

- Our records indicate there is an existing 300mm public foul sewer crossing the site. Whilst it appears space is left around public sewer for access, applicant must accurately locate and plot public sewer on site, as our records are guidance only. Wessex Water will usually require a 3-metre easement on both sides of the public

sewer and unrestricted access for repair and maintenance activities. Access and easements of this public sewer must be agreed with our Development Engineers.

Officer Comment: *The applicant has advised Wessex Water (WW) that their easement has been mapped using utilities mapping and they have applied a 3m easement either side. As part of a detailed design process, the area would also be scanned prior to construction to verify exact location - and would then finalise any cable and track crossing required to follow required prevalent working methodologies. The applicant has also advised WW that they can ensure access through a shared padlock code or similar arrangement. WW has agreed to the above, which could be secured by planning condition.*

Dorset Council Environmental Health Officer - no objection

- Subject to pre-commencement condition requiring submission of a noise report

Dorset Council Flood Risk Management Team - no objection

Dorset Council Highway Authority - no objection, subject to conditions.

Dorset Council Natural Environment Team - no objection

- While consideration of suitability of site for a solar farm is outside of the scope of the biodiversity discipline, proposal will impact on the project aims for Gillingham Royal Forest area, and does not appear to be compatible with Saved Policy GRF1
- Currently falls short of biodiversity and green infrastructure aims of this area and requires further detail
- Do not consider that a full CEMP needs to be provided in advance of determination. However, a full understanding of the impacts on biodiversity during the construction phase and how these impacts can be mitigated for within the scheme design or working method must be known.
- A LEMP should be prepared including all recommendations from the May 2021 Ecological Assessment, and designed to contribute towards the aims of the Gillingham Royal Forest project area and Policy GRF1
- LEMP should also include a plan for the removal of the development at the end of its operational phase and its return to agricultural land. Can be agreed in detail after determination, but must include a commitment that ensures the necessary ecological information is agreed with DC NET and gathered to inform the decommissioning phase - highly likely biodiversity of site will have changed and therefore new considerations may be required to complete this phase without causing harm to biodiversity.

Re-consultation comments

- After reviewing revised LEMP and BNG documents, they do not cause any issues for biodiversity and provided conditions referencing new version documents are secured, the LPA can be assured they have met their duty to biodiversity. Dorset Biodiversity Appraisal Protocol Certificate of Approval has therefore been issued.

Dorset Council Senior Archaeologist – no objection

- Results of an archaeological trial trenching are needed before an informed planning decision can be made

Re-consultation comments

- Submitted archaeological evaluation of the site and the report on this work have been undertaken to an appropriate archaeological standard
- Considering the results, the impact on below-ground archaeology is no longer a matter for concern and would not require mitigation if consent were granted

Dorset Council Senior Conservation Officer – objection

- Will result in the following impacts on the significance of identified heritage assets:

Designated Heritage Assets

Kings Court Palace Moated Site (Scheduled Monument)

Gillingham Park Boundary Bank (Scheduled Monument)

Remains of East Haimes House and Adjacent Deer Park Pale (Scheduled Monument).

- Unifying element between these monuments is existence of an undeveloped landscape between them which, though likely changed since the medieval period, retains this fundamental characteristic
- Submitted Environmental Statement identifies a number of developments which will give rise to cumulative effects on affected heritage assets. Most notably, land to west of site is allocated for development in Policy 21 as part of the Gillingham southern extension. A resolution to grant consent for an outline scheme was passed in May 2020 (2/2018/0077/OUT)
- This consented development will already result in harm to Scheduled Monuments through detrimental impacts on their setting and any additional, cumulative impacts arising from current proposals are to be considered, along with that arising from pre-existing development within the boundaries of the park
- Acknowledged that solar PV array is not the same as buildings, but would still transform baseline historic setting from open rural farmland of historic fields to industrial scale solar farm - results in disconnection of the inherently related sites and introduces a fundamentally incongruous development form into the setting
- Extent of development will therefore result in harm to identified aspects of setting which contribute to the significance of these assets, through extensive setting change that extends and compounds existing negative setting change
- Will result in less than substantial harm to the significance of these assets, which are acknowledged as being ‘of the highest significance’ in terms of national statutory protection. Though not ‘substantial’, the nature and extent of this harm is judged to be considerable, given the essential contribution of the open landscape to the significance of these Scheduled Monuments.

Park Farmhouse (Grade II Listed)

Waterloo Farmhouse (Grade II Listed)

Manor Farmhouse (Grade II Listed)

- Whilst in all three cases, the proposals will result in change to the wider agricultural setting, distance between them and site means their immediate setting should remain unchanged to the extent that any contribution arising from this element remain legible and appreciable
- For these reasons, proposal will result in no harm to these assets’ significance.

Non-Designated Heritage Assets

Gillingham Forest Deer Park / Sections of Park Pale

- Proposal will result in just under 40 hectares of additional development – not buildings, but nonetheless incongruous with the existing deer park landscape – within its boundary. This, together with existing detrimental changes, compounds the attrition of the character of these assets, particularly so as their current open aspect can be appreciated from key points
- Proposed 20m buffers between the array and sections of park pale does not adequately address detrimental impacts on either the character of the park as a heritage asset, nor the setting of unscheduled sections of park pale
- Therefore clear that proposal will result in harm to these assets' significance and, taking the above considerations, consider this harm to be less than substantial

Donedge Lodge Farm

- Site thought to be that of the principal forest-keeper's lodge and a building is recorded here from at least the 15th century. Current building appears to have 17th century origins, though much altered. The vista the natural prominence permits over the deer park is unlikely to be coincidental and can be appreciated in LVIA Viewpoint 2 (Fig. 6.11). The value of this view in understanding and appreciating both the general agricultural setting, and any intended vista over the deer park, will be considerably altered by the introduction of the solar array
- For the above reasons, proposals will result in less than substantial harm to the significance of this asset.

Re-consultation comments

- No change to previous assessment of less than substantial harm to the significance of (non-designated) Donedge Lodge Farm.

Designated Heritage Assets

- Response to applicant's heritage letter as follows:

East Haimes House

- Acknowledge that Environmental Statement did not identify setting effects to this Scheduled Monument. However, for the reasons given in previous response, harm to this monument was identified and no additional evidence has been provided to suggest a revision of this assessment.

'Evolved landscape'

- Certainly true that site has seen changes in boundaries and agricultural regime since the medieval period and even since the disparking. However, should not be assumed that park was not subdivided from the outset. Compartmentation of medieval parks is well evidenced and could include separate open grassland for permanent deer access, coppiced woodland and areas of wood-pasture for pannage. Documentary evidence for arable cultivation in medieval hey-day of parks (e.g. Pulham Park, Norfolk, 1251; the Earl of Cornwall's Cornish parks, 1288). Therefore, agricultural features identified in archaeological evaluation,

together with their various alignments and potential old field boundaries, could be evidence of original medieval land use within park - not necessarily later features.

Neighbouring Site Allocation

- Agree that neighbouring site allocation and consented development already has a considerable impact upon deer park. However, it is precisely the cumulative harm arising from this development and the proposed development which are an additional and significant cause for concern in terms of setting impacts. Historic England's good-practice advice on setting specifically mentions cumulative change and the need for consideration 'whether additional change will further detract from...the significance of the asset' (p. 4). The same point is also made in the Planning Practice Guidance (para. 013 Ref ID 18a-013-20190723).

Conclusion

- In general, nothing is provided to discourage the previous assessment that:
 1. these monuments form inextricably spatially and functionally linked components which define the perimeter and function of a royal medieval deer park whose footprint remains largely undeveloped and legible in association with their settings; and
 2. proposed development must be seen as resulting in cumulative harm to these settings, by further loss and change in character from undeveloped farmland to 'industrial scale solar farm', taking into account the harm already arising from the neighbouring consented development
- Taking the above into account, proposal will still result in less than substantial harm to the significance of these assets, which are 'of the highest significance' in terms of national statutory protection.

Non-Designated Heritage Assets

Gillingham Forest Deer Park / Sections of Park Pale

- Above comments relating to impacts on Scheduled Monuments remain relevant to these non-designated heritage assets. Acknowledged, as it was previously, that these elements are non-designated, but the clear connections between them and the Scheduled Monuments which define their perimeter clearly go towards their significance and any balanced judgement to be had regarding impacts. Therefore remain of the view that the development will result in less than substantial harm to these assets.

Suggested reasons for refusal

- The proposals will result in less than substantial harm to designated heritage assets of the highest national significance (Scheduled Monuments) which is not clearly and convincingly justified through overriding public benefits. In addition, the proposals result in less than substantial harm to the significance of non-designated heritage assets, which on a balanced judgement is not considered acceptable owing to their fundamental connection with the Scheduled Monuments. For these reasons, the requirements of NPPF, paras. 202 and 203 and Policy 5 of the adopted North Dorset Local Plan are therefore not met.

Dorset Council Senior Landscape Architect – objection

Middle/long distant views

- Middle distant views of site are likely to be framed, filtered or screened due to relatively flat topography and intervening woodland and field boundary hedgerows
- Distant views from points along footpaths in elevated positions on chalk escarpment on western edge of the AONB are also possible, though again are likely to be framed, filtered or screened to some extent by intervening vegetation
- While site is within setting of the AONB, submitted photomontages demonstrate that its location would likely avoid or minimise adverse impacts as required by paragraph 176 of the NPPF
- Development's impact on landscape character and views would likely diminish significantly with increasing distance from the site and that at distances above 1km from the site, even when visible, the solar panels and associated infrastructure are significantly less visually intrusive than other elements within the view such as large buildings and skyline features
- Because of their relatively low height (3m max), uniform nature, dark colour and refractive qualities, large solar farms on relatively low-lying flat sites have an appearance at distance not dissimilar to large bodies of water
- Sensitivity to solar energy developments within Blackmore Vale Landscape Character Area is likely to increase with the size of development; so while sensitivity of character area would likely be low to moderate for development of 1ha or less, would likely be highly sensitive to 30ha or more as proposed

Localised views

- Significant change in landscape character and nature of the view for users of bridleway N69/6 and footpath N69/7 in close proximity to site, which would not be mitigated to any significant extent by the proposed mitigatory planting around site boundaries - even 15 years after completion
- Do not agree this would be moderated to any significant degree by the proposed planting - indeed the EIA acknowledges that "*views, although softened by proposed planting, cannot be fully screened and therefore, although reduced, remain of planning significance*" (para 6.11.16 page 6-78)
- Given its historic past as part of a deer park, its inclusion within the Gillingham Royal Forest Project Area and the requirements of retained Policy GRF1, a case might be made for the site being part of a 'valued landscape' as per paragraph 174 a) of the NPPF. While it is hard to see how the proposal would protect or enhance this valued landscape it would also be hard to argue, given the geographic extent of the project area, that it would preclude additional woodland planting or promotion of low-key countryside recreation to any significant degree
- Not convinced that the adverse landscape and visual impacts have been "*addressed satisfactorily*", but might be argued that the significant landscape and visual impact on users of the adjacent footpath and bridleway "*are (or can be made) acceptable*" as required by paragraph 158 of the NPPF
- Consider that additional woodland block planting through land acquisition or by agreement with the landowner could provide further mitigation for users of adjacent footpaths, and that the adverse impacts arising from the scheme have not therefore been satisfactorily addressed by the mitigation currently proposed

Re-consultation comments

- Amended application includes revised LVIA

- Further proposed planting after establishment and 15 years of growth may now substantially mitigate visual impact on users of footpath N69/6, though the physical and visual perception of the landscape is a dynamic three dimensional experience that changes with time, rather than the static two dimensional experience of viewing a photomontage
- However, with the same proviso, even after establishment and 15 years of growth the proposed additional planting would not mitigate the visual impact of the proposed solar farm on users of footpath N69/7
- Still not currently persuaded that all adverse impacts arising from the scheme have been satisfactorily addressed, or that the proposal has maximised the potential to mitigate the adverse impacts identified specifically the adverse impacts on the users of the adjacent bridleway and footpath
- Agree with conclusions of chapter 6 of Environmental Statement Addendum “*that the Proposed Development would, at Year 1, in a localised area have a significant adverse effect of Major-Moderate adverse (significant)*” (Para. 6.11.7) but that “*In respect of the landscape character area of the Clay Vale as a whole the effect would be of Slight adverse and non significant.*” (Para. 6.11.8)
- Agree that “*In the long term, the effects on the localised area of landscape character would be softened by the proposed mitigation planting*”, from N69/7 not persuaded that the significant adverse effect of the proposed development on landscape character in the long term “*would be reduced to minor moderate adverse (not significant)*” as a consequence of the mitigatory planting proposed (paragraph 6.11.10)
- Agree that users of footpaths to north of site (N69/6 and N69/7) “*would experience a Major-Moderate effect at year 1, which is considered significant*” (paragraph 6.11.16), challenge assertion that “*at year 15, these receptors would be larger [sic] screened from the solar panels and experience a potentially Minor-Moderate effect as the proposed planting will filter views of the site*” (paragraph 6.11.17)
- As such, do not consider that proposed development’s adverse impacts would be satisfactorily addressed as required by Policy 3 and Policy 22 of the Local Plan
- Continue to consider that additional woodland block planting through land acquisition/agreement with landowner could provide further mitigation for users of adjacent footpaths
- If minded to approve, would still wish to see conditions regarding submission, approval, implementation and maintenance of a soft landscape scheme.

Dorset Council Senior Ranger - no objection

- Throughout duration of development, full width of public footpath and bridleway must remain open and available to public - no materials/vehicles stored on route.

Dorset Council Trees Team - no objection

- If minded to approve, recommended pre-commencement condition requiring agreement of an arboricultural method statement.

Motcombe Parish Council - objection

- Whilst we fully recognise the need for developing green energy sources to replace fossil fuels for power generation, the siting of these facilities needs to be appropriate, especially in rural areas. The fields at Fern Brook are not appropriate for a large-scale solar farm

- Impacts visually from surrounding vantage points, including a nearby footpath leading downhill to meet the bridleway from Coppleridge
- In addition, the popular Motcombe-Gillingham bridleway, also part of the White Hart Link circular route, passes round the sites perimeter on two sides creating a significant impact to those enjoying the local countryside
- Growth of some years required before screening is really effective
- Site sits within boundary of Gillingham Royal Forest. Dorset Wildlife Trust have secured considerable funding to increase awareness of this historic area and improve access to it. Motcombe Neighbourhood Plan supports this initiative, as Motcombe parish lies within the old boundary of the forest area. Solar farm is incompatible with this project's aims, and it lies near to the two key historic vestiges of the ancient Kingscourt Palace listed site, and the Park Pale
- Concerned about impact of 2-3 months of delays on heavily used B3081 whilst cabling work takes place to link site to Shaftesbury sub-station at Hawkers Hill. Not only will this cause delays and congestion on this busy, dangerous road, will lead to rat-running through the parish using Motcombe's inadequate rural road network. In addition, Dorset Council spent considerable monies on resurfacing much of the B3081 in this area in recent years, which is also subject to surface water flooding. Therefore also concerned about condition of this surface
- Whilst only two dwellings near the site, their concerns about excess noise need to be addressed. Also impact on bridleway users, including any possible effect on horses. Therefore support recommendation of Environmental Health
- Whilst the Neighbourhood Plan did not address possible future impact of green energy schemes (demonstrating the urgency of the climate change in the past 2 years), residents raised concerns about future threat to rural nature of parish lying between the neighbouring towns of Gillingham and Shaftesbury - in particular the plans for expansion of Gillingham's southern edge which could lead to Motcombe losing its separate identity and become joined to Gillingham. We see this solar farm proposal as 'urban' infill which could encourage other developments in adjacent fields, leading to Motcombe losing its separate rural parish ambience
- Question whether whole of the site is Grade 4 agricultural land, as it would appear that some parts may be Grade 3a. Appears to contradict the Soils and Agricultural Quality assessment conducted by the applicant. If this is the case, we feel this application is unacceptable as these parcels of higher grade agricultural land would no longer be available for cultivation

Re-consultation comments

- Having carefully studied the additional information, the core objections stated previously in our response have not changed. Therefore restate our opposition

Gillingham Town Council - objection

- Contrary to Saved Policy GRF1 (Gillingham Royal Forest Project Area). Will result in a lost opportunity to plant trees and improve woodland areas
- Situated within the Gillingham Royal Forest Protection Area and the Blackmore Vale Landscape Character Area, which are both sensitive landscape areas. The site is also close to a designated Sites of Nature Conservation Interest (SNCI). Will have a significant detrimental visual impact on these areas, particularly when viewed from Shaftesbury and Motcombe
- Likely to result in detrimental visual impacts to heritage assets, including Kings Court Palace and Gillingham Park Boundary Scheduled Monument

- To connect to national grid, necessary to install a cable for distance of 2-3 miles
- Considers that the harm is not outweighed by the benefits

Re-consultation comments

- Recommend refusal of the amended planning application
- Town Council's original objections have not been overcome by the amendments
- Would still result in harm to the settings of the designated heritage assets associated with the former Royal Hunting Park

Shaftesbury Town Council – no objection

- Initially objected due to: no archaeological assessment; impact on AONB views and views from Castle Hill; Impact on White Hart Link walking route

Re-consultation comments

- Support the amended application as the screening changes the perception and the proposal supports the roll out of low carbon electricity

Representations received

Total – Objections	Total - No Objections	Total - Comments
74	14	1

Petitions Objecting	Petitions Supporting
0	0

In total 74 objections have been received, including from Dorset Ramblers and the White Hart Link project. The comments are summarised below:

- Mitigation measures proposed are inadequate to ameliorate damaging impact of development on users of the public rights of way, and will in places effectively enclose what is now a route with open views to the south
- Unacceptable intrusion into the visual amenity of legitimate users of the countryside, including those using a promoted route - the White Hart Link
- Mirror like visual appearance will impact adversely on enjoyment of the land;
- Proposal will create an eyesore from Castle Hill;
- There needs to be more concrete evidence regarding the amount of energy that the proposal is claiming. There does not appear to be sufficient factual data supplied to make an informed decision;
- Offshore wind makes more sense than solar energy;
- Opposed to large scale solar farms across beautiful historic and bio-diverse landscapes;
- Will upset the setting of the deer park which is a registered scheduled monument;
- The converters emit high-pitched noise emissions, which are harmful to humans and reptiles in the vicinity;

- Does not comply with advice from Dorset Wildlife trust to restore, recreate and reconnect a historic landscape. The land is viable agricultural land;
- Concerns about the impact on local rare breeds of wildlife and plants known to inhabit this area;
- Residents didn't have the chance to debate it when the Neighbourhood Plan was recently consulted and voted upon. It flies in the face of the King John Royal Project and it harms the vital green belt between Gillingham and Motcombe;
- Local flora, fauna and winter/summer watercourses and dew ponds, protected species of bat and amphibians' habitats and food sources will be lost;
- The vast scale of the proposed development is inappropriate in this rural location;
- The solar panels would have a negative impact on the water dispersal in this area not least because of the less permeable nature of the hard tracks constructed and the hard 'lines' of intense run off from the solar panels. This proposal will almost certainly change the efficacy of how this flood plain functions;
- The proposals would impact on the spectacular unspoiled farmland views
- Nuclear power seems like a much better option;
- Would present a serious degradation of this precious area of countryside close to Cranborne Chase Area of Outstanding Natural Beauty (AONB);
- The proposals conflict with policies in the Motcombe Neighbourhood Plan;
- The environmental costs of this project in the proposed locations far outweigh the environmental benefits;
- The land is partly grade 3 agricultural and should be retained as such;
- Proposals would negatively impact on tourism in the area;
- The council commissioned a report in 2014 by Land use Consultants to assess the landscape sensitivity to wind and solar development within North Dorset. The application site is identified as falling within an area of high sensitivity. The application will have a detrimental impact on important views from vantage points in Shaftesbury and Duncliffe Hill and may also have an adverse impact upon views from the Cranborne Chase AONB;
- It will cause irreparable damage to the scenery and the natural habitat of animals/insects and wildlife in the locality.

14 letters of support have been received and comments are summarised as follows:

- There is absolutely no reason to not build solar farms. Without renewable energy the earth will die at a quicker rate. We are living in a climate emergency;
- Any renewable energy plans are surely the way forward.
- Support the application as believe it will be a worthwhile project to increase green energy production without harming the environment;
- It is vitally important to switch away from fossil fuels and support farmers who want to provide us with renewable energy;
- The installation will provide much needed renewable energy for the area at a time when the IPCC report makes clear our situation is desperate. It makes a good use of poor grade soil.
- It would be an excellent thing if Gillingham were to establish its name as a leader in the field of renewable energy, by approving the application for a solar farm at Fernbrook. It could be the catalyst for taking on board further renewable energy initiatives in the town and its surrounding area;
- We need more green energy in order to meet our carbon reduction target;

- The climate emergency overrides other concerns;
- It is important to retain a green belt on the parish boundary to protect the nature & identity of Motcombe. There is a potential risk to the western edge of the parish becoming suburban to Gillingham.

8.0 Relevant Policies

Development Plan

North Dorset Local Plan Part 1 (2016)

Policy 1 – Presumption in favour of sustainable development

Policy 3 – Climate change

Policy 4 – The natural environment

Policy 5 – The Historic Environment

Policy 6 – Housing distribution

Policy 7 – Delivering Homes

Policy 8 – Affordable Housing

Policy 13 – Grey Infrastructure

Policy 15 – Green Infrastructure

Policy 17 - Gillingham

Policy 20 – The Countryside

Policy 21 – Gillingham Strategic Site Allocation

Policy 22 – Renewable and Low Carbon Energy

Policy 23 – Parking

Policy 24 – Design

Policy 25 – Amenity

North Dorset District Wide Local Plan (2003)

Saved Policies:

GH2 - Royal Forest Project

GRF1 - Gillingham Royal Forest Project Area

1.7 - Development within Settlement Boundaries

1.20 - Contaminated Land

Motcombe Neighbourhood Plan (2019)

MOT5. Woodlands

MOT6. Protecting and Enhancing Local Biodiversity

MOT7. Local Views

Gillingham Neighbourhood Plan (2018) [Covers the Gillingham Urban Extension, Park Farm buildings and the proposed access from the B3081]:

Policy 6. Forestry and tourism / recreation projects;

Policy 12. Pedestrian and cycle links;

Policy 13. Road designs in new development.

Material considerations

National Planning Policy Framework

Section 2 - Achieving sustainable development
Section 4 – Decision-making
Section 6 - Building a strong, competitive economy
Section 11 – Making effective use of land
Section 12 - Achieving well designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the natural environment

Other material considerations

National Character Area Profile: 133 Blackmore Vale and Vale of Wardour
North Dorset Landscape Character Assessment (as amended) (2008)
Dorset Landscape Character Assessment (2009)
Landscape Sensitivity Assessment: ‘Landscape and Sensitivity to Wind and Solar Energy Developments in North Dorset District’ (Land Use Consultants April 2014)
North Dorset Strategic Landscape and Heritage Study (October 2019)

Relevant UK legislation and strategies include:

- * Energy Act (2016)
- * Climate Change Act (2008) (as amended)
- * UK Renewable Energy Strategy (2009)
- * Energy Security Strategy (2012)
- * Renewable Energy Roadmap (updated 2013)
- * Clean Growth strategy (2017)

Planning Practice Guidance (DCLG web-based resource)

Environmental Impact Assessment (EIA)

An EIA Screening Opinion application (Ref: P/ESC/2021/00740) was submitted to the LPA prior to the submission of this planning application, to assess whether an Environmental Impact Assessment would be required for any of the considerations in respect of the nature, size and location. The LPA determined that there would be additional significant impacts on the local landscape and environment and, thus, the proposal would amount to EIA development. It was determined that the proposals represent EIA development and require the preparation of an environmental statement. This has been submitted with the application.

9.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

10.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

11.0 Climate Implications

NPPF paragraph 158 sets out 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 energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. It also sets out that applications should be approved if the impacts are (or can be made) acceptable.

The proposed development involves installation of ground mounted photovoltaic (PV) solar arrays. The installed capacity of approximately 45MW will power 14,950 households, save approximately 10,110 tonnes of carbon equivalent and approximately 4,667 cars off the road each year. The battery storage system would charge at times of low demand and export power onto the electricity grid at times of high demand, or when solar irradiation is low. The solar arrays would be in place for 40 years. This is not uncommon, with a number of applications recently approved to enable solar farms operate for this duration, including: Canada Farm Solar Farm (2/2019/1389/VARIA) and Stalbridge Park Solar Farm (2/2019/0676/VARIA). The period of 40 years coincides with the end of the life expectancy of the arrays whilst they generate electricity at an economical scale.

The applicant's cover letter dated 27th October 2021 states that the need for solar farm energy gas significantly strengthened. The Government recently published the Net Zero Strategy in advance of the COP26 Summit. This commits to take action so that by 2035, all our electricity will come from low carbon sources, subject to security of supply, moving to a fully decarbonised power system whilst meeting a 40-60% increase in demand. This strategy also explicitly seeks to accelerate deployment of

low-cost renewable generation, including solar. It also notes that our exposure to volatile gas prices shows the importance of a strong home-grown renewable power sector, to strengthen our energy security into the future.

Dorset Council accepts this need to provide energy from renewable sources within its administrative area. It declared a climate emergency in May 2019 and in November 2019, this was updated to a Climate and Ecological Emergency. Dorset Council works continuously to encourage sustainable means of energy generation and where appropriate, has resolved to grant planning permission for a number of solar farm schemes, including within the setting of heritage assets and AONB – the most recent example (December 2021) being application 6/2020/0595 at East Knighton, Dorchester (40MW ground mounted PV solar development).

The most recent figures published by the Department for Business, Energy & Industrial Strategy (Renewable electricity by local authority, 2014 to 2020) show that the majority of renewable energy produced in Dorset Council is via solar PV installations and has increased substantially from 2014, particularly considering the challenging extent of Dorset's landscape and cultural heritage designations.

12.0 Planning Assessment

The main issues, including those identified by Policy 22 of the Local Plan, are:

- Principle of development;
- Impact on agricultural land;
- Heritage impact;
- Visual and landscape impact;
- Residential amenity;
- Habitats and biodiversity;
- Highways and transport impact;
- Water environment (flood risk) impacts;
- Impacts identified by local communities, and;
- Planning balance.

Principal of Development

Policy 3 of the North Dorset Local Plan states that development proposals should seek to reduce greenhouse gas emissions, including appropriately sited renewable energy developments. Renewable energy schemes are also identified as an appropriate type of development in the countryside under Policy 20.

Policy 22 of the Local Plan is the specific policy relating to renewable energy proposals and includes assessment of landscape impact, in accordance with the Council's Landscape Sensitivity Assessment: 'Landscape and Sensitivity to Wind and Solar Energy Developments in North Dorset District' (Land Use Consultants April 2014). Policy 22 states that when considering such proposals, the social, economic and environmental benefits of the scheme should be assessed against the

likely impacts. A proposal for generating electricity from renewable (excluding wind energy development) will be permitted provided it can be demonstrated that:

- a) both individually and cumulatively, all adverse impacts arising from the proposal have been satisfactorily assessed; and
- b) the proposal has maximised the potential to mitigate any adverse impacts that have been identified; and
- c) the actual benefits that the scheme will deliver outweigh the adverse impacts that remain.

Policy 22 also states that potential adverse environmental impacts (together with measures to mitigate such impacts) to be assessed in relation to any proposal include: visual impact; and impacts on biodiversity, the landscape, the historic environment including designated and non-designated heritage assets, the water environment and agricultural land. In addition, in assessing the adequacy of mitigation measures in relation to a proposal it will be expected that:

- d) the proposal's location has been identified having regard to sites that make best use of existing transport infrastructure and the minimisation of traffic movements whilst providing safe access; and
- e) any issues of, noise and vibration or interference to radar or any communication systems including televisions can be fully overcome; and
- f) early meaningful consultation has been undertaken with people in the locality that might be adversely affected by the proposal and clear regard has been had to the responses received; and
- g) the proposal incorporates an agreed restoration scheme including measures to remove installations when operations cease.

The application site is also subject to Saved Policy GRF1, which states that within the Gillingham Royal Forest Project Area it is proposed to:

- (i) enhance the landscape and aid the diversification of agriculture through the provision of additional woodland planting
- (ii) provide and co-ordinate additional countryside recreational facilities
- (iii) provide interpretative/tourism/educational material and facilities. Development will be approved in the area if the above objectives are met and the proposal is in keeping with the character of the area.

It is considered that harm to the landscape and heritage assets would arise, as identified in the consultee responses. Objections have also been raised in respect of the proposed solar farm being contrary to the aims of the Gillingham Royal Forest Project Area. Although the proposed solar farm includes new planting and would revert to agriculture after its 40 year operation, the nature and characteristics of this development type would not meet all the above requirements of Saved Policy GRF1. Alongside the harm identified, there are clear benefits arising from the proposal – to be considered in the planning balance.

The proposal is in accordance with Policy 20. To determine whether the proposed development is acceptable in principle pursuant to Policy 22 and Saved Policy GRP1, all relevant material planning considerations need to be assessed as set out below.

Impact on agricultural land

The proposed development is located on land that is classed as grade 3 (good to moderate quality) and grade 4 (poor quality) agricultural land, according to latest Natural England mapping records. The applicant has undertaken a soils and agricultural quality survey, based on observations at intersects of a 100 m grid, with a sampling density of 1 observation per hectare. Soils were examined by a combination of pits and augerings to a maximum depth of 1.1 m. The survey states that the combination of high topsoil clay content and poor drainage under the wet local climate means the land has severe wetness limitations. The land is mainly suited to grass, where moderate to high yields can be expected, with occasional arable crops of variable yields.

The survey therefore concludes that the whole site is Grade 4 (poor quality) agricultural land, as it comprises heavy slowly permeable soils that are limited by wetness. It is considered that it has been adequately demonstrated that the proposed development would avoid the best and most versatile agricultural land as required by planning policy. The applicant also advises that the land can be grazed once the development is in operation, to give a dual benefit of being agriculturally productive whilst generating renewable energy.

Heritage impact

The King's Court Palace Moated Site, a Scheduled Monument (SM), lies to the west of the site, with another SM (Remains of East Haimes House and the adjacent section of the deer park pale) lying further to the northwest. Gillingham Park Boundary Bank, another SM, lies to its east. These features are remnants of a Medieval Royal Hunting Lodge and Deer Park from the twelfth century. Gillingham Forest Royal Deer Park is indeed recorded as a non-designated heritage asset (monument) on the Dorset County Historic Environment Record. The application site lies in a central location within this former royal forest area, with the Remains of East Haimes House and park pale enclosing the northwest corner of the former royal forest. The Gillingham Park Boundary Bank forms the eastern and southern boundary of the former royal forest, with King's Court Palace Moated Site slightly within the western boundary.

The following designated heritage assets have therefore been identified as being potentially affected by the proposed development:

Kings Court Palace Moated Site (Scheduled Monument)

Gillingham Park Boundary Bank (Scheduled Monument)

Remains of East Haimes House and Adjacent Deer Park Pale (Scheduled Monument).

Park Farmhouse (Listed Building - Grade II)

Waterloo Farmhouse (Listed Building - Grade II)

Manor Farmhouse (Listed Building - Grade II)

Scheduled Monuments

Historic England and the Council's Senior Conservation Officer have identified "less than substantial harm" to surrounding Heritage Assets, with heritage harm also identified by the Ancient Monuments Society. As set out in the Senior Conservation Officer comments, an identified unifying element between the Scheduled Monuments is the existence of an undeveloped landscape between them which, though likely changed since the medieval period, retains this fundamental characteristic.

It is therefore considered that the extent of the proposed development will result in harm to identified aspects of setting which contribute to the significance of these Scheduled Monuments, through extensive setting change which extends and compounds existing negative setting change. The proposal will result in less than substantial harm to the significance of these heritage assets, which are acknowledged as being 'of the highest significance' in terms of national statutory protection. Though not 'substantial', the nature and extent of this harm is judged to be considerable, given the essential contribution of the open landscape to the significance of these Scheduled Monuments.

Listed Buildings

In respect of the 3no. grade II listed properties, in all three cases the proposals will result in change to the wider agricultural setting. However, the distance between them and the site means that their immediate setting would remain unchanged to the extent that any contribution arising from this element remain legible and appreciable. As such, the proposal will result in no harm to these assets' significance.

The following non-designated heritage assets are identified as being impacted:

Gillingham Forest Deer Park

Sections of Park Pale

Donedge Lodge Farm

In terms of Gillingham Forest Deer Park and Park Pale, the proposal will result in approx. 33 hectares of additional development within its boundary, introducing a fundamentally incongruous development form into the existing deer park setting. This impact is compounded by the current open aspect which can be appreciated from key points. Whilst it is acknowledged that a solar PV array is not the same as buildings, it would still transform the baseline historic setting from an open rural farmland of historic fields to an industrial scale solar farm, resulting in a disconnection of these inherently related sites. It is therefore clear that the proposal will result in harm to these assets' significance.

The elevated Donedge Lodge Farm site to the northeast is thought to be that of the principal forest-keeper's lodge and a building is recorded here from at least the 15th century. The vista the natural prominence permits over the deer park is unlikely to be coincidental and the value of this view, in understanding and appreciating both the general agricultural setting, and any intended vista over the deer park, will be considerably altered by the proposed solar array. The proposal will therefore also result in harm to this asset's significance.

Conclusion of heritage impact

Para 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The proposed solar farm would result in less than substantial harm to the setting of the abovementioned Scheduled Monuments – which are designated heritage assets. Para 202 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

It is estimated that the solar panels would generate approximately 45 MW peak, enough to power approximately 14,950 homes. This is the most significant public benefit and is afforded significant weight, given the climate emergency context as outlined in Section 11 above.

A financial contribution of £50,000, to be secured by s106 Agreement, is offered by the applicant to support work within the wider Gillingham Royal Forest Project Area. This is a further public benefit as it will contribute towards the objectives of Saved Policy GRF1, by enhancing its landscape through further additional woodland planting and the promotion of countryside recreation and tourism activities.

Great weight must be given to the conservation of heritage assets and the more important the asset, the greater the weight should be. Para 200 of the NPPF states that Scheduled Monuments are 'assets of the highest significance' in terms of national statutory protection. Though not 'substantial', the nature and extent of the identified harm to Scheduled Monuments is judged to be considerable, given the essential contribution of the open landscape to the significance of these Scheduled Monuments.

This additional tree-planting, along with the current proposed planting within the site, would offer further visual screening. However, this relates only to the visual experience element of setting, not the historical relationship experienced between the undeveloped application site and its setting with the surrounding heritage assets.

In light of all the above, it is considered that these combined public benefits would not outweigh the identified heritage harm arising from the proposed solar farm. The proposed development is therefore contrary to Policy 5 (The Historic Environment) of the Local Plan and Chapter 16 (Conserving and enhancing the historic environment) of the NPPF.

Harm to the above listed non-designated heritage assets has also been identified. In such circumstances, Para 203 of the NPPF requires a balanced judgement taking into account the significance of the affected asset and the scale of harm or loss. This is addressed in the Planning Balance section at the end of this report.

Visual and Landscape Impact

The site lies within the Clay Vale Landscape Character Type and the Blackmore Vale Landscape Character Area. Except for Donedge Farm and Footpath N69/7 to its northeast, which rise to a significantly higher level, ground levels in the immediate vicinity vary only slightly. Areas of ancient woodland also lie adjacent the application site to the north (Kings Court Wood) and south (Palemead Coppice), with another wooded area adjacent its southwest boundary. The historic setting of the is as described in the above report section.

Paragraph 174a of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, in a manner commensurate with their statutory status or identified quality in the development plan. This indicates that land within statutory landscape designations should be regarded as of the greatest value, but the value of non-designated landscapes still needs to be considered. Case law (*Stroud DC v SSCLG*) (2014) identified that there was no agreed definition of valued landscape and that in the absence of any formal guidance, a 'valued' status would require the site to show some demonstrable physical attribute rather than just popularity.

The Landscape Institute Technical Guidance Note 02/21 (Assessing landscape value outside national designations – May 2021) forms the most up-to-date published guidance to landscape professionals and others who need to make judgments about the value of a landscape (outside national landscape designations), in the context of the UK Town and Country Planning system. This also includes analysis of relevant case law including that quoted above. It provides the following series of criteria assessing these demonstrable attributes of landscape value:

1. *Natural Heritage* – defined as “*Landscape with clear evidence of ecological, geological, geomorphological or physiographic interest which contribute positively to the landscape*”

One given example of an indicator of landscape value considered relevant to the proposal site is:

- Landscape which makes an identified contribution to a nature recovery/ green infrastructure network

The site lies adjacent to a Site of Nature Conservation Interest (SNCI): King's Court Wood, an area of oak/ash woodland. The site is also within 100 m of another SNCI: Palemead Coppice, an area of oak woodland. Both are remnant fragments of Ancient Semi-Natural Woodland listed on the Ancient Woodland Inventory.

The site is also within Gillingham Forest Royal Deer Park, recorded as a non-designated heritage asset (monument) on the Dorset County Historic Environment Record. In recognition of its contribution to the green infrastructure network, Saved Policy GRF1 states that it is proposed to enhance this landscape and aid the diversification of agriculture through the provision of additional woodland planting, and provide and co-ordinate additional countryside recreational facilities.

2. *Cultural Heritage* – defined as: “*Landscape with clear evidence of archaeological, historical or cultural interest which contribute positively to the landscape*”

Indicators of landscape value considered relevant:

- Presence of historic landmark structures or designed landscape elements (including monuments)
- Presence of historic parks
- Landscape which contributes to the significance of heritage assets, for example forming the setting of heritage assets (especially if identified in specialist studies)
- Landscape which offers a dimension of time depth - includes cultural time depth e.g., presence of relic farmsteads, ruins, historic field patterns, historic rights of way

The King's Court Palace Moated Site, a Scheduled Monument (SM - No.1017276), lies to the west of the site, with another SM (Remains of East Haimes House and the adjacent section of the deer park pale – No. 1465898) lying further to the northwest. Gillingham Park Boundary Bank, another SM (No. 1002382), lies to its east. These features are remnants of a Medieval royal hunting lodge and deer park used for some 400 years (the earliest record being in 1228).

3. Landscape condition – “Landscape which is in a good physical state both with regard to individual elements and overall landscape structure”

Indicators of landscape value considered relevant:

- Good physical condition/intactness of individual landscape elements (including trees)
- Absence of detracting/incongruous features (or features are present but have little influence)

Outline permission has recently been granted (2/2018/0077/OUT) for the development of up to 634 dwellings, a primary school, and associated facilities, within land bordering the southwest boundary of the proposal site. The Council's Senior Conservation Officer considers that the consented development of this allocated site will result in heritage harm to the Scheduled Monuments, through detrimental impacts on their setting (in terms of how the assets are experienced as being interlinked with the undeveloped former royal forest). However, from a pure landscape perspective (visual impact only), there is a noticeable land ridge along the Park Farm buildings to the south. In combination with the mature tree lines to the southwest, much of the elevated views towards the town's southern expansion are screened – including that recently approved nearest the proposal site.

4. Associations – “Landscape which is connected with notable people, events and the arts”

- The surrounding landscape has historic royal associations with its former use as a medieval deer park.

5. Distinctiveness – “Landscape that has a strong sense of identity”

Relevant indicator of landscape value:

- Landscape which makes an important contribution to the character or identity of a Settlement

The Motcombe Neighbourhood Plan (2019), covering the proposed solar array area, identifies Gillingham Royal Forest as one of the special characteristics of the village. This is reflected in Policy MOT5 (Woodlands), which states that proposals to provide additional woodland planting in the Gillingham Royal Forest area, and proposals to

enhance public access to woodland areas or promote the understanding of their cultural heritage, should be supported. Policy MOT7 (Local Views) also states that the design and layout of development should minimise adverse impacts on views from public rights of way over open countryside, and preserve and enhance such views where possible. There are also obvious links to the origins of Gillingham, resulting in the settlement rising to prominence in medieval times.

6. Recreational – “Landscape offering recreational opportunities where experience of landscape is important”

Relevant indicator of landscape value:

- Presence of open access land, common land and public rights of way (particularly National Trails, long distance trails, Coastal Paths and Core Paths) where appreciation of landscape is a feature

A Bridleway (N69/6) runs along the western and northern boundaries of the site. A footpath (N69/7) runs in a northeast on rising topography to the east of King's Court Wood, from a point midway along the northern boundary of the site. Close views of the site are possible from the bridleway and from the footpath, which link Gillingham and Motcombe and also incorporate the White Hart Link - a 50-mile circular walking route taking in the five market towns of North Dorset and the villages in between.

7. Perceptual (Scenic) – “Landscape that appeals to the senses, primarily the visual sense”

Indicators of landscape value considered relevant:

- Distinctive features, or distinctive combinations of features, such as dramatic or striking landform or harmonious combinations of land cover
- Presence of natural lines in the landscape (e.g. natural ridgelines, woodland edges, river corridors, coastal edges)

The site lies at approximately 80m AOD and except for Donedge Farm and Footpath N69/7 to its northeast (95-100m AOD), ground levels in the immediate vicinity vary only slightly. To the east of the site, the verdant escarpment on the western edge of the Cranborne Chase and West Wiltshire Down AONB rises to 249m AOD at Little Hill. The nearest proximity from the site to this AONB is approx. 3.1km to the east. However, the AONB is clearly visible from the application site due to its elevation. To the south, the wooded slopes of Duncliffe Hill form another distinctive feature. Ancient Woodland is also visible at more immediate proximity.

8. Perceptual (Wildness and Tranquillity) – “Landscape with a strong perceptual value notably wildness, tranquillity and/or dark skies”

Relevant indicator of landscape value:

- High levels of tranquillity or perceptions of tranquillity, including perceived links to nature, dark skies, presence of wildlife/ birdsong and relative peace and quiet

Despite the proximity to Gillingham, including its southern expansion, the site and its setting remains rural and verdant in character, as the surrounding topographical and landscape features screen much of this settlement. Tranquillity can be perceived and experienced, due to the significant distance from the nearest public vehicular highway, proximity to many mature trees (including ancient woodland) and elevated views of the AONB slopes beyond.

9. Functional – “Landscape which performs a clearly identifiable and valuable function, particularly in the healthy functioning of the landscape”

Relevant indicator of landscape value:

- Areas that form an important part of a multifunctional Green Infrastructure network

As outlined in criterion (2) above, the immediate landscape setting of the application site makes a valuable contribution to the green infrastructure network as a rural and historic recreational footpath route between Gillingham and Motcombe.

Conclusion - valued landscape assessment

Guidance Note 02/21 advises that once evidence for each factor has been collated and assessed, it is important to step back and judge the overall ‘weight of evidence’ in coming to an overall judgement on landscape value. Overall, it is considered that the application site and its setting forms a valued landscape, due to its recreational, scenic, tranquil and natural/cultural heritage attributes as outlined above – all of which are realised as a well-used green infrastructure network between Gillingham and Motcombe. The site is therefore considered to form part of a valued landscape in the context of Para 174a of the NPPF.

Conclusion – visual and landscape impact

It is considered that the proposed additional planting, after establishment and 15 years of growth, would substantially mitigate the visual impact of the proposed solar farm on users of footpath N69/6, when approaching the site from the west. However, it is considered that the proposed additional planting would not mitigate the visual impact of the proposed solar farm from the elevated position of footpath N69/7 to the north.

The perceptual aspects of character, such as rural tranquillity, typically reflect the degree of value attributed to the landscape. This will be affected by the introduction of the industrial appearance and form of the solar farm and the large expanse of perimeter fencing (including CCTV cameras) along the length of the perimeter fencing. The proposed mitigation planting will still not reduce the resulting impact on landscape character to an acceptable level, as the contribution of the planting to the overall condition of the landscape remains limited given the scale of impact of the development. This landscape also plays an important role in the setting of heritage assets, as set out in the previous heritage section of this report. The development is described as being temporary and reversible, but will cause an unreasonable degree of harm to a valued landscape throughout its 40-year operational life.

As such, it is not considered that the proposed development’s adverse landscape and character impacts would be satisfactorily addressed, as required by Policy 4 and Policy 22 of the North Dorset Local Plan 2016, Saved Policy GRF1 of the North Dorset Local Plan 2003, and policies MOT5 and MOT7 of the Motcombe Neighbourhood Plan.

Residential amenity

Policy 22 of the Local Plan states that the likely impact of noise and vibration on local residents and those working in the vicinity of a renewable or low carbon energy generation plant needs to be considered as part of the application process.

The surrounding area includes residential properties, farm buildings and roads. Therefore, some noise and vibration effects in the immediate area surrounding the site may arise. Sensitive receptors that may be affected include residential properties to the east and northeast at Donedge Lodge Farm and Park Farm, approximately 240m north-east and 300m south, respectively, and along the cable connection route. Owing to the separation distances to these nearest neighbouring properties, there would be no adverse impacts in terms of overbearingness or loss of outlook.

Noise and dust nuisances may arise during the construction phase of the development. These impacts would however be short term, temporary and able to be mitigated through the implementation of best practice construction methods, such that significant impacts on residential amenity would not be of a harmful degree.

The Council's Environmental Health Officer has raised no objection, subject to a pre-commencement condition requiring submission of a noise report. The report should contain details of background sound measurements of when the plant is likely to be in operation, assessed against the operational plant sound level. This report should surmise the likely external noise impact on sensitive receptors in the area and provide mitigation to prevent loss of amenity and prevent creeping background noise levels.

Habitats and Biodiversity

Policy 22 of the Local Plan states that proposals should minimise disturbance to ecology, including designated sites and the impact on particular species.

The submitted Biodiversity Net Gain assessment (BNG) includes specific recommendations regarding how grassland marginal habitats should be managed. Grazing of the pasture is intended to be in accordance with industry best practice guidance for solar farms. A Landscape and Ecological Management Plan (LEMP). An LEMP was then provided up-front, to clarify all proposed mitigation and enhancement measures.

The Council's Natural Environment Team (NET) initially commented that the proposal should provide a better ecological link between the SNCL's to the north and south. The NET also requested further clarity between the LEMP and landscape site plans, and advised that field margins should be further enhanced for biodiversity. The LEMP has therefore been further amended accordingly, and now also refers to a conservation payment of £14,967 towards the Great Crested Newt licensing scheme. The LEMP is now supported by the NET and could be conditioned to ensure any potential adverse impacts upon local wildlife and habitats can be satisfactorily mitigated if permission is granted. A signed Conservation Payment Certificate has also been issued by the NET accordingly.

The NET also commented that the post-operational landscape should retain the biodiversity gains to ensure that measurable biodiversity net gain is delivered in the

long-term. At the end of the proposed development's lifespan (40 years), the solar panels and other infrastructure would be removed and the site restored. The small quantity of foundations, hard surfacing and heavy infrastructure means that the land would be easier to restore than other more intrusive development, e.g. large buildings. The BNG assessment now outlines that the post-operational landscape would comprise Enhanced Improved Pasture Grassland (in place of the solar panels), with the surrounding ecological features also retained. This could also be secured by means of planning condition.

Highways and transport impact

The submitted Transport Statement advises that during the operational phase of the development, there would be a minimal increase in traffic volumes with operational traffic (one van) expected to access the site on two occasions per month at the most. The construction phase of the proposed development would lead to a temporary increase in traffic on the road network surrounding the site for a 16-18 week period. On average during this period, it is expected that the proposed development would lead to an increase in traffic movements of at most 35 two-way vehicle movements per day. There are no residual traffic impacts identified.

The Council Highway Authority (CHA) requested additional information in respect of manoeuvring, parking and loading areas and the existing access onto the B3081 – showing variable widths, junction radii, gate position etc to prove this existing access can cater for the largest vehicles likely to visit site during the construction period.

Following submission of this additional information, the CHA has now commented that this addresses the issues previously raised. It also confirms the points that will be considered by the Construction Traffic Management Plan (CTMP), stating that it will include a requirement for contractors to manage HGV deliveries to avoid the weekday traffic peak hours (08:00 to 09:00 and 17:00 to 18:00), along with the weekday afternoon school peak (15:30 to 16:00) during term times. During the projected 16 to 18-week construction period, it is anticipated that daily traffic movements will be in the region of 3 to 5 HGV deliveries and 30 cars vans.

The CHA has also commented that the existing B3081 access has good visibility in both directions, with sight lines that fully accord with the guidance provided by Manual for Streets (MfS) for roads subject to a 40mph speed limit. Once the solar farm is operational a van would visit the site twice a month for maintenance purposes. A temporary construction compound is to be provided at the entrance of the construction site, providing a turning area for articulated lorries as well as an area of hardstanding and staff parking. The internal access road leading to this compound is to be widened to facilitate two-way articulated lorry movements.

In conclusion, the CHA considers that the residual cumulative impact of the proposal cannot be thought to be "severe", when consideration is given to paragraphs 110 and 111 of the NPPF. The CHA therefore now raises no objection, subject to planning conditions to secure the manoeuvring, parking and loading areas and widening of the internal access road, along with a Construction Traffic Management Plan to be submitted prior to commencement of development.

Water environment (flood risk) impacts

The majority of the site lies within Flood Zone 1 - defined as land with the lowest risk of flooding (less than 1 in 1000 annual probability of river or sea flooding). Small areas of the site near part of the western and southern boundaries fall within Flood Zones 2 and 3 - associated with the Fern Brook river. The risk of the flooding from surface water on-site ranges from 'very low' to 'high'. In relation to Flood Risk Vulnerability and Flood Zone 'Compatibility', the planning practice guidance to the NPPF advises that all uses of land are appropriate in Flood Zone 1.

A site-specific Flood Risk Assessment and Drainage Strategy has been provided. This advises that rainfall falling onto the photovoltaic panels will runoff directly to the ground beneath the panels and infiltrate into the ground at the same rate as it does in the existing site. Existing drainage features will be retained and the site will remain vegetated through construction and operation of the development to prevent soil erosion. The extent of impermeable cover as a result of the development amounts to only 0.38 % of the total site area.

The sustainable drainage strategy involves implementation of SuDS, in the form of swales at the low points of the site to intercept extreme flows which may already run offsite. This would lead to an overall reduction in surface water flow rates from the site and mitigate any increase in run-off due to the minor reduction in its overall permeable area.

The Council's Flood Risk Management Team (FRMT) have raised no objection, commenting that surface water mapping indicates narrow surface water flow paths crossing the site, which follow the route of a couple of ordinary watercourses. However, the proposed layout appears to take a sequential approach to avoid this flood risk, along with the fluvial flood risk from the main river. The lower edge of the panels are raised off the ground by approximately 0.9m, so any surface water that did cross the site under the solar panels would remain uninterrupted by the proposal.

Impacts identified by local communities

Policy 22 of the Local Plan states that developers will be expected to undertake and evidence early meaningful engagement with the local community when submitting development proposals relating to renewable or low carbon energy schemes that may have an adverse impact on a local community. Consultation with local communities may raise new issues or provide a better understanding of issues already identified. The Council will expect developers to have regard to responses made by local communities to any consultation and to consider what additional mitigation measures may be necessary to address any legitimate concerns.

The applicant has provided a Statement of Community Involvement, which outlines the engagement with the local community prior to submission. The exercise would usually have included face to face meetings and a public exhibition, but was not possible as a result of COVID-19. The online Common Place platform was utilised to fill the gap left by the inability to carry out a public exhibition, as it allowed consultees to review a significant amount of information about the proposed development, make comments on specific aspects, complete a feedback form and ask questions. In

addition, a freephone telephone line was set up and manned by the applicant, to allow interested parties to call, ask questions and leave comments. The local community consultation also included advertising the proposed development through mailouts, emails, newspaper notices, and a social media campaign.

The comments received back from the public were a mix of positive and negative. It is satisfied that the applicants have considered the feedback appropriately and provided the necessary information to enable an assessment of the concerns raised.

Planning balance

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles, which should not be undertaken in isolation because they are mutually dependent.

Solar farm developments of the scale proposed will almost always have a visual or other material impact of some sort, whether immediate from nearby footpaths or wider afield within the landscape. It has been concluded that the site and its surrounding undeveloped setting forms a valued landscape. The identified scenic, tranquil and natural/cultural heritage attributes also clearly contribute to the setting of the Gillingham Forest Deer Park.

Non-designated heritage assets are not statutorily protected and, ordinarily, harm to their significance would require much less justification and/or overriding benefits. However, in this case, the non-designated assets are fundamental to appreciating and understanding the significance of other designated heritage assets (as already set out above), and therefore have considerable significance in themselves and for their group value - to the point that they are considered as part of a whole with these designated assets. Although this former deer park is a non-designated heritage asset (monument), there are clear connections between it and the Scheduled Monuments which surround its perimeter, and which elevate its significance.

Taking a balanced view, based on these clearly established connections and these assets' contribution to maintaining a well-preserved park landscape defined and demarcated by Scheduled Monuments, the harm to these non-designated assets is considered unacceptable having regard to NPPF Para 203.

The above identified harm as a whole must be balanced against the necessity for renewable energy development and as already set out, significant weight is attached to this environmental benefit. It is also accepted that subject to compliance with the Landscape & Ecological Management Plan, the proposal would secure measurable net gains for biodiversity as required by Para 179b) of the NPPF. Moderate weight is attached to the environmental benefits arising from this biodiversity net gain.

A financial contribution of £50,000, to be secured by s106 Agreement, is offered by the applicant to support work within the wider Gillingham Royal Forest Project Area. This will contribute towards the objectives of Saved Policy GRF1, through further

additional woodland planting and the promotion of countryside recreation and tourism activities. As such, this contribution is considered to meet the CIL Regulation 122 tests in terms of being necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is viewed as both a social and environmental benefit and whilst this benefit is welcomed, it would not overcome the identified heritage harm arising from the proposed solar farm - nor would it directly mitigate the identified harmful landscape views of the proposal site itself – in particular from the elevated vantage along Footpath N69/7.

Additionally, although Dorset Wildlife Trust (DWT) have confirmed that this contribution could cover a three-year period from 2022-2024 and be administered by Dorset Council, both DWT and the Council's Natural Environment Team have objected to the principle of the solar farm location within Gillingham Forest. Whilst the financial contribution would meet the Saved Policy GRF1 objectives in terms of additional woodland planting, the remaining heritage and landscape harm arising from the proposed solar farm would be contrary to its objectives - as it would not enhance the landscape or be in keeping with the character of the area. The above factors therefore limit the weight that can be attached to this benefit.

The above accepted benefits are overall not considered sufficient to weigh against the overall identified harm to the valued landscape, which includes the setting of heritage assets, especially given that great weight must be given to the conservation of the affected Scheduled Monuments as designated heritage assets of the highest national significance, and that the identified harm would also be contrary to the objectives of the Gillingham Royal Forest Project Area considered as a whole.

Therefore, the identified heritage, landscape and character harms are such that the proposal would not accord with the Local Plan taken as a whole. Therefore, the material considerations do not indicate that planning permission should be granted.

13.0 Conclusion

The development would offer significant environmental benefits over the lifetime of the solar farm for the purposes of sustainable development, as it would provide a maximum export capacity of 45MW which equates to the generation of clean renewable energy for approximately 14,950 homes a year. Biodiversity net gain can also be secured. However, the location and large expanse of the site means that the harmful impacts on the significance of designated and non-designated heritage assets, their setting within a valued rural landscape, and on associated public enjoyment of these heritage and landscape features as part of the Gillingham Royal Forest Project Area, are sufficiently adverse and significant to outweigh the public benefits of the proposal. Therefore, the material considerations do not indicate that planning permission should be granted.

14.0 Recommendation

REFUSE planning permission for the following reason:

1. The following identified harms are, in combination, considered to form adverse impacts that would significantly and demonstrably outweigh the benefits arising from the proposal:
 - a) The proposed development, by reason of its appearance, scale and positioning within the setting of surrounding Heritage Assets [see below] (which includes the surrounding landscape), would lead to unacceptably adverse harm to the significance of these Heritage Assets and their setting. This harm is considered "less than substantial" having regard to the National Planning Policy Framework (NPPF), but is not outweighed by the identified public benefits arising from the proposal. The proposal is therefore contrary to Policies 5 and 22 of the adopted North Dorset Local Plan Part 1 (January 2016), retained policy GRF1 of the North Dorset District-Wide Local Plan 2003, and Chapter 16 of the NPPF.
 - b) The proposed development, by reason of its appearance, scale and location within a valued landscape (including views from rising topography along Public Footpath N69/7), would lead to unacceptably adverse harm to the character of this landscape (including its recreational, scenic, tranquil and natural/cultural heritage attributes), contrary Policies 4, 5 and 22 of the adopted North Dorset Local Plan Part 1 (January 2016), retained policy GRF1 of the North Dorset District-Wide Local Plan 2003, policies MOT5 and MOT7 of the Motcombe Neighbourhood Plan 2019 and paragraph 174a) of the NPPF.
- The surrounding Heritage Assets referred to in a) above are:
- Designated Heritage Assets
- i) Kings Court Palace Moated Site (Scheduled Monument 1017276)
 - ii) Gillingham Park Boundary Bank (Scheduled Monument 1002382)
 - iii) Remains of East Haimes House and Adjacent Deer Park Pale (Scheduled Monument 1465898)
- Non-designated Heritage Assets
- iv) Gillingham Forest Deer Park (Monument MDO27854)
 - v) Sections of Park Pale (Monument MD03873)
 - vi) Donedge Lodge Farm (Locally Listed Building)

Agenda Item 7

Application Number:	P/FUL/2021/02622
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land At E 384686 N 99993, South of Blandford Hill (A354), Winterborne Whitechurch
Proposal:	Construct solar farm and erect electric vehicle charging station, form vehicular access, parking, landscaping, and carry out associated works including installation of equipment, batteries and necessary infrastructure.
Applicant name:	Naturalis Energy Developments Limited
Case Officer:	Rob McDonald
Ward Member(s):	Cllr E Parker

Summary of recommendation: GRANT, subject to conditions.

1.0 Description of Site

The application site forms four fields in grade 3 agricultural use to the east of the village of Winterborne Whitechurch, with the red line area also extending to the south for underground cabling and connection to an existing substation approx. 1 mile south. The whole site comprises some 37.7ha of land.

The Service Station area would lie some 380m beyond the settlement boundary at the nearest point. It is the same distance from the village's Conservation Area. The Dorset AONB boundary is some 200m to the NW of the site, with levels gently rising up towards this designation towards Weston's Wood. The site itself gently undulates, with levels dropping towards the south and public footpath E32/6, which skirts immediately along the southern part of the site. Footpath E32/7 lies some 560m to the SW of the site, with E32/9 running parallel at some 700m from the site.

There are a number of heritage assets in close proximity to the site. These include: the Scheduled Monuments of prehistoric bowl barrows south and east of the site; a Scheduled Monument of deserted medieval village at West Farm south west of the site; the grade II listed West Farmhouse to the south west; and grade II listed milestone immediately north of the site on the A354. The Conservation Area to the west of the site also includes the grade I listed Church of St Mary and other grade II listed buildings around the junction of Chescombe Lane and Dorchester Hill. Grade II* listed Whatcombe House lies some 1km north west of the site.

The River Winterborne lies some 650m to the west of the site. The site lies in flood zone 1 i.e. the lowest level of flood risk. There is an existing layby parking area along the main road at the proposed access point into the service station part of the site.

2.0 Description of Development

Planning permission is sought for:

- New access off the layby on the south side of the A354 to serve the entire site and connected to an internal road.
- An Electric Vehicle (EV) Charging Station, comprising: a covered walkway and canopy for 6x ultra-rapid and 6x rapid charging points; and public rest facilities including public conveniences, a small café, shop and seating area. The height, length and roof form of the building and attached canopy/walkway structure has been amended during the course of the application and would now extend some 104.5m in length, with a flat roofed height of 3.5m. The external walls of the building would be clad in vertical timber boards, under a green roof, with a glazed canopy roof for the charging area.
- Approximately 20ha of the site would comprise the solar farm element, arranged in southerly-facing rows and standing no taller than 3m above natural ground level. This element would also include the provision of a DNO Switching Station building, Client Switching Station building, marshalling kiosk, inverters/transformers, CCTV upon 4m high columns, 2m high security deer fencing, internal access tracks and other ancillary infrastructure listed in the Planning Statement.
- Battery station adjacent to the Charging Station, comprising: 3 containers, fenced compound, CCTV upon 4m high columns, inverter, transformers, ancillary equipment, hardstanding and 2.5m high perimeter fencing.
- 27 parking spaces (including some available for EV charging) to the south of the Service Station and 3 parking spaces for HGVs.

The full extent of works is within the Planning Statement.

3.0 Relevant Planning History

2/2014/0007/ PLNG - Request for EIA Scoping Opinion under EIA Regulations 2011 to erect up to 4 No. wind turbines (tip height up to 130m) with switchgear buildings, sub-station, crane hardstanding areas, access tracks, underground electric cabling, and temporary construction compound and laydown area. – Determined – 07/02/2014.

2/2014/0768/ PAEIA - Install 4 No. wind turbines (with a maximum height from existing ground level to blade tip of 125 metres). Construct permanent ancillary development comprising site access tracks, permanent crane hardstanding areas and external switchgear buildings for each turbine, 1 No. substation, and underground onsite electrical cabling. Form temporary construction compound and laydown area, and temporary secondary crane hardstanding areas for each turbine. – Refused – 17/03/2015.

P/ESC/2021/ 00237 - Request for EIA Screening Opinion under Section 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) to construct an electric vehicle charging station (including sui generis and Class E uses) with all associated development, together with a solar farm and

batteries, access from the A354 and all associated equipment and necessary infrastructure. – Determined, EIA not required – 17/02/2021.

4.0 List of Constraints

Outside settlement boundary

Setting of Scheduled Ancient Monuments

Proximity to Winterborne Whitechurch Conservation Area

LB - Grade: II Listed Building: MILESTONE AT ST851 008 List Entry: 1118536.0

Setting of Dorset AONB

Public rights of way affected: E32/6, E32/1, E32/23

Agricultural Land Grade: GRADE 3

5.0 Consultations

All consultee responses can be viewed in full on the website.

Consultees

Winterborne Whitechurch Parish Council

Winterborne Whitechurch Parish Council has given support to this application for the following reasons:

The benefit long term in protecting the agricultural land around the village and help keep the village a village.

The green credentials of the scheme in protecting the environment with the aid of hedgerows for the wildlife etc in the future.

Help to produce local employment.

There are some concerns however regarding the landscaping of the large area of site buildings and that more mature native trees etc should be planted instead of saplings for visual shielding with more dense foliage.

There is also concern regarding the use of an extended footpath behind Blandford Hill affecting privacy and security of residents' properties there.

The issue with the speeding traffic, regularly overtaking vehicles entering and exiting on Blandford Hill is of concern with the proposed entrance /exit from the site.

A full archaeological survey should be carried out regarding the possible extent of nearby ancient sites.

Following re-consultation on 10/11/2021

No further comments received at the time of determination.

OFFICER NOTE: The concerns raised are noted and addressed in the main body of the report.

Historic England

Historic England has concerns regarding the potential impact of this proposal on the significance of several scheduled monuments as well as the Grade 1 listed church of St Mary and Winterborne Whitchurch Conservation Area as well as several undesignated assets. Our concerns relate to the impact from what is currently agricultural land to an industrial style landscape within the setting of several nationally important heritage assets.

Significance of Designated Heritage Assets

Bowl barrow 560 metres NNE of North Down Barn (National Heritage List No 1014853)

Bowl barrow 550m north of North Down Farm (National Heritage List No 1014852)

Bowl Barrow 25m south of Whitechurch Hill Barn (National Heritage List No 1013788)

The five barrows at North Down date from the Late Neolithic through to the Bronze Age period. As funerary monuments they were purposefully constructed to occupy a prominent position within the landscape. Here at Winterborne Whitchurch they sit close to the parish boundary indicating their longevity as key landscape features. Although reduced in height by ploughing, the barrows will contain archaeological remains, providing information about Bronze Age burial practices, economy and environment.

Immediately west of the proposed site lies the deserted medieval village situated on a gentle north east facing slope immediately surrounding the source of the River Winterborne. The settlement survives as a series of house platforms, banks, scarpas and a section of hollow way and includes a dry embanked fishpond. Deserted medieval village at West Farm (National Heritage List Entry No 1002378). Further archaeological remains survive in the vicinity, some are scheduled separately but others are not included because they have not been formally assessed.

Also scheduled is the Milling House, West Farm (National Heritage List No 1002396) which forms part of a deserted medieval village at Lower Street, which will contain archaeological and environmental evidence relating to its construction, development, social organisation, layout, trade, agricultural practices, domestic arrangements, abandonment and overall landscape context.

The Grade I Listed 13th Century Church of St Mary is listed for its special architectural and historic interest (National Heritage List No 1118538).

We recommend that the local authority's conservation and archaeology advisors are closely involved. They are best placed to advise on local historic environment issues and priorities (including access to data held in the Historic Environment Record), adverse impacts on non-designated archaeological assets and other elements of the historic environment; required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Direct physical ground impacts

Experience from previous solar farm developments shows that archaeological remains are susceptible to damage from the installation and subsequent removal of solar arrays, and there is therefore a need for prior understanding of any archaeological assets present on the site in order to assess the potential impacts of the development proposal on those assets, and devise a suitable mitigation, either through, or through an archaeological programme for investigation and recording of the affected remains and arranging site layout and design to avoid harmful impact on especially significant remains. For instance, prehistoric barrow sites would generally be considered to be of national significance.

With regard to assessment of potential direct physical impacts on heritage assets we would expect the area of the proposed development to be subject to initial desk-based assessment, followed by appropriate survey and ground investigation, for instance: Surface Artefact Collection or 'fieldwalking', measured topographical ground survey, geophysical survey and archaeological trial trenching, in order to identify and investigate the surface archaeological features of the site and any below-ground remains present within the affected areas. For further advice on archaeological investigation and assessment of the proposed development site, we refer you to the local authority advisor on archaeological matters, Steve Wallis, Senior Archaeologist at Dorset Council.

Impact on the settings of heritage assets

The proposed development could potentially have a harmful impact on the setting of scheduled barrows and the deserted medieval village in the surrounding landscape through transforming part of their base-line historic setting from an open rural farmland of historic fields to an industrial-scale solar farm. The development could potentially impact on both visual and associative relationships (see below).

Consideration of impacts on setting of archaeological heritage assets would also include any archaeological sites identified within the development site itself through the site investigations mentioned above. Further details on the assessment of heritage assets are provided below.

Assessment of potential impacts on the settings of heritage assets

Setting considerations

The setting of a heritage asset is defined as: 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.' NPPF Annex 2; Planning Practice Guidance: Conserving and enhancing the historic environment, para. 013); Historic England, The setting of heritage assets (Historic Environment Good Practice Advice in Planning: 3)

All heritage assets have a topographical presence and a setting, including those consisting of buried remains, and irrespective of whether they are statutorily designated or not.

Importantly, for planning purposes, questions of setting and assessment of impacts on it are not limited only to places which are accessible to the public. NPPF guidance (para 013) is clear on this point: ‘The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstances.’

Impacts of development proposals on all areas of an asset’s setting therefore need to be taken into account. This is particularly relevant to heritage assets and their surroundings which, for reasons of ownership or land use, are not at present readily accessible to the public. Here for instance it applies to areas within the surroundings of the nearby scheduled monuments, and to any archaeological sites identified in the application site itself.

The way in which an asset is experienced in its setting is also influenced by our understanding of the historic or archaeological context of the asset and the relationship or association between historic places (also referred to as their ‘group value’). Group or associative value is linked to (but not limited to) visual association, and contributes to the setting, context and significance of a heritage asset. It is not necessary for the associated assets to be intervisible, as the key factor is the strength and significance of the associative relationship. For monuments in the landscape, even if there is not direct intervisibility, their historic and aesthetic relationship can often still be appreciated from other points. Associative relationships and Group Value are sensitive to the effects of new development and, importantly, harm to an asset which is in association with other assets will harm the associative value and heritage significance of the other assets and the group as a whole.

Group or associative value is linked to (but not limited to) visual association, and contributes to the setting, context and significance of a heritage asset. It is not necessary for the associated assets to be intervisible, as the key factor is the strength and significance of the associative relationship.

In relation to the present application, for instance, account will need to be taken of the significance of relationships between prehistoric barrows (and potentially other heritage assets), and the potential impact of the proposed development on these relationships. As noted above, any significant archaeological sites discovered on the application site may, in addition to the significance of their buried archaeological remains, be significant in terms of their group value and contribution to setting in relation to associated archaeological sites and assets in the surrounding landscape. Potential impacts of the development on these aspects need to be taken into account.

The implications of cumulative change also need to be taken into account when assessing applications for development which may affect the settings of heritage assets. Here this would encompass the cumulative impacts of the proposed development in conjunction with other modern development in the settings of archaeological heritage assets.

In our standing guidance on setting: The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition), cumulative

change is described as 'Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building's original designed landscape or the removal of structures impairing key views of it.' The proposed development would result in additional change to setting, which would detract from the significance of the asset. There are no aspects of the scheme that would deliver any positive change.

The same guidance document places weight on buried assets and setting, advising that 'Heritage assets that comprise only buried remains may not be readily appreciated by a casual observer. They nonetheless retain a presence in the landscape and, like other heritage assets, may have a setting.'

While the barrows are in arable fields and at risk from cultivation they are still evident and legible within the landscape and can still be experienced and appreciated within this landscape and setting. The deserted medieval village is also still legible with associative links to nearby listed buildings.

Recommendation

Historic England has concerns regarding the application on heritage grounds. The proposed development lies in a sensitive location just outside the Conservation Area and close to the scheduled Bronze Age cemetery site, deserted medieval village and Grade I Listed church and has the potential to impact on the setting of several assets of the highest significance.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 195, 199, 200, 201, 202, 206 of the NPPF. It is for your authority to consider if the public benefits associated with the proposal outweigh the harm and to establish if any heritage benefits could be achieved to offset any harm (Rev NPPF 201, 206).

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Additional comments following re-consultation on 10/11/2021

The barrow close to Whitechurch Hill Barn, close to a track is on the Heritage at Risk Register due to ploughing, if this can be left as a field corner out of the arable regime removing it from Risk could in part reduce the harm from development within the setting of these nationally significant monuments.

We are also encouraged to see within the layout amendments part of the solar array

has been left as open green space where archaeological features discovered as part of the archaeological evaluation are. This open space will allow an area of interpretation which could also provide opportunities to understand the wider historic features in this landscape.

We recommend that the local authority's conservation and archaeology advisors are closely involved. They are best placed to advise on local historic environment issues and priorities (including access to data held in the Historic Environment Record), adverse impacts on non-designated archaeological assets and other elements of the historic environment; required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Natural England

Natural England supports the urgent need for renewable energy as a means of helping to address the very serious ongoing consequences of climate change. The need for renewable energy is explicit in National Planning Policy Framework (NPPF) 2021 paragraph 158. Natural England therefore fully accepts that the proposals in themselves will provide a substantial environmental benefit. However, this benefit needs to be measured against any adverse impact on the natural environment in which the scheme is located.

In weighing up the benefits of the scheme against the impact on the AONB your authority should also have particular regard to the provisions of paragraph 176 of the National Planning Policy Framework (NPPF 2021).

Natural England notes the advice provided by the Dorset AONB Team and your Council's Senior Landscape Architect, both of whom conclude that the proposals would not serve to conserve or enhance the landscape of the AONB or meet the AONB Management Plan and Local Plan Policies for the protection of the Dorset AONB. In particular, the AONB Landscape Officer notes that the western and southern fields of the proposed solar farm along with the charging station will conflict with the primary purpose of the AONB designation. Natural England has no reason to question these conclusions, and on this basis supports the recommendation for refusal.

Should your authority be minded in granting the scheme, or a modified reduced solar facility, then additional measures should be secured that would help compensate for some of the adverse impacts on the AONB. Typically, this would require the provisions of offsite landscape restoration or enhancement measures either agreed with local landowners or secured through agreed landscape compensation fund for use by the AONB to restore landscape features in the locality. Natural England would be happy to discuss how this might be achieved.

From the description of the development this application is likely to affect >20 ha of BMV agricultural land (based on the applicant's submitted soil survey). 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 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 and charging station, may permanently affect agricultural land this would be limited to relatively 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.

Natural England notes that the submitted ecological assessment concludes that no significant wildlife impacts from the proposals and predicts a significant net gain in biodiversity. Natural England has no reason to doubt this assessment, but no information is provided on how the site will be managed to maximise biodiversity benefits. Natural England therefore advises that a Landscape and Ecological Management Plan (LEMP) that has been approved by the Dorset Council's Natural Environment Team (NET) is requested from the applicant. Natural England therefore recommends that permission is not granted until a LEMP has been produced and approved by the DC NET. The full implementation of the DC NET approved LEMP should be made a condition of any permission.

Following re-consultation on 10/11/2021

Natural England welcomes the reduction in scale and reduction in height of the built facility and supports the removal of the western solar array. Taken with the increased landscaping the revised scheme is a significant improvement in respect to the setting of the Dorset AONB. Nonetheless, as set out in the AONB landscape officer's comments adverse impacts remain. If your authority is minded to grant the application further consideration should be given to the provision of a suitable landscape compensation fund that may be used by the AONB Team to deliver landscape enhancements both within and within the setting of the AONB. Such a fund would help meet the objective set out in the National Planning Policy Framework (NPPF 2021) to both conserve and enhance the landscape and scenic beauty of the AONB, while helping to ensure adverse impacts are further minimised. The compensation fund should be agreed with the Dorset AONB Team and secured by any permission.

Our previous comments (letter dated 7 September 2021) in relation to impacts on best and most versatile soils remain pertinent to the amended scheme.

Natural England notes and welcomes the provision of a Dorset Council Natural Environment Team LEMP. The implementation of the approved LEMP should be secured by any permission.

Environment Agency

No response received at the time of determination.

Dorset AONB Team

The proposed development is of both quasi-industrial and commercial appearance. These aesthetics results in a degree of contrast and juxtaposition with the existing rural character of the site and its wider landscape setting. Overall, the relatively large scale of this proposal, alongside the novelty of the proposed charging station, in particular, would be perceived as being somewhat at odds with the rural landscape context. As I will explain in my review of the landscape and visual effects, the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) highlight, at section 6.44, that discordant and uncharacteristic features being introduced into a landscape may heighten the significance of the resultant effects. Overall, this issue, in combination with the site's relatively close proximity to the AONB, being quite prominent in views from and into the designated area, result in foreseeable alterations to the character and appearance of the AONB that are more likely to be regarded as significant. 3.2.3 Overall the nature of the development and its positioning relative to the AONB lead me to consider that the proposal has the potential to adversely affect some of the special qualities that underpin the designation, particularly:

- ‘Uninterrupted panoramic views to appreciate the complex pattern and textures of the surrounding landscapes’
- ‘Striking sequences of beautiful countryside that are unique in Britain’
- ‘Undeveloped rural character’

I am concerned about the impact of the development proposals on the setting of the AONB, including views into and out of the designated area, arising from both components of the development – i.e. from the charging station and the PV arrays, which are commonly seen in close association. Due to the vertical form and scale of the charging station component and the specific requirements of this, in terms of access and use, its impacts are considered to be more obvious from locations within the AONB, as compared with the solar farm. The development itself is relatively large scale and includes a substantial internal access arrangement, alongside a large-scale charging station, adjoining café/shop and other aspects such as an area for battery storage.

The siting of the charging station at this location is a matter to which I recommend that the authority pay considerable attention. Although the facility is associated with an A-road, it is relatively remote from larger centres of population and the strategic road network. Although it can be foreseen that this form of facility would serve the transition to increased use of electric cars, it notable that the selected site stands in relative isolation, in an elevated rural position, in the setting of the AONB. In my opinion, the siting of the charging station in this location requires particularly strong justification.

In reaching an opinion on the significance of effects on the AONB, regard should be paid to the perception of the proposal (particularly the charging station) as a discordant feature in a relatively undeveloped and elevated landscape. The Guidelines for Landscape and Visual Impact Assessment (GLVIA3) highlights, at section 6.44, that whilst there is no prescribed framework for classifying effects as being ‘significant’, in the language of the EIA Regulations, there are three factors that increase the probability of an overall effect being classified as such, these being:

“Effects on people who are particularly sensitive to changes in views and visual amenity... • “Effects on people at recognised and important viewpoints and from recognised scenic routes... • “Large-scale changes which introduce new, non-characteristic or discordant or intrusive elements into the view...”

I consider that the relatively large-scale of the charging station would significantly adversely impact views out of the AONB, particularly in the area between the village of Winterbourne Whitechurch and Weston's Wood (including sections of footpaths E32/18, E32/19 & E32/23). In my opinion, the charging station itself would be perceived as a discordant feature in an otherwise largely undeveloped scene looking toward the site area, which occupies an elevated position toward the high point of ridgeline to the east of the village of Winterborne Whitechurch. In addition to the built development being visible from these locations, it is foreseeable that lighting within the site would highlight its presence during hours of darkness, further exacerbating the effects on the setting of the AONB.

From the locations within the AONB that I have referred to above, a portion of the proposed solar farm would also be visible adjacent to the charging station. The field to the immediate west of the station gently falls away toward the village, with this landform allowing those panels proposed within the field to be seen from the footpaths within the AONB between the village of Winterbourne Whitechurch and Weston's Wood, which I have highlighted above. Visibility of the arrays would primarily be side-on to the panels and occur at distances between 1-1.6 km. The alteration to the pattern and character of landscape would be relatively easy to perceive at these distances, particularly given the likely pattern created by the rows of panels, which would serve to draw the eye to their presence. The visibility of this part of the solar farm, in combination with the charging station, is a particular cause for concern with respect to the outlook from the AONB.

LVIA VP6 reflects the locations I have referred to, above. However, the positioning of the selected viewpoint could be improved, as it utilises a position with intervening vegetation filters views toward the site. There are a number of wider locations where a clearer view of the site area can be achieved, notably the section of footpath E32/23 to the south of Weston's Wood. I note that the LVIA does not provide a montage from this area. Furthermore, the montages that have been produced utilise a 100% enlargement factor, whereas a 150% enlargement factor could be more appropriate, as advised by the Landscape Institute's guidance for photography and visualisation, with respect to projects of an expansive nature.

Concerning views into the AONB, I would particularly highlight the significant adverse effect of the development on footpath E32/6, to the south of the site area. As the footpath progresses westwards of Whitechurch Hill Barn, there are expansive views available, toward the AONB, including higher ground and woodland in the vicinity of Whatcombe. In my opinion, the very large scale of the proposed solar array, as perceived from this footpath, alongside the introduction of the charging station, would lead to a major transformation to the panoramic view toward the AONB (for example from LVIA VP12). From this location, the proposed charging station would interrupt the view into the designated areas and, although the proposed panels would not directly obscure the views into the Area, it is apparent that the expansive nature of the development would fundamentally change the way

in which the foreground is perceived. This transformation would not serve to complement that characteristics or special qualities of the AONB and it is therefore considered that the development would significantly and directly affect the appreciation of the designated area, beyond. The charging station and southern array within the solar farm are features that particularly exacerbate the impacts. The southern array, in particular, results in the horizontal extent of the development being substantially increased, resulting in locations such as VP12 being rather enclosed by the perceived expanse of the array, in relation to views toward the AONB.

Given the latest changes to NPPF, the development appears difficult to support in its present form. Whereas aspects of the solar farm, particularly the eastern field (which totals approximately 10 ha), have a lower effect on the setting of the AONB, the charging station and western and southern fields within the solar farm result in impacts that conflict with the primary purpose of the designation. Therefore, the overall conclusion I would offer is that the application is not able to demonstrate that it adequately avoids or minimises its effects, to the extent that the setting of the AONB would be conserved and managed in a manner that is complementary to the qualities that underpin the designation. In fact, aspects of the proposal would impinge upon the undeveloped and open character of the downland within the immediate setting of the AONB, in a location that is not significantly detached from the designated area, in terms of landscape character and quality. Consequently, I consider the application to achieve quite limited compliance with those AONB objectives and policies I have referred to.

Additional comments following re-consultation on 10/11/2021

The amended plans remove the western portion of the solar array, meaningfully reducing the visual impact of the development in views out of the AONB. However, I remain concerned that the presence of the EV charging station (which is noted to have been repositioned, reduced in height and set within increased landscaping) would introduce a novel and foreseeably discordant feature into the setting of the designated area, with impacts on rural character that are not considered to be fully overcome through the amendments. A similar observation can be made in relation to the view into the AONB from the bridleway to the south of the proposal, where it was previously been observed that a large-scale change can be foreseen, due to the introduction of the array and charging station in the foreground. Overall, the changes made have not completely overcome the impacts previously identified and further consideration should be given to removing the charging station and southern extent of the array.

Highway Authority

The proposal has been the subject of pre-application discussions with the Highway Authority, with the details of the submitted access arrangement, which takes the form of a new priority T-junction onto the A354, agreed with the Authority. The level of on-site car parking for both cars and HGVs is deemed to be both appropriate and satisfactory, in terms of layout and numbers. The details contained within the submitted Framework Construction Traffic Management Plan (CTMP) are acceptable and should form the basis for the full CTMP. The submitted Transport Statement (TS) predicts the trip generation of the proposed uses of the site with the conclusion

reached that the likely impact of the proposal upon the highway network is minimal and, therefore, acceptable. The Highway Authority agrees with this assessment.

Should permission be granted, it is suggested that conditions be imposed re. site construction, EV charging points, gates, visibility splays, new access/extinguishment of layby (Grampian condition), CTMP.

Following re-consultation on 10/11/2021

Acknowledged amended plans and repeated same advice as above.

Senior Conservation Officer

Unable to support.

The proposal will result in the following impacts on the significance of affected heritage assets, including any contribution made by their setting:

	Grade	No harm	Less than Substantial harm	Substantial harm
Bowl Barrow 25m S of Whitechurch Hill Barn (1013788)	SM		X	
Deserted Medieval Village at West Farm (1002378)	SM	X		
Bowl Barrow 550m N of North Down Barn (1014852)	SM		X	
Bowl Barrow 560m NNE of North Down Barn (1014853)	SM		X	
Milling House / Wheel House at West Farm (1002396 & 1152765)	SM	X		
Church of St Mary (1118538)	I	X		
Milestone at ST851008 (1118536)	II	X		
West Farmhouse (1118542)	II	X		
Winterborne Whitechurch Conservation Area	CA		X	

In the view of the Conservation Officer, is the harm caused outweighed by public benefits and/or are other NPPF/Local Plan policy tests met?	No
---	----

Designated Heritage Assets

NPPF para. 199 requires that ‘great weight’ be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. In addition, para. 200 requires any level of harm to their significance should require ‘clear and convincing justification’.

- Bowl Barrow 25m S of Whitechurch Hill Barn (Scheduled Monument) / Bowl Barrow 550m N of North Down Barn (Scheduled Monument) / Bowl Barrow 560m NNE of North Down Barn (Scheduled Monument)

We have some concerns relating to the impacts of setting change on these monuments arising from the development, similar to those expressed by Historic England in their comments (18 August 2021). The two principle characteristics of the setting of Bronze Age funerary monuments are their undeveloped, isolated positions and their spatial/visual relationships within these landscapes. Though much work remains to be done on understanding these relationships, at least in the Dorset context, it seems clear enough that they could exist with each other; with older monuments (e.g. Neolithic long barrows); with water sources and watersheds; and/or with viewpoints around the landscape.

In the case of these assets, their respective positions seem to be related to watersheds (the two-barrow group at the head of a channel flowing westwards into the River Winterborne; the single barrow by Whitechurch Hill Barn at the head of one flowing southwards in a dry coombe towards Winterborne Kingston. This may suggest the principle intended orientation of these assets. However, their ridge position also makes them visible landmarks from an E-W route across the Down, which possibly assisted in their later selection as parish boundary markers.

The proposed development is, at its closest point, approximately 380 m from the barrow at Whitechurch Hill Barn and 500 m from the North Down Group barrows. In both cases this will result in changes to the base-line settings of all these monuments, with this more keenly discernible from the former. The southward ‘spur’ of the proposed solar array is the feature which most clearly brings the development towards the latter. In both cases, we therefore feel that the changes to the undeveloped isolated setting of the monuments should be considered as negative.

For these reasons, we consider that the proposals will result in less than substantial harm to the significance of these assets.

- Deserted Medieval Village at West Farm (Scheduled Monument)

The key aspects of the monument’s setting are its immediate topographical context and its relationships with other assets relating to the various phases of settlement in the River Winterborne valley. At its closest point, the development is approximately 950 m from the monument and does not form part of the valley context. Though the application site forms part of the wider agricultural hinterland of the asset, the distance between them does not materially affect our understanding or appreciation of this hinterland.

For these reasons, we consider that the proposals will result in no harm to the asset’s significance.

- Milling House / Wheel House at West Farm (Scheduled Monument; Grade II) / West Farmhouse (Grade II)

Similar to the above, the setting of these assets is defined by their interrelationship with each other and the settlement around West Farm. All are at a similar distance from the application site, with no clear visual or other relationship. Again, there is perhaps a historical agricultural relationship, but the distance between them leaves this materially intact.

For these reasons, we consider that the proposals will result in no harm to the assets' significance.

- Church of St Mary (Grade I)

The topography of Winterborne Whitechurch and the position of the church mean that long views towards it are not forthcoming from the direction of the application site. The significant of its setting appears to be related to its immediate context at a road junction within the village. The development would have no discernible impact on these attributes.

For these reasons, we consider that the proposals will result in no harm to the asset's significance.

- Milestone at ST851008 (Grade II)

The primary aspect of the asset's significance is its relationship with the historic turnpike. Though vehicles now pass at speed, the milestone stands alone on the roadside and would be at risk of dominance were the environs to be developed. The development extends along the application site directly behind the asset. However, the drawings show that this area will comprise solar panels rather than the main buildings of the scheme and so, given the retention of the well-established hedge, the panels would not be intervisible with the milestone when experienced from the road.

For these reasons, we consider that the proposals will result in no harm to the asset's significance.

- Winterborne Whitechurch Conservation Area

As noted in the assessment of significance above, the Conservation Area is visible at some distance when travelling westward along the A354 from where it can be experienced as a rural settlement sited among undeveloped agricultural land. The proposed development, in particular the EV charging area and its associated buildings, will considerably change this approach. The modern nature and design of the charging station will lessen the experience of the Conservation Area in a rural landscape from one of the approaches from which it is 'best appreciated'.

For the above reason, we consider that the proposals will result in less than substantial harm to the asset's significance.

Non-Designated Heritage Assets

- Whitechurch Hill Barn (ST854004)

Though additional structures have been added adjacent and adjoining the barn, its original context remains relatively unchanged. The proximity of the development to the asset will result in a negative change to the agricultural surroundings which define and illustrate its position and purpose.

For the above reason, we consider that the proposals will result in less than substantial harm to the asset's significance.

The proposals will result in less than substantial harm to the significance of designated heritage assets, including three Scheduled Monuments 'of the highest significance', meaning that para. 202 of the NPPF engaged, requiring the harm to be weighed against the public benefits of the proposal, taking into account the 'great weight' to be given to the conservation of designated heritage assets. Though the planning balance is ultimately a matter for the Case Officer, we offer our advisory view here on the basis of the information provided to date. We are broadly supportive of the principle of the proposals and the benefits that such a provision would bring. However, the conservation of the significance of Scheduled Monuments in particular is to be given the greatest weight in the planning balance and the public benefits must therefore be overwhelmingly substantial. On the basis of the scheme presented, we do not consider that this is currently the case.

The proposals will result in less than substantial harm to a non-designated heritage asset, meaning that para. 203 of the NPPF is engaged, requiring a balanced judgement taking into account the significance of the affected asset and the scale of harm or loss. Taking these matters into account, together with the proposed landscape strategy, we consider that the overall level and affect of harm to the asset is acceptable.

Additional comments following re-consultation on 10/11/2021

Unable to support.

- Bowl Barrow 25m S of Whitechurch Hill Barn (Scheduled Monument) / Bowl Barrow 550m N of North Down Barn (Scheduled Monument) / Bowl Barrow 560m NNE of North Down Barn (Scheduled Monument)

We had previously raised concerns regarding detrimental impacts on the significance of these monuments through changes in their open, undeveloped settings which, notwithstanding changes in agricultural practice and field boundaries since the Bronze Age, nonetheless retain a key characteristic relating to the position and siting of barrows in upland areas. However, being generally supportive of the scheme in principle, we suggested some recommendations as to how the harm could be fully or partly addressed and/or offset by commensurate heritage-related public benefits.

In looking at the amendments, it appears that none of our recommendations has been pursued. The revised scheme, as shown on the site plan (P20-1118_04i) shows a minor amendment whereby the open areas previously identified as 'Dog-Walking Area' and 'Picnic Area' are now shown as 'Archaeological Area', with the access road moved eastwards, and also the array has been removed from the NW field, now shown as a 'Wildflower Meadow'. Insofar as these changes accommodate archaeological non-designated heritage assets, and can potentially be extended through further archaeological mitigation and management, they are welcome. However, these amendments do not address issue of harm arising to the setting of these Scheduled Monuments. Indeed, the presence of two likely ploughed-out barrows on the application site strengthens the topographical, spatial and possible visual associations between the monuments; a point acknowledged, albeit tacitly, in the Heritage Addendum (1.19-1.21, pp. 4-5).

The Heritage Addendum reiterates our previous identification of spatial and visual relationships between the barrows and with the wider funerary landscape, as well as their elevated positions (1.19, p. 4). However, we should note for clarity that none of the identified aspects of setting depend on public access (1.15, p. 3) or whether or not specific views are identified in the scheduling entries (1.17-1.18, pp. 3-4). For our purposes, it is important to note the Addendum's conclusion that the application site is considered to make a 'very small contribution through setting' to the significance of all these assets 'by virtue of a landscape association that is legible principally in plan' (1.20-1.21, pp. 4-5). This statement appears to be the only way in which the Addendum relates to our previous assessment of the contribution of the 'quiet setting arising from the isolated position of the barrows on high points of the chalk downs and the lack of development in their surroundings which reflects their original marginal/liminal positions within the settled landscape'. In identifying this contributory aspect of setting, we are mindful of not only the current state of knowledge regarding barrows, but also the following attributes of setting identified in Historic England's guidance (Setting of Heritage Assets, p. 10):

- o 'the physical surroundings of the asset, including its relationship with other heritage assets'; and
- o 'the asset's intangible associations with its surroundings, and patterns of use'.

In the absence of any evidence to suggest the contrary, and with the tacit support of the Heritage Addendum in relation to the landscape, we remain of the view that the undeveloped surroundings of the barrows contribute to understanding and appreciating their significance and that the proximity of the development will result in negative change. The changes to field boundaries and agricultural regimes do not materially change the fact that this aspect of their setting 'closely resembles' the setting at the time the assets were constructed (HE, Setting of Heritage Assets, p. 4).

We therefore remain of the view that the proposals will result in less than substantial harm to the significance of these assets.

- Winterborne Whitechurch Conservation Area

The removal of the solar array from the NW field is to be welcomed insofar as it goes some way to increasing the distance between the development and the

Conservation Area, but also in reducing the potential visual impact on the eastern approach. As stated in our previous comments, we are mindful of the findings of the Desk-Based Assessment (Pegasus, May 2021), repeated here for ease of reference, which identify the following as a contributory element to its significance: ‘its geographical and topographical context, nestled within the valley of the River Winterborne, which is best appreciated on the two approaches via the A354 and in the westerly and easterly views looking upslope from the centre of the “bowl”’ (DBA, 6.30) [emphasis added].

The revised submissions do not include any additional information (e.g. clarifying through visuals/verified views) to suggest that one of these approaches from where the context of the CA is ‘best appreciated’ will not be negatively affected.

We therefore remain of the view that the proposals will result in less than substantial harm to the asset’s significance.

Non-Designated Heritage Assets

- Whitechurch Hill Barn (ST854004)

The amendments to the scheme do not result in any changes which affect our previous assessment of less than substantial harm to the asset’s significance.

- Two prehistoric ring-ditches (interpreted as ploughed-out barrows)

The scheme has been amended to draw the development (i.e. the access road) away from the NW field (containing one barrow) and part of the N central field (containing the other and associated burials). Depending on the nature of any further archaeological work required by the Senior Archaeologist, it is likely that physical impacts on these particular assets can be avoided, which would result in no harm to their significance.

Designated Heritage Assets

The amended proposals will still result in less than substantial harm to the significance of designated heritage assets, including three Scheduled Monuments ‘of the highest significance’, meaning that para. 202 of the NPPF engaged, requiring the harm to be weighed against the public benefits of the proposal, taking into account the ‘great weight’ to be given to the conservation of designated heritage assets. Though the planning balance is ultimately a matter for the Planning Officer, we offer our advisory view here on the basis of the information provided to date and in the context of NPPF, section 16.

We remain broadly supportive of the principle of the proposals. However, we reiterate that the conservation of the significance of Scheduled Monuments in particular – and that includes the contribution made by their setting – is to be given the greatest weight in the planning balance and the public benefits must therefore be overwhelmingly substantial to outweigh harm, particularly where, as here, harm arises to multiple designated heritage assets. On the basis of the scheme presented,

we still consider that this is not currently the case. However, again please see ‘Informative’ below.

We are aware of the extensive ‘Material Considerations Briefing Note’, which implicitly and naturally argues in favour of the scheme without further amendment. However, we also draw attention to the fact that the protection and enhancement of the historic environment is part of the core environmental objective of the NPPF (para. 8).

Non-Designated Heritage Assets

The proposals will result in less than substantial harm to a non-designated heritage asset, meaning that para. 203 of the NPPF is engaged, requiring a balanced judgement taking into account the significance of the affected asset and the scale of harm or loss.

Taking these matters into account, together with the proposed landscape strategy and any additional archaeological mitigation and management, we consider that the overall level and affect of harm to the asset is acceptable.

Further comments received 10/12/2021

Support subject to conditions:

Since our previous comments, a revised site plan (Pegasus drawing no. P20-1118-04-01J) has been provided showing an additional interpretation board to be placed on the development site, along with a detailed description of the proposed interpretation for each of the three boards (Pegasus email, 7 December 2021). Whilst this does not change our assessment of harm to the previously identified heritage assets, we have provided revised comments below relating to our views regarding public benefits.

The amended proposals will still result in less than substantial harm to the significance of designated heritage assets, including three Scheduled Monuments ‘of the highest significance’, meaning that para. 202 of the NPPF engaged, requiring the harm to be weighed against the public benefits of the proposal, taking into account the ‘great weight’ to be given to the conservation of designated heritage assets. Though the planning balance is ultimately a matter for the Planning Officer, we offer our advisory view here on the basis of the information provided to date and in the context of NPPF, section 16.

The additional information relating to the interpretation to be provided on the site, as described in correspondence from Pegasus, has confirmed that this will be extensive. The newly-discovered archaeology on the site, though non-designated, is cogent with the wider prehistoric funerary landscape in position and purpose. The interpretation will be provided at a site where public access is concentrated and potentially extended and offers an opportunity for currently unexplored and unexplained Scheduled Monuments to be illuminated and illustrated with text and visual aids. Increased public awareness and engagement with Scheduled

Monuments is considered to be a significant public benefit, commensurate with their significance.

Therefore, taking into account the above; the reductions in the footprint of the array already made; and the nature and extent of harm previously identified, we consider it possible that that the public benefits of the scheme could be sufficiently substantial to outweigh the harm caused.

Suggested conditions re. details of interpretation boards, samples of materials for walls and roofs.

Senior Landscape Officer

Unable to support

The site is located in a landscape that has a high degree of sensitivity to development of the type and size that is proposed. The proposals will adversely impact on:

- the setting of the AONB
- the setting of the historic settlement of Winterborne Whitechurch
- the character of the open chalk downland landscape

A key mitigation measure of allowing the existing hedgerows within and along the boundaries of the site to 'grow out' to a height of 4m is also not appropriate to the character of the open chalk downland, where hedgerows are characteristically low.

I agree with the conclusions that Richard Brown of the AONB Unit has drawn, and am not able to support the application. The proposals do not comply with the requirements of NPPF paragraph 170 part a) or paragraph 172 as they do not protect or enhance the valued landscape of the AONB, where 'great weight should be given to conserving and enhancing landscape and scenic beauty.' I also consider that the proposals do not comply with the requirements of Policy 4 of the Local Plan in relation to protecting landscape character, or parts b) of paragraph 154, b) of paragraph 170, or c) of paragraph 180 of the NPPF.

In addition to this, part g) of Policy 22 of the Local Plan requires a restoration scheme to be agreed. The D&A Statement states that after the 40 year operational lifetime of the solar farm, the panels and ancillary equipment will be removed and the land returned to agricultural use. No indication is however provided as to what is to happen to the EV station once the solar farm has been removed.

Additional comments following re-consultation on 10/11/2021

Support subject to conditions.

I am able to support the application subject to the following measures:

1. Omit/significantly reduce the area of PV panels in the part of the site that projects southwards towards Public Footpath E32/6

2. Restrict the height of hedgerows within and along the south/east/western boundaries of the site to 3m, and not the proposed 4m
3. Conditions requiring:
 - submission of detailed planting plans and a specification for the mitigation planting identified in the submitted Landscape Strategy
 - implementation of the LEMP as approved by NET
 - details of materials for the structures including any fencing
 - measures to control light spill/pollution including strict control of any illuminated signage

I still do not consider that this is the right location for an EV charging station as it will adversely impact on the tranquil, rural character of the setting/rural roads through intensification of use. However this is a matter that is more appropriately considered as part of the wider planning balance.

County Archaeologist

I will pick up on the response from Sasha Chapman of Historic England (ref: PO143492 – dated 18th August). In my opinion this covers the archaeological elements of the proposed development very fully and well.

In the first full paragraph on the third page there is reference to a need for desk-based assessment and field evaluation of the proposed development. I note that the application is accompanied by a desk-based assessment, and also by a report on a two-stage geophysical survey of the site of the proposed development.

Geophysical survey is commonly used as the first phase of a field evaluation, and is usually followed by the archaeological trial trenching to which Sasha refers. The trial trenching is generally necessary because geophysical survey cannot be relied upon to detect all types of archaeological features on a site – linear features such as ditches are often detected (as at the present site) but what are called ‘discrete’ features, such as pits as well as the post-holes of buildings, tend not to be.

In the present case I am not aware of any trial trenching having been undertaken. Particularly since the geophysical survey has identified archaeological features on the site of the proposed development and in its vicinity, I consider it important that archaeological trial trenching is undertaken in order for an informed planning decision to be made. That is, the results of such an exercise are required before determination of this application.

Hence, I advise that the applicant should be requested to commission archaeological trial trenching of the site of the proposed development and to submit the results before this application is determined.

Additional comments following re-consultation on 10/11/2021

I have now read Cotswold Archaeology’s report on the archaeological evaluation of the site of this proposed development, and have compared the results with the amended layout for the scheme that is now proposed.

As I understand it, amendments to the scheme that are in direct relation to known archaeology are:

- 1) the exclusion of development from the northwestern field, where two areas of potentially significant remains were identified in the evaluation;
- 2) in the northcentral field, moving the service station access road and parking areas away from the ring ditch and inhumation burials found in the northwestern part of that field.

In my opinion these changes make sense in terms of potentially preserving known archaeological remains of significance. My one concern would be ensuring the protection of the archaeology in these two areas from future disturbance during construction works, subsequent changes to the site, and so on. My immediate thought is the attachment of a condition or conditions to any grant of planning consent to secure this.

Flood Risk Management Team

The documents provide the necessary detail to substantiate the proposed Surface Water strategy. We therefore have no objection to the application subject to the conditions and informatics.

Planning Policy

Paragraph 152 of the National Planning Policy Framework (NPPF) sets out that the planning system should “support the transition to a low carbon future in a changing climate... It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience” including through the support of renewable and low carbon energy and associated infrastructure.

Paragraph 158a) of the NPPF states that when determining planning applications for renewable and low carbon development, local authorities “should not require applicants to demonstrate the overall need for renewable or low carbon energy”, and Para 158b) sets out that an application should be approved if its impacts “are (or can be made) acceptable”.

In addition to the NPPF, other relevant national material considerations to this application include the Government’s Planning Practice Guidance (PPG) and the Government’s Road to Zero strategy published in 2018. It is noted that both the PPG and the strategy are referred to in the planning statement submitted as part of the application.

The development plan for this part of Dorset Council area includes the North Dorset Local Plan Part 1 (LPP1) (2016). The policies listed below are considered relevant to the assessment of the principle of the proposal. It should be noted that there are a wide range of other planning policies which are also of relevance in considering the proposed development.

- Policy 2: Core Spatial Strategy
- Policy 3: Climate Change

- Policy 20: The Countryside
- Policy 22: Renewable and Low Carbon Energy

The council seeks to direct development toward the most sustainable locations in accordance with a settlement hierarchy identified in Policy 2 of LPP1. Policy 20 sets out that ‘... Development in the countryside outside defined settlement boundaries will only be permitted if:

- a it is of a type appropriate in the countryside, as set out in the relevant policies of the Local Plan, summarised in Figure 8.5; or
- b for any other type of development, it can be demonstrated that there is an ‘overriding need’ for it to be located in the countryside.’

Policy 3 details, amongst other things, that ‘Development proposals within the District should seek to reduce greenhouse gas emissions including through appropriately sited renewable and low carbon energy developments. ...’ The supporting text for Policy 3 sets out that appropriate renewable or low carbon energy schemes that offer a saving in greenhouse gas emissions and contribute towards achieving up-to-date targets will be encouraged. The supporting text goes on to state that, adverse impacts including cumulative landscape and visual impacts, will need to be satisfactorily addressed.

Policy 22 provides more detail on the approach to decision making for schemes involving electricity generation from renewable or low carbon sources. Under the policy, the Council will assess the likely benefits of a scheme against the likely impacts, and applicants will be expected to produce evidence to demonstrate mitigating measures to address potential adverse impacts, and the potential benefits of the scheme, nationally and locally. When assessing an application consideration should be given to the following environmental impacts:

- Visual impact;
- Impacts on biodiversity;
- The landscape;
- The historic environment (including designated and non-designated heritage assets);
- The water environment; and,
- Agricultural land.

Additionally, Policy 22, (d-g) require specific criteria to be met when “assessing the adequacy of mitigation measures in relation to a proposal”, and the policy concludes with potential benefits that will be assessed in relation to a proposal, including:

“ h. the amount of heat or electricity that is likely to be generated from the proposed renewable or low carbon energy development and the consequential reduction in greenhouse gas emissions; and

- i. local community benefits, including jobs, investment in the local economy, community ownership or shareholding of a scheme and local provision of renewable and low carbon energy, for example, through a district heating network.”

With appropriate direction from other consultees the case officer should reach a conclusion on whether the specific requirements and overarching requirements of Policy 22 have been satisfied. None of the LPP1 policies referred to above explicitly restrict the proposed solar farm use at the application site.

In relation to the proposed E.V. charging station, including the café and retail unit proposed, in line with the requirements of Policy 20 in LPP1 consideration will need to be given as to whether it has been demonstrated that there is an ‘overriding need’ for its location in the countryside. Given the link between the solar farm and E.V. charging station elements of the proposal there could be justification for their co-location in the countryside. However, consideration will need to be given to whether the proposed café and retail unit are suitably ancillary to the proposal, so as not to warrant a separate assessment of their acceptability in this location. If it is considered that a separate assessment is required then Policy 12: Retail, Leisure and Other Commercial Developments, and in particular the section titled Town Centre Uses Outside Town Centres, will be relevant along with relevant national policy and guidance.

Natural Environment Team (NET)

We have not yet received the LEMP and associated review fee under the Dorset Biodiversity Appraisal Protocol and so advise the LPA that ecology issues cannot be considered to be resolved at this time.

Additional comments following re-consultation on 10/11/2021

I've got a number of comments on the LEMP which will need addressing before we sign it off, I don't think any of these should pose a problem as they are more a case of the level of detail required than any changes to the scheme. In addition to this could you also send over the Biodiversity Net Gain spreadsheet so I can review the figures.

Dorset Wildlife Trust have picked up on the justification of Reasonable Avoidance Measures (RAMs) for dormice and GCN, rather than a licence, in their response and I'd agree that the justifications could be stronger as to why RAMs rather than licenses are appropriate and our pre-app advice also requested further information on the impact on GCN habitat, temporary or permanent, as a result of the scheme. I'm happy for an expanded justification to be provided by e-mail so that we have something written on file rather than asking for changes to the ecology reports if that would help given the timescale. The justifications should be based on site conditions, location of records and evidence with reference to guidance and industry best practice as necessary.

Pre-app advice which appears to still be outstanding/missing;

- *The statutory site search has missed Bryanston SSSI (6.5km NE of the site), presumably because the search for national statutory sites was up to 5km. The SSSI is designated for GHS bats and is important in the context of the site as it falls within the bats' wider sustenance zone. The report should be expanded to assess the impact on the features of the SSSI, although I note that there were no GHS or LHS passes on the static detectors and no lighting is proposed, although I would assume there will be some lighting for the service station. We appreciate that there may be situations where mitigation will not be required because the proposed development does not have an impact upon existing (and likely) SSSI bat habitat, however it is necessary to substantiate this with a suitably robust statement as part of the report.*
- *The report notes that there are arable margins and assumes the land-use over previous years based on the land-use at the time of survey. Could you confirm the land-use over the past 10 years and whether the fields have been or are still included in a Countryside Stewardship agreement (or similar). If so, provide details of the length of time the agreement has been/was in place and what it included in terms of habitat types. If an agreement to create enhancements for biodiversity has been used on the site we would want your report to address this and the potential for these areas to be secured in the long term via this planning application rather than lose these areas only to have similar habitat replaced elsewhere on the site.*

The applicant prepared a revised LEMP following comments from NET, with NET issuing a Certificate of Approval on 13/12/2021 to indicate the LEMP is acceptable and can therefore be conditioned.

Environmental Health

Noise

The submitted noise assessment is agreed with, however it is noted that at the time of writing, there was uncertainty as to the exact plant would be incorporated into the station, therefore assumed noise levels have been used within the report, with worst case scenarios.

An appropriate condition is required (if the application is determined), for the applicant to revisit the noise assessment using actual known levels for the plant that will be installed at that facility, and any mitigation which arose from the new noise assessment to be included, to protect nearby residents from noise.

No consideration has been given to any possible noise from the activities from the shop / café. This will also require a condition to ensure a noise assessment is carried out.

Please advise the applicant that Environmental Protection have a duty to investigate any complaints relating to noise affecting domestic premises and if BPM cannot be demonstrated, further mitigation will be required where necessary.

Lighting

Whilst Environmental Protection do not consider it necessary for a full scheme to be provided, It would be good practice for the applicant to consider this now. The team

would not be able to look into complaints about light pollution (for example the loss of dark skies) but any complaints received, and subsequently found to be justified regarding light nuisance (affecting persons within their own homes), further mitigation will be necessary.

Contamination

Please apply the ‘unexpected contamination’ condition to any permission granted

Senior Ranger

No objection.

Comments regarding construction phase affecting rights of way, permissive path damage to paths, widths of new rights of way.

NATS (National Air Traffic Services)

No safeguarding objections.

Dorset Wildlife Trust

DWT are supportive in principle of proposals for renewable energy and provision of an electric vehicle charging station. However, it is considered that there is currently insufficient ecological information provided to determine whether the application will fully mitigate and compensate for the potential impacts to biodiversity and how the proposals intend to achieve the predicted biodiversity net gain stated within the submitted documents.

OFFICER NOTE: Further ecology information and LEMP provided since these comments were received.

Representations received

89 representations have been received, including a letter from CPRE. 52 object, 31 are in support and 6 make comment(s). The material planning considerations raised in these are summarised below:

Objections

- Light pollution upon village and dark skies;
- Increase in traffic locally and along A354, highway safety impacts;
- Visual impact within the open countryside and elevated position it sits upon, mitigation would not do enough;
- Should be sited on a more major route;
- No evidence for the requirement of the service station element;
- Impact on grade 3 agricultural land;
- Foul drainage concerns;
- Out of keeping type of development in the area;
- No need for co-location of charging station and solar farm;

- Noise disturbance from anti-social behaviour;
- Impact on ‘feel’ of the area;
- Loss of privacy and security from the permissive path;
- Impact on listed buildings;
- Impact upon setting of AONB landscape;
- Solar panels will kill tourism;
- Danger to wildlife;
- Surface water runoff from panels;
- Impact on Scheduled Monuments;
- Impact on Conservation Area;
- Remote, poorly located location;
- No evidence that charging station would be financially viable;
- Radio and data interference.

Support

- Huge demand for renewable energy and EV, insufficient provision at present;
- Great infrastructure for a rural county like Dorset;
- Need for change as a result of climate change and in response to climate emergency;
- Welcome the solar farm element;
- Café and shop would be a local community asset and local employment opportunities;
- Not everyone will be able to park close enough to their homes to charge at home so charging station would be a valuable asset locally;
- Close to existing substation;
- Will provide renewable energy for many years;
- Preserves ecology;
- Land is of poor quality.

Comments

- Permission path should be dedicated as public right of way;
- Public rights of way will need protecting during construction phase.

6.0 Relevant Policies

Development Plan

North Dorset Local Plan Part 1 (2016)

- Policy 1 – Presumption in favour of sustainable development
 Policy 2 – Core Spatial Strategy
 Policy 3 – Climate Change
 Policy 4 – The Natural Environment
 Policy 5 - The Historic Environment
 Policy 20 - The Countryside
 Policy 22 – Renewable and Low Carbon Energy

Policy 24 - Design
Policy 25 – Amenity

Material considerations

National Planning Policy Framework (2021)

1. Introduction
2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
11. Making effective use of land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Other material considerations

Dorset AONB Management Plan 2019-2024

Relevant UK legislation and strategies include:

- * Energy Act (2016)
- * Climate Change Act (2008)(as amended)
- * UK Renewable Energy Strategy (2009)
- * Energy Security Strategy (2012)
- * Renewable Energy Roadmap (updated 2013)
- * Clean Growth strategy (2017)

Environmental Impact Assessment (EIA)

An EIA Screening Opinion application (Ref: P/ESC/2021/00237) was submitted to the LPA prior to the submission of this planning application. The application under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 assesses whether an Environmental Impact Assessment would be required for any of the considerations in respect of the nature, size and location.

The LPA determined on 17 February 2021 that there would not be additional significant impacts on the local landscape and environment and, thus, an EIA would not be required.

7.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

8.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

9.0 Planning Assessment

The main issues for this application, including those identified by Policy 22 of the Local Plan, are considered to relate to be:

- Principle of development;
- Heritage impact;
- Visual and landscape impact;
- Impact on agricultural land;
- Highways and transport impact;
- Residential amenity (shadow flicker, noise and vibration);
- Habitats and biodiversity;
- Water environment (flood risk) impacts;
- Impacts identified by local communities;
- Decommissioning and restoration.

Principle of development

The proposed development essentially comprises two main elements: the solar farm with associated infrastructure and connection to the grid; and the EV Charging Station with café/shop/restrooms building, associated infrastructure, equipment and parking. Soft landscaping is also proposed to mitigate both elements visually and ecologically.

Although the EV Charging Station is not reliant upon exclusive renewable energy input to function, the two main elements of the scheme would work hand-in-hand, insofar as the renewable energy generated from the solar farm would feed directly into powering the adjacent EV Charging Station (with any surplus stored within the on-site battery storage facility). This is a substantial benefit to the scheme, resulting in a development that fully embrace renewable energy with low carbon input and output.

The Planning Statement submitted with the planning application states that a defining feature of the proposed development is the co-location of the complementary energy infrastructure elements. The inclusion of an EV Charging Station is regarded as an innovative form of co-located technology, with only a few other comparable examples in the country. The elements allow for the generation, storage and local use of low carbon electricity as a result of the proposed solar farm, battery storage facility and EV charging hub, respectively. This co-location brings multiple benefits including optimised use of the grid connection (which allows export from and import to the project), reduced losses (by using a proportion of the electricity on site, avoiding distribution losses) and grid services (with the battery storage project able to respond with split-second timing to assist with grid management).

Solar farm and battery storage

With regard to the solar farm element and associated battery storage facility on site, there is clear support in principle of these types of development.

Both section 14 of the NPPF and the supporting text for Policy 22 of the North Dorset Local Plan state that LPAs do not require applicants to demonstrate the overall need for renewable energy development and that applications for such proposals should be approved if the impacts are (or can be made) acceptable.

Policy 3 of the Local Plan is the overarching policy with regard to climate change and states that development proposals within the District should seek to reduce greenhouse gas emissions, including appropriately sited renewable and low carbon energy developments. This includes through appropriately sited renewable and low carbon energy developments. The supporting text for Policy 3 recognises that some renewable or low carbon energy developments may be large-scale and require a countryside location. This is also acknowledged in Policy 20 of the Local Plan and set out further in Policy 22.

Policy 22 of the Local Plan is the specific policy relating to renewable and low carbon energy proposals. It states that:

“When considering proposals for electricity generation from renewable or low carbon sources, the social, economic and environmental benefits of the scheme should be assessed against the likely impacts. Such a proposal is likely to be permitted in principle, provided it can be demonstrated that:

- a) both individually and cumulatively, all adverse impacts arising from the proposal have been satisfactorily assessed; and
- b) the proposal has maximised the potential to mitigate any adverse impacts that have been identified; and
- c) the actual benefits that the scheme will deliver outweigh the adverse impacts that remain.”

These criteria are discussed later in the report and in the planning balance section.

Policy 22 adds that:

“Potential adverse environmental impacts (together with measures to mitigate such impacts) that will be assessed in relation to any proposal include: visual impact; impacts on biodiversity, the landscape, the historic environment including designated and non-designated heritage assets, the water environment and agricultural land.

In addition, in assessing the adequacy of mitigation measures in relation to a proposal it will be expected that:

- d) the proposal’s location has been identified having regard to sites that make best use of existing transport infrastructure and the minimisation of traffic movements whilst providing safe access; and
- e) any issues of, noise and vibration or interference to radar or any communication systems including televisions can be fully overcome; and
- f) early meaningful consultation has been undertaken with people in the locality that might be adversely affected by the proposal and clear regard has been had to the responses received; and
- g) the proposal incorporates an agreed restoration scheme including measures to remove installations when operations cease.”

These matters are appraised in following sections of the report.

The policy concludes by identifying potential benefits to be assessed and these would include:

“h) the amount of heat or electricity that is likely to be generated from the proposed renewable or low carbon energy development and the consequential reduction in greenhouse gas emissions; and

i) local community benefits, including jobs, investment in the local economy, community ownership or shareholding of a scheme and local provision of renewable and low carbon energy, for example, through a district heating network.”

These latter two points are appraised below.

The Planning Statement indicates that the 15.8GWh of renewable energy generated by the solar farm per annum would be enough to power approximately 4000 homes each year over its proposed 40 year lifespan. This is also the equivalent to the amount of electricity used in journeys totalling 47 million miles in a typical electric vehicle. The batteries would have the capacity to be able to provide an additional 3MW of electricity and could be called upon depending on demand. The consequential reduction of greenhouse gas emissions is estimated at some 5700 tonnes a year.

As the applicants point out in their Planning Statement, the Council declared a Climate Emergency in May 2020 and, since this time, have published a draft Climate and Ecological Emergency Strategy. Whilst this Strategy carries little weight for this application as it is a document that will be regularly reviewed and could be subject to

change, it does set an initial road map to achieve a carbon neutral Dorset and is therefore a material consideration in terms of the renewable energy ambitions of the Council. The Strategy indicates that it is the Council's aim to be carbon-neutral by 2040 and to support the wider county to be carbon neutral by 2050. To help achieve this the Strategy states that all energy current provided by fossil fuels for heating, transport and electricity will need to come from a low-carbon source and from renewable energy sources (or nuclear), with all transport switching to electric batteries or hydrogen. Storage of energy locally is also essential to meet peak energy demand and make the most of renewable energy produced. One of the Strategy's headlines is that under the greenest scenario energy demand in the Dorset Council area will need to be around 4 billion kWh/yr i.e. 4,000GWh. By providing some 15.8GWh of renewable energy, the solar farm element of the development would make a small but valuable contribution to this very ambitious demand.

These figures clearly present significant public benefits that weigh in favour of approval.

In terms of local community benefits, the applicants state that the proposed development could support up to 117 temporary jobs, both direct jobs on-site and in the wider supply chain, during the three to six-month construction period, as well as 8 permanent direct and indirect jobs once the development is built and operational. These economic benefits are important considerations that can also be given moderate weight.

The solar farm element of the scheme would provide a clean, renewable and sustainable form of energy and would accord with the thrust of the UK Solar PV Strategy. It would assist in meeting the Government's commitment to achieving 'net zero' carbon emissions by 2050 and make a valuable contribution towards cutting greenhouse gas emissions. In combination with other renewable and low carbon energy schemes it would assist in tackling climate change. These wider environmental benefits can be given substantial weight in the planning balance.

EV Charging Station

The EV Charging Station element of the scheme, treated individually, would not seem to fit neatly into any of the Local Plan policies as a *sui generis* employment use in the countryside.

Policy 11 (The Economy) of the Local Plan indicates that economic development in the countryside will be supported by: enabling rural communities to plan to meet their own local needs (rather than strategic needs); and to support certain forms of economic development through countryside policies, such as the re-use of existing rural buildings; small-scale expansion of existing employment sites; equine-related developments; and the provision of rural tourist accommodation.

In this regard the EV Charging Station facility would not meet any of the above types and would therefore need to be justified as an exception to Policy 11 and why a countryside location is required in this instance.

There is also the consideration of the retail component of this element in the form of a shop and café within a link public facility building and whether these uses could reasonably be considered ancillary to the Charging Station element and, indeed, ancillary to the whole scheme when considered as one package of development.

The documents submitted to support the planning application do, however, provide useful background and justification for this part of the scheme.

The applicants state that the proposal for the EV Charging Station element would fill a regional ‘gap’ in charging infrastructure. The Planning Statement also explains how EV ownership is on an upward trajectory with many forecasters predicting exponential growth over the next two decades. Sales of battery electric vehicles grew by 185.9% with 108,205 cars sold during 2020, with sales remaining high into 2021. In particular, March 2021 saw an almost double in sales of relative to March 2020 (22,003 up from 11,694) and a tripling of sales in comparison to March 2019. Similarly, plug-in hybrid vehicles also increased in sales with 17,330 sold in March 2021 recording a 152.2% increase. This demonstrates the existing and growing infrastructure demands of EV users, owners and operators.

The Government’s 2018 Road to Zero Strategy outlines how it will support the transition to zero emission road transport and reduce emissions from conventional vehicles during the transition. It sets out several new measures, including an “ambition” for at least 50% (and as many as 70%) of new car sales to be ultra-low emission by 2030, alongside up to 40% of new vans. The Committee on Climate Change has recommended that the market for EVs be 100% by 2035 at the latest to meet the new 2050 net zero target.

In November 2020, the Government announced a ban on the sale of new petrol and diesel cars from 2030, ten years earlier than previously required. As EVs replace combustion engine vehicles as the main transportation solution for mass transit, a significant barrier to be addressed is the provision of a viable EV charging network including new EV charging infrastructure at appropriate sustainable locations along the national and regional highway network. It is estimated that the UK will need 400,000 public charge points when the sale of new conventionally fuelled cars and vans is prohibited in 2030.

In light of the above, the electric charge point network with its associated charging infrastructure will be critical to meeting future demand, encouraging uptake of EVs as well as addressing concerns regarding charge point availability, reliability and ease of use.

The current Local Plan covering the North Dorset district area was adopted in January 2016 so precedes the Council’s Climate Emergency announcement and much of the background and evidence that informed this decision. The Local Plan is somewhat silent on the specific matter of ‘electric vehicles’ or ‘low and ultra-low emission vehicles’, however the latter mode is referred to under the defined term ‘Sustainable Transport’ towards the back of the Local Plan and this term is used periodically throughout the Local Plan.

For instance, in the introductory chapter the Local Plan sets out the vision for North Dorset and that, by 2031, the district will “have more sustainable forms of development that are adequately served by infrastructure (including transport solutions)...” The Local Plan also recognises that the need to address the causes and effects of climate change is a district-wide issue and that one of the challenges to address this would be to develop a more sustainable transport network.

One of the objectives of the Local Plan is to ensure the vitality of market towns within the district area and one of the means of assisting this is identified as improving sustainable transport links between the towns and villages.

In this regard, the application site is situated along the A354 which is part of the Primary Route Network of England which “...designates roads between places of traffic importance across the UK, with the aim of providing easily identifiable routes to access the whole of the country.”

At present, public charging facilities in the vicinity of the site are very limited and mostly confined to the local towns of Blandford Forum and Dorchester. In fact the provision is seemingly non-existent along vast stretches of even the main trunk roads (A31 and A35), as well as the subject A354. Research shows that unless charging facilities are provided in rural areas, rural communities will be left behind on EVs.

In terms of location, the Charging Station would be sited along a well-used and important main road, providing an accessible location for EV drivers using this route. The location would improve sustainable transport links between the towns and villages within Dorset, particularly between Blandford Forum and Dorchester, and fill a gap in EV infrastructure.

Unlike some of the smaller facilities based at supermarkets in town centres, the EV Charging Station would have the capacity to charge up to 19 EVs at any one time, including 6 ultra-rapid and 6 rapid charging points under the canopy structure, in addition to 7 charging points within the adjacent parking bays on site. All charging points would be configured for use by any type of modern, light-duty EV and they would not be restricted to one EV manufacturer. The facility would therefore provide a significant benefit in terms of meeting the Council’s ambitious vision of improving sustainable transport infrastructure in the district and even wider county area.

As mentioned, the Charging Station facility would include the provision of a single storey building (attached to the canopy structure for charging), containing: public conveniences, a small café, shop and seating area. The internal floorspace would amount to some 610 square metres and comprise a mix of Use Class E and sui generis uses.

The applicants assert that the retail and café components of the development are ancillary uses in terms of scale and purpose of the scheme. Relative to the whole 39ha scheme the supporting retail/café building represents just 0.21% of the site area.

However, the function of the public convenience component is considered a key part of the development. Officers accept that customers visiting any EV charging station will typically expect to be able to use public conveniences and purchase refreshments. Such offers are a commercial reality of any EV charging station in order for them to prove viable and attractive to those that pass them by.

The function of an EV Charging Station also differs from a traditional petrol/diesel fuelling station, insofar as there is a longer period of time for EVs to be refuelled, even with rapid-charging facilities. The average 'dwell times' are stated to be approximately 20 minutes and, whilst some drivers may opt to stay in their cars for this period of charging time, it is not unreasonable for them to be a rest and refreshment provision on site. These provisions would also have a commercial benefit to the facility.

The size of the public convenience facility on site is commensurate in scale to the expectations of a roadside refuelling station and 610 square metres in floor area is not considered excessive for its use. Whilst fuelling stations are not considered to fall under the definition of 'main town centre uses', the facility would accommodate retail use, which are defined as such, and this use would also not be restricted exclusively to users of the Charging Station.

The applicants suggest that the proposal is akin to a small scale rural development whereby a retail sequential test would not be applied under paragraph 88 of the NPPF and Policy 12 of the Local Plan. However, whilst the charging station building would fall under the 2,500 square metre threshold that requires a retail impact assessment to be submitted, officers consider that an internal retail floor area of some 610 square metres cannot reasonably be described as "small scale rural development", even if accepted as ancillary in terms of use and scale in the context of the whole development.

As such, the applicants have judiciously carried out a sequential test on this element of the development.

The applicants recognise that the nearest town centre to the site is Blandford Forum, some 7km (as the crow flies) to the north east. The other settlements within the district area are much further afield and would not provide a genuine alternative from the site. The applicants also point out at the Blandford+ Neighbourhood Plan, which has been made since the application was submitted, does not allocate any sites for commercial or retail development within or on the edge of the town centre. But this does not mean that sites of comparable size to the shop/café building within the town centre could not become available. Nonetheless, there is no evidence to suggest that any premises of a comparable size of the proposed shop/café building are available within or on the edge of the town centre of Blandford Forum.

Notwithstanding, the applicants maintain that public convenience building containing the retail components forms an ancillary part of the whole development and that there are no units or pieces of land that would be capable of accommodating the overall development proposal either within or on the edge of a town centre in the local area.

Officers therefore accept that there are no sequentially preferable or available sites that are available within or on the edge of the closest town centre.

As mentioned, the shop/café building would not be limited to exclusive use by only those charging their vehicles at the adjoining charging stations. Indeed, the provision of the small shop and café would also be beneficial to the local community insofar as providing an additional facility to serve the local population of the Winterborne Whitechurch village which, although some 800m distant, could be accessed via an off-road permissive path connecting the site with public footpath E32/7 and the main part of the village.

Condition to restrict opening hours of the facility – necessary owing to exposed countryside location and lighting impacts through the night.

The Planning Statement states that planning permission is sought for a temporary period of 40 years from the date of first exportation of electricity from the site and even specifies that the temporary permission is sought for the whole scheme, including the EV Charging Station. This emphasises the fact that the elements of development are hand-in-hand as one scheme and that, once the production of renewable electricity ceases from the attached solar farm, the associated Charging Station (including public convenience building with shop/café) and battery storage would also cease. The full decommissioning and restoration of the site can be controlled by condition, which is common for these types of projects.

The proposed 40 year period would be in line with the duration approved as part of other similar solar farm applications, such as North Farm, Spetisbury (2/2018/0756/VARIA and 2/2020/1103/FUL), Rampisham Down Solar Farm (WD/D/19/001433), Crossways Solar Farm (WD/D/19/001292 and WD/D/19/001293), Wyld Meadow Farm (WD/D/19/001207), Southern Counties Shooting Ground (WD/D/18/001652), Canada Farm Solar Farm (2/2019/1389/VARIA) and Stalbridge Park Solar Farm (2/2019/0676/VARIA) and is acceptable.

As such, the development would not permanently industrialise this area of the countryside; there would be the opportunity in the future to return the site wholly to agricultural use.

In light of the above considerations officer deem that the principle of the proposed development as a whole package is acceptable, subject to conditions. This section of the report identifies that the development would bring substantial public benefits in terms of national and local renewable energy generation and sustainable transport infrastructure targets and meet key Local Plan objectives. As set out in policies 3, 20 and 22 of the Local Plan, the principle of the solar farm is considered by officers to be acceptable.

These public benefits must be weighed against any adverse impacts. In this instance the latter are most likely to arise in the form of environment impacts, namely visual, landscape and heritage impacts. These are discussed in more detail in the sections that follow.

Heritage impact

There are no designated heritage assets on the site, however the significance of a number of designated and non-designated heritage assets, including contribution made by their settings, would be affected by the proposed development. Whilst there are no heritage assets within the red line area of the site, the grade II listed milestone (Milestone at ST851008 (1118536)) lies immediately to the north of the northern boundary of the site, on the other side of the boundary hedgerow along the A354 verge.

The impact on heritage assets has been assessed by the applicants in their Heritage Statement, which includes an addendum, as well as an Archaeological Evaluation Report following trial trenching on the site during the course of the application.

The Council's Senior Conservation Officer has been consulted on the application and, with the presence of Scheduled Ancient Monuments (SAMs) within the vicinity of the site, Historic England have also been consulted. The former identifies all of the designed and non-designated heritage assets that would be affected by the scheme and whether there would be harm to each asset.

The table below provides a useful summary of each affected designated heritage asset and the degree of harm (or no harm) that the Council's Senior Conservation Officer considers there to be (see table on the next page):

The proposal will result in the following impacts on the significance of affected heritage assets, including any contribution made by their setting:

	Grade	No harm	Less than Substantial harm	Substantial harm
Bowl Barrow 25m S of Whitechurch Hill Barn (1013788)	SM		X	
Deserted Medieval Village at West Farm (1002378)	SM	X		
Bowl Barrow 550m N of North Down Barn (1014852)	SM		X	
Bowl Barrow 560m NNE of North Down Barn (1014853)	SM		X	
Milling House / Wheel House at West Farm (1002396 & 1152765)	SM	X		
Church of St Mary (1118538)	I	X		
Milestone at ST851008 (1118536)	II	X		
West Farmhouse (1118542)	II	X		
Winterborne Whitechurch Conservation Area	CA		X	

Table 1: Affected heritage assets and the degree of harm.

As the table indicates no harm has been identified to the significance of some of the SAMs within the vicinity of the site, as well as some listed buildings, including the grade I listed church. The appraisal of each of these assets is detailed in the initial consultee response from the Senior Conservation Officer and not disputed by the case officer.

The grade II listed Milestone at ST851008, whilst the closest designated heritage asset to the site, has been deemed to suffer no harm as a result of the development. The reasoning for this is explained by the Senior Conservation Officer:

"The primary aspect of the asset's significance is its relationship with the historic turnpike. Though vehicles now pass at speed, the milestone stands alone on the roadside and would be at risk of dominance were the environs to be developed. The development extends along the application site directly behind the asset. However, the drawings show that this area will comprise solar panels rather than the main buildings of the scheme and so, given the retention of the well-established hedge, the panels would not be intervisible with the milestone when experienced from the road."

The table also indicates that the Senior Conservation Officer considers there to be less than substantial harm to other designated heritage assets, including the

remaining SAMs and the Winterborne Whitechurch Conservation Area. This degree of harm is maintained throughout subsequent re-consultation responses.

The Council has not published a Conservation Area Appraisal for Winterborne Whitechurch. The applicants have, however, highlighted elements of the setting that contribute to its significance and, of relevance, these includes:

- its geographical and topographical context, which can be best appreciated on the two approaches along via the A354, as well as in the westerly and easterly views looking upslope from within the centre of the village bowl; and
- the meadows either side of the River Winterborne on the south side of the A354, and the arable fields on the valley sides to the west and east, which reference the historic agricultural economy of the village.

The Senior Conservation Officer has not referred to the latter setting element but does consider that the Conservation Area would be visible, albeit at some distance, when travelling westward along the A354 “from where it can be experienced as a rural settlement sited among undeveloped agricultural land” and that “the proposed development, in particular the EV charging area and its associated buildings, will considerably change this approach.” They consider that it would be the modern nature and design of the charging station that would lessen the experience of the Conservation Area in a rural landscape and, for this reason, result in less than substantial harm.

It is indeed evident that parts of the village are visible upon approach from the east and would be read in context with the EV Charging Station element of the development in particular. However, the main core of the village, including the designated Conservation Area, is primarily nestled within valley floor and not visible upon approach from the east. The parts of the village that would be visible adjacent to the application site entrance are those on the western side of the village, where the land rises up. This is also recognised by the applicants in their Heritage Statement and the case officer agrees that, owing to the topography and relative separation, there are no specific features of the Conservation Area that can be discerned from this point. The fact that the character and appearance of the Conservation Area can be best appreciated upon both approaches along via the A354 is not in dispute, but in terms of discernible built form, this appreciation is mainly upon descent of the hill and does not stretch quite as far as the more elevated application site. As such, in terms of views from along the main road, the intervisibility between the site and Conservation Area is limited and not harmful.

From within the site boundary itself the case officer agrees that only western parts of the village that lie outside of the Conservation Area boundary are visible from here (mostly Lady Bailey Caravan Park), with the nestled Conservation Area built form concealed by topography and vegetation. Similarly, owing to the topography and intervening vegetation the meadows that contribute to the setting of the Conservation Area also are not discernible from within the application site.

Officers accept that, owing to topography and intervening built form and vegetation, there would be very limited, if any, intervisibility from within the Conservation Area

looking up towards the application site to the east. As such, there would be no harm in terms of views out of the Conservation Area towards the site.

The biggest threat to setting harm is therefore to the arable fields on the valley sides to the east, which reference the historic agricultural economy of the village and contribute towards the significance of the setting. The extent of these fields is not defined but as the village sits within a countryside setting this could be fairly broad.

Whilst the adjoining field to the west of the river meadow can be readily from within the Conservation Area, and therefore form part of its setting, the fields to the east are far less apparent, especially as the land rises up further eastwards. Through revised plans the ‘western’ field within the red line has would now be left as a wildflower meadow, pushing the extent of development further away from the village boundaries. The nearest part of development to the village (the battery storage area) would be some 650m north east. By not immediately adjoining the village boundary or even sited ‘adjacent’ to it, the separation of the development lessens the importance of the sites relationship to the arable fields, which form part of the setting of the Conservation Area.

Whilst the application site forms part of the wider historic agricultural setting of the village, the development would be sufficiently separated to result in no harm to the setting of the Conservation Area.

Planning authorities have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. This is reflected in the NPPF which states that great weight should be given to conserving designated heritage assets and am harm should require a clear and convincing justification. Paragraph 202 of the NPPF indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset then this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Less than substantial harm has been identified by the Council’s Senior Conservation Officer to three SAMs, as confirmed in Table 1, within the vicinity of the site. Owing to their high grading, SAMs are to be considered as ‘assets of the highest significance’ in the context of paragraph 199 of the 2021 NPPF. The same paragraph requires that great weight should be given to the conservation of designated heritage assets and, the more important the asset, the greater the weight should be.

Historic England, in its comments, also expresses concern regarding the potential impact of the proposal on the significance of the SAMs and the impact from agricultural land to “an industrial type landscape” as they describe it, within the setting of the SAMs.

Historic England also explain that “The five barrows at North Down date from the Late Neolithic through to the Bronze Age period. As funerary monuments they were purposefully constructed to occupy a prominent position within the landscape. Here at Winterborne Whitchurch they sit close to the parish boundary indicating their

longevity as key landscape features. Although reduced in height by ploughing, the barrows will contain archaeological remains, providing information about Bronze Age burial practices, economy and environment.”

Historic England refers to the proposed development “potentially” having a harmful impact on the setting of the barrows. Whilst not presenting a clear ‘objecting’ per se, concerns are raised and their response is caveated with a recommendation to seek advice from the Council’s conservation and archaeological advisors. Further archaeological investigation was recommended by Historic England and since carried out by the applicants (discussed later in this section of the report).

The relevant aspects of the significance of the barrows, including any contribution made by their settings, are recognised by the Senior Conservation Officer as:

- their position on elevated prominences within a wider funerary landscape, indicating spatial and likely visual relationships ranging over a wide area between the monuments;
- the spatial and historical relationship between the Scheduled North Down barrows and the at least three other known (unscheduled) barrows in the group;
- the visual experience to and from the monuments from their elevated positions and those in the surrounding landscape, which permit an understanding and appreciation of their ritual position within it;
- the quiet, agricultural setting arising from the isolated position of the barrows on high points of the chalk downs and the lack of development in their surroundings which reflects their original marginal/liminal positions within the settled landscape.

Like Historic England, concerns were initially raised by the Senior Conservation Officer. The proposed development would be, at its closest point, approximately 380m from the barrow at Whitechurch Hill Barn and 500m from the North Down Group barrows. In both cases this would result in changes to the base-line settings of all these monuments, with this more keenly discernible from the former. The southward ‘spur’ of the proposed solar array is the feature which most clearly brings the development towards the latter. In both cases, the Senior Conservation Officer considers that the changes to the undeveloped isolated setting of the monuments would be negative and that less than substantial harm would be caused to their significance.

As evident from the presence of SAMs in the vicinity, the application site also has strong archaeological potential, including the potential for further prehistoric funerary monuments, enclosures and field boundaries. As such, trench evaluation was recommended by the Senior Archaeologist, with trial trenching taking place on site during the course of the planning application.

As a result of the findings, as detailed in the Archaeological Evaluation Report submitted, the scheme was amended to exclude development from the western field where two areas of potentially significant remains were identified. The EV Charging Station itself and the access has also been moved slightly further eastwards and away from the ring ditch and inhumation burials found in the north west part of the same field.

Commenting on these solutions, the County Archaeologist considers these measures acceptable in terms of potentially preserving known archaeological remains of significance. Concern may still persist with regards to the protection of the archaeology from future disturbance during construction works and decommissioning, but it is satisfied that this could be appeased by way of conditions, including an Archaeological Mitigation and Management Plan.

The discoveries included two prehistoric ring ditches (interpreted as ploughed out Bronze Age barrows) which are regarded as non-designated heritage assets with archaeological interest and contributory elements of setting. With solutions found to draw development away from and prevent any physical disturbance to these assets, the Senior Conservation Officers consider there would be no harm to their significance.

The less than substantial harm identified to the SAMs must be weighed against the public benefits of the scheme in accordance with paragraph 202 of the NPPF. The initial view of the Senior Conservation Officer was that, whilst broadly supportive of the principle of the proposals, the public benefits would not have been substantial enough to outweigh the less than substantial harm.

Suggestions were made to address the concerns raised, including reducing the southern spur of solar arrays and providing heritage benefits such as repairs to SAMs and installing interpretation of the historic landscape in some form.

The newly-discovered archaeology on the site, though non-designated, is cogent with the wider prehistoric funerary landscape in position and purpose. It is proposed that the interpretation would be provided on the site where public access is concentrated. This would offer an opportunity for currently unexplored and unexplained SAMs to be illustrated with text and visual aids. An increased public awareness and engagement with the SAMs is considered to be a significant public benefit, commensurate with their significance. In this instance and subject to the imposition of robust conditions, the public benefits of the scheme would sufficiently outweigh the less than substantial harm caused to the setting of the SAMs.

In terms of other non-designated heritage assets potentially affected by the proposed development, the Senior Conservation Officer considers that there would be less than substantial harm to Whitechurch Hill Barn (lying some 300-500m to the south east of the nearest boundaries of the site) owing to its proximity to the development and how it would have a negative change to the agricultural surroundings which define and illustrate the position and purpose of the barn.

Paragraph 203 of the NPPF indicates that when applications directly or, as is the case here, indirectly affect non-designated heritage assets a balanced judgement will be required, having regard to the scale of harm or loss and the significance of the affected asset. In this instance, with an appropriate landscape strategy proposed and conditioned, officers consider that the overall level and affect of harm to this non-designated heritage asset is acceptable.

In consideration of all of these points and having had regard to s66 and s72 of the Planning and Listed Building Act 1990, it is considered that the impact on designated

and non-designated heritage assets would be acceptable and in accordance with Policy 4 of the Local Plan and paragraphs 202 and 203 of the NPPF.

This weighs in favour of supporting the application.

Visual and landscape impact

With regard to renewable energy development the supporting text for Policy 22 highlights that visual and landscape impacts can arise for a variety of reasons, including the potential scale or height of the proposed development. Such proposals can occur solely because of the proposal itself or due to cumulative effects with other developments. Appropriate landscape screening should also be provided to minimise visual and landscape impacts.

Policy 4 of the Local Plan states that the landscape character of the District will be protected through retention of the features that characterise the area. Where significant impact is likely to arise as a result of a development proposal, developers will be required to clearly demonstrate that the impact on the landscape has been mitigated and that important landscape features have been incorporated into the development scheme.

The site lies within the South Blandford Downs landscape character area. The LUC report 'Landscape Sensitivity to Wind and Solar Energy in North Dorset District' indicates that this landscape area has a moderate-high sensitivity to solar farms of the scale proposed.

The site lies outside of the Dorset AONB designation, but only around 300m SE of the boundary at the nearest point and, as such, lies within the setting of this designated area. Paragraph 176 of the NPPF has been updated to include the consideration that "development within [the AONB] setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas".

Both the Council's Senior Landscape Officer and the Dorset AONB Team have been consulted on the application, including re-consultation for amendments. Initial concerns were raised by both bodies with regards to visual and landscape impact.

The AONB Team considered that, on the whole, the relatively large scale of this proposal, alongside the novelty of the proposed charging station would be perceived as being somewhat at odds with the rural landscape context. They also considered that the site's relatively close proximity to the AONB, being quite prominent in views from and into the designated area, would result in a significant alteration to the character and appearance of the AONB. Views out of the AONB and into this designation would be impacted, affecting its setting. Particular concern was raised with regards to the vertical form and scale of the Charging Station element, especially if this facility would be lit. The AONB Team also considered that views into the AONB and from footpath E32/6 running along the south of the site would be significantly adverse, especially as the footpath progresses westwards from Whitechurch Hill Barn, with the large scale of the proposal representing a major transformation to the panoramic view toward the AONB.

The Council's Senior Landscape Officer did not dispute these initial comments from the AONB Team and also considered that the proposed mitigation of 4 metre high hedgerows would be inappropriate in the context of the landscape character area.

In light of these comments, as well as concerns relating to heritage assets, some amendments to the scheme were made with the pertinent consultees re-consulted. The amendments omit solar panels from the 'western field' and have also reduced the proposed length and height (from 5 metres to 3.5 metres in height) of the conjoined Charging Station canopy and associated public convenience building (shop/café/toilets). Whilst the solar panels removed from the western field have been transferred to expand the extent of panels in both the 'southern spur' and eastern field, more landscaping has also been offered to further mitigate the visual impact.

Whilst appreciating the amendments sought to reduce the landscape impact, the AONB Team nonetheless remain concerned with the Charging Station element in particular and consider that the changes have not completely overcome the impact. Their suggestion to address concerns is to remove the Charging Station element and whole southern spur of solar arrays from the proposed scheme. It can therefore be surmised that the AONB Team uphold an objection to the proposed development.

The Council's Senior Landscape Officer similarly agrees that the southern spur of solar arrays remains a concern in visual terms and recommends a significant reduction or omission of this section from the scheme. This has not been forthcoming from the applicant. The Landscape Officer does, however, consider that restricting the height of hedgerows to 3 metres instead of 4 metres to be more appropriate to the landscape character area.

The amendments to the scheme are welcomed and the reduction of the extent and height of the Charging Station element, together with the omission of solar arrays from the prominent western field is a positive step forward.

When returning to the initial comments from the two landscape officers, the most sensitive viewpoints of the site within the surrounding public rights of way network have been identified by the officers. Both officers identify that views out of the AONB would be adversely affected by the development along sections of footpaths E32/18, E32/19 & E32/23 to the NW of the site, heading up towards Weston's Wood.

The whole length of E32/18 is enclosed on both sides by mature hedgerows which enclose this stretch of footpath provide very limited views of even the adjoining fields, let alone the wider setting and views towards the application site. Therefore views from this footpath are not negatively affected.

Footpath E32/19 ascends the landscape up from the heart of the village and is predominantly lined with hedgerows and mature trees along its eastern boundary, limiting views over towards the east of the village. There is one field gate gap along a short section just to the SE of Dolway Cottages which does provide a view in the direction of the site. From here the Old Oak Way development can be read in the foreground with the western field part of the site on elevated land horizon. However, with the omission of solar arrays from the western field, the impact would be

significantly reduced. The reduced height of the Charging Station element, along with the retained provision of bolstered screening along the A354 would also ensure that sight of this element from this footpath would be very limited.

With regards to footpath E32/23 there is a section of this right of way, leading from the junction with E32/18 up to the southern tip of Weston's Wood that allows a similar viewpoint towards the site as that at the field gate gap along E32/19, albeit at a more elevated point in the landscape and increasing the view of the development slightly as the land ascends up to the wooded area. It is from here that the scheme would be most apparent from within this part of the Dorset AONB designation, allowing appreciation of the elevated position of the application site on the opposite side of the valley and the parcel of land upon which the Charging Station element would be constructed. From here it is likely that the Charging Station building would be visible, even with the reduced height, mainly owing to the immaturity of the screening at the early stages. However, as the vegetation grows the development would become less obvious over time.

The lighting of the development has been raised as a concern in that it would highlight its presence and this view is shared by officers. However the intensity and duration of the lighting can be controlled by condition to ensure the characteristic dark skies of the local area are not significantly affected.

In terms of sensitive positions outside of the designated area, the Council's Senior Landscape Officer recognises the views towards the site from footpath E32/1 to the north of the site. A section of this footpath passes through the AONB area but views of the site from this section are not achievable. As the footpath passes through a copse known as 'The Clump' and exits the designation, relatively close sight of the Charging Station element would be attainable at a distance of some 350 metres. The Charging Station would not be set immediately adjacent to the highway and would be set in some 45 metres. The front of the site would also be bolstered by more vegetation to assist with screening much of this element, as well as the battery storage area. The linked public convenience building would be externally clad with timber which would be sympathetic within the context of the rural area and assist with 'softening' the visual impact. As with the view from E32/23, the existing maturity of the vegetation would limit the degree of screen shortly after construction, however, as the vegetation grows the development would become less obvious over time from footpath E32/1.

Owing to the topography and separations involved the whole extent of the development is not possible from views to the north of the site, including from within the AONB area. The most obvious visual impact, whereby the development as a whole can be appreciated, is, instead, from sections of footpath E32/6 which runs along a farm track to the south of the site. The farm track and footpath connect East Farm to Whitechurch Hill Barn (and eventually the C class highway towards Winterborne Kingston).

The clearest views of the whole site along this footpath are a section between Whitechurch Hill Barn and a kink in the track, a stretch of about 400 metres, which sits above the site and allows slightly elevated views across it. There is then a narrower section further west, enclosed with hedgerows on either side that would

limit visibility of the site to just the southern-most tip of the solar arrays in the southern spur field. Further west again the footpath opens up to allow views up towards the whole site from levels below it.

Both landscape officers recognise the degree of visual and landscape harm and adverse effect on this public right of way. From the more elevated section of footpath features within the Dorset AONB, such as Weston's Wood, are discernible and act as a backdrop to the development. Whilst the development would not directly obscure the views into the AONB, officers recognise that the appreciation of the setting would be interrupted by the fundamental change in the way the foreground would be perceived as a result of the development. The AONB Team do concede that the solar arrays in the eastern field have a lower effect on the setting of the AONB. From any of the sensitive viewpoints there would not appear to be a cumulative impact with other solar farms in the local area, although the wind turbine at Roger's Hill Farm, some 6km to the SW, is discernible from the elevated sections of footpath E32/1.

Clearly, any solar farm proposal is going to be considered at odds with existing landscape character by their very nature and comparatively extensive scale. Overall, it is recognised that it would not be possible for the development to avoid harm in terms of visual impact within the rural setting and wider landscape, including the setting of the Dorset AONB. The greatest impact would be largely limited to the public right of way immediately to the south. It is not uncommon for public rights of way to pass through or around solar farms, often owing to their extensive ground coverage and this is commonplace across the county by virtue of the widespread network.

The applicants have offered some positive soft landscaping solutions, such as additional tree copse that would not be significantly out of keeping with the landscape character area, as well as new and bolstered hedgerows. Whilst these would not fully screen the whole development the additional soft landscaping would assist in mitigating the visual impacts, as well as providing biodiversity and ecological enhancements. The strategy of the soft landscaping can be secured and controlled by condition, as recommended by the Council's Senior Landscape Officer. Likewise, the materials, colour and finish of external materials to be used for all of the buildings and ancillary structures can be controlled by condition. As discussed previously, measures to control light spill can also be conditioned.

It is also material that the development would not permanently industrialise this area of the countryside and there would be the added benefit and opportunity in the future to return the whole of the development site to agriculture. The decommissioning of the solar farm and restoration of the land can be controlled by condition.

The identified harm in terms of landscape needs to be weighed in the overall planning balance and against the public benefits the scheme would bring.

Impact on agricultural land

According to the Natural England 1:250,000 scale Agricultural Land Classification Map for the south west region (2010) the site is identified as undifferentiated Grade 3

'Good to Moderate' land. A more detailed assessment of the ALC within the Application Site (included at Appendix 3 of the Planning Statement) identifies it as comprising circa 80% Grade 3a and circa 20% Grade 3b. Grade 3a is described as "best and most versatile" land and development on such land therefore needs to be carefully considered.

The applicants consider that the proposal is considered appropriately located with regards to the agricultural value of the land for a number of reasons. The proposal requires close proximity to an economically viable grid connection and topography with a generally south-facing aspect. Proximity to a road suitable for access/egress is also important.

The applicants state in their Planning Statement that the family that has farmed the application site land for many years has confirmed that the parcels comprising the site are inherently less productive from an agricultural perspective than most of the other areas within the farming unit. While rotation farming and organic fertilisers support a successful farming unit, the more elevated areas where the site is located have shallower soils and historically were downland used for non-intensive sheep grazing. The lower areas beyond the red line area generally have a deeper soil layer, better suited to more intensive farming and arable farming.

As mentioned, during the course of the application the extent of solar arrays has been removed from the western field, which is all graded as 3a, leaving this as a wildflower meadow instead and therefore reducing the extent of agricultural land temporarily lost as a result of the development.

Whilst the majority of the site would not avoid the 'best and most versatile' agricultural land for the purposes of policies 4 and 22 of the Local Plan and the NPPF, the applicants have stated that the subject parcels of land are less productive for arable farming and mostly used for sheep grazing. Moreover, sheep grazing has proven to successfully continue within a solar farm, with grazing between panel rows and there is no reason to doubt this would not also be achievable on the site.

Officers consider the benefits of the scheme in terms of solar energy generation would outweigh the loss of the grade 3a agricultural land for the duration of the solar farm's operation.

Residential amenity (shadow flicker, noise and vibration)

Policy 22 of the Local Plan indicates that the likely impact of noise and vibration on local residents and those working in the vicinity of a renewable or low carbon energy generation plant needs to be considered as part of the application process.

Photovoltaic panels are inert and would emit no noise, dust or vibration.

Owing to the separations involved to the nearest neighbouring properties there would be no impact in terms of overbearingness, loss of light or loss of outlook.

The proposed substation adjacent to the existing solar farm and new transformers within the extension site are likely to generate a low-level noise resulting from the transmission of the power to the grid. No precise details have been provided with

regard to the exact positions of transformers/inverters on site, but this can be suitably controlled by condition. Nonetheless, the nearest part of the solar farm element to the nearest neighbouring property (addressed as 'Sunstar') is some 600m distant to the west. The café/shop building would be some 650m from this neighbour, with the main part of the charging canopy approximately 700m distant. The southern-most tip of the solar farm would be a similar distance from the nearest properties to the south west (addressed as 1 – 3 East Farm Cottages).

The applicants have provided an initial noise report based on a worst case scenario to be generated by the site. The report concludes that occupants of nearby properties would not be unacceptably affected by levels of noise generated from the site during the day or at night. The operation of the on site plant would result in noise levels below a level which would represent the lowest observed adverse effects level, thus ensuring that the operation would not result in unacceptable levels of noise and thus ensure full compliance with the requirements of the NPPF.

The Environmental Health Team agree with noise assessment submitted but have suggested a condition is required for the applicant to revisit the noise assessment using actual known levels for the plant that will be installed at that facility and to include any mitigation necessary to ensure neighbouring amenity is protected. A condition is also recommended to cover possible noise from activities associated with the café/shop building (which was not covered in initial report).

In consideration of the conclusions of the noise report and the distances to properties involved it is satisfied that the development would not have a significant adverse effect on neighbouring amenity.

There is likely to be noise and vibration arising from the construction and decommissioning phases of the scheme that would be most apparent in this instance. The main construction activities associated with the development are outlined in the Construction Traffic Management Plan (CTMP). Noise would be limited to just the construction and decommissioning periods and the hours of construction work can be controlled by condition. The CTMP can also be conditioned.

With these points in mind, it is considered that the impact upon neighbouring amenity would not be significantly harmful to warrant a reason for refusal. The proposal would therefore comply with policies 22 and 25 of the Local Plan in this regard.

Habitats and biodiversity

Policy 22 of the Local Plan states that proposals should seek to minimise the disturbance to ecology, including designated sites and the impact on particular species.

The site does not lie within a statutory designated site. However, owing to the size of the application site the applicants have completed a LEMP which has been signed and approved by the Council's Natural Environment Team (NET).

The proposed mitigation and enhancement measures are detailed in the LEMP. The enhancements include provision of 719m of new native hedgerow, in addition to new tree copses and existing hedgerow gapping up. There would also be provision for bird, bat and dormouse boxes around the site. The wildflower meadow in the western field would encourage a rich biodiversity.

The LEMP can be conditioned to ensure any potential adverse impacts upon local wildlife and habitats can be satisfactorily mitigated and enhancement, bringing, on balance, an overall ecological benefit to the scheme. The development therefore complies with Policies 4 and 22 of the Local Plan.

Highway and transport impacts

The applicants have provided a Transport Statement with the submission.

The proposal has been the subject of pre-application discussions with the Highway Authority, with the details of the submitted access arrangement, which takes the form of a new priority T-junction onto the A354, agreed with the Authority.

The level of on-site car parking for both cars and HGVs is deemed to be both appropriate and satisfactory, in terms of layout and numbers.

The details contained within the submitted Framework Construction Traffic Management Plan (CTMP) are also acceptable and should form the basis for a full CTMP, secured by condition.

The submitted Transport Statement predicts the trip generation of the proposed uses of the site with the conclusion reached that the likely impact of the proposal upon the highway network is minimal and, therefore, acceptable. The Highway Authority agrees with this assessment.

Conditions are recommended regarding site construction, EV charging points, visibility splays, the CTMP and the new access as a condition. A condition prohibiting gates is also recommended.

The Highway Authority has reviewed the information provided and not raised any objections. On this basis officers are satisfied that the proposed development would have not have a severe impact on the highway network, subject to conditions.

Water environment impacts

The main bulk of the site i.e. the EV Charging Station and solar farm lie within flood zone 1, at low risk of fluvial flooding. No response has been received from the Environment Agency at the time of determination.

The underground cable would however cross flood zone 3 and the River Winterborne to connect with the existing substation some 1km to the south (close to West Down Barn). As such the applicants have submitted an Flood Risk Assessment (FRA).

The FRA indicates that the substation is located in an area of elevated surface water and groundwater flood risk. To manage residual risk the equipment will be raised +150mm above the ‘low’ surface water flood depth and the foundation will be designed to allow overland flow to pass under the equipment so as not to increase flood risk elsewhere.

The solar panels would be raised above the existing ground allowing a permanent grass sward to be maintained underneath the panels. Rainfall falling onto the photovoltaic panels would runoff directly to the ground beneath the panels and infiltrate into the ground at the same rate as it does in the site’s existing greenfield state. Access tracks would be permeable in nature, with specific materials secured by condition.

A sustainable drainage strategy for the solar farm, involving the implementation of SuDS in the form of swales at the low points, is proposed for managing surface water runoff on the development site. The swales have no formal discharge arrangements but will gradually empty by a process of infiltration, evaporation, and evapotranspiration and provide runoff pathway management.

With respect to the EV Charging Station and battery storage elements of the development, it is proposed that surface water runoff will be drained to infiltration devices and will soakaway into the underlying ground. The infiltration devices include the provision of geocellular soakaways, infiltration trenches, an infiltration blanket and areas of deepened porous sub-base.

The Council’s Flood Risk Team have reviewed the application and submissions and raise no objections.

In terms of foul drainage, the proposed development is not situated in an area served by public sewers. As such it is proposed to provide an onsite package treatment plant and dispose of treated effluent via a drainage field. These details can also be conditioned.

The impact on the water environment is therefore considered acceptable.

Impacts identified by local communities

Policy 22 of the Local Plan states that developers will be expected to undertake and evidence early meaningful engagement with the local community when submitting development proposals relating to renewable or low carbon energy schemes that may have an adverse impact on a local community. Consultation with local communities may raise new issues, or provide a better understanding of issues already identified. The Council will expect developers to have regard to the responses made by local communities to any consultation and to consider what

additional mitigation measures may be necessary to address any legitimate concerns.

In this regard the applicants have provided a Statement of Community Involvement which details the engagement with the local community prior to submission of the planning application.

Due to legal restrictions relating to the COVID-19 lockdown, it was not feasible for the applicants to host a consultation event. Alternatively, the applicant sought to pursue engagement virtually, with an online presence. A website was also set up for the project with regular updates.

The comments received back from the public via the exposure above were a mix of positive and negative. It is satisfied that the applicants have considered the feedback appropriately and provided the necessary information to enable an assessment of the concerns raised.

Decommissioning and restoration

It is proposed for the scheme to be in situ for a period of 40 years, after which the entirety of the site will be fully decommissioned and all of the land, with the exception of the additional soft landscaping planted, restored back to agricultural land.

No further details, including statements or reports, have been provided with regards to this matter. Notwithstanding this, it is now fairly standard practice for the decommissioning process to be controlled by a condition, requiring agreement of details towards the end of the scheme's lifetime to ensure that the proposed details are appropriate at the actual time of decommissioning. In this instance, should approval be granted, the scheme would not be decommissioned until 2062. As such it is considered more appropriate to agree these details closer to this time, when an actual contractor is appointed to undertake the works and technologies may have advanced. This is accepted as appropriate in this instance especially as an appropriately worded condition can be imposed.

Planning balance

Section 14 of the NPPF does not require applicants to justify the need for renewable energy development.

Policy 22 of the Local Plan states that when considering proposals for electricity generation from renewable or low carbon sources, the social, economic and environmental benefits of the scheme should be assessed against the likely impacts. Such a proposal is likely to be permitted in principle, provided it can be demonstrated that: both individually and cumulatively, all adverse impacts arising from the proposal have been satisfactorily assessed; the proposal has maximised the potential to mitigate any adverse impacts that have been identified; and the actual benefits that the scheme will deliver outweigh the adverse impacts that remain.

In this regard, public benefits of the scheme are substantial and clear.

The solar farm element of the development would provide enough renewable energy to power approximately 4000 homes each year over a 40 year lifespan. The solar farm would directly feed into and power the associated EV Charging Station, resulting in low carbon input and output. The battery storage on site would have the capacity to be able to provide an additional electricity should it be demanded. The consequential reduction of greenhouse gas emissions is estimated at some 5700 tonnes a year.

The Council declared a Climate Emergency in May 2020 and, since this time, published a draft Climate and Ecological Emergency Strategy. The proposed development would assist the Council's aims to be carbon-neutral by 2040; switch all energy to low-carbon/renewable sources; and switch all transport to electric batteries or hydrogen. Whilst the proposed development as a package may only make a relatively small contribution to the very ambitious Council targets, the development would effectively set the ball rolling and make a valuable and exemplary contribution towards the strategy. In combination with other renewable and low carbon energy schemes it would assist in tackling climate change. These broader environmental benefits can be given substantial weight in the planning balance.

The development would also have the economic benefit of supporting up to 117 temporary jobs during the construction phase and 8 permanent direct and indirect jobs once the development is built and operational.

EV ownership is on an upward trajectory with many forecasters predicting exponential growth over the next two decades. The Committee on Climate Change has recommended that the market for EVs be 100% by 2035 at the latest to meet the new 2050 net zero target. As EVs replace combustion engine vehicles as the main transportation solution for mass transit, provision of a viable EV charging network at appropriate sustainable locations along the national and regional highway network is essential. Situated along the A354 (a Primary Route Network of England) the location for such infrastructure is not considered inappropriate.

One of the caveats of Policy 22 is that permission will only be granted provided that any adverse impacts can be mitigated and the actual benefits that the scheme will deliver outweigh the adverse impacts that remain.

In this respect the greatest weight is afforded to the impact upon designated heritage assets and, in this instance, Scheduled Ancient Monuments. It has been recognised that the development as a whole would result in less than substantial harm to the settings barrows within the vicinity of the site. However, the scheme has been amended during the course of the application, with positive ongoing dialogue between the LPA and applicant to reach solutions. Officers are satisfied that, through the necessary balancing exercise of paragraph 202 of the NPPF, the public benefits of the scheme would outweigh the less than substantial harm identified on this occasion. Officers are also satisfied that no harm would amount to archaeology discovered on site.

Solar farm developments of the scale proposed will almost always have a visual impact of some sort, whether immediate from nearby footpaths or wider afield within the landscape. In this instance, the greatest visual impact would be immediately to

the south of the site along public footpath E32/6. The top part of the EV Charging Station is also likely to be discernible from within the Dorset AONB boundary, at a distance of some 1.7km, especially immediately after construction, but as vegetation grows the impact from here would be suitably mitigated.

Sensitive new planting, including small copses and hedgerows, is proposed and can be controlled by condition to mitigate the visual impact of the development further, without jeopardising the local landscape character area. It is accepted that the scale of development is such that it would be challenging to fully mitigate the visual impact of the scheme. The presence of the solar arrays and the built form associated with the EV Charging Station facility would undoubtedly change the character of the site and this, for some, may be perceived as visually harmful from sections of footpath E32/6. The degree of harm needs to be weighed against the public benefits highlighted above.

Whilst the majority of the site would not avoid the ‘best and most versatile’ agricultural land for the purposes of policies 4 and 22 of the Local Plan and the NPPF, the applicants have stated that the subject parcels of land have proven less productive for arable farming and have mostly been grazed for sheep: a practice that can continue within the solar farm. Thus, notwithstanding the extensive accommodation of arrays on the farmland. It is also material that the loss of the land from full time agricultural use would only be for a temporary period of 40 years and following this period the land can revert back to agricultural.

The applicants have provided a LEMP that is to the satisfaction of the Council’s NET. Existing trees within and around the site would be retained and protected, with bolstering of soft landscaping secured by condition. Accordingly, the impacts upon designated wildlife sites, nature conservation interests and biodiversity can be satisfactorily mitigated. These environmental benefits can be afforded significant weight.

The development would not result in any significant harm to neighbouring amenity. Officers are satisfied that the impact on the highway network would not be severe, including the access and egress into the site by vehicles. Conditions can be imposed to control such matters. In addition, there would be no significant risk of flooding resulting from the development. These benefits all weigh in favour of the application.

10.0 Conclusion

Officers consider that any perceived adverse visual impact of the development within its immediate setting and the less than substantial harm to the setting of scheduled monuments would be significantly and demonstrably outweighed by the substantial public benefits highlighted above.

The application complies with Policies 1, 2, 3, 4, 5, 20, 22, 24 and 25 of the Local Plan and is therefore recommended for approval, subject to conditions.

11.0 Recommendation

GRANT subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission is limited to a period of 40 years from the date of commencement of the development. Notice shall be given within 14 days in writing to the Local Planning Authority of the date when the development hereby approved commences.

Reason: The structures and apparatus used in the construction of the development make it unsuitable for a permanent consent in terms of visual, historic and grade 3a agricultural land.

3. Notwithstanding the time limits of condition 2 of this consent, the development (including the EV Charging Station facility, public convenience building, solar arrays, all ancillary equipment, buildings and means of enclosures) hereby permitted shall be removed in its entirety and the land restored to its former condition within 40 years and six months of the commencement date, or in the event that the solar farm fails to generate electricity for 12 consecutive months, whichever is the sooner. The land shall be restored in accordance with a scheme of decommissioning works and land restoration (including timescales) pursuant to condition 34 of this consent.

Reason: The structures and apparatus used in the construction of the development make it unsuitable for a permanent consent in terms of visual, historic and grade 3a agricultural land.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan drawing number: P20-1118-11 received 21.07.2021

Construction Site Layout drawing number: P20-1118-04-03G received 21.07.2021

Technical Details drawing number: P20-1118-04-09B received 21.07.2021

Proposed Solar Site Layout drawing number: P20-1118-04-01I received 08.11.2021

EV Charging Centre Plans & Elevations drawing number: P20-1118-05H received 08.11.2021

Landscape Strategy drawing number: P20-1118-04-09J received 08.11.2021

Proposed Site Layout drawing number: P20-1118_04 01 Rev i received 12.01.2022

Proposed Site Access Arrangement drawing number: P20-1118 001 Rev C received 13.01.2022

Swept Path Analysis of Site Layout drawing number: P20-1118 002 Rev B received 13.01.2022

Reason: For the avoidance of doubt and in the interests of proper planning.

5. Prior to commencement of the development hereby approved the following works must have been constructed to the specification submitted to and approved in writing by the Local Planning Authority:

The provision of the proposed access arrangement as shown on drawing number P20-1118 001 Rev C (or similar scheme to be agreed in writing with the Local Planning Authority).

Reason: These specified works are a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

6. Prior to commencement of the development hereby approved, including any works of site preparation, an Archaeological Mitigation and Management Plan (AMMP), must be submitted for approval in writing by the Local Planning Authority. The AMMP will apply to the archaeological protection zones in the western-most field of the site and the area directly west of the proposed EV Charging Station and must include:

- Measures to be implemented during the construction phase;
- Measures to be implemented during the operational phase;
- Measures to be implemented during the decommissioning phase;
- The provision and maintenance of archaeological information panels.

Thereafter all works should be undertaken in accordance with these approved details.

Reason: To mitigate the effect of the development upon known and potential heritage assets within the development site, during construction, operation, and decommissioning.

7. Prior to commencement of the development hereby approved precise details of all tree, shrub and hedge planting (including positions and/or density, species and planting size) as shown on the Landscape Strategy drawing number P20-1118_09 Rev I must be submitted to and approved in writing by the Local Planning Authority. Thereafter the planting and soft landscaping must be carried out in accordance with the approved details and carried out before the end of the first available planting season following substantial completion of the development. In the five year period following the substantial completion of the development any trees that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as shall be agreed in writing with the Local Planning Authority. In the event of any

disagreement the Local Planning Authority shall conclusively determine when the development has been completed, when site conditions permit, when planting shall be carried out and what specimens, size and species are appropriate for replacement purposes.

Reason: To ensure that adequate mitigation for the landscape and visual impact of the proposals and the provision of an appropriate landscaping scheme has been agreed.

8. Prior to commencement of the development hereby approved a hard landscape scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme must include a schedule of materials and finishes to be used for all new areas of hard landscaping/surfacing/paths and means of enclosures. Thereafter, all landscape works must be carried out in accordance with the approved details and prior to the use of the EV Charging Station element.

Reason: In the interests of visual amenity and ensure provision of an appropriate landscaping scheme has been agreed prior to the use of the development.

9. Prior to commencement of the development hereby approved a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Local Planning Authority. The CTMP must include the following details:
 - construction vehicle details (number, size, type and frequency of movement);
 - a programme of construction works and anticipated deliveries;
 - timings of deliveries so as to avoid, where possible, peak traffic periods;
 - a framework for managing abnormal loads;
 - contractors' arrangements (compound, storage, parking, turning, surfacing and drainage);
 - wheel cleaning facilities;
 - vehicle cleaning facilities;
 - inspection of the highways serving the site (by the development (or their contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase;
 - a scheme of appropriate signing of vehicle route to the site;
 - a route plan for all contractors and suppliers to be advised on;
 - temporary traffic management measures where necessary

Thereafter the development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

10. Prior to commencement of the development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, must have been submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be fully implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

11. Prior to commencement of the development details of maintenance and management of both the surface water sustainable drainage scheme and any receiving system must have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

12. Prior to commencement of the installation of the solar farm element of the development a plan showing the locations of all transformers and inverters and details of the material finish of each of these structures must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the approved details.

Reason: To mitigate the wider visual impact of the development within the settings of heritage assets and the Dorset AONB.

13. Prior to commencement of the installation of the solar farm element of the development details of the external material finishes of the storage containers, battery storage, CCTV equipment and poles, all fencing and other ancillary equipment within the site must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the approved details.

Reason: To mitigate the wider visual impact of the development within the settings of heritage assets and the Dorset AONB.

14. Prior to commencement of the construction of the EV Charging Station (including canopy) element of the development a detailed schedule of the materials to be used for the external facing walls and roofs of the buildings and structures (including finish and any paint colours) must be submitted to and

approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the approved details.

Reason: To mitigate the wider visual impact of the development within the settings of heritage assets and the Dorset AONB.

15. Prior to commencement of the construction of the EV Charging Station (including canopy) element of the development details of the proposed design, materials, text and images for the proposed heritage and archaeology interpretation boards must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the approved details. The Charging Station must not be utilised until the interpretation boards have been installed in accordance with the approved details.

Reason: To enable interpretation of designated heritage assets and archaeology within the vicinity to be secured and ensure substantial public benefits are provided.

16. Prior to commencement of the construction of the EV Charging Station (including canopy) element of the development an updated noise assessment from a qualified person must be submitted to and approved in writing by the Local Planning Authority. The written report shall follow the BS4142 format and contain details of background sound measurements at times when the plant is likely to be in operation, against the operational plant sound level(s). The report should predict the likely impact upon sensitive receptors in the area; all calculations, assumptions and standards applied should be clearly shown. Where appropriate, the report should set out appropriate measures to provide mitigation to prevent loss of amenity and prevent creeping background noise levels. The agreed mitigation measure shall be fully implemented and permanently retained thereafter.

Reason: In order to protect the living conditions of nearby residential properties.

17. Prior to the installation of any external lighting a full lighting scheme detailing the external lighting to be used for the EV Charging Station (including canopy and charging bays), battery storage area, car parking areas/HGV bays and any outside amenity areas must be submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan showing the positioning of each light, as well as details of the appearance, orientation, intensity, shielding and angle of the head of each light. Thereafter the lighting scheme must be installed, operated and maintained in accordance with the approved details.

Reason: To mitigate the wider visual impact of the development within the settings of heritage assets and the Dorset AONB.

18. Prior to the occupation or use of the development the access, geometric highway layout, turning and parking areas as shown on drawing number P20-

1118_04 01 Rev i must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and in the interests of highway safety and parking provision on site.

19. Prior to the occupation or use of the development the visibility splay areas as shown on drawing number P20-1118 001 Rev C must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of highway safety.

20. Prior to the occupation or use of the EV Charging Station element of the development the solar farm element must be constructed in full, connected to the grid and generating electricity.

Reason: To ensure that the renewable energy generation from the solar farm is available to service the EV Charging Station, as proposed.

21. Prior to the occupation or use of the EV Charging Station element of the development the electric vehicle charging points and parking bays as shown on drawing number P20-1118_04 01 Rev i must be constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper development of the site, as proposed.

22. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). If any contamination is found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

23. The long-term management, maintenance and monitoring of the landscape and environment of the site shall be implemented in full and in accordance with the details and timescales within the approved Landscape and Ecological Management Plan (LEMP) dated 09/12/2021 throughout the lifetime of the development.

Reason: To ensure impacts upon the local landscape, nature conservation interests and biodiversity are satisfactorily mitigated and enhanced.

24. All existing trees and hedges shown on the Tree Retention, Removal & Protection Plans (BHA_1091_02 Rev D, Sheets 1-5) that are to be retained shall be fully safeguarded and protected during the course of site works and building operations and in accordance with the details shown on the plans and those held within the Arboricultural Impact Assessment dated May 2021.

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of visual amenity.

25. The hours of operation for the EV Charging Station hereby approved shall only be between the hours of 07.00 to 23.00.

The hours of operation for the public convenience building (containing the shop, café and customer toilets) hereby approved shall only be between the hours of 07.00 to 23.00.

Reason: To mitigate the wider visual impact of the development within the dark sky setting of the Dorset AONB.

26. No deliveries shall be taken at or despatched from the site outside the hours of 07.00 - 22.00.

Reason: To mitigate the wider visual impact of the development within the dark sky setting of the Dorset AONB.

27. The retail element of the scheme hereby approved shall not operate outside of the EV Charging Station operating hours and shall only operate when the EC Charging Station is operational.

Reason: To ensure the retail element remains an ancillary part of the EV Charging Station element.

28. All external lighting approved under condition 17 of this consent and thereafter installed must be switched off when the premises is closed overnight and between the hours of 23.00 to 07.00.

Reason: To mitigate the wider visual impact of the development within the dark sky setting of the Dorset AONB.

29. The refuelling station element of the development must only provide electric vehicle charging bays and no combustible fuels at any time.

Reason: To ensure the development is correctly implemented.

30. There must be no gates hung so as to form obstruction to the vehicular access serving the site.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

31. All new and existing native hedgerows on and around the application site shall be maintained at a height not exceeding 3 metres above ground level.

Reason: To mitigate the wider visual impact of the development within the settings of heritage assets and the Dorset AONB without significantly jeopardising characteristics of the landscape area.

32. The CCTV poles hereby approved and as shown on drawing number P20-1118_09 Rev B shall be no taller than 3 metres in height.

Reason: To mitigate any adverse impacts upon the local landscape character.

33. No construction or decommissioning works or construction deliveries shall take place or be made to the site except between the following hours:

0700 to 1900 Monday to Friday

0800 to 1300 Saturday

No construction or decommissioning works or deliveries shall take place at any time on Sunday or a Bank Holiday.

Reason: In the interests of neighbouring amenity.

34. Not later than 6 months before planned decommissioning of the whole development hereby approved a scheme for decommissioning and the restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the removal of the EV Charging Station (including the canopy structure), public convenience building, battery storage facility, solar arrays and all associated above ground structures, equipment, means of enclosures and foundations, to a depth of at least one metre below finished ground level. The scheme shall include the management and timing of any works; a traffic management plan; an environmental management plan including measures to protect wildlife and habitat; identification of access routes; restoration measures to return the site back to agricultural land; and a programme of implementation (to include timescales). Thereafter, re-instatement shall be carried out in accordance with the approved scheme.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape features of landscape, nature conservation or archaeological significance.

