

Five Lanes Planning Application 20/08618 (the “Application”)

This is a joint response provided on behalf of the Parish Councils of Hankerton and Minety.

Both are aware of the issues relating to industrial-scale solar farm and battery energy storage systems. Both have, together with certain other parish councils in the north and north west of the county, written to Wiltshire Council leaders in an open letter dated 31 March 2021 calling for concerted action to develop a coherent strategy in response to the rapid increase of such planning applications.

HANKERTON AND MINETY PARISH COUNCILS SUPPORT AND ADOPT THE REASONS FOR OBJECTING TO THE APPLICATION SUBMITTED BY CPRE ON 18 MAY 2021, AND OBJECT TO THE APPLICATION FOR THE FOLLOWING FURTHER REASONS.

1. Not an ‘effective use of land’

- Government expects¹ Local Planning Authorities (LPAs) to encourage effective use of land by focusing large-scale solar farms on “previously developed and non-agricultural land”. The Application clearly does not meet this expectation.
- For this expectation to have any meaningful significance, an LPA should be satisfied that reasonable grounds exist to justify deviating from it. In reaching any such determination, an LPA should consider the same Government guidelines, which provide:
 - **the proposed use of agricultural land should be shown to be “necessary”**. This ‘necessity test’ has not been met. In its attempt to justify using this agricultural land for this development, the Application equates ‘practical convenience’ - available grid connection and landowner consent - with ‘necessity’. They are not the same; it is notable that no effort has been made to show which sites, if any (particularly brownfield sites), were considered as viable alternatives. Instead, the Application solely prioritises practical convenience and, in so doing, assumes that the proposed use of this land is ‘effective’. This approach does not support the LPA deviating from the expectation referred to above that large-scale solar farms should be sited on previously developed and non-agricultural land. It cannot be the case that there is no reasonably identifiable, previously developed, site for an industrial scale development of this nature.
 - **poorer quality land should be used in preference to higher quality land**. Only 30% of the land to which the application relates is of ‘poor quality’, as defined by the ALC². The

¹ Guidance on Renewable and low carbon energy <https://www.gov.uk/guidance/renewable-and-low-carbon-energy#solar-farms> published 18 June 2015

² Agricultural Land Classification of England and Wales <https://webarchive.nationalarchives.gov.uk/20130402200910/http://archive.defra.gov.uk/foodfarm/landmanage/land->

Application also proposes using land of relatively higher quality, notably sub-grade 3a land (defined as ‘good quality’ by the ALC) and sub-grade 3b land (defined as ‘moderate quality’ by the ALC). Justification for this is sought in the Application on the basis that the land is not ‘best and most versatile’³ but this approach is problematic for two reasons:

- a material portion of the land - 10% - is sub-grade 3a, which is ‘best and most versatile’ and should, therefore, be protected from the development proposed in any event
 - it presumes, without any considered basis, that it is appropriate - de facto - to convert sub-grade 3b land for industrial-scale renewable energy purposes without proper regard for the existing agricultural use of that land and the consequences for such conversion. The Natural England guidance, on which the Application relies, simply states that sub-grade 3b land is not necessarily protected from significant development: it does not follow that significant development on that land is, therefore, appropriate.
- This latter point is echoed in the consultation response from Malmesbury Town Council. Expressing similar concerns to those raised by Hankerton, Minety and certain other parish councils to Wiltshire Council leaders, as referred to above, the response states:

“Malmesbury Town Council has concerns over the density of land being used for energy production rather than food and asks if there is a policy adopted by Wiltshire Council that is used to determine such applications.”

2. Incompatible with recognised landscape character; area of potential archaeological interest

- Siting an industrial-scale solar farm on the land is not consistent with the landscape’s recognised character and management strategy.
- The Application acknowledges that the landscape’s harmonious character - recognised in current landscape character assessment - will be changed⁴, despite the area’s landscape sensitivities only being able to accommodate “small-scale change” without adverse effect⁵;

[use/documents/alc-guidelines-1988.pdf](https://www.naturalengland.org.uk/Documents/default.aspx?DocumentID=1188), page 9. Grades 4 and 5 land are described by the ALC as “poor quality” and “very poor quality”, respectively.

³ The concept of ‘best and most versatile’ agricultural land derives from Natural England guidance which indicates that agricultural land of Grades 1, 2 and 3a should be considered as best and most versatile for purposes of protecting that land from significant, inappropriate or unsustainable development proposals.

⁴ Para 8.15.15 and 8.14.17 of the Environmental Statement (ES).

⁵ Para 8.8.14 of the ES.

and despite the key management strategy being “to conserve and enhance” the pastoral character of the landscape.

- The Application places great emphasis on ‘out of sight, out of mind’ to justify this. Such reasoning is not a sound basis for the LPA because (a) it does not respect the landscape character assessment, and (b) if taken to its logical conclusion, this reasoning would lead to the perverse result that multiple industrial-scale developments across the county may be permitted as long as they cannot be seen.
- The Application acknowledges that the proposed site contains 2 Bronze Age areas of archaeological interest and has carved these out from the development area; however, the applicant also states that the presence of “at least” 2 such assets within the site indicate “the potential for [the site] to contain other archaeological remains. The extent to which this may (or may not) be the case is currently unknown”.⁶ While the Application hints at potential planning conditions to address findings that may be made in this regard, this is not a realistic or appropriate basis to embark on such a large-scale development. This also graphically illustrates how the ‘necessity test’ (see section 1 above) has not been met, with emphasis being placed instead on ‘practical convenience’.

3. Development creep

- The Application impacts 3 separate parishes in a material way: development (Charlton); cabling (Hankerton); and installation of a new sub-station (Minety).
- It is a fiction to suppose the solar farm, if permitted, would be returned to its former state at the end of the ‘life’ of the solar farm – the reality is this would become a permanent feature. There is no such pretence, however, regarding the proposed new sub-station in Minety parish, which will be “permanent”. Minety parish is already host to the largest battery energy storage system in Europe, as well as a larger sub-station just a few kilometres away.
- Given the proximity of the new sub-station to Oaksey parish, has the Oaksey Parish Council been consulted?
- The Application places much reliance on cumulative impacts in terms of “inter-visibility” but does consider amenity degradation. As the LPA will be aware, more than 1,500 acres of greenfield land has been targeted by industrial-scale solar farm developments recently⁷ in this north/north west corner of Wiltshire.

⁶ Geophysical survey report dated March 2021, page 2.

⁷ **Corner Copse, Stanton Fitzwarren** (238 acres: planning permission granted June 2020); **Down Barn Farm, Cholderton** (234 acres: planning permission granted April 2020); **Minety** (271 acres: planning application submitted April 2020); **Wick Solar**

- The LPA should consider the speech given by Rt. Hon. Gregory Barker MP, Minister for Energy and Climate Change under the Conservative and Liberal Democrat coalition, to the Large Scale Solar Conference on 25 April 2013:

“... And that is my key message today. Solar is a genuinely exciting energy of the future, it is coming of age and we want to see a lot, lot more.

But not at any cost... not in any place... not if it rides roughshod over the views of local communities.”

4. Scale & viability

- The applicant cites the need for scale - 49.9MW - to make the development viable, given the withdrawal of Government subsidies for solar from 2015. This takes no account of, however, of the fact that solar can now participate in the Contracts for Differences (“CfD”)⁸ regime relating to Low Carbon Electricity Generation, following Government rule changes.⁹
- The impact of participating in the CfD auctions can be significant for solar developers - by achieving a more predictable revenue stream, compared with open-market pricing, developers can reduce their cost of financing because lenders’ risk premiums are lower which, in turn, improves the developer’s returns.
- Battery storage can also yield significant gains through the T-1 Capacity Market auction, an example of which was announced by National Grid ESO on 2 March 2021, in which developers (including Minety Battery Storage) won record pricing for their power.¹⁰
- While any developer has commercial motives, the rationale - as presented in the Application - for scaling the project to make it viable (and, as such, the broader commercial dynamics at play here), appears to exclude the fuller picture.

Farm, Melksham (200 acres: planning application submitted August 2020); **Kemble Wick** (170 acres, part Cotswold/part Wiltshire, proposal announced around October 2020); **Forest Gate, east of Chippenham** (194 acres: proposal announced around October 2020); **Leigh Delamere** (220 acres: proposal announced around October 2020); and **Five Lanes Solar** (156 acres: planning application submitted March 2021). *Source: Renewable Energy Planning Database (December 2020); published developer proposals/confirmation.*

⁸ CfDs represent a subsidy scheme that can support investments in low-carbon electricity generation by insulating them from fluctuations in the wholesale electricity market, thereby making them a more “bankable” investment. Developers are paid a flat (indexed) rate by the government for the electricity they produce over a 15-year period: the difference between the ‘strike price’ (a price for electricity reflecting the cost of investing in a particular low carbon technology) and the ‘reference price’ (a measure of the average market price for electricity in the GB market). Investors in a qualifying development benefit from the promise of steady returns. If wholesale electricity prices are below the strike price, contracted schemes receive the difference as a top-up payment; if prices rise above the strike price, they must pay back the difference.

⁹ <https://www.gov.uk/government/consultations/contracts-for-difference-cfd-proposed-amendments-to-the-scheme-2020>

¹⁰ <https://www.current-news.co.uk/news/capacity-market-auction-clears-at-record-45-kw-year-given-tighter-generation>
