



Department for
Communities and
Local Government

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Our Ref: APP/U3935/V/14/2216792
Your Ref:

18 March 2015

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION BY SWINDON COMMERCIAL SERVICES LTD:
LAND AT SCIENCE MUSEUM, WROUGHTON, SWINDON SN4 9LT
APPLICATION REF: S/13/0809**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI, who held a public local inquiry on 9, 10, 12 and 16-19 September 2014 into the planning application made by your clients to Swindon Borough Council for the installation of ground mounted photovoltaic solar arrays to provide 41 MW generation capacity together with transformer stations, internal access track, landscaping, fencing, security measures, access gate, and ancillary infrastructure on land at the Science Museum, Wroughton, Swindon, SN4 9LT (application Ref. S/13/0809 dated 14 June 2013).
2. On 2 April 2014, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your clients' application be referred to him instead of being dealt with by the local planning authority, Swindon Borough Council (the Council) because of the proposed development's relationship with national policies on the natural and historic environment and climate change.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted. For the reasons given below, the Secretary of State agrees with the Inspector's recommendation and has decided to grant planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to the IR.

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Procedural matters

4. The Secretary of State has had regard to the correspondence which was submitted too late to be considered by the Inspector from Mike Roberts of Vertigo SDC Ltd on 1 October 2014 and from James Owen, on behalf of your clients, on 23 December 2014. He has carefully considered these representations but, as they do not raise new matters that would affect his decision, he has not considered it necessary to circulate them to all parties. Copies of these representations can however be made available on written request to the address at the foot of the first page of this letter.
5. The Secretary of State considers that the Environmental Statement (ES) which accompanied the application, together with the revised Non-Technical Summary which included previously omitted information, and the Addendum to the ES detailing the proposed connection to the National Grid, meets the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 and provides the data and information required to adequately assess the impacts on the environment of the proposed development (IR3).

Policy considerations

6. In determining the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan consists of the saved policies of the Swindon Borough Local Plan (LP) (2011). The Secretary of State considers that the development plan policies most relevant to this case are those set out at IR8-10.
7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework); the associated Planning Guidance (the Guidance); the Community Infrastructure Levy (CIL) Regulations; European Directive 2009/28/EC on the promotion of the use of energy from renewable sources; the UK Solar PV Strategy Parts 1 and 2; the North Wessex Downs AONB Management Plans of 2009-2014 and 2014-2019; the North Wessex Downs AONB Position Statement on Renewable Energy (2012); the North Wessex Downs AONB Unit's Landscape Character Assessment (2002); the Council's Landscape Character Assessment (2004); the Wiltshire Landscape Character Assessment (2005); and the English Heritage guidance *Enabling Development and the Conservation of Significant Places*.
8. In determining this application, the Secretary of State has also had regard to the Emerging Draft Swindon Borough Local Plan to which he gives significant weight as it has reached an advanced stage in its process towards adoption.

Main issues

The character of the landscape and visual amenity

9. For the reasons given at IR363-375, the Secretary of State agrees with the Inspector's conclusion at IR376 that the proposed scheme would have a slight

adverse effect on the character of the landscape and would have a moderate adverse effect on the visual amenity of the area. The Secretary of State agrees, though, that the overall effect on character and visual amenity would be less than substantial although there would be some conflict with LP policies ENV10 and ENV11 and with emerging policies IN4 and EN5.

Consistency with Government policies on the historic environment including effect on the significance of Barbury Castle

10. The Secretary of State agrees with the Inspector (IR377) that there is no dispute that Barbury Castle is an historic asset of the highest order but that the area of dispute is with regard to the contribution that its setting makes to its historical value and, in particular, the aesthetic value of its setting. The Secretary of State has given very careful consideration to the Inspector's analysis of the position (IR377-381), and agrees with his conclusion at IR381 that, in the context of its overall surroundings, the solar farm would have no more than a moderate adverse effect on its setting, equating to a less than substantial effect on its overall historic significance.
11. Thus, although the Secretary of State gives significant weight to this harm, he agrees with the Inspector that it does not constitute damage to the archaeological remains of Barbury Castle and so does not conflict with LP Policy ENV5. He also agrees with the Inspector (IR408-409) that, in accordance with paragraph 134 of the Framework, this significant, but less than substantial, harm needs to be weighed against the public benefits of the proposal in the context of the overall planning balance.

Consistency with Government policies on climate change

12. For the reasons in IR382-384, the Secretary of State agrees with the Inspector that, in terms of Government policies on climate change, the proposed development would make a substantial contribution to meeting the accepted target for energy from renewable sources (IR384).

Consistency with Government policies on the natural environment

13. The Secretary of State agrees with the Inspector (IR385 and IR406) that the proposed solar farm would have a slight adverse effect on the character of the landscape and a moderate adverse effect on the visual amenity of the area. He also agrees that, in accordance with the terms of the Framework, great weight needs to be given to conserving the landscape and scenic beauty of the AONB and that, as the proposed solar farm would be a major development in the AONB, exceptional circumstances need to be demonstrated to allow the development - which must also be in the public interest.
14. The Secretary of State has therefore gone on to give very careful consideration to the Inspector's deliberations on the extent to which exceptional circumstances have been demonstrated (IR386-405). For the reasons in IR387-388, he agrees with the Inspector that renewable energy, the claimed unique nature of the site, and community support should not be given weight as exceptional circumstances as they will form part of the planning balance; but he also agrees with the Inspector that some weight needs to be given to the

potential income which could be derived for the benefit of the Science Museum and the local community (IR389-397).

15. The Secretary of State also agrees with the Inspector (IR398-399) that, although there is no evidence to indicate that there would be any benefit to the local economy during the lifetime of the solar scheme, further ecological enhancements to the airfield would be achieved which would add an additional small benefit to the scheme.

The need for the development

16. For the reasons given in IR400-405, the Secretary of State agrees with the Inspector's conclusions at IR406-407 that exceptional circumstances exist and outweigh the less than substantial harm which would be caused to the environment and the weight afforded to conservation of the AONB. He also agrees with the Inspector's conclusion that there is an identified need which cannot be met by developing outside the AONB or in any other way, and that the proposed development would be in the public interest and in accordance with government policy on the natural environment.
17. The Secretary of State notes that it is agreed by all parties that the proposal would be a major development in the AONB and that paragraphs 115 and 116 of the Framework are therefore engaged. This is taken into account in his consideration of whether there are exceptional circumstances, which can also be demonstrated to be in the public interest, to justify the granting of planning permission.

Overall planning balance

18. The Secretary of State agrees with the Inspector that the proposed development would make a significant contribution to achieving the national target of meeting 15% of the UK's energy demand from renewable resources by 2020 (IR411); assist in alleviating climate change (IR411); and contribute to achieving a secure energy supply and reducing greenhouse gas emissions (IR412). He has given significant weight to these considerations.
19. The Secretary of State has also had regard to the fact that there is widespread support from the local community for the development and, like the Inspector (IR415), he has given weight to the views of local residents in the overall planning balance.
20. Taking account of the Inspector's discussion at IR416-418, the Secretary of State agrees with him at IR419 that the balancing exercise that must be conducted requires planning judgment to be exercised. He further agrees that, on the positive side, the scheme would be on what may be regarded as previously developed land which would continue in agricultural use for the grazing of sheep; has local support; is needed to provide income for the Science Museum; would bring forward ecological benefits and would make a substantial contribution to alleviating climate change. The Secretary of State also agrees that the airfield cannot be regarded, in its own right, to be of high environmental value, but that it is of high environment value only because of its location within the AONB.

21. The Secretary of State therefore also agrees with the Inspector (IR420) that these substantial planning merits outweigh the less than substantial harm that would be caused to the environment and the less than substantial harm that would be caused to the significance of Barbury Castle. Hence, although it would not be in accordance with the development plan to the extent that there would be some degree of conflict with LP policies ENV10 and ENV11, the Secretary of State agrees with the Inspector (IR421) that the environmental benefits of the scheme, along with the financial benefits, are material considerations that justify determining the application other than in accordance with the development plan.

Conditions and planning obligations

22. The Secretary of State has considered the annex of conditions attached to the IR and the Inspector's reasoning on them in IR353-356. He is satisfied that the conditions set out in the Annex to the letter are reasonable and necessary and meet the tests of paragraph 206 of the Framework.

23. The Secretary of State agrees with the Inspector's reasoning and conclusions on the s106 Unilateral Undertaking in IR357. He agrees that neither of the principal commitments in the Undertaking fall within the scope of Section 106(1) of the Town and Country Planning Act 1990 and that they fail the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended. The Secretary of State has therefore given no weight to the Undertaking in determining this planning application.

Overall conclusions

24. The Secretary of State concludes that the development would make a significant contribution to achieving the UK's renewable energy target; assist in alleviating climate change; and contribute to reducing greenhouse gas emissions. He has weighed these substantial planning benefits against the less than substantial harm that would be caused to the environment and the less than substantial harm that would be caused to the significance of Barbury Castle. He has taken account of the fact that the site is brownfield land which cannot be regarded, in its own right, to be of high environmental value and, overall, having regard to the terms of the Framework, concludes that the balance lies in favour of the renewable energy scheme.

Formal Decision

25. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission for the installation of ground mounted photovoltaic solar arrays to provide 41 MW generation capacity together with transformer stations, internal access track, landscaping, fencing, security measures, access gate, and ancillary infrastructure on land at the Science Museum, Wroughton, Swindon, SN4 9LT (application Ref. S/13/0809 dated 14 June 2013), subject to the conditions listed in the Annex to this letter.

26. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or

granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

27. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

28. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

29. A copy of this letter has been sent to Swindon Borough Council and Robert Buckland MP.

Yours faithfully

Jean Nowak

Jean Nowak

Authorised by Secretary of State to sign in that behalf

CONDITIONS

1. The development hereby permitted shall begin before the expiration of three years from the date of the permission.

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

- Drwg. No. 602-31-L002 Rev PL2 Option Layout Drawing
- Drwg. No. 602-51-L004 Rev PL4 Inverter Hosing Details
- Drwg. No. 602-51-L005 Rev PL3 Transformer Details
- Drwg. No. 602-51-L003 Rev PL2 General Details Drawing
- Drwg. No. 602-51-L006 Rev PL4 Site Location Plan
- Drwg. No. 602-51-L007 Rev PL2 Site Location Plan Large Scale
- Drwg. No. 602-51-L101 Rev PL2 General Scheme Layout
- Drwg. No. 602-51-L111 Rev PL1 General Scheme Layout Area 1
- Drwg. No. 602-51-L121 Rev PL1 General Scheme Layout Area 2
- Drwg. No. 602-51-L131 Rev PL1 General Scheme Layout Area 3
- Drwg. No. 602-51-L141 Rev PL1 General Scheme Layout Area 4
- Drwg. No. 12392-2500-001 Topographical Survey

3. The development hereby permitted shall be removed in accordance with condition 4 below after a period of 30 years from the date when electricity is first exported from the solar farm to the electricity grid ("First Export Date"). Written notification of the First Export Date shall be submitted to the Local Planning Authority no later than 14 days after the event.

4. No later than 9 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures. The scheme, as approved, shall be implemented within 6 months of the expiry of this permission.

5. Development shall not commence until a Construction and Environment Method Statement (CEMS) has been submitted to and approved in writing by the local planning authority. The CEMS shall include measures to minimise noise, vibration and dust, and details of temporary floodlighting, during the construction period. The approved CEMS shall be adhered to during the construction period.

6. Development shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of access and parking arrangements for site personnel, contractors and visitors, arrangements for loading, unloading and storage of plant and materials, and details of wheel washing facilities and procedures. The approved CMP shall be adhered to during the construction period.

7. Development shall not commence until details of proposed cable runs and trunking have been submitted to and approved in writing by the local planning authority. The details shall include the method of enclosing cabling above ground level, the method of extraction of soil and gravel to cover cable runs, and measures to ensure site safety during the construction period and the life of the development. Development shall be carried out in accordance with the approved details.

8. Development shall not commence until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology that has been submitted to and approved in writing by the local planning authority. The results of the site investigation and measures for mitigating any contamination found on the site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with approved mitigating measures. If any contamination not previously identified is found during the course of construction of the development hereby permitted additional measures to mitigate the contamination found shall be submitted to and approved in writing by the local planning authority. The approved additional measures shall be carried out.

9. Development shall not commence until the colour of the transformer enclosures and grid connection building has been submitted to and approved in writing by the local planning authority. The transformer enclosures and grid connection building shall be finished and maintained in the approved colour.

10. Development shall be carried out in accordance with the Ecological Survey (ES) and the Landscape and Biodiversity Management Plan (LBMP), both dated June 2013, and the provisions of the ES and the LBMP shall be adhered to throughout the lifetime of the development.

11. No lighting shall be installed in the development hereby permitted other than that required to ensure the safety and security of the site.

12. Within three months of the First Export Date use of the temporary storage area shall cease and the site shall be restored to agricultural use in accordance with measures that shall have been submitted to and approved in writing by the local planning authority.

Report to the Secretary of State for Communities and Local Government

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 17 December 2014

TOWN AND COUNTRY PLANNING ACT 1990

SWINDON BOROUGH COUNCIL

APPLICATION

by

SWINDON COMMERCIAL SERVICES LIMITED

Inquiry held on 9, 10, 12 and 16-19 September 2014

Land at Science Museum, Wroughton, Swindon SN4 9LT

File Ref: APP/U3935/V/14/2216792

File Ref: APP/U3935/V/14/2216792

Land at Science Museum, Wroughton, Swindon SN4 9LT

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 2 April 2014.
- The application is made by Swindon Commercial Services Limited to Swindon Borough Council.
- The application Ref S/13/0809 is dated 14 June 2013.
- The development proposed is the installation of ground mounted photovoltaic solar arrays to provide 41 MW generation capacity together with transformer stations, internal access track, landscaping, fencing, security measures, access gate, and ancillary infrastructure.
- The reason given for making the direction was the proposed development's relationship with national policies on the natural and historic environment and climate change.
- On the information available at the time of making the direction the Secretary of State particularly wished to be informed, for the purpose of his consideration of the application, on the extent to which the proposed development is consistent with government policies for conserving and enhancing the natural environment and the historic environment, and is consistent with government policies in meeting the challenge of climate change.

Summary of Recommendation: The application be allowed and planning permission be granted subject to conditions.

Procedural Matters

1. Swindon Commercial Services (SCS), the Applicant, is wholly owned by, but independent of, the Council, Swindon Borough Council (SBC). The Council supports the application.
2. The application is opposed by English Heritage (EH), Natural England (NE) and the North Wessex Downs Area of Outstanding Natural Beauty Unit (AONB Unit) who, prior to the Inquiry, were each granted Rule 6(6) status under the provisions of the Inquiries Procedure Rules.
3. The proposed photovoltaic solar arrays are EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The planning application was thus accompanied by an Environmental Statement (ES) which is CD8.9 - CD8.11. The ES was found not to meet the requirements of the EIA Regulations because it failed to include a description of the proposed development and details of grid connection. A revised Non-Technical Summary, including the previously omitted information, was submitted on 9 September 2014 and a final version of an Addendum to the ES, detailing the proposed connection to the National Grid, was submitted on 16 September 2014. Notices publicising the submission of amendments to the ES were posted around the site but no representations were received pursuant to that consultation.
4. The Secretary of State, in his call-in letter and with regard to the extent to which the proposed development is consistent with government policies for conserving and enhancing the historic environment, specifically referred to impact on Barbury Castle and Liddington Camp (or Castle), both of which are Scheduled Ancient Monuments (SAM). EH confirmed at the opening of the Inquiry that they do not consider that the proposed development would have any impact on Liddington Camp SAM and did not present any evidence on this matter.
5. Documents submitted at the Inquiry (ID) are listed in an appendix to this Report as are Core Documents (CD). Throughout the report, where appropriate, the numbers of Inquiry and Core Documents are included in brackets.

The Site and Surroundings

6. Wroughton Airfield is about 220 hectares, is close to the village of Wroughton and to the south of Swindon. The airfield was established in World War II as a Royal Air Force base for the repair and maintenance of military aircraft. It ceased being an airfield in 1979 when it was bought by the Science Museum Group (the Science Museum), though they did not complete full purchase until 2000. The perimeter of the land now owned by the Science Museum (Plan at ID15) encompasses ten former hangars (L1-L4, C1, C3 and D1-D4), one large storage building (A1), the Swindon offices and engineering buildings of the Science Museum, the former runways and taxiways of the airfield and the grassland that is subdivided by them. The Science Museum, which includes the Science Museum in London, the Museum of Science and Industry in Manchester, the National Railway Museums in York and Shildon, and the National Media Museum in Bradford, acquired the airfield to establish a primary storage facility. Stored at the Wroughton Object Storage facility are over 35,000 3D objects (generally all larger than a washing machine) and over 500,000 library and archive texts. Stored in the hangars are items such as large aircraft, printing presses, and the World's first hydrogen fuel car.

7. Wroughton Airfield is situated on the generally flat Lower Downs of the North Wessex Area of Outstanding Natural Beauty (AONB), which was designated in 1972 under the National Parks and Access to Countryside Act 1949. About 1.5 kms to the south of the airfield is a scarp slope that leads to the Upper Downs of the AONB. On top of the scarp slope are the remains of Barbury Castle, a multivallate hill fort built between the sixth century BC and the mid-first century AD. Passing through Barbury Castle and its associated Country Park and extending for many kilometres in both directions, though mainly to the north-east through the AONB and the neighbouring Chilterns AONB, is the Ridgeway Trail, a long distance footpath.

Planning Policy

8. The Development Plan includes saved policies of the Swindon Borough Local Plan 2011 (LP). LP policy ENV5 states that planning permission shall not be granted for development that would damage archaeological remains of acknowledged importance or their settings. LP policy ENV10 seeks to protect and enhance the character and quality of the environment and LP policy ENV11 states that within the AONB development shall only be permitted where, amongst other things, it can be demonstrated to be in the national interest and incapable of being accommodated outside the AONB, or it is for the continued enjoyment of existing uses, within their curtilage, whilst not adversely affecting the intrinsic qualities of the AONB.

9. LP policy R3 states that proposals for the Science Museum shall be supported in principle for the expansion of the visitor attraction and LP policy CF11 states that proposals for renewable energy development shall be permitted provided that, amongst other things, visual intrusion is minimised through landscaping, use of materials, design and location.

10. The LP sets out policies and proposals for development and land use in the Borough for the period 2001-2011 and is therefore somewhat out of date. However, paragraph 215 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. LP policies ENV10 and ENV11 are consistent with policy in the NPPF that seeks to conserve the landscape and scenic beauty of AONBs and are afforded substantial weight.

11. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in, amongst other areas, AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 of the NPPF states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. This paragraph goes on to state that consideration of such applications should include an assessment of the need for the development, the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way, and any detrimental effect on the environment and the landscape.

12. Local planning policy is currently under review and a submission draft Swindon Borough Local Plan 2026 (the emerging LP) was examined by a Planning Inspector at an Inquiry early in 2014. Paragraph 216 of the NPPF states that decision takers may give weight to relevant policies in emerging plans according, amongst other things, to the stage of preparation of the emerging plan and to the degree of consistency of the relevant policies in the emerging plan to policies in the framework. The emerging LP is at an advanced stage and its progress towards adoption and its policies are consistent with the NPPF. The emerging LP is therefore afforded significant weight.

13. Emerging LP policy IN4 states that proposals for renewable energy infrastructure will be assessed under national policies and against their social and economic benefits, the impacts on and benefits to local communities, and environmental impact. Emerging LP policy RA2 seeks to maximise opportunities associated with the Science Museum to benefit Wroughton and the Borough through realising tourism benefits associated with the Science Museum and allowing expansion of museum related activities and enabling development providing the benefits are delivered sustainably and do not conflict with other policies in the local plan. Emerging LP policy EN5 seeks to protect the landscape character and historic landscape of the Borough and states that proposals within the AONB must accord with relevant criteria set out in the AONB Management Plan.

14. The AONB Management Plan 2009-2014 is under review and a Management Plan for 2014-2019 is nearing adoption. The AONB Unit and other parties consider the 2014-2019 to be relevant in this case. On page 49 it is recognised that "...there is a need to reduce greenhouse gas emissions. The security of energy supplies is also a concern" and, with regard to renewable energy projects it is stated that further information is contained in the North Wessex Downs AONB Position Statement on Renewable Energy. The position statement, for solar farms over 1 hectare in area, refers to paragraph 116 of the NPPF and states that if sufficient reason is given as to why a site within the AONB has to be developed for PV then sites on or around existing buildings and previously developed land should be considered first.

Planning History

15. The airfield has an extensive planning history since 2000. Many of the planning permissions granted since then relate to uses of the hangars and other buildings on the site. In 2007 the Council resolved to grant outline planning permission for 'storage, conservation and display of the National Museum's collection in an educational and inspirational manner; incorporating the phased delivery of purpose built national collections centre with ancillary catering, retailing and accommodation facilities; business enterprise and research and development; all to be integrated within a restored and managed landscape; use classes D1, B1, C1 sui

generis and ancillary A1 and A3'. The proposed scheme included the landscaping of the entire airfield but the application was subsequently withdrawn because the Science Museum was unable to commit to the scheme. The only planning permission of note was granted in 2012 for the installation of a 50 kW solar array on land to the north of Hangar D2.

The Proposed Development

16. The proposed development is a 41MW solar PV scheme laid out across approximately 67 hectares of mainly grassland at the airfield. The total area of the site is 80.5 hectares and includes access routes. The photovoltaic (PV) panels would be laid out in straight arrays set at an angle of 25 degrees from east to west across the five separate field enclosures. The distance between the arrays would vary between 4 and 6 metres. The top north edges of the panels would be 2.8 metres above ground level and the south lower edges of the panels would be 0.8 metres above ground level. The arrays would be dark green and static. The site would be retained as grassland which would be grazed by sheep.

17. The airfield is already secured by a 3 metre high perimeter fence and other security measures but the application includes the erection of a 2.1 metre high stock fence to be erected around the arrays. The application also includes a package of ecological and biodiversity benefits that include the installation of barn owl boxes, bird nesting boxes, bee hives, log piles and other hibernacula such as small buried rubble piles suitable for reptile species, amphibians and insect life.

18. The proposed development would have a life of 30 years at the end of which it would be decommissioned and removed from the site.

19. The Applicant has entered into a Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990. The principle commitments of the undertaking are the creation of a Community Fund and issue of Solar Bonds.

20. The Wroughton Community Benefit Fund would be administered by The Community Foundation for Wiltshire and Swindon and would receive for distribution either 0.85% of the gross annual revenue from the installed capacity of the development or £1000 per MW of installed capacity, whichever is the greater.

21. The 5-year solar bond scheme would be issued by Swindon Solar Farm Bond plc and would comprise 700,000 bonds at £60 at a fixed annual gross return of 6%. The bonds would be first offered to residents of the parish of Wroughton and then, 60 days after first offered for purchase, to residents living within a 10 mile radius of the site and then, after a further 30 days, to residents of the UK.

The Case for the Science Museum Group

The material points of the case for the Science Museum Group are:

Introduction

22. The proposal is for the installation of ground mounted solar arrays to provide about 41 MW, which equates to the annual energy consumption of approximately 12,000 households and would displace about 20,000 tonnes of CO₂ in one year of energy generation. This should carry significant weight. Furthermore, the scheme would facilitate the connection to the grid of at least two other solar projects.

23. The Applicants accept that the proposal constitutes major development in an AONB and that there would, as a result of the development, be some impact on the AONB and on the landscape. Accordingly, under paragraph 116 of the NPPF planning permission should only be granted in exceptional circumstances and where it can be demonstrated the development is in the public interest. There are, in this case, exceptional, possibly "unique", circumstances that clearly outweigh any impacts on the AONB. These circumstances also clearly outweigh the very limited harm to views from Barbury Castle.

24. The Science Museum land holdings at Wroughton, of which the application site is a part, are clearly "unique" (to use the words of the Local Plan Inspector in 2011). The airfield is the primary storage facility of the Science Museum and currently stores over 35,000 larger objects of national importance as well as half a million library and archive texts. The Science Museum site has its own policy, unique in the whole of the North Wessex Downs AONB, which encourages further built development for Science Museum purposes.

25. The Science Museum seeks through this proposal to generate unrestricted but ring-fenced funds to re-invest in the site to stabilise its failing infrastructure. This would facilitate the improved storage of the many items of national importance already on site, as well as facilitating the consolidation of Science Museum storage from other sites. In addition, it would allow the Science Museum to again hold public visitor events on site. The perilous state of the buildings currently precludes this. Thus this application will facilitate the Science Museum in the performance of its duties under the National Heritage Act 1983.

26. The Applicants, SCSL, are also unique. They are the UK's only public sector solar developer and it thus has community and sustainability at the heart of its operations. SCSL has led the way on delivering community engagement and benefit from solar. Thus John Nangle, of the Cabinet Office, and the Crown's Commercial Lead for Energy is on record as saying "these guys do it the way it should be done, true engagement and just look at the level of support you get when you do it right".

27. The application proposal is also fully in accordance with what Greg Barker recently reiterated was "...the thrust of Government policy"; namely that for any large-scale solar "communities derive a demonstrable and measurable benefit" and that there should be a "distributive energy economy" which empowers communities. The application proposals include, through a Section 106 Unilateral Undertaking, innovative proposals for a community trust and investment bond scheme.

The natural environment of the North Wessex Downs AONB

28. It is not the case that large-scale solar schemes are prohibited in AONBs. The PPG on Renewable and Low Carbon Energy indicates that any “proposals in ... Areas of Outstanding Natural Beauty ... will need careful consideration” and that “...the effect on a protected area such as an Area of Outstanding Natural Beauty or other designated areas...” is a factor that should be borne in mind in considering solar applications. The NPPF makes it clear that there is a responsibility on “...all communities to contribute to energy generation from renewable or low carbon sources”. This must include communities living within AONBs.

29. The AONB Unit’s position statement (CD14.2) recognises the need for renewable energy projects and remarks that wind turbines are particularly difficult to accommodate in AONBs whilst “...solar/PV farms have the advantage of not requiring any great height”. The AONB Management Plan 2009–2014 (CD14.1) recognises that climate change is itself a key issue for AONBs and has profound implications for the natural environment within these designated areas. The Plan calls for “increased reliance on renewables” and developing demonstration projects “to promote community use of renewable energy sources consistent with AONB objectives”. The emerging draft AONB Management Plan similarly highlights the risks of climate change to the special qualities of the AONB (ID32).

30. The judgement in *R (Basildon DC) v FSS [2004] EWHC 2759 (Admin)* established that in relation to very special circumstances in Green Belt cases “a number of factors, none of them “very special” when considered in isolation may when combined together, amount to very special circumstances”. The same must be true for the purposes of establishing “exceptional circumstances” under paragraph 116 of the NPPF. Thus, for example, in this case the ecological enhancements and local economic benefits may not in themselves amount to exceptional circumstances but they can contribute to establishing such.

31. The Applicant’s evidence is that there would be localised significant effects upon visual amenity and landscape character in the AONB as a result of the proposals but the development would not “...result in a level of effect upon landscape character or visual amenity within the AONB which in its own right would warrant refusal of the proposals”. Mr Denney’s analysis is that there would not be harm to the special qualities of the AONB as set out in the Management Plans, both extant and draft. Mr Denney’s evidence is also that while the application proposals could be seen from some parts of the Ridgeway there would not be any unacceptable effects.

32. To the extent that there were criticisms of the LVIA these have been remedied by Mr Denney’s proof and appendices, of which no criticisms have been made. In any event the LVIA as submitted was adequate and neither SBC nor The Planning Inspectorate requested further information in respect of chapter 6 of the ES. In LVIA terms a “significant effect” is one that is “not insignificant, that is not trivial or inconsequential”; “significant does not equate to non-acceptability”; “significance of changes (to views) is not absolute but measured by judgment on a scale” reflecting “the fact that there are degrees of significance”; where changes are assessed as “of major or moderate importance” this means no more than that they “are capable of being material considerations in planning decisions” and “not all effects on high sensitivity receptors ... are unacceptable”.

33. The extant Management Plan does not identify any landscape specific “special qualities” and it is of note that the draft Management Plan has reiterated the view

that in "...the Downs Plain and Scarp character area, ... 20th century military installations, including Wroughton ... are dominant and defining features of the area". In examination-in-chief Mr Tyldesley expressed the view that there was very little difference between him and Mr Denney in the way they had identified the special qualities of the AONB. The principal difference is that Mr Tyldesley in his analysis identifies the airfield as itself being a "special quality". However, not all features within an AONB are, or contribute, to its special qualities. The various landscape assessments undertaken (especially those in 2002 and 2005) see it as a detractor.

34. In relation to the impacts on the Ridgeway by far the fullest analysis of potential impact comes from Mr Denney's Appendix 3. Mr Tyldesley in cross-examination said that Mr Denney had "done a good job" and Appendix 3 contains an "analysis of the potential effects of the proposals on the visual experience of users of the Ridgeway National Trail, illustrated with plans, photographs and visualisations as appropriate". It was produced by walking the Ridgeway in both directions and gives "...a description of the existing visual experience and the potential effects of the proposals to users travelling north east and south west".

35. Mr Denney's analysis shows that in views from about 1.6 kms of the Ridgeway there would be possible moderate/major or major effects, but these would not be constant within that 1.6 km. Indeed, he has found that "...visibility of the proposals is not continuous throughout the whole of the route"; "local topography and vegetation frequently interrupt direct views into the proposal site and completely screen out substantial sections of the route..."; and from some sections there are no views at all of the application site.

36. Section 6 of the part of the Ridgeway most carefully studied is closest to the application site and has the greatest potential for open views. But from here the views are "from a lower elevation...compressing the view over the proposed panels in comparison to the more elevated views from the route to the east and west". Changes to the view as a consequence of the proposal would be contained within the envelope of the existing former airfield site which by the scale of the existing infrastructure is currently a notable visual element in the landscape baseline.

37. A key issue in terms of context is the existing development already present on the airfield, and the impact of this on the baseline for any assessment of visual and character impacts arising from the application proposals. What is there is clear to see, particularly from the Ridgeway along the scarp slope. On the land in the Science Museum's ownership there are 10 very large hangars and one other similar sized building (each is up to an acre in size, 4 – 5000 square metres), some of which are painted in light colours and/or now have exposed materials that are reflective. These buildings are clearly visible in a number of views of short, medium and long distance. They impact on the skyline. There are also other ancillary buildings and 3 runways (each being about 45–50 metres wide and which cover 18.76 hectares of the airfield) as well as internal roads and grassed areas between the runways.

38. Mr Tyldesley is of the view that the airfield infrastructure has "substantially blended into the landscape", and similarly Mr McMahon says the runways are not "prominent intrusions" and that the hangars have "faded into the landscape". That is not though the view of Mr Denney or indeed of Mr Harley, the landscape consultant for the AONB Unit. The approach of NE and EH as to the airfield can perhaps best be characterised as "see no evil".

39. Mr Harley says that "...the airfield is a dominant feature in views from not only Barbury Castle, but also along the Ridgeway National Trail, White Horse Trail and National Cycle Route, to the west up to and beyond Hackpen Hill and the Hackpen White Horse"; his view being that the application proposals would merely add to that existing prominence. The AONB Unit's opening was clear that in terms of the buildings "...there is no doubt that the landscape would be better off without them".

40. The 2002 North Wessex Downs AONB Landscape Character Assessment (CD14.4) in respect of 'Character Area 5B: Chiseldon – Wanborough Plain' assists in setting the context against which to judge the application proposals. This document states that "...views to development (Swindon) on the edge of the AONB are a key feature of the area"; "...superimposed upon this largely unsettled landscape are twentieth century military developments, including Wroughton Airfield, with its hangars, runway and associated infrastructure"; and "...these installations are sizeable and, within this open landscape are now dominant features of the area, having a considerable visual impact, particularly in views out from the high downs to the north, for example from Barbury Hill". The assessment goes on to find that the key characteristics of the area include "...20th century military installations, including Wroughton Airfield...(which) are dominant and defining features of the area" and that the key issues include "...high visual impact of existing buildings (hangars and associated infrastructure) at Wroughton Airfield".

41. The 2005 Wiltshire Landscape Character Assessment (CD14.6) similarly emphasises the airfield infrastructure as a "key characteristic", as having a "built character", being "sizable" and as having had an "urbanising impact". The emerging draft AONB Management Plan at page 52 also refers to the airfield infrastructure as "dominant and defining features". In this context Mr Denney was entirely correct to say that "the proposals will comprise a new component within the existing airfield character of the site, which in turn will be a change to an existing unique component in the wider receiving landscape. It is acknowledged that some significant effects on landscape character would occur, but in particular given the existing context of the site, it is not considered that these effects in their own right would be so harmful as to warrant refusal of the development".

42. It is also relevant to note the views of Mr Merrick Denton-Thompson, who is also a landscape architect and was involved in establishing the North Wessex Downs AONB Joint Committee. His evidence is that "the derelict runways and residual hangars and other associated buildings stand out prominently when seen from the key view point on the Ridgeway and Hill Fort". He said that "...some of the buildings are brightly painted with others where the cladding is aging and the reflective under cover is being exposed, all adding to the level of visual intrusion" and "adding to the sense of being urban fringe". This led him to state that the "proposed site already detracts from open countryside because of the residue from the derelict airfield".

43. Both Mr Harley and Mr Tyldesley (somewhat reluctantly) acknowledge that there has been considerable planting of trees by the Science Museum within the airfield site and that this (whether it is seen as good or bad) is now part of the baseline for any assessment. There is nothing to prevent more planting – this requires no consent. In judging the impacts of the application proposals the following factors are material:

- the solar panels are not tall, at their highest 2.8m, and at their lowest 0.8m – they would not affect the skyline at all; they would not have a "clear vertical emphasis" and will be confined entirely to a part of the disused airfield site;

- in the views agreed to be the most important (from the Ridgeway and Barbury Castle) the views are panoramic. The application site is a small part of that and a viewer could choose to look elsewhere other than at the solar panels;
- the solar panels are fixed and do not move and would follow the contours of the land;
- the solar panels would be of a uniformly dark green colour;
- no objector has made any case that the ancillary structures to the arrays would have any adverse visual impact;
- from longer distances the solar arrays would not themselves be discernible only their colour, and that would need to be judged in the context of the varied colours of the agricultural fields around including those planted with linseed;
- there would not be any glint or glare associated with the development;
- although the solar panels would cover 67 hectares they would cover less than one third of the overall Airfield site;
- the solar arrays would have a “more recessive appearance” than the hangars and buildings on the Airfield;
- planting around the southern and western boundaries of the site would also offer some limited mitigation of the scheme over time;
- solar arrays are a low intensity use in terms of traffic and other activity in the AONB, and they are silent;
- the development is temporary and would be removed after 30 years;
- there would be no issue of cumulative impact from the application proposals and any other solar scheme.

44. The airfield is properly to be regarded as previously developed land, that is to say brownfield land. That is the land on which solar development is generally encouraged and is sequentially preferable to greenfield land. In relation to the characterisation of the Airfield:

- it is not agricultural land;
- it falls within the definition of previously developed land in the NPPF; it being land “occupied by a permanent structure” e.g. various hangars etc. and “associated existing surface infrastructure” e.g. the runways and roads. The definition explains that land in the curtilage of developed land is previously developed land. The grasslands between the runways are part of the curtilage of the airfield something which is emphasised by the perimeter fencing;
- the extant Management Plan refers to the airfield as “redundant ‘brown field’”;
- the draft Management Plan refers to Wroughton as being either “previously developed” or partly so;
- NE’s note entitled “Previous land cover at Wroughton (2000 – 2012) and other data relating to land usage and land classification” recognises that “the land may be classified as brownfield”;
- the EH publication “Historic Military Aviation Sites Conservation Management Guidance” recognises that redundant airfields are brownfield;

- the Parliamentary exchange referred to in Mr Lord's proof on the classification of airfields refers to it being for local authorities to judge whether an airfield is previously developed land. Here Swindon Borough Council have so judged it;
- the first solar project the Government has promoted on the Defence Estate is at RAF Lyneham; given the strong urging of the use of brownfield land in recent policy statements it is inconceivable that this site would be promoted (using grassed areas and runways) if it was not regarded as brownfield.

Exceptional circumstances/public interest

45. The Applicants rely, with regard to paragraph 116 of the NPPF on the following in respect of exceptional circumstances:

- the significant contribution towards renewable energy and the wider environmental benefits associated with increased production of energy from renewable sources (carbon saving);
- that the development will provide a secure and reliable income stream to assist the Science Museum with the preservation and conservation of, and engagement with, the 35,000 objects within its stored collections for the enjoyment of our and future generations;
- the "unique" nature of the application site;
- the overwhelming community support, and corresponding low level of community objection;
- local community benefits;
- other benefits including, for example, ecological enhancements and economic benefits.

46. It should be emphasised that the first four are key considerations. Dealing with each in turn:

Renewable energy and wider environmental benefits

47. As noted above the application proposals would generate about 41MW of clean renewable energy, equating to the annual energy consumption of approximately 12,000 households. This benefit should carry significant weight. The need for renewable energy at both the national and local level is not something that the Applicants must show for the purposes of paragraph 116 of the NPPF.

48. The application proposals would also be compliant with local policies on renewable energy generation. Indeed the application proposals would make a crucial contribution towards both Swindon and the South West region meeting the 15% target set for renewable energy at European Union (EU) and national level. In this regard, a local authority is in EU law terms an emanation of the state. All such authorities have duties under the EU Treaty. Moreover, were the target not to be met the Localism Act 2011 provides that central government can look to local authorities to contribute to any fines imposed as a result.

49. The proposals thus enjoy in principle support from policy CF11 in the adopted Local Plan; and draft policy IN4 of the emerging Local Plan. Crucially, the draft policy states that progress in Swindon in terms of delivery of renewable energy will be measured against a "...local low carbon electricity target of 200 MW by 2020". This

target has been set in order that Swindon can seek to meet 15% of its energy needs from renewables in line with EU and national targets.

50. The application proposals would contribute to meeting the 15% target in circumstances where draft policy IN4 states that currently Swindon meets less than 1% of its current energy demands through low carbon electricity. Even assuming the updated figure to be 5%, Swindon is still well-off target. Moreover, the South West Renewable Energy Progress Report 2014 (CD13.11) states that the region itself is not on track to deliver its share of the national 2020 target. This suggests that currently the region only produces 8.3% of its energy from renewables; the region is thus doing better than Swindon but is itself still also well off-target.

51. Moreover, it was clear from the evidence of Messrs Owen and Dewart that without the application proposals Swindon would struggle to meet its 2020 residential target of 200 MW. Thus:

- Mr Owen gave evidence of the amount of large scale (1 MW plus) solar energy schemes either already operational or in the pipeline in Swindon. This totalled 153 MW (158 MW with the additional 5 MW proposed at Roves Farm);
- Of that 158 MW a very large amount of it is either in planning or pre-planning (only 41 MW is actually operational). There is, of course, no guarantee that planning permission will be granted for all (or indeed any) of the schemes in the pipeline. Moreover, planning permission is one of three things required for a solar proposal to go ahead. The others being: (i) grid connection; and (ii) a suite of legal documents including an option, lease, cable agreements, easements and wayleaves. Many schemes with planning consent are never built out because of the failure to deliver the other two elements;
- Only 119 MW is likely to progress, and this includes the application proposals. The figure would be 79 MW if the application proposals are excluded and would be lower still as two schemes (Common Farm, Wroughton and the M4 noise barrier), potentially providing 11 MW, either are or may well be dependent on the application proposals coming forward to enable their grid connection. Taking these out leaves 68 MW;
- The amount of renewables thus either operational or in the pipeline is well short of the 160 MW Swindon is looking to deliver via solar by 2020;
- Mr Dewart explained that micro PV was likely to contribute only 1–2 MW despite already generous permitted development rights and the proposed Low Carbon Local Development Order;
- Swindon is seeking to meet 40 MW of its renewable energy from biomass but there is general agreement that this is unlikely to happen. If this is correct then solar power would need to make an even greater contribution to meeting the target;
- With the forthcoming changes to the funding of solar power generation there are currently a large number of applications in the pipeline. Once the funding changes take effect it is likely that the number of applications for solar will fall;
- Finally, paragraph 91 of the NPPF is relevant. This states in relation to very special circumstances for Green Belt purposes that these “may include the wider environmental benefits associated with increased production of energy from renewable sources”. It must follow that these benefits, significant in this

case, are also relevant to establishing exceptionality in paragraph 116 of the NPPF terms.

Science Museum Benefits

52. The evidence relevant to this is as follows:

- The Science Museum is a non-departmental government body whose sponsoring department is the Department of Culture, Media and Sport. It has been at Wroughton since 1980 and is committed to stay because there is no alternative location and the cost of moving in any event is estimated to be £112 million;
- The existing buildings on the application site are now home to over 35,000 3D objects and half-a-million library and archive texts, many of which are of considerable significance. What is stored there is stored under the National Heritage Act 1983. The collections are unquestionably of national (and indeed international) importance;
- It is the intention of the Science Museum to consolidate all its storage to the Wroughton Airfield site, demonstrated by the recent moves of over 20,000 objects out of leased facilities elsewhere;
- The former hangars used for storage reached their end of life many years ago. The concrete of the hangars is spalling as reinforcing bars within corrode and expand, creating a safety risk for people and the collections. The vast steel doors have rusted through in places and are inoperable in many of the hangars. The roofs on the hangars are losing their bitumen-sheet coverings and bad weather often results in leaks within the buildings. Drains from roofs and soak-a-ways are now blocked and inaccessible in many locations, causing localised flooding in and around buildings. Most of the brick-built ancillary buildings have leaks around parapet walls. The tarmac capping on roads and runways is cracked and missing in places. These issues are obviously a major concern to the Science Museum given the importance of what is stored at the site and the requirements of the National Heritage Act 1983;
- The collections are circulated to the primary museum sites for exhibition or loaned to other national and international institutions for research and display. However, due to the deteriorating infrastructure at the application site, the quantity of objects that can be retrieved from the stores and placed on display is limited. Some larger items are effectively entombed in the hangars as the doors cannot be opened. Investment in the buildings and infrastructure will make it easier to store, distribute and therefore display more of the collection in the national museums and through loans to other institutions;
- The collections are not open to the public as such, albeit that people can make appointments to see specific items on a limited basis. In the past the Science Museum ran open days for the public on the airfield site but the condition of the buildings now precludes this for health and safety reasons;
- In the face of ongoing cuts to grant aid, the Science Museum needs to generate unrestricted funds to re-invest in the site and start to stabilise the infrastructure and buildings. This is a key purpose of these proposals. The Science Museum would 'ring-fence' the monies (estimated to be at least £200,000 per annum for use at Wroughton). These monies would be used for essential repairs, maintenance and upgrade of infrastructure. £200,000 per

year (£6,000,000 over the life of the proposal) is a significant sum. It would allow many essential repairs, e.g. to hangar doors so as to allow the retrieval of larger items. Moreover, such a secure income stream could be used to finance a loan for capital works to be carried out rather than being spent year on year. Either way there would be real benefit to the Science Museum;

- The Science Museum's current uses generate very modest sums that come nowhere near being able to provide the monies needed for essential works. The income stream from leasing some of the hangar space fluctuates annually but overall is decreasing because of the deteriorating condition of the buildings, and will reduce as SMG increases its storage uses and brings more items to Wroughton. Moreover, currently £70,000 of that income comes from other heritage tenants e.g. from other DCMS monies. This is thus a matter of moving monies around within DCMS rather than generating further income. The sheep grazing income is "...at best, cost neutral";
- The Science Museum has fully explored other possible income generating proposals but none of these are viable, or long lasting. There are presently no other sources of income available that would realise the monies needed. Various suggestions have been made by objectors e.g. events-letting. But there is simply no evidence that such activities could generate anything like the funds needed;
- Without planning permission being granted for the proposal the Science Museum would have to "make do" as best it could with many items remaining entombed for the foreseeable future. But what is clear is that the benefits, which are of national (and international) importance, identified above would not be realised.

53. Messrs Lord and Tyldesley accepted during the Inquiry that the income stream that would be derived by the Science Museum would be a benefit of the scheme, is a material planning consideration, and could contribute to exceptionality under paragraph 116 of the NPPF. It has been suggested, however, that the benefits to the Science Museum should be disregarded because of the advice in the PPG on "Determining a planning application" (CD10.5) which states that "it would not be appropriate to make a decision on the potential for development to raise money for a local authority or other Government body". That advice though is given in the context of Section 70(2) of the Town and Country Planning Act 1990. Neither that statutory provision, nor the advice in the PPG on it, are relevant to this case. A better analogy here might be enabling development; the application proposals would facilitate the repair of the existing buildings on site which house many objects of national importance. This is a material consideration of considerable weight in favour of the application proposals.

54. The only remaining issue is the weight to be given to these benefits given that they cannot be secured via a Section 106 Undertaking. The Applicants submit that they can still be given considerable weight for these reasons. The Science Museum is a public body and it is a charity. There are many rules and regulations governing its conduct. It has made absolutely clear statements to this inquiry that the income would be ring-fenced and used for essential repairs. Objectors have accepted that there is no reason to doubt that SMG would use the monies as it has indicated.

The Unique nature of the site

55. The Applicants rely on the “unique” nature of the application site as supporting the exceptional circumstances required for the purposes of paragraph 116 of the NPPF. There are a number of points to consider:

- First, the airfield is home to a number of large buildings, runways and other associated infrastructure. This infrastructure is recognised in a number of the landscape character assessment documents for the area as being a dominant and negative feature. It is not a greenfield site.
- Second, in policy terms the site is unique within the AONB. LP policy R3 encourages further built development in the AONB. This is unique within the whole AONB. The LP Inspector’s Report (CD11.4) in considering what became policy R3 referred to “a unique proposal on a unique site” noted that “...there is an existing facility here that lends itself to the development proposed”. The emerging draft LP in policy RA2 goes even further. It seeks to maximise opportunities for development of SMG operations including “...allowing expansion of museum related activities and enabling development”, stating only that the AONB context needs to be “taken into account”.
- Third, the unique nature of the application site within the AONB is borne out by its planning history. Recent permissions granted include temporary planning permission for use of the disused runways for research purposes for testing automated barrier systems, permission for the construction of a two storey experimental building, a single storey materials store and up to 16 experimental pods, permissions for the installation of solar PV panels north of hangar D2 and the erection of a number of wind turbines, and temporary planning permission for the use of the runways to store vehicles.

56. These permissions are for a variety of built development and external uses of the runways, some of which are temporary. The various permissions for use of the runway are important because as Mr Tyldesley says in his evidence “...it is only when items are stored upon the runways that they become more noticeable in the panoramic views”. Moreover, SBC (with the support of the AONB Unit and EN, and with no objection from the Countryside Agency or EH) resolved to grant planning application S/05/3110. This would have permitted alongside the retention of the existing buildings a new building of up to 48,000 m², a hotel of 6200m², a youth hostel of 2000 m², 7 self-catering chalets of 150 m² each, a range of catering facilities including restaurants of 200 m² each and museum shops of 600 m² in total. The proposal would have involved 600,000 visitors per annum to the site.

57. The unique site, and its unique owner and uses all contribute to the exceptional circumstances in this case.

Community support

58. First, the NPPF states that “Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably”. The application proposals accord with these principles.

59. Second, in terms of solar PV the PPG on Renewable and Low Carbon Energy (CD10.3) emphasises the importance of the planning concerns of local communities. Moreover, in a speech in April 2013 Greg Barker (CD10.10) referred to the need for

solar schemes to be “sensitive to public opinion” and to make such schemes “work for local communities”. Similarly, the UK Solar PV Strategy Part 1 (CD10.12) refers to local communities needing to be “willing partners” in solar expansion. These proposals certainly do that. The same Strategy also encourages “greater community engagement” and seeks to “provide opportunities for local communities to influence decisions that affect them”.

60. Third, the application proposals were the subject of comprehensive pre-application consultation with very substantial involvement of the local community and local stakeholders. SCSL’s approach to public engagement has been exemplary from day one. It went much further than standard pre-application engagement. Mr Owen has stated that “...we asked, we didn’t tell, we listened and then we acted upon what we heard”. Mr Owen also explained that if the local community had said no, the scheme would not have progressed, “there is no point fighting if nobody wants you there”. Over 600 people came to view the proposals. Mr Owen said that the support for what was proposed was “amazing” and “in my professional career these were unprecedented”. 80% of 114 questionnaires completed were positive.

61. Fourth, SCSL carried out a very wide and open publicity campaign because it wanted to know people’s views. Once the project was called in SCSL did even more publicity and community events and over three events had a further 100 plus attendees. The vast majority of those who attended were supportive.

62. Fifth, the Parish Council in which the application site is located has chosen not to object and indeed indicated in its response form “support”, Members of the Planning Committee resolved (10 to 0) to grant permission for the application, the strong support of the local MP, Mr Robert Buckland MP has referred to the “overwhelming” local support for the application proposals in his oral presentation and in his letter referred to the proposal having the “support of the vast majority of the local community”, and the local ward councillor, Councillor Richards, referred to her positive view being that of the “majority of residents”.

63. There is a very high level of local public support for the proposals. In the light of the Localism Act and Agenda this is a very significant material consideration and one which the Rule 6 parties have failed to attach proper weight to.

Community benefits

64. Greg Barker MP has recently reaffirmed that the thrust of Government policy is aimed at ensuring large-scale solar parks deliver benefits for local communities. The PPG on Renewable and Low Carbon Energy states that the aim should be to seek “positive local benefit from renewable energy development”, and “...local planning authorities may wish to establish policies which give positive weight to renewable and low carbon energy initiatives which have clear evidence of local community involvement and leadership”. In the foreword to the UK Solar PV Strategy Part 1 (CD10.12) Greg Barker MP said “...local communities must be willing partners in solar expansion; not just consulted but respected and where ever possible, financial partners in local projects”.

65. In the UK Solar PV Strategy Part 2 (CD12.13) it is stated that “...realising our ambition will also require innovation in financing models to help companies, communities and individuals to invest”. That is exactly what the application proposals do. The Strategy also states that solar PV should “provide opportunities for local communities to influence decisions that affect them and gain some form of community benefit”. In the local context the AONB Unit Position Statement (CD14.2)

seeks “a clear commitment to community gain, this may come in the form of free or discounted energy to a local public building where applicable, so the local AONB community can also benefit from the proposal”. Moreover, draft policy IN4 in the emerging LP (CD11.5) identifies that “low carbon energy generation schemes ... with major community benefits, will be encouraged and supported in principle”.

66. There are two elements to community benefits proposed in this case:

- The community trust fund involves the creation of a minimum trust fund of at least £40,000 per annum to the local community. One of the key elements that came out of the engagement programme was the desire to see a community benefit scheme. The aim is to “create a transparent locally beneficial fund that will assist in the local deployment of monies to the benefit of the community”. An essential part of what is proposed is to ensure the fund exists into perpetuity, therefore SCSL are dividing the revenue 60:40 so 60% would be available for immediate use and 40% would be invested so that after the solar park has been dismantled and the land returned to its current state there will still be a fund of about £13,000 per annum.
- The community investment offer provides an opportunity for local investment in the renewable energy scheme. The scheme would be partly owned by the surrounding communities through investment by local residents. The scheme would be the largest community owned solar PV scheme in the UK. The pre-application prospectus is ready and is offering a 6% gross return on a minimum investment of £60.

67. The application proposal is thus doing everything that both the local community and the government, through policy statements, have been seeking. This is an important material consideration in support of the application proposals.

68. The response of the Rule 6 parties has been to seek to cast doubt on whether these benefits can be taken into account at all.

69. First, it was said that in the absence of a Section 106 Obligation these benefits could not be secured because they were unenforceable by any public authority. But the Secretary of State can have, even without a Section 106 Obligation, great assurance that these benefits will be delivered because:

- SCSL is wholly owned by Swindon Borough Council – it will ensure compliance;
- both applicants are effectively public authorities, subject to public law controls;
- the community trust and investment provisions are part of the lease option obligations between the applicants;
- the community trust and investment provisions are also obligations in the asset purchase agreement between SCSL and the funder.

70. Second, when the Applicants offered a Section 106 Undertaking the response has been two-fold: (i) non-compliance with Reg. 122 of Community Infrastructure Levy (CIL); and (ii) that it would be *ultra vires*. The former point, if correct, would mean that no regard could be paid to the Section 106 Undertaking, and if the latter point is correct it would be void.

71. It is acknowledged that in the recent Louth Canal appeal decision the Secretary of State took the view that an independently administered community benefit fund was not a matter directly controlled through the planning permission or required to make the scheme acceptable and thus was given no weight.

72. In the investment offer bondholders would “have the benefit of security over assets of the solar farm” and it would be an offer that is first made to residents of the Parish of Wroughton in which the appeal proposals are located. It would result in the largest community owned solar PV scheme in the UK (something Government policy clearly encourages) and something self-evidently that has a direct connection to the development. Mr Tyldesley accepted that the investment offer could thus be seen as being related to the proposed development.

73. Government policy clearly supports and endorses initiatives like the community trust fund. In these circumstances the undertaking to provide these elements of the application proposals could be said to be CIL compliant and the provision of the fund as part of a solar scheme is thus related to the development. If this is not the case then the Government would appear to be advocating in policy something that cannot be secured (or even taken into account) in planning decisions. The innovative community benefits and investments inherent in the application proposals should be accorded considerable weight.

Other benefits

74. The Applicant’s evidence has shown that there are other benefits arising from the proposals. There are two which need to be specifically addressed: ecological enhancements and local economic benefits.

75. The application proposals include ecological enhancements. These include a number of objectives set out in the Landscape and Biodiversity Management Plan (June 2013) appended to the ES. These objectives are to be secured by condition. Mr Dewart has emphasised the importance of the application site in ecological terms, because of the presence of a nearby SSSI and a number of local nature designations, and NE have welcomed the ecological enhancements.

76. The application proposals will provide employment opportunities during construction, and business opportunities for component suppliers/installers and those involved in grid connection, transport and logistics.

77. It is submitted that the above two matters while not exceptional in themselves nonetheless contribute to the exceptional circumstances in the public interest that outweigh the harm caused to the AONB in this case.

Alternative locations for the solar development outside the AONB

78. First, a key purpose of the application proposals is to provide a secure income stream for the Science Museum at Wroughton to facilitate the preservation and conservation of its stored collections. That very much dictated the choice of the application site. The site is within the AONB but is a “unique” site within that AONB. The development of another site for solar by some other developer would not meet the objective of providing the Science Museum with the income it needs. Moreover, it cannot be assumed that the Science Museum has the money to purchase land elsewhere for a solar development.

79. Second, regardless of the above, three site search assessments have been undertaken on behalf of the Applicants. The original site search assessment report was submitted to SBC in October 2013 and this was updated in November 2013 and was made available in the public domain prior to the Planning Committee resolution to grant planning permission in December 2013. A further updated assessment accompanied the proof of evidence of Mr Virtue.

80. Third, Mr Virtue's evidence is that "...there is no prescribed methodology on how to conduct such an exercise. Furthermore, there is no Government guidance on what is a reasonable search area and as such each application should be considered on its own facts taking account of planning and operational constraints". That is a view supported by recent appeal decisions.

81. Fourth, SBC, as local planning authority, has made clear that it is wholly satisfied with the site search assessment. Mr Dewart has stated that he firmly agreed with the conclusion of the site search assessment that there was no suitable, viable and available site within the Borough. He also made clear his agreement with the scope of the site search area, because of the Swindon specific need for renewables and because it was lagging behind the region generally in meeting the 2020 15% target. He made the point that Swindon had lots of energy-hungry industry and being in effect a new town very little brownfield land was available.

82. Fifth, the most up-to-date Site Search Assessment (August 2014) identifies 9 sites within Swindon which could accommodate the application proposals but that none of these are a suitable, viable or available alternative sites. A number of the sites are allocated for and/or permitted for residential development. Others are in multiple ownership making land assembly problematical. Some of the sites also lie in or very close to the AONB. A number of these sites also have real difficulties with grid connection. It is perhaps telling that none of the objectors have actually themselves put forward any alternative site in Swindon.

83. Sixth, the only site suggested by any objector was RAF Lyneham which is already being pursued by the Ministry of Defence. Moreover, given the local need issues in Swindon a site outside the boundary would not contribute to Swindon meeting its renewables target. This is an important point and sound justification for SBC agreeing to the site search assessment being confined to within its boundaries.

84. Seventh, a key factor in considering alternatives is grid connection. In this regard and in October 2012, SCSL commissioned the local network operator, Scottish and Southern Electricity (SSE), to carry out a feasibility study on the available capacity. It was apparent from this that in general Swindon has a connectivity availability issue as only one of the substations was capable of taking any generation greater than 15 MW without a significant and project ending upgrade cost. Accordingly, only the Toothill substation provides adequate capacity without the need for any upgrade. Therefore regardless of whether or not there are other sites within Swindon that could generate a similar amount of power to the Wroughton site there is no financially viable way of connecting into the grid.

85. Eighth, as to the suggestion that the site search assessment should not have been looking for a single site for the delivery of about 41 MW, but a number of sites, Mr Owen has stated that "...the fragmentation of the development site would have an adverse effect towards a scheme's viability and deliverability" and "...would significantly increase the size of the development footprint". Given this "...the focus is on delivering a single scheme as opposed to several smaller schemes which collectively total about 41 MW. Two or three separate sites cumulatively delivering 41 MW would be unviable for the Science Museum since each scheme would generate additional infrastructure and create costs associated with grid connection etc".

86. Ninth, the Applicants also considered: (i) alternative forms of energy generation but ruled these out; and (ii) alternative locations for the proposed development within the Airfield. On neither of these matters was Mr Newby challenged by any Rule 6 party.

87. The Applicants submit that the policy test in paragraph 116 of the NPPF is met in this case.

The historic environment of Barbury Castle Scheduled Ancient Monument

88. Mr Coe, on behalf of the Applicants, has concluded that the application proposals "...would alter an existing part of the wider landscape to the north of the hillfort that currently makes a negative contribution to its significance. The proposed development would 'reinforce' the modern character of Wroughton Airfield through the introduction of a notable area of low-lying solar panels that may potentially distract attention away from an appreciation of the extensive vista to the north" but that "...the proposed development (would) result in a very limited harm to the overall significance of the SAM. The level of this harm is less than 'substantial'. Indeed, the level of harm is considerably less than 'substantial'".

89. The EH case is that the proposed development would result in substantial harm to the significance of the heritage asset through an alteration to its setting. In reaching this conclusion they have taken into account the four heritage values as set out in their Conservation Principles, but in particular they have put a great deal of emphasis on their assessment of aesthetic values, which they have claimed play a key part in contributing to the significance of the heritage asset. It is not possible to separate the impact on setting from the impact on aesthetic values. The use of aesthetic values in this context is simply a mechanism used to articulate significance.

90. In terms of the statutory, as opposed to policy, context: (i) there is no mention of "setting" in the Ancient Monuments and Archaeological Areas Act 1979 (in contrast to the position for Listed Buildings); and (ii) there is also no duty to pay special regard to the statutory context, or any other matter, as there is for the setting of listed buildings.

91. Mr McMahon, for EH: (i) confirmed that there was no "communal value" associated with Barbury Castle; (ii) made it clear that there could be no harm caused by the application proposals to its (very considerable) "evidential value"; and (iii) accepted that any impact on "historical value" by virtue of Barbury Castle's possible connection to a battle was not a major part of EH's case.

The 'substantial harm' test

92. Under the NPPF it matters very much whether any harm caused to the significance of Barbury Castle is 'substantial' or not for the purposes of the applicable policy tests. The matter is neatly stated by Jay J. in *Bedford BC v SSCLG [2013] EWHC 2847 (Admin)* at paragraph 17 where he said that it "...is clear that the test for the grant of planning consent varies according to the quantum of harm to significance. There is a presumption against granting consent if the harm to significance is substantial, or there is a total loss to significance; see paragraph 133. But if the harm is less than substantial, it is simply a question of weighing that harm against the public benefits of the proposal; see paragraph 134".

93. EH have firmly pinned their colours to the mast of 'substantial harm'. They seek to weigh in the balance the admitted benefits of this scheme (e.g. in terms of renewables and the Science Museum) only by reference to whether that would outweigh the substantial harm they claim would be caused. Mr McMahon's evidence does not seek to conduct the balance on the alternative basis that the harm is less than substantial. His reluctance is telling: the fact is that assuming the harm is less than substantial the balance here clearly favours the grant of planning permission.

94. There is no doubt that the test of 'substantial harm' is a 'high test' and that what needs to be considered is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.

95. The test has been interpreted by the Courts. In the *Bedford* case the issue that arose was the harm caused by a wind farm to the setting of a heritage asset. The key parts of the judgment are:

- Paragraph 18 where the Judge said "...may be harmed through alteration of the asset, ie physical harm, or development within its setting, ie non-physical or indirect harm. Significance may be lost through destruction of the asset, or, in a very extreme case, development within its setting";
- Paragraph 22 where the Judge recorded the test of 'substantial harm' applied by the Inspector in that case (and which was unsuccessfully challenged) namely "...something approaching demolition or destruction";
- Paragraph 24 where the Judge said "...what the inspector was saying was that for harm to be substantial, the impact on significance was required to be serious such that very much, if not all, of the significance was drained away";
- Paragraph 25 where the Judge said "...in the context of physical harm, this would apply in the case of demolition or destruction, being a case of total loss. It would also apply to a case of serious damage to the structure of the building. In the context of non-physical or indirect harm, the yardstick was effectively the same. One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced".

96. *Bedford* thus makes clear the test to be applied. When EH first objected to the application proposals (in April 2013) the *Bedford* case had not been decided. Mr McMahon was wholly unable to articulate what test he applied. Whatever it was it was not the test articulated in *Bedford*. When EH objected in August 2013 the case had been determined but Mr McMahon confirmed that his colleague, the author of that objection, was unaware of the decision. Regrettably in his evidence Mr McMahon confirmed that EH had never done the exercise of re-visiting its views on this proposal in the light of the *Bedford* case.

97. Mr McMahon's evidence is clear that both the Applicants and EH should use the "structured approach" in its setting guidance (CD15.4) in considering the contribution setting makes to significance. It is clear that the Applicants did so: see chapter 7 of the ES. Mr McMahon says the same approach should provide the basis for EH's responses to consultations. He had to accept though that there is no document recording, or showing, that EH ever applied a structured approach.

Analysis of the impact on the significance of Barbury Castle

98. EH's case is focussed on harm to aesthetic value. There are a number of points to be made.

99. First, aesthetic value is a very broadly defined concept in the Conservation Principles. It is clearly the most subjective of the values being derived from "the ways in which people draw sensory and intellectual stimulation from a place".

100. Second, setting can contribute to the significance of a heritage asset e.g. by enhancing its significance.

101. Third, in terms of setting there are in this case three possible elements: (i) views to Barbury Castle; (ii) views from Barbury Castle to the south; and (iii) views from Barbury Castle to the north. English Heritage only allege harm to (iii); it is accepted in terms that the application proposals would not affect (i) or (ii). Mr McMahon sought to downplay the significance of (i) and (ii). The evidence of Mr Coe was that views to Barbury Castle are an important aspect of the significance of Barbury Castle in terms of 'monumentality'. It is also plain that views to the south have some importance to the Hill Fort, it would not have only dominated and commanded land to the north, and in terms of visibility and security the south was no less an issue than the north.

102. Fourth, there is a need for some caution in considering aesthetic value in the way argued by Mr McMahon. Thus similar views to those from Barbury Castle are available elsewhere on the Ridgeway, and would be available if Barbury Castle had never existed. Moreover, its builders and occupiers would have had no interest in views as a matter of aesthetics. The Hill Fort self-evidently did not exist to afford people pleasant views.

103. Fifth, EH's case on the significance of the setting of Barbury Castle (by which it effectively means views to the north) is two-fold. First its "dominant presence in the landscape" as a result of the earthwork defence and its use of landform ('Feature 1'). Second, that its "surroundings are relatively undeveloped providing a ready appreciation of the type of landscape it may have been experienced during the Iron Age". This "further attribute" is closely tied to Mr McMahon's view that the surroundings remain of a "predominately rural, agricultural character" ('Feature 2').

104. On Feature 1 the Applicant's case is as follows:

- this corresponds closely with what Mr Coe identifies as 'monumentality'. Mr Coe though sees this as a feature of significance principally in terms of evidential value: earthworks and local topography. The earthworks and the position of Barbury Castle on the ridge would not in any way be impacted upon by the application proposals. Its dramatic presence would remain. This is because the solar arrays are not tall structures, they would not break the sky line. They would not compete with the "dramatic presence" of Barbury Castle.
- in terms of 'monumentality' or command and dominance (to use Mr McMahon's language) Mr Coe sees views towards (looking up to) Barbury Castle as important. These are wholly unaffected by the application proposals.

105. On Feature 2: there are a number of points:

- Mr Coe's view is that "...imposed across the 18th-century rural landscape is the WW2 airfield at Wroughton. The airfield is associated with large hangars and other commercial buildings. The large buildings are prominent in the view from the ridge-top, as are the extensive areas of hard standing associated with the airfield's runways. These structures, as post-war 'industrial' type buildings, do not contribute positively to the significance of the monument" and that "...beyond the airfield to the north the visible land use, afforded by views from the ridge, is distinctly more urban and industrial in character" and which includes "...extensive housing estates such as Thorney Park, the village of Wroughton and the large town of Swindon beyond. This land use does not contribute positively to the value of the monument";
- the view to the south is predominately agricultural and the application proposals would not affect that in any way;

- Mr McMahon's analysis suggests that what he perceives as agricultural views to the north give an appreciation of the way the landscape would have been appreciated in the Iron Age. But, of course, the fields would have looked very different. There would have been a patchwork of smaller fields. The crops would have been very different also, and hence the colours (no linseed, rapeseed or indeed maize);
- Mr McMahon's analysis is based on his view that the airfield and its associated infrastructure are "not prominent intrusions"; have "faded in"; are of a "relatively low-key nature" and have been "absorbed" so that to the north there is a "predominately agricultural character" and an "almost wholly rural, landscape". He also seeks to downplay the presence of Swindon (and other development) in the views north. This is the "see no evil" approach. Mr McMahon's view finds no support in the landscape evidence of the AONB unit, nor in its Management Plans, nor in the various character assessments already referred to that see the airfield as a defining and dominant feature in views from Barbury Castle;
- finally, while the solar arrays would clearly be visible in views north, the views are panoramic; outside of the already developed airfield the wider view would be wholly unchanged. Whether they were looked at would be a matter of choice.

106. The Applicants contend any harm to the setting of Barbury Castle is considerably less than substantial and outweighed by the benefits.

Meeting the challenge of climate change

107. The application proposals are clearly in accordance with the Government's policies on meeting the challenge of climate change. The amount of energy generated is significant, as is the carbon displacement. Moreover, although the NPPF makes clear that Applicants need not demonstrate the need for renewable energy – there is in Swindon a clear local need which the application proposal makes a very significant contribution towards. One of the core principles of the NPPF is the need to support the transition to a low carbon future in a changing climate; and to encourage the use of renewable resources. The application proposals do both of those things.

108. Planning is also acknowledged to play a key role in securing reductions in greenhouse gas emissions and in supporting the delivery of renewable and low carbon energy. The application proposal contributes towards this. The NPPF says that applications for renewable energy should be approved if the impacts are acceptable. Here, while there are visual and heritage setting impacts, these are not unacceptable. In any event there are exceptional reasons in the public interest for the grant of permission. Accordingly, in this case the NPPF favours approval.

109. The PPG on Renewable and Low Carbon Energy explains that the importance of increasing energy from renewable technologies "will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses". The application proposals contribute to meeting those objectives.

110. The PPG states that Government policy does not mean "...that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities" and that "...as with other types of

development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them". There are two points:

- environmental protections: the Applicants do not suggest that these are automatically overridden. The Applicant says that any AONB harms are justified by exceptional circumstances in the public interest in accordance with paragraph 116 of the NPPF and any limited heritage harm is outweighed by those same factors;
- community concerns: this is an unusual case for large solar because the concern of the vast majority of local residents is that the application proposal should be approved not rejected.

111. The PPG states that proposals impacting on heritage assets and AONBs need careful consideration; this proposal has certainly had that. In relation to large-scale solar a number of considerations are set out including encouraging the use of previously developed land, the temporary nature of renewables structures, visual impact including glint and glare, and the energy generating potential. The proposed scheme would be on previously developed land, it would be removed after 30 years, it would not result in any glint or glare, and the energy generating potential is large.

112. It is clear from the Solar PV Strategy Parts I and II and the Ministerial letters that accompanied them that solar PV is one of the Government's priority renewable technologies, which the Government is keen to focus growth of on, amongst other things, previously developed land. These documents emphasise that: (i) "the planning concerns of local communities are properly heard"; here they were; and (ii) that proposals affecting AONBs or heritage assets need careful consideration, here that has been given, and (iii) that brownfield land be used, as it has here. There are a suite of other national policies supporting renewable energy. All of which provide strong in principle support for this proposal.

113. The proposal is wholly consistent with the Government's policies in meeting the challenge of climate change

The Development Plan

114. The Applicants maintain that the application proposals are in accordance with the Development Plan when judged against the key relevant policies as a whole.

115. First, the proper approach in this regard is that articulated by Sullivan J. in *R v Rochdale MBC, ex p Milne [2000] Env. L.R. 1*. He said that "...it is not at all unusual for development plan policies to pull in different directions...there may be no clear cut answer to the question: "is this proposal in accordance with the plan?" The local planning authority has to make a judgment bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach...For the purposes of section 54A it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy therein."

116. Second, here the main development plan policies in play are policies ENV5, ENV9, ENV11, CF11 and R3.

117. Third, the Applicants case on the main policies is as follows:

- ENV5: this policy is, as SBC have acknowledged, only partially compliant with the NPPF. The reality is that if, as the Applicants contend, the application

proposals comply with the policies in the NPPF on heritage assets then there is also compliance with this policy;

- ENV9: again this is accepted to be only partially compliant with the NPPF. The proposed development is outside the defined settlement boundaries but is compliant with criteria a) and e) of that policy;
- ENV11: the principal policy against which impact on the AONB should be judged is paragraphs 115 and 116 of the NPPF. The Applicants contend that the proposals meet the test for exceptionality and public interest in paragraph 116, in part because of the benefits to the Science Museum. If the tests in the NPPF are met then the proposal is also compliant with policy ENV11 which refers to 'national interest'. The proposed scheme is in the national interest;
- CF11: the application proposals are clearly in accordance with this policy;
- R3: this policy provides an important part of the context against which the application proposals are to be judged. There is no conflict with this policy.

118. For all these reasons it is contended that the application proposals are in accordance with the Development Plan.

The Case for Swindon Borough Council (SBC)

The material points of the case for Swindon Borough Council are:

The natural environment of the North Wessex Downs AONB

119. It is common ground that the application would represent a major development within the AONB. It was accepted at the Inquiry by Mr Tyldesley on behalf of NE that paragraph 116 of the NPPF is neither a sequential test nor contains a 'necessity test' (in so far as a 'necessity' test would differ from a test of 'need'). Paragraph 115 of the NPPF further provides that "...great weight should be given to conserving landscape and scenic beauty...in Areas of Outstanding Natural Beauty".

120. In terms of whether the site is previously developed land, the SBC's view is that the site *is* previously developed land. With regard to the definition of previously developed land in the NPPF the runways on the application site are plainly previously developed land, being fixed surface infrastructure. So too, the remainder of the airfield is previously developed land as curtilage around the substantial built development across Wroughton airfield, a site in single ownership with perimeter fencing. In this regard, it is not surprising that other inspectors have treated former airfields as brownfield land (Ref: APP/D3505/A/13/2204846) and that the extant AONB Management Plan itself characterises the site as brownfield (CD14.1).

121. The response of NE to the NPPF definition is to argue that the site falls within the final sentence of the definition, namely as a site "...where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time". This argument should be rejected. First, the runways, whilst in variable condition, are not 'remains'. Second, it is inconsistent with the view reached by the 2002 Landscape Character Assessment (CD14.4), an assessment which continues to be used both by the extant AONB Management Plan and the AONB Draft Plan. Paragraph 12.36 of that LCA, in particular, refers to Wroughton Airfield as remaining a "dominant" feature of the landscape, and described within that paragraph as consisting of "hangars, runway and associated infrastructure".

122. The application site is not agricultural land. The Note on land use adduced by NE itself recognises that the Agricultural Use Class of the site is 'other urban land', not agricultural. The site is therefore not "best and most versatile" agricultural land for the purposes of paragraph 112 of the NPPF (defined in the NPPF glossary as "Land in grades 1, 2 and 3a of the Agricultural Land Classification."). Whilst crops have been grown on the site in the past, the evidence of Mr Newby was clear that they will not be again due to harm such a use causes to the Science Museum's collections. Nor does it follow from the site being included within a Countryside Stewardship Agreement that the site itself is agricultural land or in agricultural use. Such grazing as does occur on the site is for estate management.

123. The consequences of the site's classification should not be overstated. The Council accepts that, even if the site is brownfield land, the NPPF definition cautions that it should not be *assumed* that the whole of the curtilage should be developed.

124. Assessing what harm, if any, would be caused to the AONB by reason of negative landscape impacts associated with the proposed development is a matter of planning judgment. For the reasons that follow, the Council is of the view that although there will be a negative landscape impact, it will not result in significant visual (planning) harm to the AONB. Although such visual harm as will result from the development should be given great weight, the development should be granted permission in the exceptional circumstances of the current application.

125. Factors relevant to the assessment of landscape impact include:

- The development has been designed so as to minimise any landscape impact upon the AONB, for example through the use of non-glint, green materials and fixed (non-rotating) arrays;
- The absence of any cumulative visual impacts;
- The low level height of the development;
- No change to the topography of the application site;
- No change to the skyline of the plain;
- The context of the existing site.

126. The context of the existing site has been the subject of substantial argument. The correct assessment of the existing nature of Wroughton Airfield in landscape terms is crucial in determining this application. A consistent feature of the evidence of NE, EH and the AONB Board has been a failure to give proper weight to the clear terms of the material which should form the basis of any such assessment: the landscape character assessments of the AONB.

127. Those assessments are unequivocal in recognising that the existing development at Wroughton Airfield, as it currently stands, is a dominant feature within the landscape character area in which the application site sits, and has a negative landscape impact. The terms of the Landscape Character Assessments speak for themselves:

- "Views to development (Swindon) on the edge of the AONB are a key feature of this area." (CD14.4 paragraph 12.35)
- "Superimposed upon this...unsettled landscape are twentieth century military developments, including Wroughton airfield...These installations are sizeable and, within this open landscape are now dominant features of the area, having considerable visual impact, particularly in the views out from the high downs to the north, for example from Barbury Hill" (CD14.4 paragraph 12.36)
- "20th century military developments, including Wroughton airfield... are dominant and defining features of the area" (CD14.4 page 152);
- "Prominent modern developments including Wroughton Airfield" (CD14.4 paragraph 12.41);
- "high visual impact of existing buildings (hangars and associated infrastructure) at Wroughton Airfield" (CD14.4 page 154);
- "To the north close to Swindon... there are sizeable twentieth century military developments, including Wroughton Airfield." (CD14.6 page 77);
- "...the military development on the more visually exposed scarp top plain and plain close to Swindon has had an urbanising impact." (CD14.6 page 78).

128. Only the landscape evidence of the Applicants and Mr Denney is consistent with these assessments in finding Wroughton Airfield, as currently formed, to be a dominant, negative feature on the visual amenity of the AONB. The evidence of Messrs Tyldesley, Harley and McMahon, albeit in different ways, all proceeded on the basis that elements of the above assessments are wrong. The evidence of Mr Denney should be preferred, which is the only assessment which begins from the correct baseline assessment.

129. The negative landscape context of the existing airfield is relevant to the assessment of the landscape impact which the proposed development would have. That the current characteristics of Wroughton Airfield could increase the ability of the site to accommodate negative landscape impacts is recognised in the AONB 2006 wind turbine study which recognises that the hangars are "...prominent build structures" and that "...the presence of a number of existing large scale developments may reduce the sensitivity of the receiving landscape to wind turbine structures", albeit then continuing to note that "...it does not necessarily diminish the sensitivity of such development in the wider landscape context".

130. It is common ground between the landscape experts who presented evidence to the Inquiry that, from some views (including Barbury Castle) the landscape impact of the development would be major adverse. The correct approach to assessing planning harm that may arise from landscape impacts includes recognition that:

- "A significant effect is one that is not insignificant, that is, it is not trivial or inconsequential";
- "Significant does not equate to non-acceptability";
- "Changes or effects that are of major or moderate importance... are capable of being material considerations in planning decisions".

131. Judged against the above principles, the development would not cause significant harm to the visual amenity of the AONB (including the Ridgeway) or to its special landscape qualities.

132. To be compliant with paragraph 116 of the NPPF the development must represent an exceptional circumstance in the public interest. Relevant to that assessment are (1) the need for the development; (2) the scope for meeting the need in some other way; and (3) any detrimental effect on the environment and the landscape and the extent to which those effects could be moderated.

133. Two exceptional circumstances relating to this development are; (1) the substantial increase in renewable energy generation in Swindon (an exceptional circumstance which has a number of components); and (2) the benefits to the Science Museum and its collections. They are considered in turn. Issues of need, and the scope for meeting the need in some other way, are considered together with the exceptional circumstance of renewable energy generation in Swindon.

Exceptional circumstances in the public interest

Renewable energy

134. The national need for renewable energy is assumed by paragraph 98 of the NPPF. At national level, this need is reflected in European Directive 2009/28/EC which sets mandatory targets for the share of renewable energy to be obtained from renewable sources for each European Member State. The target for the United Kingdom is to equal or exceed 15% of gross final consumption of energy from renewable sources by 2020. [134]

135. This is a challenging national target and will not be met if major regions of the UK fail to achieve the target level of energy generation themselves. As the RegenSW Renewable Energy Progress Report (CD13.11) advises in its Foreword, the South West region as a whole "still has a long way to go" (renewable energy generation in the South West currently standing at 8.3%). Swindon is even further behind (5%),

and upcoming reforms to solar subsidy will only increase the difficulty of bringing forward renewable energy development. [

136. The considerable energy needs and challenges for Swindon have been the subject of detailed evidence by Mr Dewart. He has stated that "Much of Swindon's development has taken place post WW2. Swindon's urban area therefore has many of the characteristics of a New Town. This means that there is limited brownfield land available within the urban area for large scale renewables deployment". Mr Dewart also notes that "Swindon has a large industrial base, a sector which generates a high energy demand". Manufacturers based at Swindon include BMW and Honda, major employers in the area. In this context "Swindon is unique in the UK in that it has a substantial manufacturing sector yet its physical layout has the characteristics of a New Town. The brownfield development opportunities existing in the Borough are therefore nowhere near sufficient to meet Swindon's renewable energy installation needs".

137. These difficulties are exacerbated by the AONB covering 28% of the Borough. They are further exacerbated by Swindon's role as a growth town. This means that Swindon's energy needs will grow and that less land will be available beyond the existing urban area boundary to meet the Borough's energy needs. As Mr Dewart has explained "Large expanses of land on the edge of Swindon have been allocated for housing and associated development. Much of the land around the town, which has not yet been allocated, will have been otherwise optioned and promoted for housing and employment development" and that "Rural areas of Swindon Borough are awash with designated assets, including multiple rural conservation areas, multiple rural scheduled monuments, and two national trails (The Thames Path in the north and The Ridgeway in the south)".

138. At paragraph 3.6 of the "Swindon's Energy Future Cabinet Report" (October 2013) (CD11.13), a target for the Borough is introduced which translates key UK and European energy targets to the Borough level. Paragraph 3.6 states that: "The energy objectives at paragraph 2.1 are focussed on these opportunities, with a time horizon of 2020, a key date for UK and European energy targets. The aspiration for Swindon to produce enough low carbon energy to power all residential properties amounts to around 200 MW of installed capacity".

139. The target for Swindon Borough is to deliver 200 MW of installed renewable energy generating capacity by 2020. This is the key figure. References have been made at the Inquiry to a lesser 160 MW target figure for solar. Mr Dewart explained in evidence that this is an indicative figure for the contribution that solar could make to the key 200 MW target figure. As noted in oral evidence from Mr Dewart and Mr Owen, alternative sustainable energy generation technologies such as biomass and 'combined heat and power' have not advanced as anticipated in the Borough. Solar will therefore have to burden the responsibility for delivering the Borough's renewable energy obligations.

140. The 200 MW target does not accommodate the planned growth of Swindon, which will comprise substantial housing growth and associated development (such as retail, leisure and community facilities) and complementary employment land. The Borough contains about 80,000 homes. The emerging Local Plan (CD11.5) plans for an additional 22,000 homes in the period 2011 to 2026. Meeting this target will necessitate accelerated housing growth, comprising 1,625 homes a year in the period 2016 to 2026. This housing growth will be accompanied by 119.5 hectares of additional employment land.

141. Reference has been made by NE to the potential significance of SBC progressing a Low Carbon Local Development Order which will further ease permitted development rights for micro-generation (for example the installation of panels on roof tops). But permitted development rights for micro-generation are already generous and the Local Development Order will only have a very limited impact in delivering an increase in micro-generation in the Borough. Supporting this position is the fact that "...micro-generation sources of renewable and low carbon energy currently meet less than 1% of Swindon Borough's current energy demand". Whilst the Council will seek and encourage renewable energy generation where possible micro-generation is unlikely to make a significant contribution to meeting the Borough's challenging energy needs and energy commitments.

142. Mr Owen has submitted a Table to the Inquiry which lists solar PV schemes at various stages of advancement, including schemes at a very early pre-planning application stage (ID18). In total, Mr Owen's Table shows that if *all* the schemes were implemented, which is unlikely, this would deliver 153 MW of solar energy generation in the Borough, though this should include 5 MW planned at Roves Farm and should therefore be 158 MW. Remove the Wroughton scheme and the figure falls to 118 MW. It is important context for these figures that they all came forward "...at a time of generous Government grants for solar PV scheme development. The majority of these schemes have also been able to tap into the existing grid network without the need for expensive upgrades". Accordingly, the delivery of renewable energy generating capacity over the next 6 years to meet the 15% 2020 target represents a significant challenge for SBC.

143. For these reasons, the substantial contribution to renewable energy generation which this development would make is both a national interest matter and a significant local interest matter, and is an exceptional circumstance. The NPPF is clear that the applicant does not need to show national need. The above matters likewise establish an exceptional need for the development within Swindon Borough.

144. The applicant has considered alternative sites for delivering this scheme Borough-wide on three occasions. The Council agrees with the conclusion reached in those assessments and considers that the search area was appropriate. In particular, Swindon Borough occupies 90 square miles, a substantial search area, and the specific and exceptional energy needs of Swindon, and the local policy context of those energy needs (i.e. the 200 MW target) likewise justify limiting the search to the Borough area. With the exception of the RAF Lyneham base, which lies outside the Borough and is not available to the applicant, no alternative sites have been identified to cast doubt upon the applicants' assessment.

Benefits to the Science Museum

145. The development would bring significant benefits to the Science Museum collection, which it is common ground is a collection of national importance. It likewise appears to be common ground that the current state of the hangars poses a risk to that collection, and inhibits it being exhibited (for example, larger objects cannot be removed from those hangars in which the doors are no longer operable). The evidence likewise establishes that the funding challenge to repair those hangars is exceptional, and is a site specific need. The funds generated by the development would be ring fenced for the maintenance and repair of the site, and would make a significant contribution to the preservation of this nationally significant collection.

146. A number of other factors support the application. Cumulatively these factors, weighed together with those detailed above, are capable of making the application

'exceptional' for the purposes of paragraph 116 of the NPPF. They include ecological benefits, the ability of the proposed development to facilitate other renewable energy developments, substantial and sustained community support, and that the development is temporary and the site would be restored to its previous condition.

147. The application also offers community benefits in the form of an investment scheme and a community trust. Regarding the community trust, in its Officer Report, the Council considered that the community benefit fund should not be given weight within the planning process. The Council does, however, acknowledge that there is some force in the argument made by the applicants that it would be undesirable if schemes which provide a benefit expressly encouraged by Government receive no benefit for having done so in the planning system.

The historic environment of Barbury Castle

148. Barbury Castle's heritage significance is derived primarily from its evidential and historical value. Neither of these aspects of heritage significance would be harmed by the proposed development. The contribution which setting makes to the heritage significance of Barbury Castle is in its 'monumentality' as a landmark and from an appreciation of the contemporary landscape that surrounds it. The setting of Barbury Castle would be impacted as the proposed development would be notable in views to the north. Those views, however, are already experienced by reference to the prominent pre-existing site at Wroughton Airfield.

149. The monumentality of Barbury Castle would not be adversely affected by the introduction of the solar panels into the view to the north. It would remain atop the scarp and the skyline viewed from the Castle would remain unaltered. However, by strengthening the built character of Wroughton, the development would have an adverse impact upon the setting's contribution to an appreciation of the contemporary landscape. This impact does not meet the test for substantial harm to the significance of a heritage asset set by paragraph 133 of the NPPF. The harm to the significance of Barbury Castle is, as correctly assessed, very limited. The limited degree of harm must however be accorded great weight. In according the harm caused great weight, the exercise to be undertaken is a balancing exercise, weighing the harm "against the public benefits of the proposal".

Meeting the challenge of climate change

150. The development is consistent with Government policies on meeting the challenge of climate change. In particular, it is a core planning principle of the NPPF that decision making in planning should be underpinned by the need to "support the transition to a low carbon future in a changing climate" including encouraging the use of renewable resources through the development of renewable energy. Paragraph 97 of the NPPF recognises that all communities have a responsibility "to contribute to energy generation from renewable or low carbon sources".

151. The proposed development would make an important contribution to the transition to a low carbon future, generating 41 MW of renewable energy: enough to power 12,000 homes. The scheme would also help meet Swindon's responsibility to generate renewable energy, both in terms of meeting the national target of generating 15% of energy from renewable sources and the SBC target of generating 200 MW of energy from renewable sources by 2020. Paragraph 98 of the NPPF is clear that in determining applications for energy projects, planning authorities should not "require applicants... to demonstrate the overall need for renewable or low carbon

energy” and should “approve the application if its impacts are (or can be made) acceptable”. The use of the application site, previously developed non-agricultural land, is supported by paragraph 13 of the PPG on Renewable and Low Carbon Energy.

The Development Plan

152. The very limited harm that would be caused to the significance of Barbury Castle does not amount to ‘damage’ for the purposes of LP policy ENV5. Policy ENV5, by referring to ‘damage’ rather than harm to heritage assets, is only partly compliant with the NPPF but the development is compliant with this policy nevertheless. LP policies ENV11 and CF11 are compliant with the NPPF and the development accords with these policies. With regard to policy ENV11 the Council agrees with the concession made by Mr Lord during the Inquiry that consistency or inconsistency with it, for the purposes of the current application, would reflect the consistency of inconsistency of the application with paragraph 116 of the NPPF. The proposed development falls outside of LP policy R3 and derives no support from it.

153. The proposed development is consistent with the dominant policies of the emerging Local Plan, namely IN4 (renewable energy) and RA2 (Science Museum policy). Although a consultation on proposed modifications has not yet closed, it is proceeding through the examination process and should be given due weight.

The Case for the North Wessex Downs AONB Unit

The material points of the case for the North Wessex Downs AONB Unit are:

154. The AONB Unit takes a very responsible approach to development pressures in the AONB, wherever possible attempting to improve development proposals so that they can be made acceptable rather than simply opposing them. This applies particularly to solar arrays. This application at Wroughton is the third large array to be proposed within the AONB, all of them on airfields. On the previous two occasions at Ramsbury and Membury, the AONB Unit engaged actively with the parties to mitigate impacts and find acceptable solutions. None of the large solar array proposals in the AONB to date has merited an objection from the AONB Unit.

155. Against this background, the AONB Unit is strongly opposed to the current application at Wroughton Airfield. The proposal goes to the heart of Government policy for the protection of nationally designated landscapes. It would have major adverse impacts on the character of the landscape and on views across a substantial area of the AONB, including from Barbury Castle and the scarp of the Marlborough Downs. This area is one of the most heavily frequented by recreational users in the AONB, who would clearly identify the development as a discordant feature in the landscape especially from the most popular locations. The adverse impacts of the scheme cannot possibly be mitigated. There are benefits in the scheme but this is the wrong place to obtain them.

The natural environment of the North Wessex Downs AONB

156. The scale of the proposal is very large. It would cover 67 of the 80 hectares of the application site and include about 150,000 solar panels, 33 inverters and 2 transformers, and be accompanied by security fencing, gates and CCTV cameras. Paragraph 115 of the NPPF confirms AONBs as having the highest status of protection in relation to landscape and scenic beauty. The policy clarifies that 'great weight' should be given to conserving landscape and scenic beauty in AONBs. Where development proposals are considered to be 'major developments', the provisions of paragraph 116 of the NPPF apply. SBC and all the other major parties to the inquiry agree that the application is 'major development' for this purpose.

157. Paragraph 116 of the NPPF is a high hurdle for proposals to cross. It is couched initially in terms that "Planning permission should be refused for major developments in these designated areas except..." in closely defined circumstances. This is not a matter of making a judgement which balances competing interests, but of refusing schemes unless they demonstrably satisfy the obligations of the policy. The Planning Committee report on the application (CD1.3) understood that "The NPPF resists major development in the AONB unless there are compelling reasons why this is in the public interest and why this is an exceptional case" and represented the views which had been submitted by interested parties. However, the approach to analysis and the summary failed to take the correct logical approach to presenting the arguments based on the requirements of paragraph 116 of the NPPF.

158. The application should have been refused unless members were satisfied that there were "exceptional circumstances." The report reached the point where it stated "The recommendation is, therefore, finely balanced. Arguments both in favour and against carry significant weight and add value", which, even as a shorthand for members, is an incorrect way to approach the issues.

159. Paragraph 116 sets out two broad requirements which must be satisfied if major developments are not to be refused, namely “in exceptional circumstances and where it can be demonstrated that they are in the public interest”. Both tests must be satisfied. The case advanced by the Applicants is fundamentally around topics that might be material to a ‘public interest’ argument. This is clear from the original planning application where the need for the scheme is identified as providing a significant contribution to local renewable energy generation and to providing a secure and reliable income stream for the Science Museum (CD 8.3, paragraph 6.4). The Applicants have pursued six arguments to justify permission:

- the ‘unique’ nature of the application site;
- the overwhelming community support;
- the significant contribution towards renewable energy and carbon saving;
- the provision of an income stream to assist the Science Museum;
- local community benefits; and
- other benefits including ecological enhancements and economic benefits.

160. These points try to establish as material to the decision arguments essentially about where the public interest might lie. Only the first one of these arguments is couched in terms of exceptional circumstances tied to the site. Otherwise no case has been put forward to justify this particular proposal in this particular place (with a compelling case that this is the only solution). There is a fundamental flaw in the proposals by confusing ‘good things’ with meeting the tests of paragraph 116.

161. For most landowners, the site they own is ‘unique’ for them. Many landowners do good things that can be argued as in the public interest on sites in the public sector or the private sector. Just because they do good things does not provide an automatic right to argue that this outweighs the protection of AONBs or the purposes for which AONBs were established. There is no policy basis for such a claim. Paragraph 116 is phrased very differently. Even if a site in a protected landscape is identified in local planning policy to reinforce its uniqueness, that does not assist the case as it merely moves the issue to compliance with local policy.

162. If landowners were successfully to claim their unique site merited special treatment, then nationally protected landscapes would soon be pock-marked by developments breaching the purposes of designation. There is simply no provision for that in national policy. The Science Museum has aimed to make a case showing that it is unique, and that this is sufficient of itself to be a reason for, exceptionally, granting planning permission, but this is not the same as demonstrating that the proposed solar scheme applied for is so exceptional that it can only be located at Wroughton Airfield.

163. Community support for a development is desirable. The relevance of it is built into government advice on renewable energy proposals. However, that is not sufficient as a reason in itself to grant planning permission contrary to AONB policy. The SBC committee report correctly identified that community support does not override other material planning considerations (CD1.3). Nor is it the case that the support for the proposal is as overwhelming as the applicants claim. Whilst there are clearly residents supporting the scheme Wroughton Parish Council remain neutral and their Interim Wroughton Plan issued this year does not mention support for a major solar project. Local opinion on the proposal is clearly not a simple matter.

164. The scheme would make a significant contribution to renewable energy and carbon saving but a reliable income stream for the Science Museum is irrelevant to AONB policy. If given any weight it would open up the prospect of the planning system in protected landscapes being inundated by special pleading as landowners claiming public interest status to justify lucrative developments contrary to landscape policy. It is well-established practice that planning decisions must be based on the merits of the case, not on the merits of the applicant. Despite this clear policy position, the AONB Unit is obviously sympathetic to the needs of the Science Museum. The Unit has never objected to previous proposals by the airfield, even very substantial ones, on the basis that the developments were in the immediate curtilage of existing developments, temporary, or otherwise unlikely to damage significantly the interests of the AONB. The current application so challenges AONB purposes that the Unit's opposition is merited. The AONB Unit would prefer the Science Museum to follow the allowances in LP policy R3, so that there continues to be no fundamental conflict between their schemes and AONB interests.

165. Local community benefits enshrine a co-operative relationship between applicants and the people affected by new development. This has merit but is irrelevant to the issue of whether a development can demonstrate exceptional circumstances to satisfy national policy for the protection of AONBs. Were this otherwise, and community benefits became a driver of planning permissions contrary to AONB policy, this mechanism would provide a new route for developers to secure non-conforming schemes in the nation's most protected landscapes; in effect buying off local people to the detriment of the national interest.

166. Other benefits such as ecological enhancements and economic benefits presented to the inquiry were in the AONB Unit's view thin. The economic benefits rely on a short period of intensive construction followed by a long period of low maintenance: they are so modest in terms of employment that the planning application form (CD8.1) envisages no employment creation whatsoever. In any event, such public interest benefits as may be identified do not provide the exceptional circumstances needed to justify permission for the scheme on this site: broadly similar economic benefits would derive from the same quantum of solar power wherever the investment took place.

167. The AONB Unit has emphasised that there is a legal duty underlying consideration of this planning application. The AONB is a nationally protected landscape protected by the CROW Act 2000, and in particular by the obligation under Section 85 for a 'duty of regard' to be shown to it. There would be some question whether this requirement had been met if the application were to be allowed, as the interests of the AONB would have to be deliberately set aside to allow inappropriate development for reasons unrelated to AONB policy.

168. In contrast to these claims of issues that might be material to the decision 'in the public interest', paragraph 116 of the NPPF sets out three matters on which the application should be assessed, on which the AONB Unit's views are as follows.

169. With regard to need, in paragraph 116 terms, this rests on a claim based on renewable energy generation, which is considered below. The impact on the local economy is noted above.

170. With regard to the cost and scope of meeting the need in some other way the Planning Statement with the original planning application was clear that this requirement could not be met, stating "The cost and scope of developing elsewhere is not an option for the Science Museum at Wroughton since it will not secure the

financial model required to allow it to preserve, conserve and engage its stored collections for the enjoyment of our and future generations" (CD8.3). This again illustrates the fundamental misconception that the application is about the interests of the applicant rather than about the merits of the proposal. The application should not have been pursued on this basis.

171. The applicant has changed tune since then and has argued at the inquiry that:

- the Wroughton airfield site is wholly appropriate in any event;
- there is no single site in Swindon Borough which could deliver the same quantity of ground-mounted solar energy;
- a wider search area does not help Swindon deliver its objectives for renewable energy generation;
- there is a grid connectivity issue in Swindon;
- other options for energy generation on the Wroughton Airfield site would generate less energy and less money and would have less local support.

172. Since the current application was submitted, a planning application has also been submitted for about 40 MW of ground-mounted solar generating capacity at RAF Lyneham. This demonstrates that such large sites can become available, even if the applicant can neither spot them nor secure an interest in them. Lyneham is of course in Wiltshire rather than Swindon Borough, though it is only 10 kms away.

173. The argument about a need to find a single alternative site elsewhere is a purely theoretical constraint, because the 41 MW quantum is not chosen for planning reasons but because this is the amount of generation needed both to pay for the expensive grid connection from Wroughton and to leave a sufficiently substantial regular income which inspired the Science Museum to promote it in the first place. The same amount of energy could be generated through a number of smaller arrays. Indeed there are numerous such proposals already permitted or at planning application stage, both within Swindon Borough and in the surrounding areas.

174. The carbon-saving benefits of renewable energy generation arise wherever the generation happens, so there is no major reason to be concerned whether this is just within or just outside Swindon Borough. In any event, Mr Lord pointed out that the SCSL is not tied to operations within the Swindon area, and could claim benefits for Swindon by activities outside the Borough boundary if it chose to do that. A wider search area than Swindon is therefore relevant, even within the terms chosen by the Applicant and SBC. In planning terms there is no such constraint, and it is striking that assessments of the cumulative impact of ground-mounted solar projects within Swindon do include sites outside the Borough. These include RAF Lyneham. The rapid pace at which solar schemes have come forward would, if continued, comfortably meet SBC's target of generating 160 MW by solar power by 2020. Mr Lord has identified schemes permitted or at application stage totalling about 148 MW already identified. A chart supplied by the applicant had a similar result, summing to 113MW. In planning terms suitable sites may well become available in the Borough or nearby, though achievement of the policy is more likely to be affected by financial matters than planning.

175. The AONB Unit accepts there is a grid connection problem in Swindon but this has not inhibited investment to date in ground-mounted solar arrays. Grid upgrades and more efficient use of capacity are being addressed. This has no bearing on the planning principle of the decision at Wroughton Airfield.

176. Other options for energy generation on the application site are of limited relevance. They would need to be considered if they were technically and economically realistic and would have less impact on the AONB. Otherwise they are purely options for generating revenue for the Science Museum and are not addressing AONB issues. None is proposed, but the apparent absence of a realistic option in this respect does not advance the Applicant's cause: a highly damaging scheme in the AONB cannot be justified by the unavailability of a less damaging scheme on the same site, least of all when the application is predominantly for a revenue-raising scheme rather than to accommodate an essential but footloose development. If given any weight, it would open the door to developers of all kinds proposing schemes in clear breach of AONB policy, who would then argue that this was acceptable as the 'least damaging' option.

177. None of the reasons offered as to why there is no realistic alternative to development of a solar array of 41 MW at Wroughton airfield stands up to scrutiny. The AONB Unit considers it plain that there are indeed alternative locations for solar generation which could individually or collectively generate a similar quantity of energy, within a reasonable distance of the application site.

The natural environment of the North Wessex Downs AONB

178. The proposal would result in substantial and negative impacts on the character and qualities of the AONB. The AONB Unit considers, on the basis of professional advice, that the impact of the development on the landscape of the site would be 'major negative'. Whilst accepting that the development is within the defined boundaries of the airfield, the airfield has a history stretching back over 70 years and was developed in a unique manner in which the airfield buildings were located in dispersed locations on the periphery of the airfield, where they related strongly to the surrounding rural environment. At present the eye is drawn to the hangars and similar buildings in the wide, open landscape: though clearly noticeable, they do not break the horizon when viewed from the ridgeline to the south. The mere fact of locating the arrays between the dispersed hangars dramatically changes the character and in-fills the essential open nature which is so important, creating an essentially industrial swathe across the southern part of the airfield.

179. Regarding visual impacts the Applicant states that "...the visual impact is limited primarily to the south in the vicinity of Barbury Castle and Barbury Country Park..." and that "The overall airfield complex appears as a small element within the wider landscape and visual context". These statements are incorrect. The airfield is a dominant feature in views from not only Barbury Castle, but also along the Ridgeway National Trail, White Horse Long Distance Path and National Cycle Route 45, to the west up to and beyond Hackpen Hill and the Hackpen White Horse. The airfield would assume an even greater prominence with the covering of 67 hectares of grassland with solar PV arrays on sloping ground, thus drawing the eye towards what would appear as a substantial industrial development in the unspoilt countryside for which the AONB was designated. Further afield there are views from the ridgelines between Liddington Castle and Whitefield Farm. The AONB Unit considers that the overall impact on the visual qualities of the AONB area covering the site and study area is major/moderate negative.

180. The LVIA submissions for the AONB are substantially superior to those of the Applicant's LVIA and subsequent evidence. There were numerous examples in which the assessments of the visual impact of the development were rated at a lower level of significance by the Applicants than by Mr Harley for the AONB Unit. It is possible

that this may have been influenced by the use of 'letterbox panoramas' by the applicant which in many cases played down the perceived impact of the proposed development by taking too wide a field of view. That was not in accordance with good practice set out in the Landscape Institute Advice Note 01/11 on 'Photography and photomontage in landscape and visual impact assessment'. Differences of opinion could not be explained by different methodologies for assessing significance, and the AONB Unit has no choice than to reach the conclusion that the Applicant's LVIA in this respect was poor practice.

181. The applicant's LVIA was also demonstrated to have used poor technical practice in respect of:

- the use of viewpoints where there are no views;
- using viewpoints where strategically placed vegetation obscures views;
- presenting a photomontage in snow when neither the application site nor the impact of the proposed scheme were discernible;
- presenting photomontages of such poor quality and pixilation that the impact of the proposed development could not reasonably be appreciated.

182. Overall, the AONB Unit concludes that the Applicant's LVIA was poor practice and that very little reliance should be placed on it. The weaknesses were not substantially remedied by Mr Denney in his evidence, not least as he still concluded, despite the evidence, that the landscape and visual effects on the AONB were "limited to generally localised areas or views".

183. The magnitude of impact on recreational users from the proposed development would be substantial. The AONB offers the opportunity to boost tourism and attract national and international companies to locate in Swindon because of the access to nationally designated AONBs. In this part of the AONB leisure recreation and tourism are reliant on the character and qualities of the landscape and the historic environment. The three routes most closely affected are the Ridgeway Trail, the White Horse Long Distance Path, and National Cycle Route 45. Part of the importance of these routes is the remote and unspoilt countryside through which they pass. The development of the site will have an indirect impact on their settings. This is due to the detrimental impacts that the arrays would have on the open agricultural and visual character of the landscape. The trails pass through an essentially rural landscape, but the installation of an extensive area of solar PV arrays would lead to the effective industrialisation of a key component of their settings. The strategic rights of way are of high sensitivity, and the development would result in the alteration of a key element of their settings, resulting in a major/moderate negative significance of impact.

184. There is widespread agreement amongst the landscape architects for the parties that meaningful mitigation of the negative aspects of the proposals is not practicable. The adverse impact of the development upon the landscape character cannot be mitigated without, in itself, resulting in further harm to character and is not isolated to a single landscape character area, but affects the settings and characteristics of adjacent areas. The visual impacts cannot be mitigated due to the elevation of the viewpoints and the sloping nature of the site, which drops by 30 metres from one corner to another.

The historic environment of Barbury Castle

185. Mr Lord has concluded that “The AONB Unit considers the matter of harm to the character and qualities of the landscape from this development include harm to Barbury Castle...”. The technical information and advice on which this conclusion relies derive from EH sources and their evidence is supported by the AONB Unit.

Meeting the challenge of climate change

186. Government policy is supportive of the delivery of renewable and low carbon energy and associated infrastructure. However, this is not irrespective of other interests. The Government has issued further advice since the NPPF which, unlike the NPPF itself, does refer specifically to solar PV energy supply. In October 2013 the Department of Energy and Climate Change (DECC) published ‘UK Solar PV Strategy: Roadmap to a brighter future’ (CD 10.12); in March 2014 DCLG published an updated version of Planning Practice Guidance on ‘Renewable and Low Carbon Energy’ (CD 10.3); and there are also relevant advisory letters to local planning authorities issued by the Minister of State at DECC.

187. The Minister of State at DECC, Gregory Barker MP, circulated a letter to local planning authorities on 1 November 2013 to highlight to them aspects of the newly published Solar PV Roadmap (CD 10.10). While clearly supportive of solar PV initiatives, the emphasis of the letter was on environmental issues raised by the technology. He referred to the principle that “Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them”. The AONB Unit considers that the Wroughton proposal is an example where the matters highlighted in bold deserve especial attention.

188. The PPG on Renewable and Low Carbon Energy of 6 March 2014 (CD10.3) had one significant change from its earlier version of July 2013, highlighted by Mr Boles in a Written Ministerial Statement to Parliament (CD10.16). The change he highlighted was “Incorporating the guidance on renewable energy (including heritage and amenity) published during last summer and making it clearer in relation to solar farms, that visual impact is a particular factor for consideration”. The change was to paragraph 13 of the PPG, which now encouraged large scale solar farms on ‘non-agricultural land’ as well as previously developed land, and added the important qualifier “provided that it is not of high environmental value”. The AONB Unit considers that the Wroughton proposal is an example where the land is of high environmental value, so the provisions of the PPG on this point should not apply.

189. The UK Solar PV Strategy Part 2 was published in April 2014 (CD10.13). The Minister of State at DECC circulated a letter to local planning authorities on 22nd April 2014 (CD10.11) explaining Government thinking on the balance between promoting and regulating solar PV. He highlighted “...the main message from the Strategy is that we are keen to focus growth of solar PV in the UK on domestic and commercial roof space and on previously-used land”. In case anyone might think otherwise, Mr Barker then states in a later paragraph that “...there is still a place for larger-scale field based solar in the UK’s energy mix”. However he qualifies this by stating that “...the solar strategy makes it very clear that new solar installations need to be sensitively placed”. The AONB Unit considers that the Wroughton proposal is an example where the Government should now be inclined to give much less weight to

the proposal than it might previously have done, not only because it is not on roof space but because it is far from being “sensitively placed”.

190. The direction of policy is clear: encouraging roof-mounted rather than ground-mounted solar PV schemes, and, for large scale solar farms, giving much more weight to landscape impacts and avoiding sites of high environmental value. These all suggest that planning policy and Ministerial intentions should not support the proposal at Wroughton. Energy policy is going in the same direction. On 13 May 2014 the Government published its ‘Consultation on Changes To Financial Support For Solar PV’ which proposes measures to control spending on new solar PV capacity above 5 MW within the Renewables Obligation and to promote the deployment of mid-scale building-mounted solar PV in the small-scale Feed-in Tariff scheme. The consultation argued that on the basis of subsidies for projected solar PV installations “This is more than we can afford and would have adverse consequences for Government’s management and use of the LCF as a whole”. If pursued, this policy change would clearly risk affecting a 41 MW scheme such as Wroughton airfield. The difficulty arises from the success of the solar PV programme, further illustrating the remarkable range of alternative sites which are available to deliver this kind of renewable energy and the lack of any special case to develop it in such a sensitive location as Wroughton airfield in the AONB.

191. The PPG on Renewable and Low Carbon Energy (CD 10.3) advises on the types of land on which large-scale solar farms could be encouraged. The AONB Unit believes the land on which the application has been submitted is a greenfield site. The AONB Management Plan 2009-14 (CD14.1) lists as a ‘Key Issue’ for development “The future use of redundant “brownfield” sites within the AONB, especially redundant airfields and military sites (as at Wroughton), and the impact upon the landscape”. But the Unit was trying to highlight the risk of development, not encourage it, on what it rather casually called ‘brownfield sites’. An attempt has been made to correct that weak definition in the draft of the new Management Plan for 2014-19. This draft now says a key issue is “Unsuitable development of redundant previously developed and part-developed sites within the North Wessex Downs, especially redundant airfields and military sites (e.g. as at Wroughton) and the impact upon landscape quality and heritage assets”. Wroughton airfield is obviously a part-developed site.

192. In the PPG, paragraph 13 encourages focussing on “previously developed and non-agricultural land, provided that it is not of high environmental value”. The AONB Unit considers that this guidance shows that the application site completely fails to merit support: in the reverse of requirements, the scheme is not on previously developed land, is on agricultural land, and does not satisfy the proviso because the site is of high environmental quality. Instead, on the basis that the application site is a greenfield site, having long been in agricultural use and mostly never having been built on, the second bullet point of paragraph 13 of the PPG applies. On the first criterion there, the scheme would fall foul of the preference to avoid higher grade agricultural land, though on the second criterion it would to a degree allow continued use of the land for agriculture (though only sheep grazing to control the grass).

193. The definition of previously developed land in the NPPF causes complications, primarily because it introduces the concept of the curtilage of the developed land – whatever that is in the case of Wroughton airfield – but then muddies the issue further by stating that “...it should not be assumed that the whole of the curtilage should be developed”. We consider a degree of pragmatism is required here. The planning history of the site and the landscape importance of the openness of the land

between the hangars inform this. The AONB Management Plan is trying to discourage development on sites like this, and national energy policy is moving in the same direction. Some contortion would be required to invoke a favourable policy basis for prioritising a solar array on the application site.

The Development Plan

194. Numerous LP policies are relevant to this application, but the AONB Unit has focused on three which are particularly relevant to the AONB and this site: ENV11, ENV10 and R3. Policy ENV11 is essentially a local equivalent of what is now paragraph 116 of the NPPF, as paragraph 138 of the Planning Committee Report observes (CD1.3). Our earlier comments apply to conflict with this policy.

195. LP policy ENV10 'Landscape Character Protection' states "Within the countryside the Local Planning Authority shall seek to protect and enhance the character and quality of the environment. Development shall only be permitted where it takes account of its natural surroundings and their landscape character". The impact of the scheme on landscape character would be 'major negative'. It is clear that the SBC's Landscape Architect agreed. Her report stated that "... the entire site falls within the Downs Plain Local Landscape Character Area to which policy ENV10 of the current Swindon Local Plan 2011 applies. From the landscape stance I do not consider that this development will protect or enhance the character and quality of the environment. Nor does it take account of its natural surroundings". This was reported to Committee without a connection to LP policy ENV10 (CD1.3 paragraph 62) so Members would have been unaware of the non-conformity of the proposal with that policy.

196. LP policy R3 is a site-specific policy for Wroughton airfield. It starts "Proposals for the...(airfield)...shall be supported in principle for the expansion of the visitor attraction for the following uses relating to the Science Museum's activities", and then it lists three categories of activity and one proviso. However, the current application is not for the expansion of the visitor attraction or for any of the listed uses. The supporting text does, however, provide that even those initiatives at the airfield covered by the policy must demonstrate that they are in the national interest and respect the site's inclusion within the AONB and guidance in LP policy ENV11. There can be no doubt that the application cannot take advantage of LP policy R3 to support a solar array on the airfield. Clearly, the intention is nonetheless that uses of the site will change, subject to AONB constraints. That has been supported by the AONB Unit over the years, as previously noted.

Conclusion

197. The AONB Unit is saddened that the Science Museum has been blinkered by the prospect of income from a solar array on Wroughton airfield to the extent that, with SCSL, it has invested scarce resources in a project so completely at odds with national and local planning policy for the AONB and so damaging to this nationally important landscape. The policy tests in paragraph 116 of the NPPF, in particular, are not satisfied. Generating renewable energy has benefits in respect of contributing to needs objectives, but these benefits can be obtained elsewhere without damaging the AONB. The adverse effects of 67 hectares of ground-mounted solar panels and accompanying infrastructure on this site are overwhelming.

The Case for Natural England (NE)

The material points of the case for Natural England are:

The natural environment of the North Wessex Downs AONB

198. Protection of AONBs is a matter of national importance. Under Section 85(1) of the CROW Act all public bodies exercising public functions affecting land in an AONB must "...have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty". For local planning authorities, there is also a positive duty under Section 84(4) "...to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much of it as is included in their area". In landscape terms, there is no higher designation. Paragraph 115 of the NPPF requires that great weight must be given to conserving landscape and scenic beauty in such areas. In addition, paragraph 116 of the NPPF states a presumption against major development in AONBs.

199. It is common ground that the proposed solar project is "major development" within the AONB to which the presumption of paragraph 116 of the NPPF applies.

200. The proposed development is fundamentally inconsistent with government policies for conserving and enhancing the AONB. No particular issue is taken on any other ground such as loss of agricultural land (which would be minimal) or harm to biodiversity (the proposal would provide a modest net ecological benefit).

201. There are two main elements to NE's case. First, the proposal would involve very substantial harm to the AONB, contrary to Government policy and a matter that should be given great weight in the planning balance. Secondly, that a case to overcome the presumption against development in paragraph 116 terms has not been made out. There is a relationship between these two points. As noted by Mr Tyldesley "...the more serious the effects would be, the more unlikely it would be that the major development should be regarded as a justifiable exception".

202. There is a consensus that the proposal would cause major adverse effects to views in the AONB. Perhaps unsurprisingly for such a major project, the disagreement is not as to whether serious harm would be caused by the proposal, but the full scope of that serious harm. The project would, in fact, be exceptionally harmful to the AONB.

203. SBC and the Applicants rely upon an argument that the application site is special because of its planning history, policy context and/or the site owner. For the avoidance of doubt, these are not matters that should or could sensibly be used to argue that the landscape, visual and amenity impact of this proposal is reduced. They fall to be addressed under consideration of exceptional circumstances. Similarly, the classification of the land as agricultural, greenfield or brownfield matters not at all when it comes to the assessment of the impact upon the AONB. The site needs to be considered as it is: the southern half of a redundant and weathered airfield with its land used for many years for arable farming and now for grazing. To the extent that it is relevant, the status of the land falls to be considered when addressing the paragraph 116 test.

204. The boundary of the AONB south of Swindon generally follows the secondary scarp, so Wroughton village itself on the edge of the vale below is outside the AONB. The application site sits on the interim plain beneath the primary scarp, Barbury Castle and the Ridgeway Trail to the south. The outstanding natural beauty of the plain, as opposed to the vale, is therefore recognised by the national designation.

205. The Applicants have placed great reliance on the AONB's 2002 integrated assessment (CD14.4). This is the oldest of the assessments before the Inquiry but, in common with the other assessments, it notes the "spectacular views out across the surrounding lower lying landscapes". On the Chiseldon-Wanborough Plain character area it notes that the installations at the old Wroughton Airfield "are now dominant features of the area", an assessment that NE does not consider holds true now or reflects the contribution of the site to its landscape surroundings. Notwithstanding that, under the heading "Key Issues" it includes "flat, open landscape with particular vulnerability to large scale development ...".

206. The 2004 SBC's landscape character assessment (CD14.5) efficiently covers the key points for both the Downs Plain and the High Downs character areas. This includes the old airfield site as an historical reference on the plain, but also limited settlements, sweeping views, "...large, extensive fields", and the "...sweeping views northwards" are noted from the downs. The guidelines on pages 10-11 are also important and include "The Downs Plains constitute an important "stepping stone" between the High Downs and the Vales...an open landscape prevails with large field patterns and isolated, scattered forms of development...there are historic settlements present, for example Chiseldon village and the activity surrounding Wroughton airfield....The proximity and high visibility of this area from the High Downs ensures that any development could potentially be highly intrusive...".

207. The Wiltshire landscape character assessment (CD14.6) continues these themes: noting the views from the downs and the "large arable fields" on the plain. Of Avebury Plain it records the presence of twentieth century military developments, including the Wroughton airfield, but it does not conclude that these collectively or individually are dominant. In its evaluation, it notes positive features as including the large scale open nature of the plain, and forces for change including "...demand for large scale development that would be highly visible within the context of the open plain and on scarp skylines". Landscape sensitivities include "...the open and exposed character of the plain with long views", "...remaining areas of permanent pasture", "...small scale settlement pattern relating to the scarp and valley with predominantly open unsettled plain" and "...the open landscape of the plain is potentially visually sensitive to any form of large scale development".

208. The whole suite of landscape character assessments recognises the sensitivity of the plain and downs to large scale development, notwithstanding that they recognise that the old airfield at Wroughton is part of that landscape.

209. The hangars and airfield itself do not reduce the sensitivity of the landscape. The Applicants' own LVIA concludes that the landscape is of a high sensitivity (CD8.9). However, Mr Denney's view was that the site itself has a "distinct local character" so the sensitivity can be reduced to medium. He confirmed in cross-examination that the "distinct local character" he referred to was appreciated from the site itself and its immediate environs. This is to miss the point. The particular sensitivity, as is made clear in the various assessments, is the visibility of the application site in its wider landscape context and in particular from the higher ground to the south. As Mr Tyldesley has explained, if one just looks at the application site, it may inappropriately reduce the assessment of sensitivity.

210. In landscape character terms, the site contributes positively to views from the downs and the appreciation of the surrounding landscape (open, large scale and agricultural). Despite its former use the old airfield has mellowed and the site has acquired the character of open agricultural land that blends in and sits well with the surrounding agricultural land. It plays a positive role in the AONB. The scale of the

application site is consistent with this. The topography enhances the contribution, orientating the southern area towards the scarp. It is against this baseline that the change proposed falls to be assessed.

211. The lynchpin of the Applicants' case is that the existing development is "dominant" in the landscape. However, in the key sensitive views this assessment is neither a fair nor realistic assessment. Nor does it accord with the Applicants' own expert's evidence. Mr Denney, with regard to views from the Ridgeway and Barbury Castle, has commented that "In general from this distance (approximately 2km) a fairly subtle change in landscape character can be discerned between the former airfield...and the wider character area. The edges of the airfield are defined and marked by the scale of the buildings to the periphery. Some of the buildings are constructed from fairly light coloured and reflective materials...Several of the other buildings are more muted in colour. The runways can be discerned but some sections are patchy and subject to weed growth, the runway markings have faded beyond perception at this distance ...".

212. Mr Denney has also accepted that any distinction between the character of the airfield site against the wider character area "...may have mellowed". There is rightly no suggestion in Mr Denney's evidence that the features on the site are dominant in the key views. Mr Tyldesley's evidence is that the runway strips themselves are evident but not conspicuous and surrounded by land in agricultural use, the old hangars "have blended into the landscape, a process assisted by their downward curved shape, colour and texture ..." and the other buildings have similarly blended in well. Only two of the surrounding buildings are conspicuous: the two buildings of more modern appearance on the northern edge of the airfield: buildings A1 and D4.

213. The weight of expert opinion therefore agrees that the existing site should not be characterised as dominant, save possibly for two certain modern buildings furthest away from the application site. Some sense of the way the site currently blends in may be gained from the photographs and visualisations, although these are not a reliable guide to the scale and distances involved. In reality the site is so large that it feels closer to the key viewpoints than the photographs permit. The appropriate conclusion is that the site contributes positively to its sensitive landscape context.

214. To maintain the claim that the application site is already dominant, and therefore harmful to the landscape character, the Applicants rely upon two main sources: the 2002 AONB landscape character assessment (CD14.4) and the AONB Unit's evidence. The 2002 assessment is the oldest of the landscape character assessments specifically to consider the site so less weight should be given to it insofar as it refers to the hangars, runway and infrastructure as "dominant features". This is for three main reasons. First, that assessment is not supported by the Applicants' own expert evidence or that of SBC, NE or EH. Secondly, the assessment is now 12 years old; the focus of any assessment should be the experience today. Thirdly, none of the other character assessments support the claim.

215. The draft Management Plan 2014-2019 refers to military installations as "dominant and defining features of the area" but this appears to be drawn from the 2002 landscape character assessment. Furthermore, in the landscape chapter of the document there is no mention of the dominance of the old airfield. The AONB Unit maintains that the airfield is dominant in views from the Ridgeway but NE do not agree with this view. A curiosity of this part of the case is that the Applicants are forced to rely upon one part of the evidence of the AONB Unit that it otherwise rejects and which is not supported by their own expert.

216. The magnitude of the impact of the proposed development is high. The sheer scale of a 67 hectare array of solar panels laid out on land orientated towards the southern scarp would have a high adverse impact on landscape character. The development would replace the existing agricultural character of the application site with arrays that to the east wrap around the blister hangars creating the impression that existing buildings spaced around the peripheries of the application site and relatively dispersed would be visually linked by the development, exacerbating the impact. The materials would be of an industrial nature: uniform, dark blue or green, very different in terms of colour and texture from the surrounding landform and having the character of industrial apparatus.

217. The question may arise as to whether it would make any difference to the assessment if the existing airfield were characterised as dominant (which is not accepted). But "...more and more damaging development in a protected landscape [should not be justified] simply because some part of the AONB is perceived to be degraded" nor would it be right "...to justify an intrusive and conspicuous development on the grounds that there is already an intrusive development there". While assessments differ, there is common ground that the proposal would have a significant adverse effect notwithstanding how the baseline is characterised. The landscape and visual chapter of the Applicants' assessment concludes a magnitude of "medium to high" and an overall impact on the landscape character of "major/moderate adverse" (CD8.9). The development would cause very serious harm to the landscape character of the landscape of the AONB.

218. The above considerations also apply to the assessment of visual impact. It falls to reiterate the high visibility of the application site, its topography which tilts the land toward the sensitive viewpoints, the enormous size of the application area and its current undeveloped nature. NE do not maintain that wherever the solar panels would be visible they would be unacceptable, but focuses upon key views from the protected Ridgeway Trail and Barbury Castle Country Park. For over 2.5 kms of the Trail, the development would be clearly visible, would draw the eye and be the most obvious feature in view. The fact that a viewer could choose to avert his gaze at times to the left and to the right makes little difference. The proposal would form a major, inescapable, conspicuous intrusion in the views, detracting from the scenic beauty of the AONB and amenity value of the National Trail.

219. There is agreement that the sensitivity of the receptors that would be affected is of the highest order. These are people visiting expressly to enjoy a natural and historic environment of international significance. The change caused by this development would be harmful. SBC's landscape officer considered that the solar panels would appear as a "solid grey mass" and "have the visual appearance of a matt grey industrial roof" (CD1.3). Mr Denton-Thompson agreed the development would be "visually prominent" and represent an "intrusion on the view" for a 30 year period. Mr Harley's assessment also notes adverse impacts.

220. The Applicants' LVIA records a "major adverse" visual impact from Barbury Castle (CD8.9) and "major/moderate adverse" or "moderate adverse" impacts from other locations. Mr Denney considers that clear views would be affected along the Ridgeway, that the material used for the panels "would relate visually more closely to the existing large buildings than the existing grassland" and that there would be a "major/moderate level of effect" and a "major level of effect" from several locations.

221. It might be said that visually the development would look similar to an agricultural field (whether filled with linseed, rape or flax). There is no warrant for such a conclusion. It would be inconsistent with the unanimous view from the

experts of a major adverse effect. It is true that some of the fields on the plain are of a large scale. However, it is precisely because the proposed solar panels would match that scale, but depart starkly from the rural character, that the development would be so harmful. It is not hyperbole to say that it would destroy the existing field pattern, far exceeding the limited impact from the relatively few existing settlements and buildings on the plain in the current view. The panels would not appear like water or like a plantation of small fir trees though both of these would undoubtedly constitute negative visual impacts. A better analogy may be a 67 hectare car park: something that would have a very serious impact on the appearance of the AONB indeed.

222. Given the impact on elevated and open views, it was not seriously suggested by any witness that there would be scope for meaningful mitigation. SBC's landscape officer's view in fact was that any "...amelioration would itself have a detrimental impact upon the landscape" (CD1.3).

223. That permission is sought for a temporary period of 30 years after which the land would be restored also does not count as mitigation. In respect of wind turbines the Inspector's view in the Matlock Moor case (APP/R1038/A/09/2107667 and APP/P1045/A/09/2108037) was that "... 25 years is an unreasonable length of time to wait for a respite from harms. It is about a third of a person's lifetime; the span of a generation. In my view, none of the harms that I have identified would be diminished by the long-term prospect of the turbines' removal. In any case, the removal of the turbines in 25 years cannot be guaranteed. In years to come the wind farm might receive another planning permission which allows it to remain. I therefore give very little weight to the reversibility of the scheme."

224. The NPPG on Renewable and Low Carbon Energy (CD10.3) notes among other things that "...solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use". If permission is granted a robust condition should be imposed to require this. There is however no indication in the NPPG that the temporary nature of solar development mitigates its impact, indeed the next bullet point of the guidance relates to "the proposal's visual impact ...".

225. Special qualities are relevant because the impact is upon the AONB – this brings other factors into play beyond simply landscape and visual matters. All public bodies must have regard to the purpose of promoting opportunities for the understanding and enjoyment of the special qualities of an AONB. They are defined as "those aspects of the area's natural beauty, wildlife and cultural heritage, which make the area distinctive and are valuable, particularly at a national scale". While there is no fixed process for determining what the special qualities are, any assessment of the impact upon the AONB must include consideration of the nationally important attributes that underpin its natural beauty.

226. Overall, it is very clear that the proposal would have a substantial adverse effect upon the enjoyment and character of the AONB. In part, this is because of the protected status and nature of the landscape, but it is also related to the scale of the development and the sensitivity of the location. Mr Tyldesley's conclusion was that in his considerable experience this solar project is "...potentially the most harmful development proposal" he has ever seen in an AONB. That is what motivates NE's concern and prompted the organisation to make a rare request for the application to be called in. To grant permission in this case would contravene the principle of conserving and enhancing nationally designated landscapes.

227. This is not an injunction against renewable energy schemes in AONBs, it is not even an injunction against *major* renewable projects within in an AONB. All depends on the circumstances. The decision of West Berkshire Council to grant planning permission for a 27 hectare (17 MW) solar array at the old aerodrome in Membury is a case in point (CD16.1). That was major development in the same AONB, but the impacts were very different – the site is on relatively low ground, not overlooked and remarkably well screened; when built out Mr Tyldesley's view was that it would only be likely to be visible from the motorway. Here, by contrast, there would be very substantial undue harm to the AONB.

Paragraph 116 of the NPPF

228. The case made for exceptional circumstances has proved to be something of a moveable feast. SBC confines its case to the Science Museum's role as owner of the site. The Applicants present a range of factors, including matters that could not possibly be exceptional on their own, but which when taken together are claimed to amount to a collection of circumstances that is exceptional. It is accepted in principle that a number of considerations taken together could amount to exceptional circumstances, however the absence of a single compelling justification is likely to weaken a case.

229. SBC is correct to focus on the benefits that would accrue from the development to the Science Museum. There is a need for and importance of adding to the unrestricted funds available to the Science Museum to enable it, among other things, to upgrade and maintain the facilities at Wroughton to the highest possible standard. The 35,000 objects stored in some of the hangars and warehouses on the site are remarkable. The Science Museum has a statutory duty to look after them. To the extent that the funds would be ring fenced and used at Wroughton, additional funding is a material consideration. However, while the public interest in and need for more funding is accepted, that does not mean that very substantial harm to the AONB is either necessary or justified in order to achieve that aim. NE remains unsatisfied that the Science Museum's financial circumstances amount to an exceptional circumstance.

230. The key question under paragraph 116 is 'what is the scope for meeting the need in some other way?' A number of points fall to be made in this regard.

231. First, it is important to emphasise what is not proposed. Plans to expand the collection are not to be provided for by funds from this scheme. The Science Museum, as Mr Newby puts it, "needs to develop the site and expand its ambitions in the creation of a national repository ...". But this is a sensible and viable project *in its own right*. While Mr Newby's evidence mentions a number of wider plans those matters are independent of this project, which is only relied upon to assist in the preservation, conservation and storage of the objects currently at the site.

232. Secondly, as far as meeting its core statutory responsibilities to look after the objects currently in its care, including emergency repairs to the buildings, Mr Newby made it clear that the Science Museum would do this whether or not the development is granted permission. His evidence was also clear that it is the Science Museum's intention to remain at Wroughton.

233. Thirdly, it was disclosed during the Inquiry that the income generated is anticipated to be relatively modest: approximately £200,000 per year. Mr Newby, for the Science Museum, has stated that the Science Museum needs "more money than we can generate". The cost of repairing or upgrading a single hangar is

upwards of £1.15m according to the submitted note. Mr Newby's evidence paints a costlier picture in respect of building D3: £3.125-5.125m for the various remedial works set out. £200,000 per year is at best a minor contribution to that need.

234. Fourthly, it was not said in the Science Museum's evidence that there is no other way of funding the necessary works. It is understood that this depends upon the generation of unrestricted income, the great majority of which comes from a capital grant from Government. However in his proof Mr Newby refers to "...innovative ways of generating income for this repair ... ranging from the application proposal through to event-space leasing". In his oral evidence he referred to the effect of Government cuts of two years ago requiring the Science Museum to be "less risk averse" and that in that light "...this kind of initiative is one of a series we have done". The note demonstrates an income of £145,000 and £110,000 in 2012 and 2013 respectively just from leasing the hangars. The note states that "...large scale refurbishment or high cost repairs are funded through alternative means, and at present this means from emergency funds and income generation". Without the solar array funding, the Science Museum has been able to fund recent repairs to building C1 and the new archive in building D2. The Science Museum has, in fact, a commendable track record of creativity and resourcefulness in the management of its collection.

235. Fifthly, it appears that the only alternatives that the Science Museum has looked at for the purposes of the Inquiry are renewable energy projects. This appears to have started before Government cuts were announced with a feasibility study in 2010 as to whether the site could be used for wind energy development. Insofar as the site's own energy needs are concerned, planning permission was granted for solar panels north of building D2 in 2012 sufficient to generate 50 kW. There is very little information of what other options the Science Museum has to generate a greater income stream instead of carrying out the proposal.

236. Finally, there remains a real lack of detail on how the funding would be secured and used. NE does not doubt the good faith of the Science Museum, that it would use funds for works at Wroughton, however the lack of a specific programme reduces the weight that can sensibly be given to a specific need that cannot be met in another way. It is fairly clear that providing general funding to a public body should not be given weight in the planning system: the NPPG on determining a planning application (CD10.5) states that "...it would not be appropriate to make a decision on the potential for the development to raise money for a local planning authority or other Government body". In the Fen Lane case (A/13/2200887) the Inspector, with whom the Secretary of State agreed, said that providing simple contributions to the Environmental Agency's finances is not a matter to which she could attach significant weight. The position here is slightly different in that it is understood that the funding would be ring-fenced, but NE does have concerns about the lack of specification of what the money would in fact be used for.

237. Overall, it is accepted that the Science Museum at Wroughton does excellent work and deserves support. A contribution to the repair and upgrade of dilapidated facilities is a material consideration, but less weight falls to be given to that because of the lack of specificity in what the money would be used for and the failure to show that there are no other sustainable ways of providing the income stream. What is sought is a type of enabling development. There are plenty of organisations with good causes that have a need for a greater income stream. Without clear justification an income stream should not be extracted through development at the expense of the protection of our most valued national landscapes.

Renewable energy

238. NE does not dispute that there is a national need for renewable energy, in particular to mitigate the impacts of climate change and to provide energy security. Nor is it disputed that there is a need for local communities, including Swindon, to contribute towards the supply of renewable energy in order to meet the national need. The main consideration under this heading is whether or not the need can be met without this scheme. Not only can national need surely be met elsewhere but that is inherent in Government policy on renewable energy that side by side protects designated landscapes and promotes renewable energy. Perhaps most clearly the recent NPPG on Renewable and Low Carbon Energy (CD10.3) notes "...the need for renewable or low carbon energy does not automatically override environmental protections" and adds that "...proposals in ... Areas of Outstanding Natural Beauty...will need careful consideration". None of the national guidance or documents relied upon is inconsistent with this basic position.

239. In Swindon Borough, the opportunities to provide renewable energy may be more limited. Swindon has set a target, in line with national aspirations, to provide 200 MW of low carbon or renewable electricity within the Borough by 2020. The target finds concrete expression in the proposed modifications to emerging policy IN4, which includes the statement that "within or in close proximity to the AONB, large-scale renewable energy developments are unlikely to be supported, unless it can be proven that there are no detrimental effects on the environment, landscape and recreational opportunities and there are clear and assessed national or local economic benefits". SBC therefore recognises the need to avoid renewable energy that would have a significant adverse impact on the AONB. It may be that the target is onerous, but that should not mean that the need for renewables overrides environmental protection, locally any more than nationally.

240. SBC has acted commendably in setting the target and has evidently been very proactive in pursuing low carbon energy projects, in particular solar. Swindon's latest Energy Future paper (CD11.14) refers to two local authority sites (totalling 18 MW) that are being promoted, as well as investment opportunities in renewables, solar noise barriers on the A419 and M4; also there is a planned local development order that will both extend permitted development rights for micro-generation and introduce permitted development rights for solar arrays at suitable locations across the Borough (but not within the AONB).

241. Mr Owen's table (supplemented by 5 MW) demonstrates that there is 84 MW of consented and planned solar power within the local authority area. That figure only relates to ground-mounted solar PV projects greater than 1 MW that have come forward within the last three or four years. This does not in fact paint a gloomy picture against a 2020 target of 200 MW from all sources. Mr Owen's scepticism about what can be achieved is noted. However, he thought there might be scope for 100 MW from solar on roofs in Swindon – something that might be facilitated by the current Government policy direction and SBC's local development order. Issues about grid connection are also noted, grid connection capacity seems to be a general constraint on Swindon meeting its target. If that is right, SBC may need to take a strategic approach. One argument for having to put a very large array in the AONB is in order to fund the lengthy connection to the nearest bulk supply station at Toothill. The sensitive and remote location of the site therefore necessitates a greater scale and therefore impact of development. There is something counter-intuitive about this.

242. It may be a better strategy to pursue smaller schemes. In this regard Part 1 of the UK Solar PV Strategy sets out that "...the larger the plant the more complex the connection requirements" (CD10.12). One problem, but not the only one, with the various iterations of site search assessment provided by the Applicants is that they do not consider sites smaller than around 41 MW. It was never in those circumstances likely to provide any real assessment of alternative grid connection options or how smaller schemes could contribute to the local need. By measuring other sites against the suitability, availability and viability of the scheme for the Science Museum, the assessment was always likely to come up with one answer. No assessment is perfect but the assessments that have been undertaken tells us little about the actual scope for renewable energy schemes elsewhere in the Borough.

243. The 3 MW M4 noise barrier scheme, one of the planned schemes, does (at least currently) require use of the Wroughton grid connection. The contribution to grid infrastructure is an additional benefit of the proposal, but it is hard to see why this should be provided at the cost of development in the AONB. Again a strategic approach is perhaps required. It might also be noted that investment in permanent infrastructure of this kind may lead to greater pressure for further development in the AONB and/or renewal of the project at Wroughton after the 30 years.

244. It has not been shown that only with 41 MW from Wroughton can the nation or Swindon meet their targets. The best that might be said is that it *could* prove difficult for Swindon to meet its target without the development. All sorts of good infrastructure, planning, land-ownership or financial reasons may stand in the way. It may be that even with Wroughton the target is not met. Ultimately, while SBC can be commended for doing a great deal to promote renewable energy, the binding target (to 2020) is a national target (and after 2020 it is a general European target): areas with greater capacity will have to contribute more; some already do. Swindon should not be criticised or criticise itself if, for reasons such as national landscape designations, it cannot meet the target.

Community support

245. Local objection or support, however strong, will be unlikely to override national or local policy. The primary forum for local communities to express their support for or objection to certain types of development in their area is the plan making process. In *Tewkesbury BC v SSCLG [2013] EWHC 286*, the Secretary of State rejected an argument made by the planning authority that "localism tips the balance". In the High Court Males J rejected the challenge to the Inspector's decision stating that the effect of the Localism Act 2011 was to give communities greater say, but that this "...will depend upon the expeditious preparation of local plans which make provision...for the future needs of those areas"

246. The Applicants claim that support is "overwhelming" for the proposal and that this is a matter that should be given "very considerable weight". NE accepts there is a measure of local support and that this falls to be given *some* weight in the planning balance, but it is not elevated and certainly would not be enough to make a significant contribution to a case against a national policy presumption.

247. It is also important to put the level of that support in perspective. Wroughton Parish Council is neutral whilst Broad Hinton and Winterbourne Bassett Parish Council (nearly abutting the site to the west) opposes it. The AONB Unit, the CPRE and the Friends of The Ridgeway all oppose the application. Before the Committee, whilst there were only three letters of objection, there were only six letters of support.

Support cannot sensibly be a matter which attracts very considerable weight, or even considerable weight. The reliance placed upon community support demonstrates the overextended nature of the Applicants' case on exceptional circumstances.

Community benefits

248. Community benefits are *potentially* a material consideration, the issues that arise are, firstly, how those benefits would be secured and, secondly, the connection between those benefits and the planning permission sought.

249. On the first matter, the Applicants have belatedly decided to promote the community benefits by way of a Section 106 Unilateral Undertaking. The undertakings include the establishment of a bond issue and the payment of money to a community fund. It is hard to see how these come within the scope of Section 106(1) which contains four prescriptions for obligations; (a) restricting the development or use of the land in any specified way, (b) requiring specified operations or activities to be carried out in, on, under or over the land, (c) requiring the land to be used in any specified way, or (d) requiring a sum or sums to be paid to the authority...on a specified date or dates or periodically.

250. One reason behind the statutory prescriptions is enforceability (for example, the local planning authority is not in a strong position to enforce the payment of funds to a third party fund operator). Nevertheless the terms of the agreement as amended are relatively clear and while they may not be enforceable as a Section 106 agreement, it is noted that the agreement is also made under Section 111 of the Local Government Act 1972. If the agreement binds the Science Museum it may be enforceable at least to some extent given that there is little suggestion of the Science Museum ceasing to exist or vacating the land for which permission would be granted.

251. However this does not resolve the second matter, which is fundamental. The community benefits relied upon have no connection with the development, accordingly as obligations they fail the test in Regulation 122 of the Community Infrastructure Levy Regulations 2010 that they be "(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development". That is fatal to the Section 106 agreement as a matter to be relied on. However similar considerations apply in whatever form the community benefits are promoted. It is well established that for financial considerations to be material there must be a real connection between the benefits and the development (see *R (Sainsbury's Supermarkets Ltd) v Wolverhampton CC [2010] UKSC 20*).

252. The benefits of the community fund are at large: they are undefined and the leaflet provided at the Inquiry to explain the fund includes examples such as university bursaries, paying for play equipment or setting up a group. None of these things have anything to do with a solar project. It is possible to imagine community benefits that would be connected: employment, funding mitigation works, educational opportunities connected to the development, for instance. Similarly the bond offer is essentially unrestricted payments to individuals as investors. It is not a case of local people directly accessing electricity. Nor is it an arrangement that gives local people any control, instead they receive a fixed dividend. The arrangement is to a large degree simply a way of financing the project, made slightly more available and attractive to people living within a certain radius. NE is not convinced that this provides a sufficiently direct connection to the development. Also, in neither case do the timescales of the benefits fit with the development: the bond is for five years whereas the community fund is said to last beyond it.

253. There is no planning policy support for the argument that unrestricted payments to the community, whether through a bond or a community fund, are material planning considerations. The Applicants' rely upon Gregory Barker's comment in Parliament about the "thrust of Government policy" as well as various references in the UK Solar Strategy relating to community investment. It is no doubt laudable to encourage local people to invest financially in renewable energy, but that does not make it a material consideration in planning terms any more than greater weight should be given to projects promoted by offshore developers because Government encourages foreign investment.

254. While the NPPG on Renewable and Low Carbon Energy (CD10.3) provides support for community initiatives, especially through neighbourhood planning, it does not encourage open-ended benefits. Even emerging LP policy IN4, which does refer to benefits, refers in its supporting text to benefits derived from a direct connection to an energy scheme, access to a more sustainable energy supply and jobs associated with the low carbon economy.

255. This is another area where the Applicants' case on exceptional circumstances is overextended. No weight should be given to the community benefits as proposed.

Ecological enhancements

256. Both local and national planning policy seeks to enhance biodiversity and ensure net gains where possible. NE welcomes the benefit from the ecological enhancements that would be provided through the Biodiversity and Ecological Management Plan, but there is a need to keep this in perspective. The case has been somewhat exaggerated by the Applicants as a considerable opportunity for biodiversity enhancements. The extent of the benefit falls to be considered against the existing conservation management on the site and a policy background that expects net gains. Weight should be given to net gains in biodiversity, but it does not amount to a significant factor in the NPPF paragraph 116 assessment.

A special site

257. Great emphasis has been placed by both the Applicants and SBC on what they called the "special" or "exceptional" nature of the site to support a case for exceptional circumstances. The various points put forward can however be dealt with relatively briefly. It is NE's position that such arguments do not support an exceptional circumstances case, they rely upon speculative or counter-factual scenarios that do not engage with the merits of the proposed development.

LP policy R3

258. LP Policy R3 relates specifically to the airfield as a visitor attraction and supports expansion of the site for uses directly connected to the Science Museum's activities together with ancillary uses, namely "limited catered accommodation, hostel accommodation, conference facilities and educational/training facilities". It is misleading to claim that the policy supports large scale new built development, especially if that would harm the AONB. The policy might support major development in the AONB of a different nature altogether, but not the solar development proposed. The 2011 Local Plan Inspector noted that the policy supports a unique proposal on a unique site emphasising "the very limited options across the country for this national project". The Inspector proposed a minor rewording to

reflect his view that "...only those activities with a direct relationship to the work of the Museum should be permitted".

Greenfield, brownfield or agricultural

259. The grassed areas of the airfield are grazed by sheep and, even if this is "essentially a lawn-mowing service", as claimed by the Applicants, use of land as grazing land falls squarely within the definition of agriculture in Section 336(1) of the 1990 Act. Not only is the airfield currently used for sheep grazing, but it still benefits from public funding under the Countryside Stewardship Scheme. Until recently it was used as arable land. The argument that the land is not agricultural is based on an outdated 1977 classification (when the site would still have been in use as an airfield). As far as the landscape baseline is concerned the application site is currently pasture. As a matter of planning law it is in agricultural use. The point has no further relevance, except that the Applicants wrongly relied upon its alleged status as non-agricultural to score it unfavourably against alternative plots in the Borough in the alternative site search assessment. NE does not take the impact of the development on agricultural land as an issue, but it is clear that a spurious argument that the site is non-agricultural cannot weigh in favour of the development.

260. Something similar may be said about whether or not the site is previously developed land. In the Committee Report Mr Dewart took the view that "...the development land should be defined as largely greenfield, with pockets of previously developed land" (CD1.3), but changed this view in his evidence to the Inquiry. The only new factor on which he could explain his change of position in his proof of evidence was a brief reference in an Inspector's report of 2 June 2014 referring to "brownfield" and "former airfields" in the same sentence. As Mr Tyldesley explained, given the site's use as agricultural land and the fact that the infrastructure has to some extent blended into the landscape, it is a reasonable conclusion that the application site is at least to a large degree properly understood as a greenfield site.

261. Even if the airfield were classified as entirely brownfield, this would not make the circumstances of this case exceptional. Development on brownfield land is only encouraged by the NPPF "provided that it is not of high environmental value". The high sensitivity of the site within the AONB is recognised by most parties. Nor would any governmental preference for solar PV arrays on brownfield sites over greenfield sites apply if the site is otherwise environmentally sensitive. Part 1 of the UK Solar PV Strategy (CD10.12) discusses brownfield land and then sets out that the "key issue is ensuring that proposals to deploy solar PV take account of the circumstances of each project. A brownfield site may...be part of an AONB". NE does not accept that all redundant airfields are automatically brownfield (West Berkshire Council considered the redundant Membury airfield to be agricultural land), but even if they are, that cannot contribute *per se* to an exceptional circumstances case: otherwise a great amount of open land within the curtilage of rural buildings in National Parks and AONBs would be at greater risk of major development regardless of the circumstances of the case. Whether or not the site is brownfield is largely a technical exercise to which not much weight should be given.

Conclusion on exceptional circumstances

262. Taking all the aforementioned factors into account it is NE's position that they do not represent exceptional circumstances. The harm to the AONB is substantial. Neither the general need for renewable energy nor the specific need for repair works

at Wroughton have been shown to justify it. The application is therefore fundamentally inconsistent with Government policy to protect the AONB.

Meeting the challenge of climate change

263. As noted above, to the extent that the scheme would provide 41 MW of renewable energy, it is clearly supported by Government policy on climate change that does not question need. However, national policy on renewable energy only supports development if its impact are, or can be, made acceptable. None of the statements of Government policy promoting low carbon development is without a caveat about its environmental impacts.

264. It should also be noted that the most recent Government steer on solar energy is (i) to emphasise the need to site solar PV developments appropriately and (ii) to promote household and rooftop solar schemes first, then brownfield sites. Even if this were a brownfield site not within an AONB, it would still not be in the first tier of Government priority which is not for ground-mounted but roof-mounted solar.

The Development Plan

265. There is a clear breach of the development plan for the area. As already noted, the proposal is not supported by LP policy R3, which properly understood is irrelevant. Mr Dewart treated policy R3 inappropriately as the dominant policy, on the basis of which he apparently considered the judgement of compliance with the development plan to be "finely balanced". The development is in conflict with LP policies ENV5, ENV9, ENV10, ENV11 and CF11.

The Case for English Heritage (EH)

The material points of the case for English Heritage are:

The historic environment of Barbury Castle

266. "Barbury Castle: a hill fort and bowl barrow", to give it its full description, is a scheduled monument of national importance. It is a well-preserved large multivallate hill fort, a form of major Iron Age hilltop enclosure, built between the sixth century BC and the mid-first century AD. It is one of the largest man-made constructions of the British Iron Age. Its significance is such that it was one of the 68 monuments that appeared on the first schedule pursuant to the original Ancient Monuments Protection Act of 1882. Its status as one of our best-preserved and most important prehistoric sites has therefore been recognised from the inception of heritage protection in this country.

267. Multivallate hill forts are generally regarded as centres of permanent occupation, fortified and defended in response to increasing warfare. However, they are also now understood to play a more complex role in Iron Age society, potentially acting as safe meeting places for trade, shelter and worship, under a powerful elite able to organise the large community and immense resources that would be required to build and maintain such substantial expressions of wealth, status and power. They are rare: only around 50 examples have been recorded nationally.

268. Barbury Castle probably served agricultural, domestic, sacred and military functions. It was developed so as to command respect and exploit the resources of surrounding land including the vale to the north. Research has yielded evidence of dozens of roundhouses within its ramparts, along with workshops, granaries and potentially grain storage pits. It was the focal point and physical embodiment of status within its Iron Age community. When assessed as a heritage asset, as required by paragraphs 126 and 128 of the NPPF, its significance is of the highest order. The Applicants accept that there is nothing higher in terms of heritage importance. In accordance with EH's Conservation Principles: Policies and Guidance (CD15.2) the heritage value of Barbury Castle can be expressed as to include evidential value (it holds a wealth of archaeological evidence of its intensive use as an Iron Age hill fort) and historical value (it demonstrates the functions of this form of hill fort and its relationship with the surrounding land).

269. There is an area of dispute regarding the attribution of aesthetic value to Barbury Castle. It is material in this case and the Applicants improperly fail to recognise its importance. It is not necessary for aesthetic value to be limited to an appreciation of the form of the asset purely in itself. The guidance makes it clear that it arises where people draw sensory and intellectual stimulation from a place. This embraces not just the form of the asset itself but involves consideration of views and vistas and may encompass the form of a rural landscape, where landscape qualities may inspire feelings of awe or fear. In this way factors which will plainly be relevant to an assessment of the setting of a heritage asset will also be relevant to its aesthetic and overall heritage value.

270. A related point is that it would be wholly wrong to find that the maintenance of evidential or historic value in the physical asset itself somehow prevents the potential for significance to be substantially harmed, in particular by way of development in the setting. There is no such suggestion in any of the guidance and it would run contrary to the fundamental principle that setting can make a substantial contribution to the significance of an asset. There is no justification for regarding setting simply

as some form of enhancement to significance which is attributed discretely to the physical asset. It can be, as here, an integral and fundamental contributor to the significance of a heritage asset. EH guidance on the Settings of Heritage Assets (CD15.4) makes this plain.

271. In this context, the proper analysis of the setting recognises that the monument survives in a prominent location on the scarp edge of the North Wessex Downs and possesses as one of its attributes a vivid impression of remoteness, standing aloof above the low ground laid out below. Views from the hill fort, on the relatively high ridge which it occupies, are of great significance. They confirm its strategic location and the effective role of its defences in offering the widest views over the surrounding lower ground, particularly the lower chalk plateau to the north. These would have been critical factors in its selection as a stronghold.

272. The dominant impression in these views is the openness of the wider area, which to the north takes in a broadly continuous vista of agricultural landscape. This open and large-grained landscape makes an extremely positive contribution to an appreciation of the Castle as a heritage asset. It was not just experienced as a strategic defensive fortification, important though this was. Barbury Castle would have been at the heart of a managed landscape of ploughed fields, enclosures and grazing land, interspersed with the farmsteads and small settlements of the community who subsisted in this way. The surrounding landscape essentially retains a predominantly agricultural character and rural grain which broadly reflects how research suggests the hillfort would have been experienced. There is no dispute that there is a very clear relationship between the asset and the agricultural character of the surrounding landscape, as evidenced by remains found at the hill fort itself and its location in a position which allowed for exploitation of the land below. The agricultural activity on that land may have altered since the Iron Age, however its essential character generally remains the same.

273. It is agreed that the views out from Barbury Castle are a further key element of the contribution that its setting makes to its significance. Those views are important because they emphasise not just the defensive nature of the hill fort but also its strong relationship with the rural landscape of the chalk vale below, over which control was exercised. Whilst there is a sense of monumentality in the construction of the hill fort itself, this does not truly describe the reasons which lie at the heart of the role played by the setting. The views from the hill fort are of key importance because they are crucial to an understanding of how and why Barbury Castle functioned as it did.

274. Further, it is common ground that the topographical relationship between the vale and Barbury Castle is another key element of the contribution made by the setting to significance. Again, it is not enough to note the difference in elevation between the hill fort and the landscape. The important point is to acknowledge the position of Barbury Castle overlooking the generally open character of agricultural land below and exercising a dominant relationship over it, as demonstrated most clearly in views from the fort itself.

275. The Applicants also accept that whatever analytical steps are taken to separately identify the characteristics of the setting which primarily support heritage significance, there is a clear overlap and relationship between them, in particular the views from Barbury Castle and the association with the vale to the north. Even if, following the Applicant's account, one takes account of the topography and monumentality in the construction of the earthworks themselves, this complexity in relationship is central to properly understanding the setting and its role in attributing

significance to the hill fort. The links between these features are important when considering the impact of the proposals for the application site. They should not be seen as divisible or autonomous, for to approach them in this way would involve an incomplete understanding of what makes Barbury Castle significant.

276. There are, however, differences between EH and the Applicants on the contribution that certain features of the setting make to the significance of Barbury Castle. The proper assessment of these differences reveals that the Applicants have not focussed adequately on the most important aspects of the setting which contribute to significance. As a result they materially underestimate the impact which the proposals would have.

277. The Applicants place too much weight on views towards the hill fort in identifying aspects of the setting which contribute towards significance. Views from the hill fort provide a much greater understanding of the venture that was involved in its construction and the role it was intended to play. Those views, whether from the top of the ramparts or from places within the earthworks themselves, offer a much stronger sense of the history and function of the place than views from locations within the vale. Barbury Castle itself provides the best location to enable the fullest understanding of its significance.

278. Even when considering views out from Barbury Castle, the Applicants are wrong not to distinguish in importance those to the south and north. It is right that views to the south also take in agricultural land. However, their contribution is in no way of the same order as views to the north, which make a far stronger contribution to the sense of strategic importance and dominion over an agricultural landscape below. On a visit to Barbury Castle these are the views which naturally draw the eye, because they provide the "balcony" vista which does so much to relate the status, power and role of the hill fort and its intended relationship with its surroundings. The relationship between the earthworks and the agricultural land below is far more pronounced to the north given the topography and relative change in height between the two. These views out are important not just from the top of the earthworks, but from within the monument, where the application site appears immediately above the northern ramparts. This emphasises the role played by the application site in relating the land to the north to Barbury Castle. In the very place where the settlement functions of the asset will be most readily appreciated, the application site is prominent in views out.

279. The Applicants' analysis is also undermined by its failure to accurately characterise the role of the application site itself within the wider setting. There is no dispute that the landscape of the vale to the north of Barbury Castle is generally agricultural even taking account of the application site. The application site around 1.5km away does not, as matters stand, materially detract from this understanding of the significance of Barbury Castle and its setting when it is considered as a whole.

280. It is acknowledged of course that there is a former airfield on the site and a complex of hangars, two of which are more noticeable in their location towards the northern part of the site. However, the airfield is perceived, partly because of the angles of the runways in the view, as a mainly green space, within a continuum of agricultural land looking north from the hill fort. The faded, dull concrete runways sit within a wider area of land that is used for agriculture and cannot be described as prominent intrusions. The hangars were deliberately dispersed over what is a massive site and they too have generally mellowed in their appearance and to an extent faded into the landscape. The predominant feature of the site remains the huge expanse of grassland which reads consistently with the agricultural land

beyond. Overall the site does not presently diminish the ability of the setting to contribute to the significance of the hill fort and the understanding of how it would have been perceived – commanding and exploiting a lower surrounding landscape which was overwhelmingly rural in character. The impression of the land within the application site being part of a wider, predominantly agricultural landscape which Barbury Castle overlooks is therefore an important feature of its setting, which forms a key element of the significance of this scheduled monument.

281. However much they try to move away from it, the Applicants' own landscape evidence accepts that there is only a "subtle" and "slight" difference in character between the application site and the wider agricultural landscape. It acknowledges that whilst the runway can be discerned, sections are "patchy" and "subject to weed growth" and there are no perceptible markings. It accepts that several buildings on the site are "muted" in colour. On a proper reading of the evidence, these judgments plainly relate to views which include those from Barbury Castle.

282. Descriptions of the application site elsewhere as "heavily engineered" or "visually dominant" do not just run contrary to this evidence. They do not accurately describe the appearance of the site in views from Barbury Castle. The scale of the site, through the grazing use of the grassland, even when viewed with what remains of the original runways, generally allows for the maintenance of the open, flat sweep of agricultural landscape of the wider area. Overall it cannot be described as dominating the setting, which is primarily read as a continuum of agricultural land.

283. Overall, these misjudgements ascribe importance to features of the setting that do not form the central contribution to significance. They do not fully acknowledge the central importance of views from Barbury Castle and its relationship with agricultural land to the north. They overplay the change between the application site and the wider area. They inevitably weaken the basis for the impact assessment then advanced in the Applicants' case.

Impact of the proposed development

284. The proposals are to be assessed in a policy context which provides that:

- great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be;
- any harm or loss should require clear and convincing justification;
- substantial harm to or loss of designated heritage assets of the highest significance, including scheduled monuments, should be wholly exceptional;
- where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss;
- where a development 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.

285. There is no Section 66(1) duty in play in this case as Barbury Castle is not a listed building, however the policy requirement to give great weight to its conservation achieves a similar end. There is no merit in the implied suggestion that

the absence of any reference to setting or “special regard” in the Ancient Monuments and Archaeological Areas Act 1979 should somehow diminish the importance of setting in assessing impact of the scheme, or qualify the weight which should be given to the significance of the asset. The NPPF emphasises that harm to significance can be caused by development in the setting of any heritage asset. In advising that the more important the asset, “the greater the weight” that should be given to its conservation, it is plain that the greatest weight should be accorded to conserving the significance of a scheduled monument.

286. In this context EH does not resile from its position that:

- substantial harm would be caused in this case; and
- the claimed public benefits do not outweigh that harm or amount to a clear and convincing case and wholly exceptional circumstances which are required justify displacing the presumption against the grant of planning permission.

287. The proposed solar PV scheme would appear as a massed block or screen over 67 hectares within a central and important element of the vista as perceived out to the north from inside the hill fort. The installation of this expansive massed array would introduce a far more prominent and industrial appearance to the site, which would be fundamentally out of character with the wider rural landscape and detrimental to important views from this heritage asset. It would draw the eye and cause serious distraction from the understanding of the setting of the asset and its significance. Harm, properly characterised as substantial under the relevant guidance in the NPPF, would be caused by a significant adverse change to a landscape and vista which are key to an understanding of the relationship between the fort and the lower lying continuum of the rural landscape below.

288. The approach of the Applicants effectively involves arguing, in part, that various features of the setting would remain unaffected such that significance is not harmed, or not substantially so. However, as submitted above, it is important to focus on the key elements of the contribution that the setting makes to significance. The relationship with other heritage assets is one example. These relationships would not be significantly affected given either the lack of inter-visibility with Barbury Castle or the distance from it. However the absence of harm to significance in this respect should in no way be regarded as proving the case that substantial harm would not occur. The same point applies to the monumentality of the fort in the sense of the size of its construction or the basic topographical relationship between the position of the fort on the ridge line and the lower level of the land below.

289. The LVIA within the ES considers the effect of the proposal in the context of Landscape Type 4A (Avebury Plain), within ‘Landscape Type 4: Low Chalk Plain and Scarp’ as assessed in the Wiltshire Landscape Character Assessment 2002 (CD8.9). It accepts that the magnitude of change to this area would fall in the medium-high adverse category. The judgment in the LVIA therefore assumed that the impact of the proposals would be something approaching a total loss or major alteration to the key features of the receiving landscape, in this case the wider Landscape Type 4A. It is misconceived to suggest that this assessment was restricted to the immediate environs of the application site – the landscape area the subject of the assessment was plainly much wider. It was also inadequate to claim that current guidance on landscape impact assessment now advocates a less structured approach to reaching judgments. The judgments reached in the LVIA clearly indicate the level of adverse impact which the authors considered would be caused.

290. A similar conclusion arises in relation to visual impact. Views from Barbury Castle are explicitly included in the assessment; and the sensitivity of visitors to the monument is accepted as being high given that views to the surrounding area will make an important contribution to their experience. The assessment concludes that the effect of the proposal on these views will involve a high magnitude of change and, given the sensitivity of the receptor as a visitor to the monument, the effect will be major adverse. This encompasses a judgment that there would be a "major loss or addition of features in the view; major change in the composition of the view. A major proportion of the view may be occupied by the proposed development. The proposed development is prominent when set within existing views of the landscape in terms of form, scale, mass or colour...". Major adverse effects comprise "a significant deterioration in the existing view. It is likely to form a major and immediately apparent part of the scene that affects and changes its overall visual amenity; it is likely to disrupt fine and valued views of the area".

291. Where the views from the monument and its relationship with the landscape below are critical to its significance as a heritage asset, these judgments are telling. They demonstrate what the evidence of the Applicants seeks to avoid, the accurate articulation of the effect that this scheme would have on the setting of Barbury Castle. That evidence cannot then seek to resile from or qualify the conclusions in the ES, by relying upon factors such as the location of the airfield and the varying colours and textures of the arable and grazed landscape. These factors would have been readily apparent when reaching the judgments in the LVIA.

292. The cultural heritage chapter in the ES assumes a moderate adverse impact, which is equated with a finding of less than substantial harm. This is predicated upon the assumption that a low magnitude of change would arise to the value or significance of the heritage asset, that is changes to setting such that it is "slightly altered and noticeably changed; change to few key historic landscape elements...; slight visual changes to few key aspects of historic landscape; ...limited changes to the character of a historic landscape area". A medium magnitude of change, even on the Applicant's analysis, would lead to a major adverse impact, equivalent to substantial harm. This magnitude of change would arise from change to setting such that it is "noticeably modified; changes to many key historic landscape elements, parcels or components; visual change to many key aspects of the historic landscape; resulting in moderate changes to the character of a historic landscape area".

293. When viewed in the context of the judgments reached in the LVIA, the cultural heritage chapter should have recognised a higher magnitude of impact (and therefore a substantial level of harm). The judgments are similar in nature, or they at least overlap in a manner which plainly requires some closer relationship between the assessments. Further, the judgment that there would be a low magnitude of change is based upon findings that there are no key views to the north from the monument, when compared with key views to other prehistoric monuments on the escarpment; that there would not be a strongly appreciable change to landscape character; and that the proposal would be reversible. These findings cannot be supported: views north from the monument are clearly of key importance to its setting and they are unquestionably of greater importance than views to other heritage assets. There would be a strongly appreciable change to landscape character as the LVIA accepts; and reversibility cannot sensibly qualify any finding of impact given the generational timescale of the harm.

294. In this context, it is misconceived to describe the proposals as causing no material change to the landscape context of Barbury Castle by simply "reinforcing"

the modern character of this part of the setting, or to rely upon the fact that the array would not move beyond current site boundaries to argue that the grain of the wider landscape would remain unchanged, or to argue that key views from the monument would not be altered.

295. The solar array would be a noticeable element in the view, indeed it would act as a distraction to those visiting Barbury Castle. Even this does not realistically describe the severe impact that the proposals would have. Similarly, reliance on the height of the panels and the absence of breaks to the skyline involves a fundamentally inadequate depiction of impact. The proposals would be vast in scale, located on land which tilts to the south, occupying a central position in views from the ramparts at Barbury Castle, as well as in views from within the earthworks, where the array would appear immediately adjacent to the ramparts. It would impose an urbanising, industrial, uniform block of development which would be wholly uncharacteristic of the setting to the monument.

296. It is wholly inadequate to argue that the dominance of the hill fort would be unaffected because its dominance would continue to be appreciated in views towards it. The question of dominance is inextricably linked with the experience of being at Barbury Castle and perceiving a substantial continuum of open rural land below. That relationship would be fundamentally compromised by this scheme.

297. Similarly it would be entirely inadequate to conclude that the availability of a choice in the view somehow avoids or significantly reduces the degree of harm. This reasoning misses the point that the distraction of the array would draw the eye in a substantially disruptive manner, giving the impression of an entirely alien form of development proceeding towards Barbury Castle. The serious impact would be difficult to avoid. If followed further this approach would mean that the ability simply to deliberately turn away from a significantly harmful view justified that extent of harm. This should not be regarded as a valid approach to assessing impact.

298. EH is of the view that the harm in this case would be substantial and that paragraph 133 of the NPPF is engaged.

Public benefits

299. English Heritage accepts, as it must, that the scheme holds in prospect public benefits, in particular a contribution to the provision of renewable energy by way of a generation capacity of 41 MW. Planning policy and guidance plainly requires that such benefits be given their due weight in the planning balance. Thus:

- one of the core principles in the NPPF is the need to support the transition to a low carbon future in a changing climate, and to encourage the use of renewable resources; planning is acknowledged to play a key role in secure reductions in greenhouse gas emissions and in supporting the delivery of renewable and low carbon energy; applicants do not need to demonstrate the overall need for renewable or low carbon energy; applications for renewable energy should be approved, if the impacts are, or can be made acceptable;
- the PPG acknowledges the important role that planning has to play in delivering new renewable energy infrastructure;
- the Minister of State for Energy and Climate change published an open letter to local authorities in April 2014 which stated its strong support for solar PV;
- policy statements have been prepared in the context of a wider national agenda relating to climate change. They all confirm the importance and

increasing contribution renewable electricity supply to meet overall energy needs and confirm the importance of the UK's commitment to sourcing 15% of its total energy from renewable sources by 2020.

300. The applicants naturally rely upon these features of guidance. However policy clearly conditions any support it offers for renewable energy proposals.

301. Under the NPPF support is only provided to renewable energy proposals if the impacts are or can be made acceptable (and material considerations are recognised as capable of outweighing any support for those proposals). There is also a presumption in the NPPF against any grant of permission where substantial harm is caused to the significance of heritage assets, and where public benefits must still be balanced against less than substantial harm.

302. The NPPG also confirms that:

- the need for low carbon energy does not automatically override environmental protections;
- local topography is acknowledged as an important factor in assessing whether large solar farms could have a damaging effect on landscapes; and it is recognised that the impact can be as great in predominantly flat landscapes as in hilly or mountainous ones;
- the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
- as the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.

303. The Minister also recognises the need for sensitive siting of new installations and the requirement for an appropriate "environmental balance" in decision-making. Further, the Solar PV Strategy accepts that any support for solar PV should ensure proposals are appropriately sited, giving proper weight to environmental considerations such as heritage. Where substantial harm is caused, the NPPF advises that permission should be refused unless it can be demonstrated that this harm is necessary to achieve substantial public benefits which outweigh the harm.

304. Two questions are posed: first, whether there are substantial benefits which outweigh the substantial harm; secondly, whether even if this is so, the harm must necessarily be caused to achieve the benefits.

305. When addressing AONB policy the Applicants rely upon several categories of exceptional circumstance which, it appears, are also advanced as public benefits pursuant to heritage guidance in the NPPF.

306. First, there would no doubt be important public benefits in providing for renewable electricity generation on the scale envisaged. EH has never disputed the principle of this and indeed has supported other solar farm proposals where the impacts on the historic environment would otherwise be acceptable. However, not all parts of the country will be able to make the same contribution towards meeting a

national target. National designations, whether they be AONBs or heritage assets, can justifiably qualify this contribution where harm would be caused. That is demonstrably the case here.

307. Second, despite sympathising with the desire of the Science Museum to improve its operations, EH is not convinced that any significant weight can be given to this aspect of the Applicants' case. There is no dispute that many of the hangars on the site are in a poor state of repair or that some of the collection is not readily and regularly accessible due to the condition of the buildings on site. However, the evidence of the Applicants must be seen in the following context.

308. The applicants have been at pains to emphasise that the scale of the proposal has been directly generated by the need to finance a viable grid connection. As Mr Newby accepted, this left unanswered the question of how funds from the development would be applied to the operations of the Science Museum on the site. At the time of his evidence, the absence of any information on the Science Museum's "cut" from the scheme meant that it was impossible to say what would be delivered on the site or when. This major difficulty was exacerbated by the acknowledged absence of any strategy for works on the site which identified what exactly needed to be done, how it was prioritised and when it would be carried out.

309. It followed that the Science Museum could not identify the actual public benefits which would be delivered as a direct result of the scheme. This plainly ought to have very significant implications for the balancing exercise required by the NPPF. That requires a "clear and convincing case" to justify any harm to the significance of heritage assets; indeed it stipulates that "wholly exceptional circumstances" must be demonstrated where substantial harm would occur to the significance of a scheduled monument. These requirements cannot sensibly be met where it is impossible to say what the scheme would allow to be delivered on site.

310. The note provided after Mr Newby's evidence sought to provide further information on the income which would be available to the Science Museum, contrary to the earlier indication that this information was commercially confidential. That they felt it necessary to do so tells its own story of why it is very important for the Secretary of State to consider what the scheme would in reality deliver.

311. The note explains that the Science Museum anticipates the income to be around £200,000 a year. We are also told that these funds would be ringfenced within SMG budgets for use on the site. However, the sum of £200,000 per year is not guaranteed – it is acknowledged that there may be some variance in the amount depending on the overall income of the array.

312. Even allowing for this, £200,000 per year would achieve only a minor proportion of what the Science Museum say is necessary. An example of a single hangar repair at around £3m would take 15 years to achieve, half the lifetime of the scheme. This would be a benefit but the scale and scope of the benefit is not significant when compared with the work that the Science Museum says needs to be carried out. The prospect of more substantial loan capital being raised was mentioned, but there is no evidence of its availability or potential extent, not least due to the variability of the income. The reality is that even with the scheme in place, there is no evidence that any proportion, let alone most of the work identified as necessary would be carried out. The evidence rather suggests that much of it would remain undone. There is no evidence of when items currently beyond retrieval may become available having regard to other repair priorities. There is no evidence

of the extent to which public events could be held or if and when this might be achieved within a wider strategy.

313. All of this assumes of course that the funds generated by the scheme can be guaranteed to be channelled exclusively and directly into the works envisaged for the site. There is no guarantee, in relation to either the fact of the spending or its timing. The reality of competing demands and budgetary choices at a corporate level mean that there can be no firm, permanent and enforceable commitment to devoting funds from the development to this site at any particular stage.

314. The Science Museum has been able to invest heavily in the facility, to the sum of nearly £9m over the last 6 years. This has been primarily directed to focus on improved storage for the more vulnerable objects. Library and archive texts are already stored within the airfield buildings and three purpose-built heated stores. There has, therefore, been some success already in achieving the objectives for the site in the absence of development of the scale and impact which is envisaged. Any issues with the site have not prevented the recent move of objects from leased facilities in York, Bradford and Manchester or, it seems, precluded the likelihood of collections at Blythe House in Kensington being transferred to Wroughton.

315. The Science Museum will continue to meet its statutory duty to care for and preserve its collection under the National Heritage Act 1983. There is no suggestion in any of the evidence that issues with the current premises involve a breach of that duty or that it will be breached if the scheme does not proceed. It is "inconceivable" that they will vacate the site, even if planning permission is refused. International standards of storage may or may not be higher, but the continued compliance with the expectations of Parliament surely places the claimed benefits in perspective.

316. The evidence on what the funding would be used for does not, for these reasons, amount to a clear and convincing case for the harm that would be caused. It should be remembered that this evidence is being considered in a context whereby substantial harm is alleged to be caused to a heritage asset of the highest importance. In these circumstances it is reasonable to expect that it is very clear what will be delivered and when; and that it will guarantee the provision of something substantial.

317. Third, there are intractable difficulties with the community trust fund and bond offer. The Section 106 Undertaking relating to the community trust fund is, on the applicants' own evidence, incapable of meeting the Regulation 122 requirements. It is conceded that the offer of a fund is not necessary to justify the grant of planning permission. It is conceded that there is no way of knowing what the funds would be spent upon or indeed exactly how much there would be in the fund year on year. It cannot therefore be demonstrated that the fund is directly related to the development: the sum offered, whatever it ends up being, would not address adverse impacts or harms that it would cause.

318. It is not sufficient in these circumstances to point to general aspirations in the Solar PV Strategy for communities to be financial partners in local projects and share in the benefits of renewable energy. This cannot alter well-established principles of the planning regime or override the specific legal requirements of Regulation 122. The same applies to any generalised references in guidance to community benefits: some schemes may be able to generate such benefits which can be lawfully secured but, even on the evidence of the Applicants in this case, this is not one of them.

319. The offer to sell bonds does not fare better. This is essentially an investment opportunity which is unrelated to land use considerations. It provides a private

benefit which may ultimately be held by any individual and there is not even any link to the locality of the application site.

320. Therefore, neither the bond nor the fund can lawfully be regarded as material to this decision. Overall the Council was right to conclude that the offer of community benefits should not be taken into account or given any weight, whether offered by way of planning obligation or otherwise. This position reflects that taken by the Secretary of State in the Louth decision, which should be followed here.

321. Fourth, there is no evidence of local jobs being created as a direct result of the scheme and other spin-off benefits have not been quantified. There is no guarantee that the energy created by the proposals would be provided exclusively to locals.

322. Fifth, the landscape and biodiversity management plan, whilst welcome, would not provide substantial benefits beyond what is anticipated by policy or even what an enlightened land owner such as the Science Museum might seek to achieve as a matter of course in its continuing stewardship of the site.

323. Sixth, although the community response to the consultation is presented more as an exceptional circumstance as opposed to a public benefit, for the avoidance of doubt it should not be treated as a public benefit or as a material consideration to which significant weight should be accorded. It is not disputed that there is local encouragement for the scheme.

324. Seventh, the planning history of the site is similarly not a public benefit as such, but as a material consideration it is of no real consequence in this case. None of the previously permitted schemes for this site anticipate anything like the extension of footprint beyond existing built development that these proposals would involve, including the major development allowed for in the 2005 permission.

325. Eighth, no material weight should be accorded to the claimed "uniqueness" of the site, whether this is expressed in terms of its location in the AONB or its treatment in development plan policy or otherwise. Wroughton may well be the only site of its type in the AONB and receive in principle support for visitor facilities there under extant policy R3, however none of this speaks to proposals for a solar array or avoid the need to address policy relating to the conservation of heritage assets and their settings. Similarly emerging policy RA2, whilst supportive of museum-related activities and enabling development on the site, requires benefits to be delivered sustainably and subject to other policies in the plan which will include policy EN10 relating to the protection of the historic environment. The fact that the site has been located within the AONB does not presume the acceptability of any form of development there, particularly that which causes harm to heritage assets.

326. EH do not therefore accept that the public benefits relied upon in this case can be said to outweigh the substantial harm that would arise to the significance of Barbury Castle. They do not amount to the wholly exceptional circumstances that are sufficient to displace the presumption against the grant of permission.

327. There is also the second question referred to above - the necessity test. Such a test is relevant in the context of AONB policy but it is also relevant under paragraph 133 of the NPPF. It is common ground that a failure to demonstrate the absence of a reasonable alternative would mean a failure to meet the necessity test.

328. There is no justification for not carrying out an alternative site assessment at all on the grounds that the scheme is required to facilitate maintenance or repair work on the rest of the application site. That aspiration for investment does not of itself mean that development must take place there to subsidise any necessary repair

and maintenance work. There is nothing in principle to prevent the Applicants from developing another site elsewhere and using funds from any scheme to subsidise works on the application site. There is no compelling evidence to show that the mere movement away from the site would of itself make it impossible to deliver the same level of funding for the Science Museum.

329. Moreover, there has been no adequate justification advanced for restricting the alternative site search to the administrative area of the Council. True it is that there is no guidance on the scope which an alternative site search must take. However, that does not avoid the need for the decision maker to consider whether an applicant has been rigorous enough in trying to show that no alternatives exist.

330. In this case the claimed justification for stopping at the Council boundary is that the scheme would make an important contribution to Swindon meeting its target for renewable energy capacity. This is not enough. Whatever particular characteristics may be shown by the electricity demand of residents and businesses in the area, the fundamental purpose of the local target is to try and meet the national target of providing 15% of energy requirements from renewable sources.

331. There is no evidence of any meaningful investigation of grid locations outside the AONB where even the nearest network operator might be able to offer sufficient connection capacity for a 41 MW scheme. There is no evidence of investigations into whether there are sites which could accommodate schemes of the size proposed and enable a viable grid connection where sufficient capacity exists. There is no detailed evidence of investigations into land availability, let alone near any potential grid connection point. In this respect it is not enough to dismiss sites on the grounds that no planning application has been made for development there or simply that a site is in multiple ownership.

332. Here it is important to recognise that it is the Applicant who bears the burden of setting out a clear and convincing case for substantial harm to a heritage asset. An alternative site search, generated by harm to national designations, is rightly to be regarded as an onerous task which requires rigour. That has not been demonstrated in this case. The scheme must fail under paragraph 133 of the NPPF.

333. In any event, it should be recognised that, as the Maesbury Quarry decision shows, a finding that there would be less than substantial harm involves a spectrum of judgment which in no way prevents that harm from being given considerable - and determining - weight in the decision. It is common ground that great weight must be given to such harm in any decision - all the more so given the particular significance of Barbury Castle. The issues with the Applicant's public benefits case continue to apply as part of any balancing exercise under paragraph 134.

Conclusion

334. The proposed development would involve a breach of development plan policy, in particular policy ENV5 of the Local Plan, for there would be damage to the setting of Barbury Castle. There is nothing in other policies in the plan which provides direct support for the scheme in a manner so as to outweigh that policy breach. National policies for conserving and enhancing the historic environment have overtaken policy ENV5, however the proposals would conflict with that policy, and with policies for meeting the challenge of climate change (which require a balance to be struck with heritage concerns).

Representations made by interested parties at the Inquiry

The material points of the cases made by interested parties at the Inquiry in support of the proposed solar farm are:

Mr R Buckland MP

335. The NPPF supports a low carbon future that is in the public interest for the whole community. Swindon Borough Council is leading the way in renewable energy initiatives which will be of significant benefit for existing residents of the Borough and for the residents of about 12,000 new homes that are being built to the west of Swindon. The airfield site is not open agricultural land but is enclosed and inaccessible brownfield land and the degree of change to the character of the area will be slight. Furthermore, the change would only be for the 30 year lifetime of the development. In views from the Ridgeway Trail the eye is accustomed to the large hangars in the landscape and the significant development on the airfield. The solar panels would be no higher than 2.8 metres and would affect the appearance of the airfield without projecting above the horizon. The proposed development would be a natural progression in the use of the airfield site and 80% of local residents who expressed a view are in support of planning permission being granted.

Mr T Harper – CEO of Belectric (appointed contractor for the solar PV scheme)

336. The proposed solar farm development would make a major contribution towards meeting renewable energy targets, would offer significant benefits and opportunities to local residents if implemented, and would complement the surrounding area of natural beauty. The development would assist in reducing the UK's reliance on imported carbon energy, produce more than 38,000 MWh of secure, home grown, clean energy per annum, reduce greenhouse gas emissions by 17 million kgs of CO₂ per annum, and produce enough energy to power up to 12,000 homes for 30 years. The energy would be produced in harmony with the local environment, both from using non-reflective panels to minimise glint and glare and in relation to major biodiversity enhancements set out in the ES.

337. The project's clean energy and environmental benefits would be matched by the implementation of revenue sharing initiatives including a Wroughton Community Benefit Fund and an innovative bonds ownership solution facilitated through Big60Million. The Fund would benefit from 0.85% of project revenues – about £40,000 per annum for the 30 year lifetime of the project. The Big60Million will issue 700,000 solar bonds with a unit price of £60. These bonds would be made exclusively available to local residents with 1% of the bonds available to lower income households at a subsidised unit price of £30. Bondholders would have the benefit of security over assets of the solar farm. The partnership between the Science Museum, SCS, Belectric, Big60Million and other parties would create a new developmental model for sustainable energy projects, would build renewable energy capacity that would enhance the UK's energy security, and put the UK at the forefront of supporting 'green' job creation.

Mrs A Richards – Ward Councillor for Wroughton and Wichelstowe

338. Renewable energy is essential to our future. No one can argue with the need to develop a wide range of renewable options to provide the power our country relies on and to reduce our dependency on fossil fuels. This is a strong argument in favour

of the proposal. We are privileged to have the Science Museum at Wroughton and to have such an amazing collection of artefacts on our doorstep. The collection used to be open to the public at regular intervals but this is no longer possible for safety reasons. A large open area of short grass and concrete is not conducive to biodiversity and the potential for wild flower meadows and habitats for insects, birds and small mammals beneath and between the solar panels is great.

339. The main objection is the impact on the view from Barbury Castle. But the view now is not that experienced by Iron Age man and it isn't the same as it was when I moved to the area 45 years ago. Then the view was of a working airfield within an agricultural landscape with only a little of Wroughton and distant Swindon visible in the distance. Now the airfield is empty and dilapidated and in the middle distance is the M4, Toothill, Freshbrook and Grange Park and other development. This is not a critical analysis but illustrates the point about change. The solar farm would not be intrusive. The view would be slightly different but would certainly not be worse. A young father, on hearing about the project, said that far from spoiling the view he would be proud to take his young son to Barbury to show it to him and explain why it was there.

Mr M Denton-Thompson OBE FLI – local resident (not wholly in support)

340. The proposed development of a solar farm at Wroughton Airfield is supported, but with conditions. The development in an AONB brings into focus a number of conflicting policy objectives. There is a new imperative on a small and crowded island to secure a multifunctional landscape. That imperative is driven by changing circumstances including climate change. Furthermore, there are clear differences between the administration of public intervention in land use between rural and urban environments and a review of land use may include the functions and status of landscape designations. Despite assurances from Government that AONBs are scenically as important as National Parks in reality this is not reflected in the resources and powers of relevant administrative bodies.

341. The proposed development would fail to meet the tests set out in the Swindon Borough Local Plan for development in the AONB and, if allowed, would set a dangerous precedent that could lead to unrestricted damage to the AONB. The public's response to it would probably be mixed; some might be appalled whilst some might be interested and not offended in any way. There might be some who are very concerned about energy security and will understand the need for such a change in the landscape and some might overtly support the development. It would not of course be in open countryside, the derelict runways and hangars stand out prominently in the key view from Barbury Castle and the Ridgeway Trail. It is also worth comparing the 30 year life of the development with the over 2000 year period of human activity that has shaped the landscape.

Mr C Kennedy – local resident

342. The solar farm would not affect the environmental value of the airfield and the visual impact, when seen from the Ridgeway Trail and Barbury Castle would be minimal. The development would look similar to a crop of dark maize or linseed and its recessive appearance arises from both viewing areas being about 2 kms from the centre of the site and, respectively, about 30 metres and 60 metres above the site. There would be no tall structures above the sky line. In terms of effect on the AONB

if a crop of maize would be acceptable on the site then a similar size crop of electricity would be no less acceptable. Indeed, a crop of electricity does not require to be sprayed with insecticides and there would be no chemical run-off.

343. In terms of paragraph 116 of the NPPF the proposed development is exceptional and very much in the public interest for a number of reasons. Meeting the challenge of climate change is national and local planning policy. The installed capacity of about 41 MW would make a substantial contribution to renewable energy and carbon reduction targets and there are few sites in the UK of this size and suitability. It is not a greenfield site and the proposed development would be a positive re-use of a redundant airfield. At the same time it would generate an income stream for the Science Museum in its vital work protecting and conserving historic artefacts of great national significance and importance.

344. The proposed development is consistent with government policies for conserving and enhancing the historic environment. There would be no negative impact on Barbury Castle and the development would be sufficiently distant not to impact on its setting and enjoyment of its historic assets. The emerging Swindon Plan – 2026 encourages the development of renewable energy schemes. The application is a colloquial ‘win-win’ situation. Everyone would benefit from its renewable energy benefits and from the Science Museum’s increased ability to conserve and exhibit important historic artefacts.

The material points of the cases made by interested parties at the Inquiry in opposition to the proposed solar farm are:

Mrs Henshaw – Campaign for the Protection of Rural England

345. The impact of building steelwork and panels on what is currently open grassland would transform the landscape fabric of the large airfield site and would alter the character of the landscape. For a visitor standing at Barbury Castle the view is of a 180 degree panorama of an open, mainly flat, agricultural field pattern with few built developments of any substance. The airfield, with large green areas matching the surrounding fields, sits harmoniously in this field pattern. Dotted around the perimeter, without prominence and at wide separation distances, are the hangars surrounded by vegetation. The remaining runways show as insignificant stripes separating the ‘fields’. The panorama has a breathtaking quality. The change brought about by the solar panels would have an adverse effect on the visual amenity experienced by residents and visitors to the area.

346. The proposed development would add to the cumulative landscape and visual effects of solar sites already around Wroughton and in the wider area. It is not necessary for two or more arrays to be in the same view for there to be a cumulative impact. Such an effect can be incremental, it can build up over time, and it can contribute to a sense of a gradual ‘filling’ of the area. The Wroughton solar array would have this effect. It would be the 21st array permitted or proposed within a 10 mile radius of Swindon over the last three years. The solar array would, furthermore, interact with existing built development to contribute to a growing sense of industrialisation and urbanisation of the AONB. The development would not be temporary but would adversely affect the AONB for a period of 30 years.

347. The Science Museum's need for financial gain does not constitute, for the purposes of paragraph 116 of the NPPF, an 'exceptional circumstance'. If it is then it could be used as a valid reason for allowing any other large scale built development. The Science Museum's income stream is unrelated to the development and one 'public good' does not justify considerable damage to another 'public good' and in any case the 'national interest' in generating electricity has to be weighed against the loss of 'national interest' in protecting the AONB. The NPPF is very clear about searching for alternative sites when proposals such as this are put forward. The Applicant's survey of alternative sites was inadequate as it only assessed sites in which the Science Museum could have an interest and excluded any under 41 MW capacity.

Mr A Bennett – Ward Councillor for Ridgeway

348. The tranquillity of the AONB would be seriously undermined by the proposed solar farm. It is wrong to compare it with the planning application for the airfield in 2005 because that development was entirely different. There is no case for a development of the size proposed in this location.

Mr J Newman

349. SCS have argued that there are no alternative sites yet the whole hinterland of Swindon offers opportunities which could accommodate 67 hectares of solar development. Consequently, the Applicants now argue that it is the public interest to support the Science Museum, against the interests of the AONB. There is nothing in the application that would guarantee any financial benefit to the Science Museum either through a planning condition or a legal agreement. The community fund and the trust fund do not alter the fact that the project would remain in the hands of international finance. The most dangerous aspect of this ill-considered and uncostered project is the precedent it would set for other similar developments in the AONB.

Written Representations

The material points of the cases made by interested parties in writing in support of the proposed solar farm are:

350. Many local residents support the proposed solar farm development at Wroughton Airfield. Some of the comments they have made are:

- The redundant and decaying airfield is an appropriate home for a solar park;
- The development includes a programme of biodiversity and ecological enhancements which would greatly improve the site over its 30 year life;
- The airfield would continue in use for the grazing of sheep;
- The development would not harm the landscape of the AONB;
- The visual impact of the solar farm would be very limited and the view from Barbury Castle and the Ridgeway Trail would not be harmed;
- The solar park would bring people to the area and to Barbury Castle to view the solar park particularly as part of educational programmes;
- The solar park would generate 41 MW of low carbon energy and would make a substantial contribution to meeting local and national renewable energy targets;
- The development would result in the creation of a community fund to the benefit of local residents;
- The Science Museum would benefit financially to continue their preservation of the important historical artefacts in their care.

The material points of the cases made by interested parties in writing in opposition to the proposed solar farm are:

The Friends of The Ridgeway

351. The proposed development would have an adverse effect on enjoyment of the Ridgeway Trail for walkers and other users because the view north from the trail is over countryside that has a scenic beauty of a harmonious and sensitive nature. The countryside that includes the application site is recognised by its inclusion within the AONB. The airfield has a modest impact on the landscape but the proposed solar panels would present a solid block of unnatural colour and texture to any observer from the south. The Ridgeway Trail and Barbury Castle and its country park are important heritage assets and recreational facilities which contribute substantially to the enjoyment of all who visit them. The proposed development would have a negative impact on their enjoyment of the assets and facilities and would conflict with the presumption against development in the AONB set out in the NPPF.

Broad Hinton and Winterbourne Bassett Parish Council

352. The scale of the development is unprecedented due to its location in the AONB. The landscape of the AONB is protected by law and statute, and in policy, which is primarily set out in the NPPF. AONBs are afforded the highest level of protection, particularly from major development, and 'great weight' should be afforded to this protection. The significant harm that would be caused to the character and appearance of the AONB significantly and demonstrably outweighs any benefits of the scheme.

Conditions and Unilateral Undertaking

Conditions

353. Recommended conditions are included in a Schedule attached to this report. The reason for each condition appears after the condition. They are in line with conditions agreed by the Council and the Appellant (ID46) though they have been amended, where necessary, to meet the tests set out in the Planning Practice Guidance and in the interests of clarity and precision. The Council accepted at the Inquiry that agreed conditions 10 and 18 are unnecessary. Agreed conditions 11 and 12 are also unnecessary because details of the inverter buildings and the detailed layout of the solar arrays are shown on drawings approved under recommended condition 2.

354. Two conditions have been suggested by the Council in addition to those agreed with the Applicant. The first of these would require the removal of the top layer of a stretch of runway that extends south-east from the main east-west runway and the second would withhold established use rights for the use of Wroughton Airfield for general aviation purposes.

355. The argument for the removal of a runway is that this is the most prominent runway in views to the north from the Ridgeway Trail and Barbury Castle. But the other features of the now disused airfield would remain and once the solar farm is removed at the end of the time limited permission, if it is granted, the airfield would return to being a recognisable feature in the landscape. The removal of the runway is not relevant to, and not required to make, the development acceptable. The first suggested condition is not therefore required.

356. With regard to the second suggested condition there is insufficient information to determine what are the established use rights of the airfield site. In any event, if the permission applied for is not granted then the established uses, whatever they are, would remain, and if it is granted the established uses would be altered by the implementation of the permission. The second suggested condition, furthermore, is not required to make the development acceptable and is not thus necessary.

Section 106 Unilateral Undertaking

357. The principal commitments of the undertaking are the creation of a Community Fund and the issue of Solar Bonds (further information is provided in paragraphs 20 and 21 of this report). Neither of the principal commitments falls within the scope of Section 106(1) of the Town and Country Planning Act 1990 and they fail the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Conclusions

Numbers in square brackets at the end of each paragraph refer to earlier paragraphs in this Report.

358. The Secretary of State wishes to be informed on three main matters; consistency with government policies for conserving and enhancing the natural environment, consistency with government policies for conserving and enhancing the historic environment, and consistency with government policies in meeting the challenge of climate change. Each of these matters will be considered individually and then considered together in an overall planning balance exercise.

359. Before considering the three main matters it is necessary to consider, and this was the focus of the Inquiry, two preliminary matters and two main issues. The main issues are; first, the effect of the proposed solar farm on the character of the landscape and the visual amenity of the area; and second, the effect of the proposed solar farm on the significance of Barbury Castle. The relationship of the proposed solar farm to the Development Plan will be considered in each main issue.

Preliminary matters

LP policy R3

360. The Applicants have suggested that SBC's resolution to grant planning permission for major development at the airfield in 2005, and their accepted compliance of that proposed development with LP policy R3, indicates in principle agreement to major development at the airfield and that support can be derived, in this case, from LP policy R3. The policy was included in the LP because of the specific circumstances of the Science Museum at Wroughton Airfield and to allow, in the words of the LP Inspector, "...the expansion of museum related activities and enabling development". Whilst the proposed solar farm might be considered to be enabling development, because the Science Museum would derive income from its operation, the museum related activities envisaged by LP policy R3 and the major development that was proposed in 2005 are entirely different to the proposed solar farm. The development that was not pursued does not set any form of precedent for the proposed solar farm and no support is derived for this development from LP policy R3. [55, 117, 152, 164, 196, 258, 265, 325]

Agricultural use and previously developed land

361. The main parties disagree with the view of the Rule 6 parties that the appeal site is in agricultural use and that it cannot be regarded to be previously developed land. There can be no dispute that the airfield, all that is within the perimeter fence and within the ownership of the Science Museum, is a single planning unit that is in use for museum related activities including the storage, preservation, research and display of historic items and artefacts. All other activities on the planning unit, such as the lease of hangars for storage purposes and the use of runways for research activity, are ancillary to the main use. Also ancillary to the main use is the use of land between the runways for grazing sheep. This use falls within the definition of agriculture as set out in Section 336(1) of the Town and Country Planning Act 1990. The use of the grassland within the airfield perimeter for grazing sheep or previously for grain production has been consistent and is, nevertheless, ancillary to the main use for museum related activities. [192, 259]

362. Agricultural land is precluded from being classified as previously developed land. But the agricultural land in this case is in ancillary use to the main use of a single planning unit on which there are permanent structures (hangars and other buildings) and associated fixed surface infrastructure (runways and taxi ways). The structures and infrastructure clearly are previously developed land and the grassland between the taxiways and runways only became used for agriculture once flying activities ceased at the airfield, almost certainly for land management reasons. The curtilage of the clearly previously developed land at the airfield extends out to the perimeter fence of the planning unit. The grassland, whether or not it is classified to be in agricultural use, is in the curtilage of the airfield. The whole of the site is therefore previously developed land and in this case, and possibly in other redundant airfield situations, the grassland is non-agricultural land that happens to be, for good management reasons, in agricultural use. [44 ,111, 120, 151, 191-3, 260]

The first issue - the character of the landscape and the visual amenity of the area

The character of the landscape

363. The undulating flat landscape of the Downs Plain character area within which the airfield is situated, as identified in SBC's Landscape Character Assessment of 2004 (the 2004 LCA), is primarily in agricultural use; either in pastoral or arable use. Large, and in some cases very large, fields are subdivided by hedgerows and fences and interspersed with small blocks of woodland. To the south of this area is the scarp slope up to the High Downs, also identified as a character area in the 2004 assessment. This assessment mentions the "...large, extensive fields..." of the Downs Plain where "...an open landscape prevails with large field patterns and isolated, scattered forms of development..." including "...activity surrounding Wroughton airfield...". An earlier Landscape Character Assessment by the AONB Unit in 2002 (the 2002 LCA) found that key characteristics of the Downs Plain include "...20th century military installations, including Wroughton Airfield...(which) are...defining features of the area...". [40, 289]

364. The Wiltshire Landscape Character Assessment of 2005 (the 2005 LCA) similarly emphasises the airfield infrastructure as a 'key characteristic', having a "built character" and having had an "urbanising impact". The emerging AONB Management Plan refers to the airfield infrastructure as a 'defining' feature of the area. The assessments consistently identify the airfield as a feature of the area in its own right and it clearly does contribute to the character of the landscape. The large areas of grassland are commensurate in size with the large fields of the surrounding area though they are triangular rather than rectangular. The high perimeter fence that surrounds the airfield separates the airfield from the surrounding farmland and encloses the large, some very large, buildings and the grassland areas. The airfield is distinctly different in character to the surrounding farmed landscape and is, indeed, a key and defining feature of the character of the landscape. [41, 207, 289]

365. The proposed solar farm must be considered with regard to the context of the site and its surroundings. The solar panels would be consistent in height and would follow the topography of the airfield. They would be wholly contained inside the perimeter fence. However, they are industrial in form and material and it is inevitable that the character of the landscape, which is currently grassland, would be adversely affected though this adverse effect would be limited to the site and the overall adverse effect on the character of the landscape would be slight, and therefore less than substantial.

The visual amenity of the area

366. There are footpaths around the airfield, particularly through woodland to the north of the airfield, but there is a general consensus that from these public vantage points, for a variety of reasons such as topography and screening, there would be no views of the proposed solar farm that would harm the visual amenity of the area. There is also general consensus that it is views to the north from the Ridgeway Trail, that passes through Barbury Castle and its country park from the east before continuing south-eastwards towards Hackpen Hill, that are the most important in considering the effect of the proposed solar farm on the visual amenity of the area. From Barbury Castle in particular there are wide panoramic views northwards across the Downs Plain towards the M4 motorway and Swindon. [31, 128, 131, 290, 345]

367. In these views the large field structure and dispersed development of the largely open landscape to the north of the scarp slope is clear for all to see. Also clearly visible in the landscape is the airfield. There is disagreement between the main and Rule 6 parties as to how far the airfield has now blended into the landscape and therefore how prominent or dominant it is. The 2002 LCA regards the airfield to be a dominant feature of the landscape. The 2004 LCA records the presence of the airfield but does not conclude that it is dominant, whilst the emerging AONB Management Plan refers to the airfield infrastructure as a dominant and defining feature. At the Inquiry Mr Tyldesley for NE was of the view that the airfield had blended into the landscape whilst Mr McMahon for EH thought the runways are not prominent intrusions and that the hangars had faded into the landscape. [33, 39-41, 55, 121, 127, 179, 205, 211-215, 282]

368. It is inevitable that the airfield has blended into the landscape since flying activities ceased; in this regard it is possible that runway markings were still visible in 2002 when the airfield was regarded to be a dominant feature. These have gone and the runways are fading and now subject to weed growth. The hangars also will be less obvious in the landscape though the grassland that is subdivided by the runways is likely to be no different in appearance than it was when the airfield was active. The Appellant's LVIA is instructive in this assessment but it is visual evidence gained at the several accompanied and unaccompanied site visits to the area during and after the Inquiry, which were all carried out during periods of dry weather and clear visibility, that have proved the most valuable. [38, 121, 212, 260]

369. The airfield, given that its runways, hangars and associated infrastructure remain intact, is still recognisable as a, now redundant, airfield. It is in the middle ground of the panoramic view north from Barbury Castle and, given the passage of time, it is now a prominent rather than a dominant feature of the landscape. It is also a feature of some historical interest because it is a former military installation that is a reminder of WW2 conflict. It is also a feature like many others in the panoramic view that illustrates how a landscape alters over time to reflect changing circumstances. The site of the airfield was chosen probably for many reasons but its effect on the visual amenity of the landscape was almost certainly not a material consideration at the time. The choice was to serve a military imperative and there is no reason now to consider the airfield an intrusive feature of the landscape.

370. From the base of the scarp slope on which sits Barbury Castle, ground levels rise gently towards the main east-west runway across the centre of the airfield and then dip gradually further to the north. Situated on the south side of the main runway the solar farm is tipped up towards the scarp slope. It would therefore be more prominent in the view than if it were to be sited on flat ground. It is unlikely,

at a distance of 1.5 kms and given that the view is almost directly from the south of panels laid out east to west, that the individual rows of solar panels would be discernible. Consequently, given also that they would be no more than 2.8 metres high and would follow the contours of the land, the areas of panels, one large area and two smaller areas to the west, would probably appear to be areas of a different colour to the grassland on which they would be sited and to the fields of the surrounding agricultural landscape. [105, 129, 287, 290, 341]

371. Nevertheless, the areas of dark panels would have a consistent industrial appearance in comparison to the natural appearance of their surroundings. They would cover a total of about 67 hectares and, in the 180 degree panoramic view from Barbury Castle, they would take up an angle of about 38 degrees. They would also be laid out in the middle foreground and in front of urban development to the north. They would, for these reasons, be prominent in the landscape in views to the north from the Ridgeway Trail. Walkers and other users of the Ridgeway Trail are regarded to be of the highest sensitivity to changes in the landscape and it would be inevitable that some users would consider the solar farm to be seriously intrusive in the views north from the long distance trail. It is worth stating though that it is likely that some users would not consider the solar farm to be intrusive. [105, 178, 179, 216, 287, 346]

372. If the proposed solar farm is to be considered intrusive in the landscape it is necessary to consider for how long the solar farm would be visible to anyone using the Ridgeway Trail. Approaching from the east the solar farm would not be visible when entering Barbury Castle Country Park. It would remain hidden on passing through the car park and past the toilet block. The Trail then continues across flat ground towards the Castle but the solar farm would remain hidden behind a block of woodland immediately to the east of the Castle. The first glimpse of the solar farm would be between the woodland and the Castle in the vicinity of a gate in a fence around the monument. The Trail then passes through the monument and the most obvious view of the solar farm would be on the descent down Barbury Hill towards a country lane that extends southwards from the south-east corner of the airfield.

373. The Trail then continues up an incline to the south-west towards Hackpen Hill and on this stretch of the Trail, for users heading generally west, the solar farm would be in the background. Approaching from the west the solar farm would first appear in views to the north on the descent from Hackpen Hill. The first views would be glimpses between two small blocks of woodland close to the Trail but on the one kilometre section down to the country lane there would be an uninterrupted view of the solar farm to the north. After crossing the lane the Trail climbs Barbury Hill in a south-east direction and the solar farm would be in the background from here and on passing through Barbury Castle. It is also worth noting that the panoramic view to the north from the Castle that is so valued by some is matched by the wide view to the south towards Marlborough Downs. [39, 179]

374. For users of the Trail who park in the car park of the Country Park and walk to Hackpen Hill and back, and this is likely to be a popular walk as it offers attractive views in virtually all directions and is easy to access from the nearby urban area, the solar farm on the airfield would be added in views to the north from some parts of the walk. For those who currently consider the airfield to be intrusive they are likely to find the solar farm to be even more intrusive. Even for those who consider the airfield to be a neutral feature in the view to the north the solar farm might be

intrusive. But for some the solar farm might be interesting and not intrusive at all. Nevertheless, the solar farm would have a negative effect on the visual amenity of the area and undermine the enjoyment and character of this part of the AONB.

375. However, despite the accessibility of the Ridgeway Trail from the car park at Barbury Country Park, the solar farm would only be visible in one direction from the trail, the view in the other direction would remain the same, and it would only be clearly visible for about a 1.5 km section of the Trail and would be glimpsed from only another 1 km section of the Trail. For these and all the aforementioned reasons it is my view that the adverse effect on visual amenity, despite the high sensitivity afforded to users of the Ridgeway Trail, would only be moderate and therefore less than substantial. [32, 183, 219, 290]

Conclusion on the first issue

376. The proposed solar farm development at Wroughton Airfield would have a slight adverse effect on the character of the landscape and would have a moderate adverse effect on the visual amenity of the area. The overall effect on character and visual amenity would be less than substantial though there would, in this regard, be some degree of conflict with LP policies ENV10 and ENV11 and with emerging LP policies IN4 and EN5.

The second issue - the effect of the solar farm on the significance of Barbury Castle

377. There is no dispute that Barbury Castle is an historic asset of the highest order and that no harm would be caused to its evidential value or to its inherent historical value. The area of dispute is with regard to the contribution that its setting makes to its historic value and, in particular, the aesthetic value of its setting. EH consider that the landscape to the north is largely agricultural, that the airfield has blended into this landscape, and that the monument has an intimate relationship to the landscape. They consider that the solar farm would be a noticeable and distracting element in the view out to the north from Barbury Castle and that it "...would impose an urbanising, industrial, uniform block of development which would be wholly uncharacteristic of the setting to the monument". [89, 98, 99, 102, 269]

378. EH's stance overstates not only the visual effect of the solar farm on the view but also the overall effect it would have on the setting and thus the significance of the historic asset. The only characteristic of the landscape that remains the same as it was when Barbury Castle was under development is its topography; even this may have changed slightly through the effects of erosion. The field patterns, field boundaries and crops grown now are entirely different from Iron Age times and it is likely that much more of the landscape then was forested. Many features have been introduced into the landscape such as roads and development and, of course, the airfield. This is the context in which the solar farm must be judged because not to do so would be to ignore all that contributes now to the setting of the monument. [104, 105, 122, 125, 275, 278]

379. The airfield is visible in the middle ground in the view north from Barbury Castle. It has certainly not wholly blended into the landscape and it is a prominent feature in the view. The solar farm would be wholly within the perimeter of the airfield and, given that the solar panels would be no more than 2.8 metres high and would follow the contours of the land, the development would, as previously concluded, probably simply appear to be areas of a different colour to the grassland on which they would be sited. The panels, given their extent and industrial

appearance, would certainly be more prominent in the view than the airfield, but everything else in the landscape would remain the same.

380. Barbury Castle was sited on the top of the scarp slope not only for defensive reasons but also to command the surrounding landscape. As an Iron Age hill fort it would have dominated its setting. The solar farm, in the view north from Barbury Castle and given that it would be no nearer than 1.5 km, would be no more than ground cover and it would do nothing to undermine the dominance of the hill fort. It would also do nothing to undermine the 'monumentality' of the hill fort. [101, 104, 148, 149, 273, 275, 288, 296]

381. Views to the Castle from all directions would be unaffected and views out from the hill fort to the west, east and, in particular, to the south, would be unchanged. The solar farm would be prominent in views out from the northern ramparts of the hill fort and would be glimpsed above those ramparts from the area within the inner ramparts. But in the context of its overall surroundings the solar farm would have no more than a moderate adverse effect on the setting of the monument. The setting of the monument is only one matter that contributes to its historic significance. A moderate adverse effect on its setting equates therefore to a less than substantial effect to its overall historic significance. Such a level of harm does not constitute damage to the archaeological remains of Barbury Castle and the proposed development does not thus conflict with LP policy ENV5.

The first matter – consistency with government policies on climate change

382. NPPF paragraph 93 states that "Planning plays a key role in helping shape places and secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy...This is central to the economic, social and environmental dimensions of sustainable development". This theme is continued in the National Planning Practice Guidance (NPPG) which notes that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply and reduce greenhouse gas emissions to slow down climate change, and that solar energy generation is a key source for meeting renewable energy targets.

383. The government has committed, by signing up to European Directive 2009/28/EC, to a target of equalling or exceeding 15% of gross consumption of energy from renewable sources by 2020. One of the four principles of the government's UK Solar PV Strategy Part 1, published in October 2013, reiterates this target and the principles "...form the basis of government's strategy for solar PV". The general principles were restated in the government's UK Solar PV Strategy Part 2, published in April 2014, which also reiterated that support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, and provide opportunities for local communities to influence decisions that affect them.

384. The weight to be given to environmental considerations and to the support for the proposed development from the local community and SBC will be assessed in the overall planning balance. The proposed solar farm would generate about 41 MW of renewable energy, sufficient to power 12,000 homes and which would reduce greenhouse gas emissions by 17 million kgs of CO₂ per annum. In terms of government policies on climate change, the development would make a substantial

contribution to meeting the accepted target for energy from renewable sources. [47, 151, 335, 336]

The second matter – consistency with government policies on the natural environment

385. It is agreed by all parties that the proposed solar farm would be major development in the AONB and that paragraphs 115 and 116 of the NPPF are therefore engaged. The Applicants accept that exceptional circumstances need to be demonstrated to allow the development, which must also be in the public interest.

Exceptional circumstances

386. The Applicants consider there to be four key considerations under this heading; renewable energy, income for the Science Museum to assist in the preservation of their collections, the unique nature of the site, and community support. [45-6]

387. The contribution that the proposed solar farm would make towards the generation of renewable energy is a matter to be weighed in the overall planning balance and it cannot also be an exceptional circumstance. The Applicants have referred to the LP Inspector's reference to the airfield being a unique site but all sites are unique and the unique characteristics of the airfield site have been taken into account in reaching conclusions on the two main issues considered earlier. The characteristics of the site cannot also be an exceptional circumstance. This having been said emerging LP policy RA2 does envisage allowing enabling development on the site and this will be considered in consideration of income for the Science Museum. [33-4, 55, 57, 78, 153, 159, 161, 162, 325]

388. Community support for the proposed solar farm is largely a consequence of the Applicants embracing the requirements of, amongst other things, the NPPF and the UK Solar PV Strategy Part 1 to "...take account of the views of the community...", to "...work with local communities..." and to "...provide opportunities for local communities to influence decisions that affect them". The consultation process carried out by the Applicants was, in many respects, exemplary and the local community was afforded the opportunity to influence the decision to pursue the proposed solar farm. Those representing the local community, the MP and Borough Councillors, have also been engaged with the process and support the scheme. The support from many quarters will be taken into account in the final planning balance so will not be given any weight as an exceptional circumstance. [45, 63, 146]

389. The fourth of the Applicants' key considerations is the income that would be derived for the Science Museum to assist in the preservation of their collections. The Science Museum is a non-departmental government body that is charged with, amongst other things, the storage and preservation of historic objects and library and archive texts. There is no reason to doubt that the Science Museum are committed to staying at Wroughton to fulfil this responsibility - and it is an onerous responsibility because each of the objects and texts that they are responsible for is a heritage asset in its own right. Not as ancient as Barbury Castle but to some probably more valuable because the collections are stored to preserve, largely, the history of science, manufacturing and industry. The Science Museum is unable to insure the collections because their value cannot be calculated. Some of the items stored are, in this regard, truly priceless. [24, 52, 234, 314]

390. The archive and library texts are stored in a recently converted former airfield administration building. This is situated inside the main east entrance to the airfield and contains purpose designed and built storage facilities. Researchers and other members of the public are able to visit the building and to study the archive and library texts. The 35,000 objects stored in other buildings cannot be seen unless appointments are made to see specific items. The Science Museum has previously organised open days for the public to see the objects but these can no longer be held for health and safety reasons. The main reason being the condition of the former hangars where, for instance, concrete roofs are spalling and pieces regularly fall to the floors below. Also, at some hangars corrosion of the steel doors has resulted in the doors being inoperable thus effectively entombing the objects within. [52]

391. The hangars reached the end of their effective lives several decades ago. Their condition varies but is in no case better than very poor; that the Science Museum are no longer able to hold open days for safety reasons is a clear indication of the poor condition of the hangars. They are breaking up, they leak and their internal environments are not conducive for the preservation of the objects within them. The Science Museum do derive income from leasing some hangar space, from research carried out on the runways and from other sources but there is no reason to doubt their claim that their income falls short of what is required to properly care for their collections. In this regard, also, they are continuing to fulfil their responsibilities under the National Heritage Act 1983 in the face of cuts to grant aid. [25, 52, 315]

392. Critics of the proposed development say that the Science Museum will fulfil those responsibilities irrespective of the income that they would receive from the proposed development which is estimated to be £200,000 per annum. They also point to the fact that the income in one year would not even be enough to repair the steel doors of one hangar and that the income over the 30 year lifetime of scheme would be only about £6,000,000. These are easy criticisms to make and any reasonable person would take one look at the condition of the hangars and would fairly conclude that the Science Museum are entitled to seek out any opportunities to increase income. Critics also suggest that income could be derived from other sources such as events-letting. But these would have to be outside, given the condition of the hangars, and could be held on the north part of the airfield in any event. [52, 233, 311-2]

393. Reference has been made by critics to advice in the National Planning Policy Guidance, under the heading 'Determining a Planning Application', that "...it would not be appropriate to make a decision on the potential for development to raise money for a local authority or other Government body". But this advice is given with specific regard to Section 70(2) of the Town and Country Planning Act 1990 and is not relevant. The principle of enabling development is well established, EH publish guidance on this subject, and LP policy RA2 does envisage allowing enabling development on the site. The EH guidance is for the conservation of significant places but it relates to the conservation of historic assets, which is the core purpose of the Science Museum's responsibilities under the National Heritage Act 1983. [53, 55, 325]

394. If the income derived for the Science Museum from the proposed solar farm is used to enable the preservation of the many historic assets in their care then the proposed solar farm may be regarded to be enabling development. The Science

Museum have stated, in an open forum, that the income derived would be ring-fenced for essential repairs, maintenance and upgrade of infrastructure and there is no reason to doubt that the income, if it is ultimately derived, would be used for this purpose. Critics and objectors have accepted that there is no reason to suppose, particularly given that the Science Museum is a public body, that the income would be used for this purpose. It is undoubtedly the case that the improvements to infrastructure at the airfield that would flow from the proposed scheme would aid the preservation of the nation's heritage. This benefit of the scheme must be regarded to be in the public interest. [53, 55, 237, 325]

395. Other considerations put forward by the Applicants are local community benefits and other benefits such as ecological enhancements and to the local economy. On the subject of local community benefits the Applicants must be offered, in the face of criticism from various directions, some sympathy for putting these forward as matters for consideration. Greg Barker MP, in the foreword to the UK Solar PV Strategy Part 1, stated that "...realising our ambition will also require innovation in financing models to help companies, communities and individuals to invest". The bond offer would enable individuals in the local community to invest in and financially benefit from the proposed solar PV scheme. This must be the type of investment that Mr Barker is envisaging. [45, 74-5, 159, 166, 200, 256, 350]

396. The North Wessex Downs AONB Position Statement on Renewable Energy, in advising on criteria to be applied for solar schemes on greenfield sites, includes "a clear commitment to community gain, this may come in the form of free or discounted energy...". The statement does not preclude community gain from other sources and indicates a 'clear commitment' to this aspect of a solar scheme. In the light of this commitment from the AONB Unit, the type of investment envisaged by Mr Barker, and the support for low carbon energy generating schemes with major community benefits in draft LP policy IN4, it is not surprising that the Applicants have entered into a Section 106 Unilateral Undertaking to create a community fund and to offer shares in the scheme through a bond issue firstly to local residents. [27, 49-50, 54, 65, 153, 239, 249, 254, 317]

397. Local residents could, through purchase of bonds, benefit directly from the operation of the solar farm. The community fund, even though it would be based on a percentage of gross annual revenue, is not a benefit that flows directly from the proposed development. Furthermore, the beneficiaries of the fund are not clearly identified and it is envisaged that the fund could be used to finance projects that would be unconnected with low carbon energy generation. The commitments of the undertaking do not fall within the scope of Section 106(1) of the Town and Country Planning Act 1990 and they fail the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. They are, furthermore, not required to make the development acceptable and no weight is therefore given to the undertaking. [70, 251, 317-9, 337]

398. There is no evidence to indicate that there would be any benefit to the local economy during the lifetime of the solar scheme and the benefits for the local economy during the construction and decommissioning phases is not likely to be significant. The Science Museum has an impressive track record of ecological enhancements at the airfield since they acquired the site. The further ecological enhancements at the airfield that would be ensured by imposition of conditions could

be achieved irrespective of the overall outcome of the application but may be viewed to be a material consideration of small weight. [169, 200, 256, 350]

399. In conclusion on exceptional circumstances small weight is given to ecological enhancements and, given that the Science Museum is seeking to enhance its ability to conserve heritage assets of national importance, weight is given to the income it would derive from the operation of the proposed solar farm.

The need for the development

400. SBC is seeking to meet 15% of its residential energy needs from renewable sources (this being a restatement of the Government's national 15% renewable energy target). This is the subject of emerging LP policy IN4, which states that progress in terms of renewable energy delivery will be measured against a "...local low carbon electricity target of 200 MW by 2020". The proposed solar energy scheme would contribute to meeting both the national and the local target. But the benefit cannot be applied twice so the benefit will be considered in the overall planning balance. [48-50, 81, 134, 142, 151, 299, 330]

401. Objectors to the proposed solar farm do not give any weight to the need for the income stream that the Science Museum would derive from the proposed development and have therefore sought to emphasise that the Applicants have not carried out a thorough assessment of the potential for other sites outside the AONB to fulfil the benefit that would flow from the generation of 41 MW of renewable energy. But the financial benefit to the Science Museum has been found to be in the public interest and is afforded substantial weight. The financial benefit would not be derived if land not in the Science Museum's ownership, potentially outside the AONB, was to be used for the development of the proposed solar scheme. Nevertheless, the Applicants have carried out three site search assessments; in October 2013, November 2013 and August 2014; which have been considered and deemed to be acceptable. [45, 52-4, 78, 159, 164, 173, 197, 233-7, 310-2, 343, 347]

402. Objectors have criticised the search area used in the site assessments because it was limited to sites within Swindon Borough. SBC are supporting the proposed scheme because it would contribute to meeting the local renewable energy target of 200 MW by 2020 and it is therefore not surprising that they found the search area to be acceptable; a site developed for solar power outside the Borough would not, they argue, contribute to meeting the need within the Borough. Furthermore, it is an easy criticism to make because there is no guidance on what the site search area should be in any given case. It is not unreasonable, in these circumstances, to limit the search area to the Borough. Wherever a 41 MW solar scheme is sited it would contribute to meeting the national target which is the reason why the benefit will be weighed in the overall planning balance. [80-1, 144, 171, 174, 328]

403. The AONB Unit asserts that "...there are indeed alternative locations for solar generation which could individually or collectively generate a similar quantity of energy..." but has provided no specific evidence to support this assertion. NE assert that "It may be a better strategy to pursue small schemes" and, with reference to grid connectivity issues in Swindon that are accepted by all parties, "...a strategic approach is perhaps required". EH are more general in their assertions by stating, amongst other things, that "There is no evidence of any meaningful investigation of grid locations outside the AONB where even the nearest network operator might be able to offer sufficient connection capacity for a 41 MW scheme". Whilst it is the

Applicant's responsibility to justify their assertion that there are no alternative sites it must be reiterated that objectors' criticisms are easy to make. [241-3]

404. The latest assessment has identified nine sites within the Borough that could accommodate the solar farm but there is no reason to dispute the Applicant's claim that none of these is a suitable, viable or available alternative site. Using two or more sites to cumulatively deliver 41 MW of renewable energy is impractical for a number of reasons including costs associated with grid connection. Furthermore, a target for delivery of renewable energy, whether national or local, is just that, a target. There is no reason, in this regard, for developers to stop seeking out opportunities to develop renewable energy schemes simply because a target has been reached. On the evidence presented to the Inquiry it is doubtful, in any event, that the Borough target of 200 MW by 2020 would be reached. [81-2]

405. There is an identified need for the proposed solar farm at Wroughton airfield. This need is the generation of income for the Science Museum to contribute to its conservation of heritage assets of national importance. Objectors have been unable to counter the claim that the income could not be generated in any other way.

Conclusion

406. The proposed solar farm development at Wroughton Airfield would have a slight adverse effect on the character of the landscape and would have a moderate adverse effect on the visual amenity of the area. The overall effect on character and visual amenity would be less than substantial. Weight is given to this detrimental effect to the environment and great weight is given to conserving the landscape and scenic beauty of the AONB, as it must be given paragraph 115 of the NPPF. [117, 119, 156, 198]

407. With regard to paragraph 116 of the NPPF, however, exceptional circumstances exist in this case and these are clearly in the public interest. There is an identified need for the major development at the airfield and this need cannot be met by developing outside the AONB or in any other way. The circumstances of the Science Museum's need for the development are exceptional and outweigh the less than substantial harm that would be caused to the environment and the weight that is afforded to conservation of the landscape of the AONB. The proposed development accords with government policy on the natural environment. [23, 45, 51, 53, 55, 110, 119, 132, 146, 152, 156-161, 198-203, 256, 343, 347]

The third matter – consistency with government policies on the historic environment

408. Paragraph 132 of the NPPF states that "When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's preservation. The more important the asset, the greater the weight should be". It has been concluded, earlier in this report, that the proposed development would cause harm to the significance of a designated heritage asset, Barbury Castle, but that the harm caused would be less than substantial. Paragraph 134 of the NPPF states that "Where a development proposal would 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...". [92, 333]

409. Barbury Castle is an historic asset of the greatest importance and great weight is therefore given to its preservation. Harm would be caused to its significance but the harm would be less than substantial. In accordance with paragraph 134 of the

NPPF the harm caused to the historic asset will be weighed against the public benefits of the proposal but this assessment will be carried out in the overall planning balance where all matters for and against the proposal will be considered.

The overall planning balance

410. The landscape of Wiltshire is not immune to the effects of climate change. Flooding is a serious issue and will have affected the area and the lives of those who live within the area. This one effect of climate change causes erosion of the landscape and alters how the landscape can be farmed and used. It also causes severe hardship for those who suffer the direct consequences; flooding of their homes and businesses.

411. 41 MW of renewable energy is sufficient to power about 12,000 homes and would be a significant contribution to achieving the national target of meeting 15% of the United Kingdom's energy demand from renewable resources by 2020. The contribution, in itself, would assist in alleviating climate change.

412. Planning Policy Guidance on Renewable and Low Carbon Energy explains that the importance of increasing energy from renewable technologies "will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses". The proposed solar PV scheme would contribute to meeting these objectives. The NPPF supports renewable energy proposals. The transition to a low carbon future is one of its core planning principles and paragraph 93 of the NPPF states that planning plays a key role in supporting the delivery of renewable energy.

413. The Department of Energy and Climate Change has published a two-part UK Solar PV Strategy. The Strategy recognises the importance of solar PV deployment in helping to meet the UK's target of 15% renewable energy by 2020. The Minister's Foreword to Part One of the Strategy includes the cautionary note "But big ambition must also be matched by a much greater sensitivity to impacts on landscape, visual amenity and biodiversity. Local communities must be willing partners in solar expansion; not just consulted but respected and where ever possible, financial partners in local projects". This is reinforced at sub-paragraph 6(III) of the Executive Summary, which states "Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them".

414. Planning Practice Guidance on large-scale ground-mounted PV farms refers to a speech made by Mr Gregory Barker MP, the Minister for Energy and Climate Change, to the solar PV industry on 25 April 2013. His comments "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. As we take solar to the next level, we must be thoughtful, sensitive to public opinion, and mindful of the wider environmental and visual impacts", are in the same vein as the quotations from the UK Solar PV Strategy in the previous paragraph. The requirement to give weight to the views of local communities is therefore incorporated into national planning guidance.

415. In this case there is widespread support from the local community for the proposed solar PV scheme. The local MP, Mr Robert Buckland, referred to it as 'overwhelming' support and spoke in favour of the scheme at the Inquiry. Local

residents, many of whom wrote personal letters of support both to the Council and to The Planning Inspectorate, consider, amongst other things, that the visual impact of the solar farm would be very limited and the view from Barbury Castle and the Ridgeway Trail would not be harmed, that it would bring people to the area to view it from Barbury Castle, and that the redundant and decaying airfield is an appropriate home for a solar park. They also regard the Science Museum's activities at the airfield to be an asset to the area and are pleased that the Science Museum would benefit financially to continue their preservation of historic artefacts. The views of local residents are given weight in the overall planning balance.

416. Emerging LP policy IN4 is not yet part of the Development Plan but it is consistent with the NPPF and is afforded substantial weight. The policy contains the balancing exercise that is invariably necessary when considering the planning merits of a renewable energy scheme in a location where the presumption is against major development. The policy states that renewable energy infrastructure will be assessed under national policies and against their social and economic benefits, the impacts on and benefits to local communities, and environmental impact.

417. The proposed development at Wroughton Airfield would have a slight adverse effect on the character of the landscape and would have a moderate adverse effect on the visual amenity of the area. The overall effect on character and visual amenity would be less than substantial. However, there is an identified need for the major development at the airfield and this need cannot be met by developing outside the AONB or in any other way. The circumstances of the Science Museum's need for the development are exceptional and outweigh the less than substantial harm that would be caused to the environment and conservation of the landscape of the AONB. The proposed development accords with government policy on the natural environment.

418. The setting of Barbury Castle is only one matter that contributes to its historic significance. A moderate adverse effect to its setting equates therefore to a less than substantial effect to its historic significance. Barbury Castle is an historic asset of the greatest importance and great weight is afforded to its preservation. Harm would be caused to its significance but the harm would be less than substantial. The less than substantial harm to the historic asset is outweighed by the environmental and other benefits of the proposed solar PV scheme. The proposed development accords with government policy on the historic environment.

419. The balancing exercise that must be conducted requires planning judgement to be exercised. The proposed solar PV scheme would be on what may be regarded to be previously developed land which would continue in agricultural use for the grazing of sheep. The scheme is supported by the local community, is needed to provide income for the Science Museum, would bring forward ecological benefits, and would make a substantial contribution to alleviating climate change. The airfield cannot be regarded, in its own right, to be of high environmental value. It is only of high environmental value because of its location within the AONB. No party has suggested that there are any other comparable sites within the AONB and the proposed development of the solar PV scheme at Wroughton airfield would not therefore create any sought of precedent within the AONB.

420. The substantial planning merits of the proposed development outweigh the less than substantial harm that would be caused to the environment and the less than substantial harm that would be caused to the significance of Barbury Castle.

Overall, the proposed solar PV scheme at Wroughton Airfield accords with national policy and guidance set out in the NPPF.

421. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. It has been concluded that there would be some degree of conflict with LP policies ENV10 and ENV11 and therefore with the development plan. However, the environmental benefits of the solar PV scheme and the financial benefit to the Science Museum are material considerations that justify determination of the application other than in accordance with the development plan.

Recommendation

422. I recommend that the application be allowed and planning permission be granted for 'the installation of ground mounted photovoltaic solar arrays to provide 41 MW generation capacity together with transformer stations, internal access track, landscaping, fencing, security measures, access gate, and ancillary infrastructure' on land at the Science Museum, Wroughton, Swindon, subject to conditions set out in a Schedule attached to this Report.

John Braithwaite

Inspector

SCHEDULE OF RECOMMENDED CONDITIONS

1. The development hereby permitted shall begin before the expiration of three years from the date of the permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended.

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

- Drwg. No. 602-31-L002 Rev PL2 Option Layout Drawing
- Drwg. No. 602-51-L004 Rev PL4 Inverter Hosing Details
- Drwg. No. 602-51-L005 Rev PL3 Transformer Details
- Drwg. No. 602-51-L003 Rev PL2 General Details Drawing
- Drwg. No. 602-51-L006 Rev PL4 Site Location Plan
- Drwg. No. 602-51-L007 Rev PL2 Site Location Plan Large Scale
- Drwg. No. 602-51-L101 Rev PL2 General Scheme Layout
- Drwg. No. 602-51-L111 Rev PL1 General Scheme Layout Area 1
- Drwg. No. 602-51-L121 Rev PL1 General Scheme Layout Area 2
- Drwg. No. 602-51-L131 Rev PL1 General Scheme Layout Area 3
- Drwg. No. 602-51-L141 Rev PL1 General Scheme Layout Area 4
- Drwg. No. 12392-2500-001 Topographical Survey

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

3. The development hereby permitted shall be removed in accordance with condition 4 below after a period of 30 years from the date when electricity is first exported from the solar farm to the electricity grid ("First Export Date"). Written notification of the First Export Date shall be submitted to the Local Planning Authority no later than 14 days after the event.

Reason: To ensure the development is removed at the end of its effective life.

4. No later than 9 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures. The scheme, as approved, shall be implemented within 6 months of the expiry of this permission.

Reason: In the interests of the character of the area and highway safety.

5. Development shall not commence until a Construction and Environment Method Statement (CEMS) has been submitted to and approved in writing by the local planning authority. The CEMS shall include measures to minimise noise, vibration and dust, and details of temporary floodlighting, during the construction period. The approved CEMS shall be adhered to during the construction period.

Reason: In the interests of amenity.

6. Development shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of access and parking arrangements for site personnel, contractors and visitors, arrangements for loading, unloading and storage of plant and materials, and details of wheel washing facilities and procedures. The approved CMP shall be adhered to during the construction period.

Reason: In the interests of amenity and highway safety.

7. Development shall not commence until details of proposed cable runs and trunking have been submitted to and approved in writing by the local planning authority. The details shall include the method of enclosing cabling above ground level, the method of extraction of soil and gravel to cover cable runs, and measures to ensure site safety during the construction period and the life of the development. Development shall be carried out in accordance with the approved details.

Reason: In the interests of site safety.

8. Development shall not commence until a site investigation of the nature and extent of contamination has been carried in accordance with a methodology that has been submitted to and approved in writing by the local planning authority. The results of the site investigation and measures for mitigating any contamination found on the site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with approved mitigating measures. If any contamination not previously identified is found during the course of construction of the development hereby permitted additional measures to mitigate the contamination found shall be submitted to and approved in writing by the local planning authority. The approved additional measures shall be carried out.

Reason: To ensure that contamination of the site is properly mitigated.

9. Development shall not commence until the colour of the transformer enclosures and grid connection building has been submitted to and approved in writing by the local planning authority. The transformer enclosures and grid connection building shall be finished and maintained in the approved colour.

Reason: In the interests of the appearance of the development.

10. Development shall be carried out in accordance with the Ecological Survey (ES) and the Landscape and Biodiversity Management Plan (LBMP), both dated June 2013, and the provisions of the ES and the LBMP shall be adhered to throughout the lifetime of the development.

Reason: In the interests of biodiversity and ecology.

11. No lighting shall be installed in the development hereby permitted other than that required to ensure the safety and security of the site.

Reason: To prevent unnecessary light pollution.

12. Within three months of the First Export Date use of the temporary storage area shall cease and the site shall be restored to agricultural use in accordance with measures that shall have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of the appearance of the area.

APPEARANCES

FOR THE APPELLANT:

Mr J Maurici

Queens Counsel

He called

Mr B Denney BA(Hons) DipLA CMLI
CENV MIEMA

Landscape and Environmental Planning
Director at Pegasus Group

Mr D Coe BA(Hons) MifA FSA

Senior Heritage Consultant at Cotswold
Archaeology

Mr J Owen BSc DipEaD FRSA

Commercial Director of Swindon
Commercial Services

Mr J Newby BPhil PGDip

Chief Operating Officer of the Science
Museum Group

Mr Virtue BA DipTP MRTPI

Planning Director at Pegasus Group

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Clarke

Barrister

He called

Mr Dewart BSc(Hons) DipTP MRTPI

Service Manager: Technical Services at
Swindon Borough Council

FOR NORTH WESSEX DOWNS AONB UNIT:

Mr R Bate

Green Balance

He called

Mr Lord BA(Hons) MA MRTPI

Planning Advisor for the North Wessex
Downs AONB Unit

Mr Harley BSc(Hons) CMLI

Director of WHLandscape Consultancy
Ltd

FOR NATURAL ENGLAND:

Mr N Westaway

Barrister

He called

Mr D Tyldesley DipTP(Dist) DIPLD
FRTPI FCIEEM FRSA

Principal of David Tyldesley and
Associates

FOR ENGLISH HERITAGE:

Mr S Lyness

Barrister

He called

Mr McMahon MA AIA

Inspector of Ancient Monuments at
English Heritage

INTERESTED PERSONS:

Mr R Buckland MP

Member of Parliament for South Swindon

Mr T Harper

CEO of Belectric

Mrs Henshaw

Campaign for the Protection of Rural England

Mrs A Richards

Ward Councillor for Wroughton and Wichelstowe

Mr C Kennedy

Local resident

Mr M Denton-Thompson

Local resident

Mr A Bennett

Ward Councillor for Ridgeway

Mr J Bowman

Local resident

INQUIRY DOCUMENTS (ID)

- 1 Appearances for the North Wessex Downs AONB Unit.
- 2 Opening on behalf of the Applicants.
- 3 Swindon Borough Council: Opening Statement.
- 4 North Wessex Downs AONB Opening Statement.
- 5 Basildon District Council and the First SoS v Mrs R Temple [2004] EWHC 2759.
- 6 Opening Submissions on behalf of English Heritage.
- 7 Opening Statement on behalf of Natural England.
- 8 Addendum to Mr Lord's Proof of Evidence.
- 9 Bedford Borough Council v SoS for CLG and Nuon UK Ltd [2013] EWHC 2847.
- 10 Previous land cover at Wroughton (2000-12).
- 11 Big60Million Bond Invitation Document.
- 12 Council's letter of notification of the Inquiry.
- 13 E-mail and attachment sent by Mr J Venn to Mr D Dewart on 30 July 2014.
- 14 Oral narrative to SBC Planning Committee by Mr R Bell on 10 December 2013.
- 15 Plan of Wroughton Airfield.
- 16 Swindon Borough Local Plan 2026 Consultation Document – September 2014.
- 17 Landscape Institute Advice Note 01/11.
- 18 Planned and operational solar farms in Swindon Borough.
- 19 ES Proposed Connection to the Electrical Grid.
- 20 Proposed solar farm at Lyneham Airfield.
- 21 Planning practice guidance for renewable and low carbon energy.
- 22 Non-technical Summary of Environmental Statement – July 2013.
- 23 Minutes of 12 March 2013 Meeting of the NW Downs AONB Council of Partners.
- 24 Wroughton Parish Council Planning Application Response Form.
- 25 Mr Denney's Note on Visualisations – APP/BD/4.
- 26 Appeal Decision APP/R1038/A/09/2107667.
- 27 Scottish Government Good Practice Principles for Community Benefits.
- 28 JPL Case Comment on Tewkesbury BC v SoS for CLG.
- 29 Onshore Wind Call for Evidence: Government Response – June 2013.
- 30 Wroughton Community Benefit Fund.
- 31 Plan of North Wessex Downs AONB.
- 32 North Wessex Downs AONB Management Plan 2014-19.
- 33 Agricultural use of the airfield under a Countryside Stewardship Agreement.
- 34 Decision and Report for APP/D2510/A/13/2200887.
- 35 Invest and Save for a Low Carbon Swindon: Cabinet Agenda Item 13.

- 36 Science Museum Group Note on Finances.
- 37 Revenue Funds at The Community Foundation for Wiltshire and Swindon.
- 38 Land Registry Title Deed WT164133 for Wroughton Airfield.
- 39 Representation by Belectric.
- 40 Representation by Mrs Henshaw on behalf of the CPRE.
- 41 Representation by Mr Merrick Denton-Thompson OBE FLI.
- 42 Representation by Mr C Kennedy.
- 43 Representation by Mr J Newman.
- 44 Representation by Mrs A Richards.
- 45 Draft Section 106 Unilateral Undertaking.
- 46 Conditions agreed in Statement of Common Ground.
- 47 Closing submissions on behalf of English Heritage.
- 48 Closing submissions on behalf of Natural England.
- 49 Closing statement on behalf of North Wessex Downs AONB Unit.
- 50 Swindon Borough Council: Closing Statement.
- 51 Closing on behalf of the Applicants.

CORE DOCUMENTS (CD)

1. CALL-IN LETTER AND LOCAL PLANNING AUTHORITY COMMITTEE REPORT

Ref	Document
1.1	Department of Communities and Local Government Call-in Letter to the applicants dated 2 April 2014
1.2	Department of Communities and Local Government Call-in Letter to the Local Planning Authority dated 2 April 2014
1.3	Planning Committee Report Tuesday 10 December 2013
1.4	Additional Information Planning Committee Report Tuesday 10 December 2013
1.5	Minutes for Planning Committee dated Tuesday 10 December 2014

2. APPLICANTS INQUIRY DOCUMENTATION

Ref	Document
2.1	Applicant's Statement of Case

3. LOCAL PLANNING AUTHORITY INQUIRY DOCUMENTATION

Ref	Document
3.1	Local Planning Authority Statement of Case
3.2	Statement of Common Ground between Local Planning Authority and Applicants

4. ENGLISH HERITAGE

Ref	Document
4.1	The English Heritage representations submitted to the Local Planning Authority: - Letter dated 27 March 2013 from Hugh Beamish, Assistant Inspector of Ancient Monument to Local Planning Authority. Email dated 11 April 2013 from EH to LPA Email dated 27 August 2013 from EH to LPA Letter dated 30 October 2013 from EH to LPA

	Letter dated 20 December 2013 from EH to NPCU
4.2	English Heritage Statement of Case

5. NATURAL ENGLAND

Ref	Document
5.1	The Natural England representations submitted to the Local Planning Authority: - Correspondence dated 15 August 2013 from Alison Howell, Lead Advisor to Local Planning Authority Correspondence dated 4 November 2013 from Alison Howell, Lead Advisor to Local Planning Authority Correspondence dated 10 December 2013 from Alison Howell, Lead Advisor to Local Planning Authority
5.2	Natural England Statement of Case

6. NORTH WESSEX DOWNS AONB UNIT

Ref	Document
6.1	REPRESENTATIONS SUBMITTED TO THE LOCAL PLANNING AUTHORITY Letter dated 23 January 2013 from AONB Unit to LPA Email and enclosures dated 31 July 2013 from AONB Unit to LPA Email dated 1 October 2013 from AONB Unit to LPA Email dated 24 October 2013 from AONB Unit to LPA
6.2	North Wessex Downs AONB Unit Statement of Case

7. THIRD PARTY REPRESENTATIONS SUBMITTED TO THE PLANNING INSPECTORATE FOLLOWING CALL-IN

Ref	Document
422.1	Representations supporting the development proposal
	Vision for Wroughton Community Group, letter dated 22 May 2014
	Amanda Woodhead, email dated 25 April 2014

Councillor Brian Ford, email dated 25 April 2014
Mr Merrick Denton-Thompson, email dated 21 May 2014
Mr Paul Dixon, letter dated 10 May 2014
Hannah Youngman, letter dated 19 May 2014
Mandy Youngman, letter dated 19 May 2014
A Youngman, letter dated 19 May 2014
Stacie Youngman, letter dated 15 May 2914
Ian Grice, letter dated 15 May 2014
Chantelle Smith, letter dated 15 May 2014
Tina Grice, letter dated 15 May 2014
Joanne Hillier, letter dated 8 May 2014
Stewart Woodford, letter dated 14 May 2014
Mark Alden, letter dated 13 May 2014
James Read, letter dated 13 May 2014
Councillor Wayne Crabbe, letter dated 10 May 2014
Philip Sloan, letter dated 10 May 2014
B R Phillips, undated letter
Ceri Elizabeth Kennedy, email dated 21 May 2014
Maria Hinnigan, email dated 21 May 2014
Christopher Kennedy, email dated 21 May 2014
Sophy Fearnley-Whittingstall, email dated 21 May 2014
Hilary Bather, email and attached letter dated 22 May 2014
Wiltshire Clean Energy Alliance, email dated 22 May 2014
Michael Waite, email dated 25 April 2014
Kate Murphy, email dated 26 April 2014
Keith Whitefoot, email dated 28 April 2014
Jane Lane, email dated 1 May 2014
Eilish Loveday, email dated 1 May 2014
Steve Harcourt, email dated 28 April 2014
Hilary Dunscombe, letter dated 28 April 2014

Jane Harcourt, email dated 29 April 2014
J Peters-Phillips, email dated 29 April
Mark Rousell, email dated 30 April 2014
Wroughton Angling Club, letter dated 28 April 2014
John Gregory, email dated 1 May 2014
Sian Beautyman, email dated 1 May 2014
C. Audritt, letter dated 28 April 2014
Georgina Auers, letter dated 20 May 2014
Steve Litchfield, email dated 22 May 2014
The Rapid Technology Transfer Group, undated memo
Louis Priday, email dated 2 May 2014
Liz Derbyshire, email dated 3 May 2014
Andrew Rogers, email dated 6 May 2014
Ben Weston, email and letter dated 8 May 2014
Adam Wilkinson-Moore, email dated 8 May 2014
Joan Orman, email dated 8 May 2014
Tracey Jeapes, email dated 8 May 2014
Rachel Edwards, email dated 9 May 2014
Rosemary Morgan, email dated 9 May 2014
Keith Bayliss, email dated 9 May 2014
Maureen Wood, email dated 10 May 2014
Mary McDonagh, email dated 11 May 2014
Rowena Quantrill, email dated 11 May 2014
Sally Parker, email dated 12 May 2014
David Haney, letter dated 10 May 2014
Miranda Wigmore-Dixon, email dated 10 May 2014
Kaija Alanko, letter dated 10 May 2014
M Colton, letter with enclosure dated 2 May 2014
David Waters, email dated 14 May 2014
Sunjit Dosanjh, email dated 15 May 2014

Andrew Day, email dated 15 May 2014
K Solan, letter dated 13 May 2014
M Sloan, letter dated 13 May 2014
A Sloan, letter dated 13 May 2014
Cathy Martyn, email dated 20 May 2014
Dr. Beverley Margerison, email dated 20 May 2014
Councillor Brian Ford, letter dated 10 May 2014
Adam Poole, letter dated 10 May 2014
Richard Baker, letter dated 10 May 2014
Nicholas Knell, letter dated 10 May 2014
J Strafford, letter dated 10 May 2014
David Ponting, letter dated 10 May 2014
P V Derbyshire, letter dated 10 April 2014
Chris Stennett, letter dated 10 May 2014
Sally Stennett, email dated 10 May 2014
David Hobbs, email dated 10 May 2014
H Hobbs, letter dated 10 May 2014
Sara Bright, letter dated 10 May 2014
H Hodd, undated letter
C J Singer, letter dated 10 May 2014
Mr & Mrs Fellam, undated letter
Margaret Penfound, email dated 3 July 2014
Paul Lawrence, email dated 3 July 2014
Elsbeth Wollen, email dated 19 June 2014
Christopher Hughes, email dated 9 July 2014
Clare Taylor, email dated 7 July 2014
Dick Millard, email dated 7 July 2014
Valentina Vitale, letter dated 7 July 2014
Alexander Beckett, letter dated 14 July 2014
Richard Jackson, letter dated 14 July 2014

	Megan Grace Dobbs, letter dated 14 July 2014
	Declan Mackle, letter dated 16 July 2014
	Matthew Clare, letter dated 17 July 2014
	Hazel Paige, letter dated 17 July 2014
	Oliver Gardiner, email dated 24 July 2014
	Hazel Williams on behalf of Merlin Hyman CE, REGEN SW, email dated 29 July 2014
	Glynis Hales, email dated 3 August 2014
	Margaret Brunger, email dated 4 August 2014
422.2	Representations objecting to the development proposal
	Campaign to Protect Rural England, letter dated 16 May 2014
	Mr M R Jordan of Swindon Model Aero Club 2014, letter dated 14 May 2014
	Councillor John Newman, letter dated 4 June 2014 (comment as individual and not on behalf of the Parish Council)
	The Friends of the Ridgeway, letter dated 7 July 2014
	Broad Hinton and Winterbourne Bassett Parish Council, letter dated 19 September
422.3	Other third party representations
	Wroughton Parish Council

8. PLANNING APPLICATION DOCUMENTS AND POST-SUBMISSION DOCUMENTS

Ref	Document
8.1	Planning Application Form
8.2	Planning Application Drawings: - Drg No. 602-31-L002 Rev PL2 Option Layout Drawing Drg No. 602-51-L004 Rev PL4 Inverter Hosing Details Drg No. 602-51-L005 Rev PL3 Transformer Details Drg No. 602-51-L003 Rev PL2 General Details Drawing Drg No. 602-51-L006 Rev PL4 Site Location Plan Drg No. 602-51-L007 Rev PL2 Site Location Plan Large Scale

	Drg No. 602-51-L101 Rev PL2	General Scheme Layout
	Drg No. 602-51-L111 Rev PL1	General Scheme Layout Area 1
	Drg No. 602-51-L121 Rev PL1	General Scheme Layout Area 2
	Drg No. 602-51-L131 Rev PL1	General Scheme Layout Area 3
	Drg No. 602-51-L141 Rev PL1	General Scheme Layout Area 4
	Drg No. 12392-2500-001	Topographical Survey
8.3	Planning Statement, June 2013	
8.4	Statement of Community Engagement, June 2013	
8.5	Tree Survey Report, June 2013	
8.6	Applicant's Response to Consultee Representations coordinated by Pegasus Planning, September 2013	
8.7	Site Search Assessment Report Addendum, November 2013	
8.8	Briefing Note for NPCU Pre-application Community Engagement (January 2014)	
8.9	Environmental Statement Volume 1, July 2013	
8.10	Environmental Statement Volume 2, July 2013	
8.11	Environmental Statement Non Technical Summary, July 2013	

9. THIRD PARTY REPRESENTATIONS SUBMITTED TO THE LOCAL PLANNING AUTHORITY DURING ITS CONSIDERATION OF THE APPLICATION (Before application was called-in by SOS)

Ref	Document
9.1	Representations in Support
	Dr Roderick Hebden-Leeder Peter Turvey Mrs Jayne Brown Mrs Paula Marsh Wroughton Parish Council
9.2	Objections
	Graham Price 2 August 2013

	George Paton - Various (undated) Mrs P Barnes Simon McIntosh Broadhinton & Winterbourne Bassett Parish Council
9.3	Impartial Observations Mrs Emma Pope (undated) Mr John Gregory James Keith

10. National Planning Policy Documents and National Strategies

Ref	Document
10.1	National Planning Policy Framework, March 2012
10.2	Overarching National Planning Policy Statement for Energy (EN-1)
10.3	Planning Practice Guidance (PPG) Renewable and Low Carbon Energy (last updated 10 April 2014)
10.4	Planning Practice Guidance on Climate Change (last updated on 12 June 2014)
10.5	Planning Practice Guidance on Determining a Planning Application (last updated 12 June 2014)
10.6	Planning Practice Guidance on Natural Environment (last updated 12 June 2014)
10.7	Planning Practice on land affected by Contamination (last updated 12 June 2014)
10.8	Written Ministerial Statement Planning For Growth (12 March 2011)
10.9	Circular 10/97: Enforcing planning control: legislative provisions and procedural requirements: Annex 8: lawfulness and the Lawful Development Certificate
10.10	Ministerial Letter to Local Planning Authorities by Minister of State for Energy and Climate Change (dated 1 November 2013)
10.11	Ministerial Letter to Local Planning Authorities by Minister of State for Energy and Climate Change (dated 22 April 2014)
10.12	UK Solar PV Strategy Part 1 – Roadmap to a Brighter Future, October 2013

10.13	UK Solar PV Strategy Part 2 – Delivering a Brighter Future, April 2014
10.14	Planning Practice Guidance "Conserving and enhancing the historic environment (last updated 6 March 2014)"
10.15	UK Renewable Energy Strategy (2009)
10.16	Ministerial Statement by The Secretary of State for Communities and Local Government dated 6 March 2014
10.17	Written Ministerial Statement by Nick Boles dated 6 June 2013

11. Local Planning Policy, Guidance and Documents

Ref	Document
11.1	Swindon Borough Local Plan 2011 (2006)
11.2	Swindon Borough Local Plan Proposal Map (2006) – extract showing the development boundary of the Science Museum at Wroughton (Policy R3)
11.3	GOSW letter 'Saved Policies' 16th July 2009
11.4	Swindon Borough Local Plan 2011, Report of the Inspector (November 2005)
11.5	Submission Draft of the Swindon Borough Local Plan 2026 (June 2013)
11.6	Submission Draft of the Swindon Borough Plan 2026 Proposal Map (June 2013) – Extract showing the development boundary of the Science Museum at Wroughton (Policy RA2)
11.7	Swindon Borough Local Plan 2026 Examination Statement of Common Ground between Swindon Borough Council and North Wessex Downs AONB Unit (May 2014)
11.8	Swindon Borough Local Plan 2026 Examination Statement of Common Ground between Swindon Borough Council and Natural England (April 2014)
11.9	Swindon Borough Local Plan 2026 Examination Statement of Common Ground between Swindon Borough Council and English Heritage (April 2014)
11.10	Swindon Borough Statement of Community Involvement (September 2007)
11.11	Swindon Sustainable Energy Framework (2011)
11.12	An Economic Strategy for Swindon 2012 (26 January 2013)

11.13	SBC October 2013 Cabinet Report: Swindon's Energy Future – Part 1
11.14	SBC April 2014 Cabinet Report: Swindon's Energy Future – Part 2
11.15	Swindon Borough Council Statement of Community Involvement in Planning March 2013.
422.4	Swindon Borough Council Statement of Community Involvement in Planning March 2013.

12. Localism

Ref	Document
12.1	The Coalition Our Programme for Government
12.2	The Coalition: together in the national interest Mid Term Review (October 2013)
12.3	A Plain English guide to Localism Act (published 15 November 2011)

13. Energy strategy, guidance and legislation

Ref	Document
13.1	Statutory Instrument (2011 No. 243) – The Promotion of the Use of Energy from Renewable Sources Regulations 2011 (February 2011)
13.2	European Directive 2009/28/EC
13.3	[not allocated]
13.4	Digest of United Kingdom Energy Statistics 2014 (extract only)
13.5	Energy Security Strategy (November 2012)
13.6	Renewable Energy in 2013 (June 2014)
13.7	Annual Energy Statement (October 2013)
13.8	Renewable Energy Roadmap Update (November 2013)
13.9	BRE Planning Guidance for the Large Scale Development of Ground Mounted Solar PV Systems 2013
13.10	The South West Renewable Energy Progress Report 2013

13.11	The South West Renewable Energy Progress Report 2014
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14. Landscape and Visual Documents

Ref	Document
14.1	North Wessex Down AONB Management Plan (2009-14)
14.2	North Wessex Downs AONB Position Statement on Renewable Energy (October 2012)
14.3	Kennet District Council Landscape Character Assessment (1998)
14.4	The North Wessex Downs AONB Integrated Landscape Character Assessment (2002)
14.5	Landscape Character Areas Adopted SPG (2004)
14.6	Wiltshire Landscape Character Assessment (LCA) (2005)

15. Heritage Documents

Ref	Document
15.1	Communities and Local Government), English Heritage and DCMS (Department for Culture, Media and Sport) 2010 PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide
15.2	(English Heritage) 2008 Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage
15.3	(English Heritage) 2009 Barbury Castle Environs: Air Photo Survey and Analysis: Special Project Report
15.4	(English Heritage) 2011a The Setting of Heritage Assets: English Heritage Guidance
15.5	(English Heritage) 2011c Introductions to Heritage Assets: Prehistoric Barrows and Burial Mounds
15.6	(English Heritage) 2014 <i>Statement Of Case Of Historic Buildings And Monuments Commission For England (English Heritage)</i>
15.7	IFA, 2012. Standard and Guidance for Historic Environment Desk-Based Assessment
15.8	Natural England 2013 National Character Area profile: 116. Berkshire and Marlborough Downs

15.9	Webster, C.J. 2007 A Research Agenda for Archaeology in South-West England
15.10	West Yorkshire Archaeology Service 'Wroughton Airfield Solar Park, Swindon, Wiltshire' Geophysical Survey Report November 2013
15.11	Correspondence from Wiltshire Council Archaeologist
15.12	Bowden, M., 1998 Barbury Castle: Archaeological Survey Report
15.13	Payne, A., Corney, M., and Cunliffe, B. 2006 The Wessex Hillforts Project: Extensive Survey of Hillfort Interiors in Central Southern England, English Heritage (Extract)
15.14	English Heritage., 2012b Designation Scheduling Selection Guide: Commemorative and Funerary
15.15	English Heritage., 2012c Designation Scheduling Selection Guide: Agriculture

16. Miscellaneous, decisions and appeals

16.1	Officers Report for a Solar Farm planning application (Ref: 14/00385/COMIND) at land To The West Of Membury Services Westbound, Membury, Hungerford
16.2	Habitat Aid, 2013. Solar Farms – Biodiversity Hotspots?
16.3	Andreas Wade, 2011. Solar parks and their influence on biodiversity. Solar First.
16.4	Natural England, 2011. Solar parks: maximising environmental benefits.
16.5	National Trust, 2014. National Trust supports new guidance to turn solar farms into biodiversity hotspots
16.6	Parker, G.E, Greene, L., 2014. BRE Biodiversity Guidance for Solar Developments. Eds G E Parker and L Greene
16.7	Secretary of State decision on APPEAL BY HIVE ENERGY LIMITED HORSE CLOSE, CHURCH FARM, HACHESTON, SUFFOLK IP13 APPLICATION REF: C12/1899
16.8	Bumblebee Conservation Trust, 2013. Solar parks helping to save the declining British bumblebee.
16.9	Appeal Ref: APP/R3325/A/13/2209592 Land at Tintinhull Forts, Tintinhull BA22 8PA
16.10	Appeal Ref: APP/Q3305/A/13/2201954 Former Maesbury Quarry, Old Frome Road, Maesbury, Wells BA5 3HA



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.