

REPORT FOR PLANNING COMMITTEE

Date of Meeting	
Application Number	PL/2023/03501
Site Address	Land Near Minety Substation, Minety, Wiltshire, SN16 9DX
Proposal	Variation of condition 3, 4, 5, 6, 7, 11 & 20 of 20/03528/FUL -To allow modifications to the approved layout, increase from 12 battery units with 16 localised inverters to 22 battery units and 19 containerised inverters, alterations to location of vehicular access,
Applicant	JBM Solar Projects 14 Ltd
Town/Parish Council	CHARLTON AND HANKERTON
Electoral Division	Brinkworth – Councillor Elizabeth Threlfall
Grid Ref	400081 189923
Type of application	Full Planning Permission
Case Officer	Adrian Walker

Reason for the application being considered by Committee

The application has been called-in by the Division Member (Brinkworth Division) Elizabeth Threlfall (on the 25 May 2023) for the following reasons - 'scale of the development', 'visual impact on surrounding area', 'relationship to adjoining properties', 'design' and 'environmental/highway impact'. It was also stated that the "cumulative effect of expanded large renewable energy scheme in an area where there are several other permitted or being applied for" needs to be considered.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation to grant planning permission (to vary planning permission reference 20/03528/FUL).

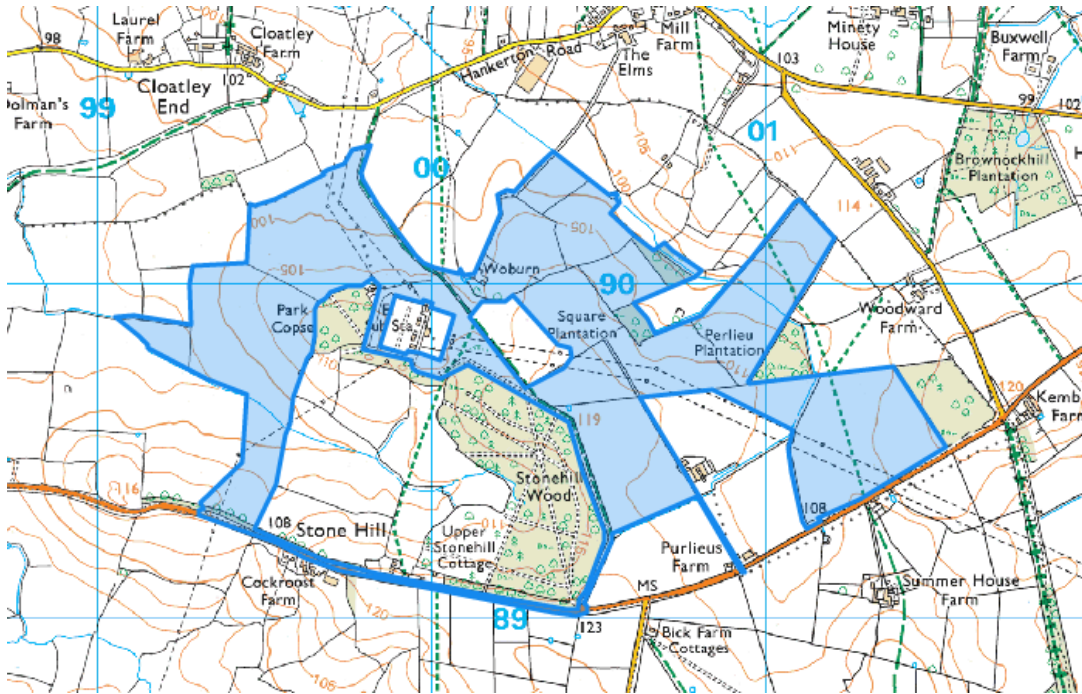
2. Report Summary

Section 73 of the Town and Country Planning Act 1990 (as amended) enables applications to be submitted to materially amend a planning permission by varying or removing conditions of the permission. The Planning Practice Guidance confirms there is no statutory limit on the degree of change permissible to conditions under section 73, but the change must only relate to conditions and not to the operative part of the permission. (Paragraph: 013 Reference ID: 17a-013-20230726).

The main issue for consideration is whether the proposed amendments to the conditions of planning permission reference 20/03528/FUL should be granted. The principle of development cannot be reconsidered.

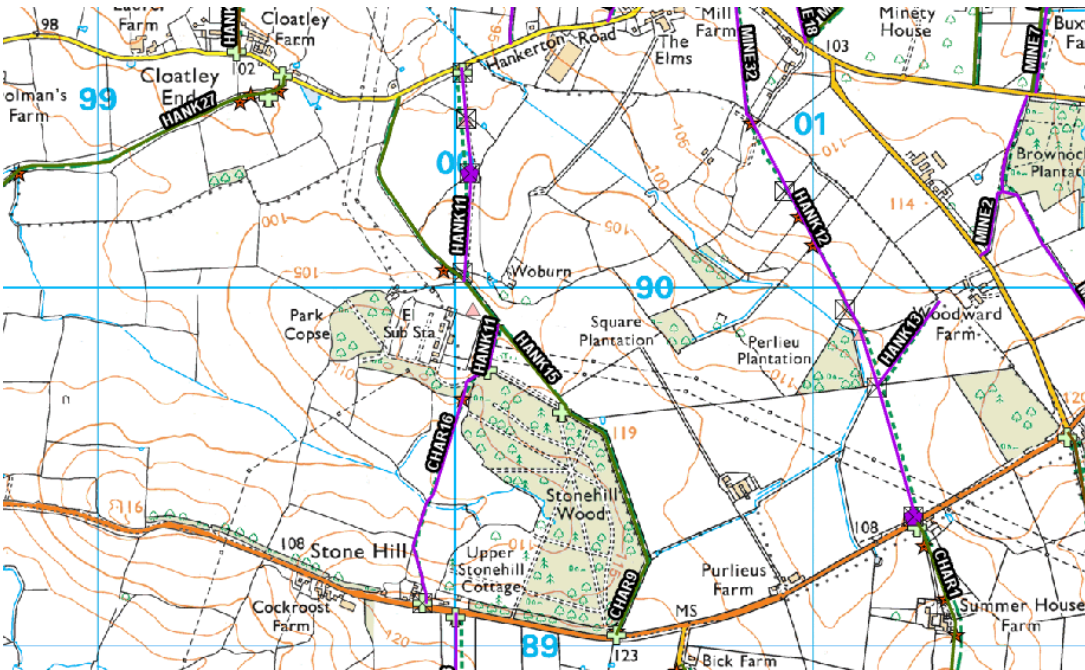
3. Site Description

The site is located on the north side of the B4040 and is split into two landholdings, either side of the existing National Grid Minety sub-station. The site extends to approximately 110 hectares and comprises a collection of average size fields enclosed by trees, hedges and woodland. Access to the sub-station is via a 1.1 km private road from the B4040, and there are two existing site entrances to the south-west and south-east.



Application site – shaded blue

The land in this area is undulating and there are three public rights of way crossing the site (footpaths HANK11 & HANK12 and bridleway HANK15/CHAR9).



Rights of Way

The site borders Stonehill Wood and Park Copse, which are both designated as County Wildlife Sites and ancient woodland. The site also borders Cloatley Farm SSSI and Emmett Hill Meadows SSSI to the north and north-east respectively. There is a large number of protected species records in this area, which includes various species of bats.

The site is in an area of archaeological potential and the closest listed building is the Milestone on Minety Road which is Grade II listed. There are also two Grade II listed buildings situated to the north (Dolman's Farmhouse and Cloatley End Farm).

The site lies in Flood Zone 1 on the Environment Agency's Flood Map for Planning, where there is a low risk of flooding. The majority of the site is at low risk of surface water flooding in the 1 in 100-year design scenario, with some localised streaming.

4. Relevant Planning History

Planning permission, reference 20/03528/FUL, was granted on the 07 April 2022 for the installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays and battery based electricity storage containers together with transformer stations; access; internal access track; landscaping; security fencing; security measures; access gate; and ancillary infrastructure.



Approved Site Layout

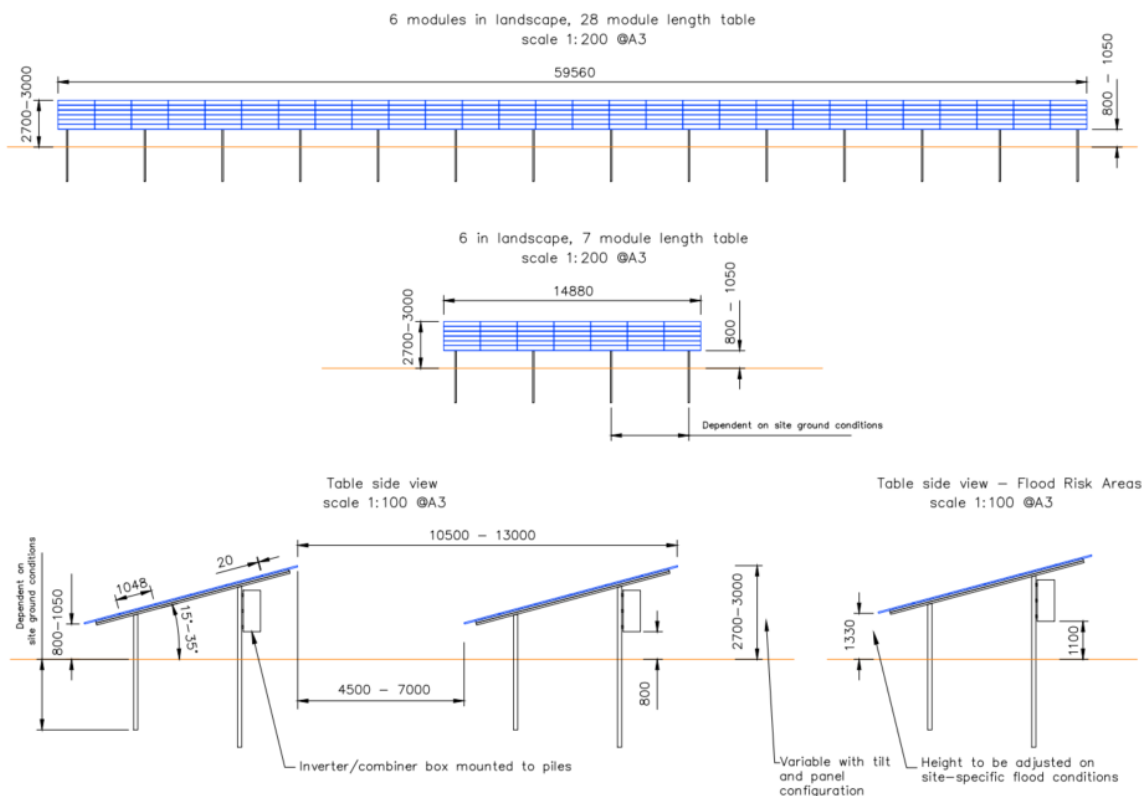
The approved site plan above shows the extent of the approved renewable energy scheme which comprises of ground mounted photovoltaics with ancillary equipment including provision for battery storage on land near Minety sub-station. The ground mounted solar park and battery storage compound would have a maximum design capacity of up to 50 megawatts (MW). Both the solar and battery elements would have an operational lifespan of 40 years.

The point of connection to the electricity grid would be at the adjoining Minety sub-station.

The solar PV panels would be fixed to metal frames, laid out in rows across the site in an east/west orientation and face to the south at between 15 and 35 degrees from the horizontal. The maximum top height of the solar panels would be 3 metres and the minimum standard height of the lowest part would be 0.8 metres, except in identified flood risk areas where the minimum height would be 1.3 metres. Stock proof fencing would be erected, and a CCTV system would be mounted on poles at intervals along the inside edge of the fencing.

The approved battery compound would be located to the east of the National Grid sub-station. It would comprise 12 containerised battery units (measuring 12.5m by 2.7m and 2.6m in height) and 4 ancillary cabinets (measuring 6.4m by 3.5m and 3.1m in height).

The proposed central point of access is via the T-junction that serves the existing Minety sub-station. The various field enclosures would be linked by internal access tracks of permeable construction.



Typical PV table details

Application reference PL/2022/07101 is also relevant to the assessment of the current proposal. It was for the discharge of conditions 4,5 and 6 of planning permission 20/03528/FUL (Installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays and battery based electricity storage containers together with transformer stations; access; internal access track; landscaping; security fencing; security measures; access gate; and ancillary infrastructure). The application was approved 20 October 2022 and related to the following matters:-

- Condition 4 - infiltration testing and soakaway design
- Condition 5 - drainage arrangements during the construction phase
- Condition 6 - scheme for the discharge of surface water

5. The Proposal

The application seeks planning permission to vary the conditions of planning permission reference 20/03528/FUL in order to secure amendments to the layout of the approved development. The amendments relate to a reduction in the extent and amount of solar panels, the introduction of battery storage units, and a proposed change to the access strategy.

The Planning Statement (April 2023) by Pegasus provides a detailed overview of the proposal and provides the following summary:-

1.4. The applicant is now proposing modifications to the layout of the approved scheme following an increase to the import capacity being granted.

1.5. The layout has therefore been refined to accommodate additional battery storage units and ancillary equipment, increasing from 12no. battery units with 16no. localised inverters (as originally permitted) to 22no. battery units and 19no. containerised inverters. The revised proposal utilises a DC coupled arrangement, requiring the battery units to be evenly distributed throughout the site as opposed to clustered in a central location (as originally permitted).

1.6. In addition to the above, the applicant is now seeking a change to the proposed access strategy for the Eastern Parcel of the Site. Vehicular access to the eastern parcel of the site during the construction phase of development is now proposed via the existing gated field access with the B4040, located approximately 655 metres to the west of the Dog Trap Lane junction. This proposed access is to be provided in addition to the two existing access points (known as 'the main access' and 'western access'), consented as part of the existing planning permission. The proposed access is understood to be trafficked by large HGV's and relatively slow moving agricultural vehicles.

1.7. National Grid (NG) has recently submitted a planning application (ref PL/2022/09258) seeking permission for an extension to the existing Minety substation. These works require land within the Minety solar and battery farm site. As a result of the NG proposals, a change (reduction) to the original solar and battery farm application boundary is required.

1.8. Accordingly, this application submission seeks to vary the following elements of the planning permission 20/03528/FUL, including the variation of the following conditions:

- Variation of approved plans, listed under Condition 3 (Approved Plans & Documents);*
- Variation of details secured under Condition 4 (Soakage Testing);*
- Variation of details secured under Condition 5 (Construction Phase Drainage);*
- Variation of details secured under Condition 6 (Surface Water Drainage Strategy);*
- Discharge and Variation of details secured under Condition 7 (Construction Traffic Management Plan);*
- Variation of details secured under Condition 11 (Western Access Visibility Splays)*
- Variation of details secured under Condition 20 (Soft Landscaping)*
- Variation of details secured under Condition 24 (Noise Rating Level)*

The applicant provided further information during the assessment to the application in response to the comments made by Hankerton Parish Council which are detailed below. The applicant stated that "once built, the Minety Solar Farm will be managed by RWE (who has recently purchased JBM Solar). RWE has a strong track record in building and operating BESS in Europe, Australia and the Americas for more than six years. Once commissioned, the BESS will be maintained and operated by skilled RWE personnel, ensuring that the system is in optimal

condition and that all parts of the system are fully serviced and functional at all times. Regular maintenance will be undertaken on the BESS equipment, and this typically involves checking connections, inspections from the transformer down to the module level along with visual inspection and rectification of any accumulated noncritical defects”.



Proposed Site Plan

6. Planning Policy

National Planning Policy Framework (NPPF)

Wiltshire Core Strategy 2006 – 2026, with particular regard to:

- Core Policy 42 Standalone Renewable Energy Installations
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 52 Green Infrastructure
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport
- Core Policy 61 Transport & Development
- Core Policy 62 Development impacts on the transport network
- Core Policy 67 Flood Risk;

North Wiltshire Local Plan 2011 (Saved Policies)

- Policy NE12 Woodland (saved North Wiltshire Local Plan policy);
- Policy NE14 Trees and the control of new development (saved North Wiltshire Local Plan policy);
- Policy NE18 Noise and pollution (saved North Wiltshire Local Plan policy).

Planning Practice Guidance for Renewable and Low Carbon Energy (published 18 June 2015 / updated 14 August 2023).

Government policy for delivery of major energy infrastructure:-

- Overarching National Policy Statement for Energy (EN-1)
- National Policy Statement for Renewable Energy Infrastructure (EN-3)
- National Policy Statement for the Electricity Networks Infrastructure (EN-5)

7. Consultations

The application has been subject to consultation and publicity; the most recent response from each consultee is summarised below:

Environment Agency – No observations.

Natural England – No observations.

Historic England – No observations; “Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application”.

National Grid – No observations; “There are no National Gas Transmission assets affected in this area”.

Dorset & Wiltshire Fire and Rescue Service – No observations..

Council Archaeology – No objection; “No further observations”.

Council Conservation Officer – No objection.

Council Highways Department – No objection, subject to the conditions to secure a full and final Construction Traffic Management Plan.

Council Rights of Way Officer – No observations; “I have no additional comments to make”.

Council Ecologist – No observations.

Council Landscape Officer – No objection: “I don't object to the proposed minor alterations and changes now included on the revised landscape masterplan, but I would just question why the red line application boundary has now been altered to include the area of the proposed Minety substation extension itself (subject to a separate live planning application) without any explanation from the planning consultant for this? Is this application directly linked to that separate application?” (the applicant subsequently responded via email on the 23 July 2023 clarifying the red line site area is reduced rather than increased [as explained further below]).

Council Arboricultural Officer – No observations.

Council Drainage Officer – No objection.

Council Public Protection Officer – No objection; “The Acoustic Report by Ion Acoustics (A1579 R02b) has been read and findings noted. Although it is appreciated the residential receptor detailed as AL1 is financially associated with the proposed site (‘AL1 is occupied by the

landowner of the development and they financially benefit from the scheme'), this does not protect future occupiers should/ when occupancy changes.

Mitigation detailed as per section 4.2 of the report is to be provided and verified by an acoustic consultant. This mitigation is to ensure the development rated noise level can meet the criteria in the condition".

Charlton Parish Council – No objection.

Hankerton Parish Council – Objection; "Hankerton PC objects to this planning application -

1.This application seeks a near doubling of the approved battery capacity (12 battery units to 22 battery units). However, there does not seem to be any mention of the MW output or the MWh (MW x the time that the power can be sustained). This installation could produce at least 50MW, or probably something over 50MWh as peak power should be possible for over one hour. However, the cumulative battery power around the Minety substation given the list of approved applications could be about 350MW, or up to 525MWh (equivalent to 350MW for 1.5 hours). The planners should be reminded of the scale of storage capacity that they have now approved at a single location through multiple applications.

2.The largest BESS currently operating in Europe is claimed to be Harmony Energy's site at Pillswood, adjacent to National Grid's substation at Creyke Beck near Hull, where 78 Tesla battery units produce 200MWh This recent video gives some impression of the scale (<https://www.youtube.com/watch?v=BiNlqPJ5As8&t=41s>) Minety having, say, 350MW could be good for 525MWh, or. 2.6 times larger than Pillswood. It is interesting that the Tesla batteries at Pillswood are LFP (Lithium Ferrous Phosphate) which is safer and a change to the battery chemistry which Tesla deployed at the Victoria Big Battery (212 battery units of 300MW and 450MWh in total) in Australia which caught fire. Most EVs now being produced are powered by LFP batteries.

3.The multiple battery applications around Minety from different developers give no hint as to ownership, battery chemistry, installation contractor, and the several other parties involved in the operation of BESS installations. Does the potential of multiple owners and operators raise the risk of an incident occurring on the total site? In the event of a fire, is there sufficient access to the point of fire and is there sufficient water to suppress a fire, albeit that water is unlikely to extinguish a fire? What is the plan to replace the batteries within the 40 year life of the projects? These are all reasonable questions that a community might ask but nobody seems prepared to answer them with respect to the total BESS site at Minety.

4. PL/2022/09258 has yet to be pass through planning ,and it is asking for an extension of the existing substation, installation of transformers and a switchroom by National Grid at the main Minety substation. There is also 20/08618/FUL, the Five Lanes solar farm which is asking for a permanent new sub station to be built on a new location in Upper Minety. Will these substation installations grow further enabling the enormous battery capacity ?

5. It is also the responsibility of the Council to heed the most recent Bill through Parliament from Dame Marie Miller (Lithium-Ion Battery Storage - Fire Safety and Environmental Permits) ensuring more robust safety measures and further environmental criteria".

8. Publicity

The application has been subject to publicity and as a result three letters have been received from local residents objecting to the application on the following grounds:-

1. The proposed development would impact on the safe equestrian use of off-road routes in Wiltshire. The noise of the inverters constitute an obstruction to the safe use of the route by horse riders if not fitted with noise reduction kit.
2. The proposed development would result in a level of noise that would disturb wildlife and the amenity of local residents. There should be a limit on the amount of noise emitted from the site and ongoing monitoring, along with the consideration of cumulative impact.
3. The development is of a scale that is too large for the area and since it was first allowed there is growing concern about the safety of these batteries. It is considered that the industrialisation of the countryside has always been about profit, this scheme is an obscene demonstration of greed triumphing over nature.

9. Planning Considerations

a) Environmental Impact Assessment

The Planning Practice Guidance clarifies that a section 73 application is considered to be a new application for planning permission under the 2017 Environmental Impact Assessment (EIA) Regulations. Where the development is of a type listed under Schedule 2 to the 2017 EIA Regulations, and satisfies the criteria or thresholds set, a local planning authority must carry out a new screening exercise and issue a screening opinion as to whether EIA is necessary. Furthermore, where an EIA was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations (Paragraph: 016 Reference ID: 17a-016-20140306).

In terms of the background to the EIA screening opinion, on the 28 February 2020, the applicant requested a Screening Opinion, under Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), for the provision of a 49.9MW solar farm occupying c. 74 ha of land adjacent to Minety Substation (20/01791/SCR). The purpose of the request was to determine whether the proposed development, as described, would be likely to have significant effects on the environment and therefore require an assessment. The Council was unable to adopt a screening opinion by 27 April 2020, when the an application for planning permission was made (reference 20/03528/FUL). The description of the proposal in the application differed from that in the request for a screening opinion, and an environmental statement was submitted with the application regardless of any screening opinion. Consequently, the request for a screening opinion was withdrawn on 4 May 2020.

The Council determined that the Environmental Statement accompanying application 20/03528/FUL meet the requirements of the Regulations (Regulation 18). It was however noted that the Local Planning Authority is required to take account of “the environmental statement, including any further information and any other information, any representations made by any body required by these Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development”, when considering whether planning permission should be granted (Regulation 26).The environmental effects of the development were considered and planning permission subsequently granted.

This current application is supported by an Environmental Statement Review report (April 2023) by Pegasus. It outlines that “This statement sets out a detailed review of the amendments proposed under cover of this S73 application against the environmental effects assessed within the Environmental Statement approved under the original planning application. It is clearly demonstrated that the proposed variations would not constitute 'EIA Development' for the purposes of the EIA Regulations and would not give rise to any significant effects not previously set out within the original ES; or any materially different effects when compared to the original ES.

For these reasons, amendments proposed under cover of this S73 Application are not accompanied by a revised Environmental Statement” (par 4.3).

Schedule 2, Column 13 of the EIA Regulations relates to ‘changes and extension’ of development already authorised. The applicable threshold and threshold to determine whether a development is EIA development is whether “The development as changed or extended may have significant adverse effects on the environment”. It is agreed that the Environmental Statement Review sets clearly sets out why the proposed amended development would not give rise to any significant effects not previously considered. The environmental impact of the proposed development must however be considered fully as part of the planning application as outlined below.

b) Whether the proposal amendments are considered acceptable

The application includes a revised red line site boundary, however, as explained within the Planning Statement, the red line area reduces the total area of the application site, removing the area of land around the existing electricity distribution station (southeast of Park Copse) because it is the subject of a separate planning application by National Grid (Ref PL/2022/09258) and also now removes the area granted permission (Ref 17/03941/FUL) for a separate battery storage development (which was originally ‘greyed out’ in the original application). No tree or hedgerow removal or mitigation measures were proposed in the areas removed from the red line (par 3.17).

The changes proposed within the red line site boundary include an increase and the redistribution of battery units throughout the site and as a result the rearrangement of solar panels (there would be no increase to the overall output of the development). These proposed alterations are supported by the relevant technical assessments, which include a Drainage Technical Note (March 2023) by calibro and a Noise Assessment (March 2023) by ion Acoustics, and updated plans, including an updated Landscape Masterplan. The Council’s Landscape Officer, Public Protection Officer and Drainage Officer have all reviewed the application and have no objection to the proposed revised development, subject to the implementation of the proposed schemes and associated mitigation measures.

The application also seeks to secure permission to gain vehicular access to the south eastern parcel of the site during the construction phase of development via the existing gated field access with the B4040, located approximately 655 metres to the west of the Dog Trap Lane junction. The application proposed improvements to the access arrangements and is therefore supported by a detailed Construction Traffic Management Plan (CTMP) (April 2023 updated July 2023) by Pegasus and an Arboricultural Impact Assessment (March 2023) by Barton Hyett Associates. The Highway Authority has no objection to the proposed access strategy but does requests and updated CTMP once a contractor has been appointed so full, final and precise details can be submitted for approval, along with amendments to the construction traffic routing proposal to ensure HGV traffic avoids being routed through Cricklade via the A419 unless guarantees can be provided that minimal trips will not result in a ‘convoying’ of HGVs through the centre of Cricklade.

10. Conclusion

The application seeks to vary solar photovoltaic and battery storage scheme permitted under planning permission reference 20/03528/FUL in order to secure minor material amendments to the layout of the development, including an increase to the number of battery storage units, and the access strategy.

The principle of development has previously been established and cannot be revisited as part of this current application. However, the time limit to implement the approved development cannot be altered as part of this application. As such, should planning permission be granted under this application (a minor material amendment application under section 73 of the Town and Country

Planning Act 1990) it would sit alongside the original permission, which remains intact and unamended.

The amendments currently proposed will not result in any environmental impacts not previously considered and this application demonstrates that the additional impacts, such as noise pollution and visual impacts, associated with the revised proposal will not be unacceptable subject to the implementation of the proposed mitigation measures. No statutory consultees have objected to the application therefore it is recommended that planning permission to amend planning permission 20/03528/FUL be granted by updating its conditions as follows:

Condition 3: The conditions lists the approved details and plans and would need to be varied to refer the updated and most recent plans and documents:-

3. The development hereby permitted shall be carried out in accordance with the details shown in the following approved plans, drawings and documents:
 - **Site Location Plan – RL-J082-1**
 - **Minety PV Layout - 21 April 2023**
 - **Landscape Masterplan – P19-2270_13 Rev. N – 29 March 2023**
 - Construction Compound – 15 November 2021
 - Typical PV Table Details Rev. A – 3 June 2021
 - Typical Trench Sections Details Rev. A – 6 April 2020
 - Typical Spares Container Details Rev. A – 6 April 2020
 - Typical Battery Storage System Details 1 Rev. A – 6 April 2020
 - ~~Typical Battery Storage System Details 2 Rev. A – 6 April 2020~~
 - **Typical Battery Station Linear Rev A 21 April 2023**
 - Typical Customer Switchgear Details Rev. A – 6 April 2020
 - Typical Inverter Substation Details Rev. A – 6 April 2020
 - Typical Fence, Track & CCTV Details Rev. A – 6 April 2020
 - **Arboricultural Impact Assessment Rev. A– March 2023**
 - **Noise Assessment for Planning – Acoustics Report A1579 R02b – 23 March 2023**

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

Conditions 4, 5 & 6: The conditions require the submission and approval of infiltration testing and soakaway design, drainage arrangements during the construction phase, and a scheme for the discharge of surface water.

The conditions were discharged as part of Discharge of Condition application reference PL/2022/07101 as mentioned above. The current application is supported by an updated Drainage Technical Note (Version 2 / 16 March 2023) by calibro which is approved by the Lead Local Flood Authority.

The requirements of conditions 4, 5 and 6 have therefore been satisfied but the approved surface water scheme will need to be implemented in accordance with the approved details. It is therefore recommended that the conditions be removed and replaced by the following single condition:-

The development hereby permitted shall be carried out in accordance the submitted and approved Drainage Technical Note (v2, dated 16 March 2023), Flood Risk Assessment (v5, dated August 2020) and FRA Addendum (v2, dated August 2020).

REASON: To comply with Core Policy 67: Flood Risk of the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

Condition 7: The conditions specifies that notwithstanding the contents of the Construction Traffic Management Plan (April 2020) by Pegasus Group, no development shall commence on site (including any works of demolition), until a detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. While the CTMP has been updated (now July 2023), the Highway Authority requires certain amendments and a final version once a contractor is appointed. The condition should therefore remain but updated to address the specific requirements of the Highway Authority.

Notwithstanding the contents of the Construction Traffic Management Plan (April 2020 **Updated July 2023**) by Pegasus Group, no development shall commence on site (including any works of demolition), until a detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. Thereafter, the approved CTMP shall be implemented and adhered to throughout the entire construction period unless otherwise agreed in writing by the Local Planning Authority. The CTMP shall provide details as appropriate, including the following:

- i. mitigation measures at the access points throughout construction;
- ii. the signing and routing (**including a plan**) of all construction traffic with particular reference to HGVs and deliveries;
- iii. **a Traffic Management Plan (including signage drawing(s))**
- iv. **details of the number (daily/weekly) and size of delivery vehicles**
- v. **details of the number of staff vehicle movements.**
- vi. **details of temporary/permanent Traffic Regulation Orders**
- vii. **details of the construction timeframe and any separate phases of development**
- viii. the parking of vehicles of site operatives and visitors;
- ix. the loading and unloading of plant and materials;
- x. the storage of plant and materials used in constructing the development;
- xi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- xii. wheel washing facilities;
- xiii. measures to control the emission of dust and dirt during construction;
- xiv. a scheme for recycling/disposing of waste resulting from ~~demolition~~ and construction works;
- xv. measures for the protection of the natural environment;
- xvi. hours of construction, including deliveries; and
- xvii. details of public engagement both prior to and during construction works.
- xviii. **Details of the schemes to reinstate and close the proposed western and eastern construction access points including a timetable to carry out the works.**

REASON: To protect the amenities of the occupiers of neighbouring residential properties, the amenities of the area in general, the natural environment, and in the interests of highway safety.

Conditions 8, 10 & 11: The conditions require the proposed access points to be laid out as shown and the visibility splays for the western and central accesses to be provided in accordance with the approved details prior to the commencement of the development. The Construction Traffic Management Plan (CTMP) (July 2023) by Pegasus provides detailed plans of the access arrangements and it is therefore recommended that the condition be updated to refer to the approved details. The Highway Authority advised the same will be needed for the new eastern access currently proposed and the existing central access point. It is also recommended that the first 15m of the accesses be consolidated and surfaced prior to use, and their removal following the end of the construction period. The following wording is recommended:

Prior to the use of the western (proposed) and eastern (proposed) access points by construction traffic, they shall be laid out and constructed in accordance with the details provided within the Construction Traffic Management Plan (Dated July 2023 / Revision A) and shown on Figures 3.1, 3.2 & 3.3). Furthermore, the first 15 metres of the accesses measured from the edge of the carriageway, shall be consolidated and surfaced (not loose stone or gravel). The accesses shall be maintained as such thereafter during the construction period.

REASON: In the interests of highway safety.

Prior to the use of the western (proposed), central (existing) and eastern (proposed) access points by construction traffic, the required visibility splays shall be provided in accordance with the details provided within the Construction Traffic Management Plan (Dated July 2023 / Revision A) and shown on Figures 3.1, 3.2 & 3.3). The approved visibility splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent highway during the construction period.

REASON: In the interests of highway safety.

Condition 20: The condition requires the implementation of the soft landscaping scheme. The condition needs updating to refer to the latest drawing submitted as part of this current application:

All soft landscaping comprised in the approved details of landscaping, as shown on the Landscape Masterplan drawing no. P19-2270_13 Rev. ~~J~~ **Rev. N**, shall be carried out in the first planting and seeding season following the first operation of the development or the completion of the development whichever is the sooner, or in accordance with a schedule and timetable to be agreed in writing by the Local Planning Authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

Condition 24: The condition requires the noise levels to be generated by the development to be no greater than the noise levels predicted within the approved Noise Assessment. The condition needs updating to refer to the updated Noise Assessment. It also needs updating to secure the mitigation measures within section 4.2 of the report, as required by the Council's Public Protection Officer, which will also need to be verified by an acoustic consultant. The latter will therefore need to be secured via an alternative condition which requires monitoring during the operational phase of the development:

The mitigation measures detailed within section 4.2 of the Noise Assessment (March 2023) report by Ion Acoustics shall be implemented and the noise rating level (BS4142:2014) of plant shall be no more than those specified in Table 43-7 & 8 of the Noise Assessment; A1579 RO2b during daytime (0700-2300hrs) and during night-time (2300-0700hrs) at all residential receptors..

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area and to protect the amenities of the occupiers of neighbouring residential properties.

A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the submitted Noise Assessment (March 2023) report by Ion Acoustics and submitted to the Local Planning Authority for approval in writing. Any additional steps required to achieve compliance shall thereafter be taken in accordance with a timetable to be agreed with the Local Planning Authority. The details as submitted and approved shall be implemented and thereafter be permanently retained.

Reason: To protect local amenity from adverse effects of noise.

RECOMMENDATION

The recommendation is to grant planning permission subject to the following conditions:

1. The development hereby permitted shall begin before the 07 April 2025.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The permission hereby granted shall be for a temporary period and shall expire 40 years from the date that electricity from the development is first exported to the electricity distribution network ('First Export Date') or no later than 44 years from the date of this decision, whichever is the soonest. Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after that First Export Date. Within 6 months of the date of expiry of this planning permission, or, if sooner, the cessation of the use of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the inverter stations, security equipment, poles and fencing shall be removed from the land and the land restored to its former agricultural condition in accordance with a scheme of work to be submitted to, and approved in writing by, the local planning authority. The scheme of work, including a restoration plan and a decommissioning scheme that takes account of a recent ecological survey, shall be submitted to the local planning authority not less than six months before the removal of the installation.

REASON: In the interests of amenity and the circumstances of the use.

3. The development hereby permitted shall be carried out in accordance with the details shown in the following approved plans, drawings and documents:
 - Site Location Plan – RL-J082-1
 - Minety PV Layout - 21 April 2023
 - Landscape Masterplan – P19-2270_13 Rev. N – 29 March 2023
 - Construction Compound – 15 November 2021
 - Typical PV Table Details Rev. A – 3 June 2021
 - Typical Trench Sections Details Rev. A – 6 April 2020
 - Typical Spares Container Details Rev. A – 6 April 2020
 - Typical Battery Storage System Details 1 Rev. A – 6 April 2020
 - Typical Battery Station Linear Rev A 21 April 2023
 - Typical Customer Switchgear Details Rev. A – 6 April 2020
 - Typical Inverter Substation Details Rev. A – 6 April 2020
 - Typical Fence, Track & CCTV Details Rev. A – 6 April 2020

- Arboricultural Impact Assessment Rev. A– March 2023
- Noise Assessment for Planning – Acoustics Report A1579 R02b – 23 March 2023

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

4. The development hereby permitted shall be carried out in accordance the scheme for the discharge of surface water included within the approved Drainage Technical Note (v2, dated 16 March 2023), Flood Risk Assessment (v5, dated August 2020) and FRA Addendum (v2, dated August 2020).

REASON: To comply with Core Policy 67: Flood Risk of the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

5. Notwithstanding the contents of the Construction Traffic Management Plan (April 2020 Updated July 2023) by Pegasus Group, no development shall commence on site (including any works of demolition), until a detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. Thereafter, the approved CTMP shall be implemented and adhered to throughout the entire construction period unless otherwise agreed in writing by the Local Planning Authority. The CTMP shall provide details as appropriate, including the following:

- i. mitigation measures at the access points throughout construction;
- ii. the signing and routing (including a plan) of all construction traffic with particular reference to HGVs and deliveries;
- iii. a Traffic Management Plan (including signage drawing(s))
- iv. details of the number (daily/weekly) and size of delivery vehicles
- v. details of the number of staff vehicle movements.
- vi. details of temporary/permanent Traffic Regulation Orders
- vii. details of the construction timeframe and any separate phases of development
- viii. the parking of vehicles of site operatives and visitors;
- ix. the loading and unloading of plant and materials;
- x. the storage of plant and materials used in constructing the development;
- xi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- xii. wheel washing facilities;
- xiii. measures to control the emission of dust and dirt during construction;
- xiv. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- xv. measures for the protection of the natural environment;
- xvi. hours of construction, including deliveries; and
- xvii. details of public engagement both prior to and during construction works.
- xviii. Details of the schemes to reinstate and close the proposed western and eastern construction access points including a timetable to carry out the works.

REASON: To protect the amenities of the occupiers of neighbouring residential properties, the amenities of the area in general, the natural environment, and in the interests of highway safety.

8. Prior to the use of the western (proposed) and eastern (proposed) access points by construction traffic, they shall be laid out and constructed in accordance with the details provided within the Construction Traffic Management Plan (Dated July 2023 / Revision A) and shown on Figures 3.1, 3.2 & 3.3). Furthermore, the first 15 metres of the accesses measured

from the edge of the carriageway, shall be consolidated and surfaced (not loose stone or gravel). The accesses shall be maintained as such thereafter during the construction period.

REASON: In the interests of highway safety.

9. Prior to the use of the western (proposed), central (existing) and eastern (proposed) access points by construction traffic, the required visibility splays shall be provided in accordance with the details provided within the Construction Traffic Management Plan (Dated July 2023 / Revision A) and shown on Figures 3.1, 3.2 & 3.3). The approved visibility splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent highway during the construction period.

REASON: In the interests of highway safety.

10. Any gates at the proposed eastern and western accesses shall be set back 16 metres from the edge of the carriageway and such gates shall open inwards only.

REASON: In the interests of highway safety.

11. Prior to the commencement of works, including site clearance, vegetation clearance, boundary treatment works and ground works/excavation, a finalised Ecological Mitigation and Enhancement Plan (EMEP) shall be submitted to and approved in writing by the Local Planning Authority. The EMEP shall illustrate all existing ecological features together with avoidance and mitigation measures in relation to the scheme layout, and clear indication of those features and habitats to be retained. 'No construction' zones/buffer zones and root protection areas and associated distances/widths shall be illustrated on the EMEP and this should include, but not be limited to, the 20m buffer to be incorporated alongside the adjacent SSSIs and the buffer between the construction compound and nearby ecological features, including hedgerows, trees and ponds. The EMEP shall also illustrate all areas of habitat to be enhanced and areas of new habitat creation including wildflower meadows and areas of planting. Any ecological enhancement features such as bat roost boxes and bird nest boxes shall be illustrated on the plan.

The EMEP must also illustrate the proposed location of the perimeter fencing in relation to existing boundary features and habitats to be retained and there will be no encroachment upon these features and no construction or operational works shall extend into the adjacent buffers and access these areas will be restricted to that necessary for habitat maintenance purposes alone.

Development shall be undertaken in strict accordance with the approved EMEP unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate protection, mitigation and enhancement of biodiversity. Furthermore, the application contained inadequate detail to enable this matter to be wholly resolved prior to determination, and P19-2270_23 Biodiversity Mitigation and Enhancement Plan NOV 2021 submitted in support of the planning application was found to be lacking all the relevant details. Therefore, a finalised and suitably detailed and appropriate EMEP must be agreed with the Local Planning Authority before development commences to ensure compliance with legislation in respect of protected habitats and species, NPPF 2021, Core Policy 50 of the Wiltshire Core Strategy and best practice.

12. Prior to the commencement of works, including site clearance, vegetation clearance, boundary treatment works and ground works/excavation, a finalised Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the

Local Planning Authority. The CEMP shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Details of all mitigation measures and identification of ecological protection areas/buffer zones and tree root protection areas as well as details and specification of physical means of protection, e.g. temporary fencing to demarcate buffer zones such as the zone of at least 15m in width between the construction compound and hedgerow and buffer zone of 20m between the site and adjacent SSSIs. Details of specific measures such as gaps in fencing to avoid causing harm to biodiversity features should also be stipulated. Measures should be illustrated on a plan (this could comprise the EMEP).
- b) Details and timing of any update surveys required pre-commencement of works on site such as for badgers.
- c) Precautionary working method statements, including the restrictions to the timing of such works, such as sensitive vegetation clearance method in respect of birds.
- d) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts and bats; this should comprise the pre-construction/construction related elements of strategies only.
- e) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors, and stipulation of work activities to be overseen by a licensed ecologist and/or ecological clerk of works (ECoW).
- f) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- g) Schedule for compliance checks to be completed by a competent person(s), likely the ecologist/ECoW, prior to, during and post-completion of construction works.
- h) A compliance report must be provided to the local planning authority within four weeks of the end of construction and the report shall include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction. In addition, the CEMP provided alongside the planning application did not include all the necessary details and therefore, a finalised CEMP must be approved by the Local Planning Authority before development commences to ensure compliance with legislation in respect of protected habitats and species, NPPF 2021, Core Policy 50 of the Wiltshire Core Strategy and best practice.

13. Within four weeks of the end of the construction phase a compliance report shall be submitted to the local planning authority. The report shall detail all works overseen by the ecologist/ECoW and all compliance checks undertaken by the aforementioned competent person prior to, during and post-completion of construction works. Associated dates of visits to site shall be stipulated in the compliance report and photographic evidence shall be provided.

REASON: To ensure works are undertaken in strict accordance with the approved EMEP and CEMP prior to and during construction, and that works are conducted in line with current best practice and are supervised by a suitably licensed and competent professional ecological consultant/ECoW where necessary.

14. Prior to the commencement of works, including site clearance, vegetation clearance, boundary treatment works and ground works/excavation, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets; a plan identifying retained and proposed habitat features; and management responsibilities and maintenance schedules

for each ecological feature and habitat within the development. The LEMP shall also include a schedule for monitoring success of the management prescriptions, incorporating review and necessary adaptive management and remedial works in order to attain targets. The monitoring schedule shall stipulate the years after the commencement of operation that a monitoring report, to be prepared by an independent ecologist, shall be submitted to the Local Planning Authority. The LEMP will also cover the period of decommissioning at the end of the operational phase of the development.

The LEMP shall provide details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The development shall be undertaken and managed in accordance with the approved LEMP unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the implementation of appropriate long-term management of landscape and ecological features and habitats for the lifetime of the development. In addition, the LEMP provided alongside the planning application did not include all the necessary details and therefore, a finalised LEMP must be approved by the Local Planning Authority before development commences to ensure compliance with legislation, NPPF 2021, Core Policy 50 of the Wiltshire Core Strategy and best practice.

15. Prior to the commencement of works, including site clearance, vegetation clearance, boundary treatment works and ground works/excavation, an Ecological Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should set out the monitoring scheme and should include the following:

- Commitment to undertake surveys immediately following construction completion to establish the baseline for future monitoring.
- Identification of the key features to be monitored and methodology to be used.
- Monitoring targets with specific measurable thresholds for success for each key feature with remediation measures incorporated where necessary.
- Commitment to continue monitoring for the operational lifetime of the installation in years 1, 3, 5, 10, 25 and 40, and a 5-year aftercare plan following completion of restoration.
- Commitment to prepare a report after each monitoring exercise, relating findings to those of previous years and the intended targets. The report will be submitted to the Local Planning Authority within 6 months of each monitoring visit.

REASON: To ensure the protection and enhancement of biodiversity.

16. No external artificial lighting shall be used or installed on site until lux contour plots/lighting contour plans for all proposed lighting have been submitted to and approved in writing by the Local Planning Authority. The plots/plans must demonstrate that bat habitat to be retained will be maintained as 'dark corridors'. Details of mitigation measures that would be implemented where necessary, to minimise light spill shall also be provided. Lighting proposals shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their Guidance Note GN01/21 'The Reduction of Obtrusive Light' and their Guidance Note GN08-18 'Bats and artificial lighting in the UK', issued jointly with the Bat Conservation Trust.

Construction phase lighting shall be limited to two tower systems comprising 6 x 160W Multi-LED which are only to be used where necessary during the winter months and this is subject to the requirements of this condition having been met.

Lighting at the site shall be in strict accordance with the approved details and no additional external lighting shall be installed either during construction or operation unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise light spill and to minimise potential for adverse effects on bats and other wildlife. In addition, insufficient information was provided alongside the planning application to allow this matter to be wholly resolved prior to determination. Therefore, further details to demonstrate that dark corridors will be achievable must be submitted to, and approved by, the Local Planning Authority before development commences to ensure compliance with legislation in respect of protected habitats and species, NPPF 2021, Core Policy 50 of the Wiltshire Core Strategy and best practice.

17. Prior to decommissioning, an ecological assessment and mitigation report shall be submitted to the Local Planning Authority for written approval. The site shall be decommissioned in strict accordance with the approved report.

REASON: To ensure adequate protection and mitigation for ecological receptors during the decommissioning phase and to ensure compliance with legislation in respect of protected habitats and species, planning policy and best practice.

18. No development shall commence on site and no equipment, machinery or materials shall be brought on to site for the purpose of development until tree protective fencing has been erected in accordance with the details set out in the Arboricultural Impact Assessment (June 2021) by Barton Hyett Associates.

The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, of a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first operation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

19. All soft landscaping comprised in the approved details of landscaping, as shown on the Landscape Masterplan drawing no. P19-2270_13 Rev. N shall be carried out in the first

planting and seeding season following the first operation of the development or the completion of the development whichever is the sooner, or in accordance with a schedule and timetable to be agreed in writing by the Local Planning Authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

20. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor to deal with the contamination and provide a written remedial statement to be followed by a written verification report that confirms the works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21. The development hereby permitted shall not be first brought into use until all of the external walls of the battery storage units, other site structures and security fencing have been painted/finished in a colour the detail of which shall be submitted to the Local planning authority for approval and shall be either moss green or brown. The colour finish shall be retained in perpetuity thereafter.

REASON: In the interests of visual amenity and the character and appearance of the area.

22. There shall be no burning undertaken on site at any time.

REASON: To protect the amenities of the occupiers of neighbouring residential properties.

23. The mitigation measures detailed within section 4.2 of the Noise Assessment (March 2023) report by Ion Acoustics shall be implemented and the noise rating level (BS4142:2014) of plant shall be no more than those specified in Table 13 7 & 8 of the Noise Assessment; A1579 RO2b during daytime (0700–2300hrs) and during night-time (2300-0700hrs) at all residential receptors..

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area and to protect the amenities of the occupiers of neighbouring residential properties.

24. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the submitted Noise Assessment (March 2023) report by Ion Acoustics and submitted to the Local Planning Authority for approval in writing. Any additional steps required to achieve compliance shall thereafter be taken in accordance with a timetable to be agreed with the Local Planning Authority. The details as submitted and approved shall be implemented and thereafter be permanently retained.

Reason: To protect local amenity from adverse effects of noise.

INFORMATIVE

Nothing in this permission shall authorise the diversion, obstruction, or stopping up of any public right of way that crosses the site. You are advised to contact the Public Rights of Way officer on RightsOfWayConsultations@wiltshire.gov.uk.

INFORMATIVE

The proposal includes alteration to the public highway. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

INFORMATIVE

The applicant should note that it will be necessary for a Great crested newt District Level Licence to be obtained from Natural England in order to allow the works to proceed lawfully. Great crested newts and their habitat are protected at all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Planning permission for development does not provide a defence against prosecution under this legislation.

INFORMATIVE

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

INFORMATIVE

If soakaways prove to be non-viable and discharge to an ordinary watercourse is required:

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

INFORMATIVE

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

INFORMATIVE

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.