Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: 20/06840/FUL

Decision Date: 17 December 2021

Applicant:	Adam Withers c/o Pegasus Group, Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, GL7 1RT
Particulars of Development:	Construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure.
At:	Land North of Melksham Substation, Near Melksham, Wiltshire

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 38 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

Conditions: (20)

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

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 documents and plans:

- Drawing no. P20-0137_09 Rev J. Title. Site Layout and Planting Plan.
- Drawing no. P20-0137_19 Rev C. Title. Biodiversity Mitigation and Enhancement Plan.
- Drawing no. J115-06 Rev.F. Title. Proposed Drainage Arrangements Plan.
- Drawing title. Phase 1 Habitat Plan Rev.00 (dated 19/10/2021) by Avian Ecology.
- Drawing no. P20-0137 13A. Title. Site Location Plan.
- Drawing no. JBM-WICKFA-SD-01. Title. Typical PV Table Details.
- Drawing Title. Typical Ballasted PV Table Details Rev A.
- Drawing Title. Typical Fence, Track & CCTV Details, Rev A dated 14 May 2020.
- Drawing Title. Typical Trench Section Details, Rev A dated 14 May 2020.
- Drawing Title. Typical Inverter Substation Details, Rev A dated 14 May 2020.
- Drawing Title. Typical Spares Container Details, Rev A dated 14 May 2020.
- Drawing Title. Typical Battery Storage System Details 1, Rev A dated 14 May 2020.
- Drawing Title. Typical Battery Storage System Details 2, Rev A dated 14 May 2020.
- Drawing Title. Typical Customer Switchgear Details, Rev A dated 14 May 2020.

- Document. Archaeological Mitigation and Management Plan (Version 3 / November 2021).
- Document. Noise Assessment (December 2021 / Rev.3.2) by LF Acoustics;
- Document. Landscape and Visual Statement Addendum (18th January 2021) by Pegasus.
- Document. Glint Glare Study (January 2021) by PagerPower Urban & Renewables.
- Document. Arboricultural Impact Assessment (July 2020) by Barton Hyett Associates.

- Document. Flood Risk Assessment (October 2021 / Issue 3.1) by PFA Consulting.
- Document. Third Response to LLFA (October 2021) by PFA Consulting.
- Document. Ecological Assessment Report (August 2020), including Wintering Bird Survey Report, Breeding Bird Survey Report, and Great Crested Newt Survey Report, by Avian Ecology.
- Document. Badger Survey (July 2020) by Avian Ecology.
- Document. Biodiversity Management Plan (July 2020) by Avian Ecology.
- Document. Ecology Information Note (dated 31/01/21) by Avian Ecology.
- Document. Bat Activity Survey Report (dated 08/12/20) by Avian Ecology.
- Document. Updated Biodiversity Net Gain Calculation Spreadsheet.

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

4 No development shall commence on site until a surface water drainage scheme for the site (based on sustainable drainage principles SuDS) and a catchment assessment on a watercourse-by-watercourse basis, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

5 No development shall commence on site until a Construction Method Statement (CMS), which shall include the following:

a. measures to control the emission of dust and dirt during construction;
b. hours of construction, including deliveries;
c. measures to retain the existing vegetation across the site, and details of any unvegetated areas of the site to be harrowed, where appropriate (noting any requirements in the Archaeological Mitigation and Management Plan (Version 3 / November 2021), and seeded with an approved grass seed mix prior to the construction phase;
d. together with details of drainage arrangements during the construction phase.

has been submitted to, and approved in writing by, the Local Planning Authority.

The approved Statement shall be complied with in full prior to the commencement of the development and throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved CMS.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, and to ensure that the development can be adequately drained

7 The mitigation measures detailed in the approved Noise Assessment (December 2021 / Rev.3.2) by LF Acoustics shall be carried out in full prior to the first bringing into use of the development hereby permitted.

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.

8 Notwithstanding the details shown within the preliminary Construction Traffic Management Plan (August 2020) by Pegasus, no development shall commence on site until a full and final Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The scope of the Construction Traffic Management Plan shall include the following details:

 A condition survey in vicinity of the site accesses (compliant with Section 59 of Highways Act) from Westlands Lane and Folly Lane West, and of all public rights of wat crossing the site, together with a programme for undertaking remedial works for any highway damage that is reasonably attributed to the construction traffic associated with the proposal, and identified in a post-works condition survey. To ensure that that condition of the highways are maintained, and any damage to highways be remedied
 Car parking compound details for all vehicles and deliveries, including surfacing, to ensure adequate parking within the site;
 Turning area details for all vehicles associated with the site and surfacing. To ensure suitable turning facilities are provided for all vehicles within the site;
 Measures to control the emission of dust and dirt during construction and suitable wheel washing facilities. To ensure mud and other debris are not transported onto the highway;
 Construction traffic management, routing details to be agreed (No HGVs shall turn right out onto Westlands Lane) and the exact details of the numbers, types and timing of delivery lorries to the site;
 Signage and advance warning signage of the access. To ensure that adequate warning of the access is provided in the interests of highway safety;
 Banksmen to be provided during all deliveries entering and exiting the site involving large HGV and other large vehicles. To ensure safe access and egress at the site;
 Details relating to the position and works required to cross the public rights of way within the site, including any temporary surface across the bridleway and a timetable for its construction and deconstruction;
 Details of the site management co-ordinator who will ensure compliance with the Construction Traffic Management Plan.

All traffic travelling to and from the site shall comply with the approved strategy and the development shall be carried out in accordance with the approved details. Any departures from the agreed Construction Traffic Management Plan will need to be agreed in writing by the Local Planning Authority prior to actions or works being carried out on site.

REASON: In the interests of highway safety and to ensure that that condition of the highways is maintained, and any damage to highways be remedied.

9 Notwithstanding the details shown within the preliminary Construction Traffic Management Plan (August 2020) by Pegasus, prior to the use of the accesses from Westlands Lane and Folly Lane West for construction purposes, the first ten metres of the accesses, measured from the edge of the carriageway, shall be consolidated and surfaced (not loose stone or gravel). The new access onto Westlands Lane shall not be brought into use until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 160m to the east and 160m to the west from the centre of the access. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety (and to secure an adequate visibility splay without the need to remove the roadside hedgerow).

10 No development shall commence on site (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall explain how the construction works will be managed to avoid impacts on biodiversity and how compliance with the Site Layout and Planting Plan (drawing no. P20-0137_09 Rev I) will be achieved on site, and shall include, but not necessarily be limited to, the following:

a) Risk assessment of potentially damaging construction activities
b) Identification of ‘biodiversity protection zones’, including LWS, ancient woodland, trees, hedges, ditches., and provision for protection of all wildlife identified as present or likely to be present within a zone of influence
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
d) The location and timing of sensitive works to avoid harm to biodiversity features
e) Update of surveys as required prior to start of works, especially for badgers
f) No dig construction methods where construction within 15m of ancient woodland is unavoidable.

g) Use of protective fences, exclusion barriers and warning signs
h) Reasonable Avoidance Measures (RAMs) for Dormice and Great Crested Newts
i) Identify all timing constraints on works e.g. in relation to breeding birds, hedgerow removal.
j) If construction lighting is required, a strategy must be included in the CEMP which clearly demonstrates no impacts on sensitive, retained habitat features.
k) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
l) The times during construction when specialists' ecologists need to be present on site to oversee works
m) Responsible persons and lines of communication
n) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

11 No development shall commence on site until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall explain how habitats will be managed to achieve the predicted biodiversity net gains as represented on the submitted Biodiversity Management Plan (drawing no. P20-0137_19 Rev C) during the operational phase of development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

a) Description and evaluation of features to be managed during the operational phase of development for its entire temporary lifetime.
b) Landscape and ecological trends and constraints on site that might influence management;
c) Aims and objectives of management;
d) Appropriate management options for achieving aims and objectives;
e) Prescriptions for management actions;
f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over the lifetime of the development including the decommissioning phase);
g) Details of the body or organisation responsible for implementation of the

plan;
h) Ongoing monitoring and remedial measures;
i) Details of how the aims and objectives of the LEMP will be communicated to future owners of the development.
j) Details of a mechanism for adaptive management to achieve the long-term objectives of the approved Biodiversity Mitigation and Enhancement Plan as a result of actions arising from the Monitoring Strategy (as required by condition 12).

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

NOTE: A Biodiversity Management Plan has been submitted and this must be the basis of the LEMP if extended to cover additional issues required in the LEMP. Evidence will be required to demonstrate how management will be delivered and to prove it will be effective.

12 No development shall commence on site until a Monitoring Strategy focused on the key aspects of the Biodiversity Mitigation and Enhancement Plan and Biodiversity Management Plan / Landscape and Ecological Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Monitoring Strategy shall include, but not necessarily be limited to, the following information:

a) Commitment to undertake surveys immediately following completion to a) establish how effectively the CEMP was followed and b) to fix the baseline for future monitoring.
b) Identification of the key features to be monitored and methodology to be used.
c) Monitoring targets with specific measurable thresholds for success for each key feature with remediation measures incorporated where necessary.
d) Commitment to continue monitoring for the operational lifetime of the installation in years 1, 3, 5, 10, 25 and 40. and the 5-year aftercare plan following completion of restoration.
e) 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.
f) Details of the body or organisation responsible for implementation of the Monitoring Strategy.

The Monitoring Strategy shall be implemented in full in accordance with the approved details for the entire operational lifetime of the installation and the 5 year aftercare plan following completion of restoration.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

13 No operational external lighting shall be installed on site.

REASON: In the interests of the amenities of the area.

14 The works and mitigation measures detailed in the approved Archaeological Mitigation and Management Plan (Version 3 / November 2021) shall be carried out in full for each phase of development as identified within the document.

REASON: In order that the development is undertaken in an acceptable manner, to protect areas of the site which are of archaeological interest, and to enable the recording of any matters of archaeological interest.

15 No development shall commence until:

a) A written programme of archaeological investigation, and mitigation where appropriate, for:
i. the required cable connection across National Grid-owned land to the south of Westlands Lane, as detailed within paragraphs 2.9 – 2.11 of the approved Archaeological Mitigation and Management Plan (Version 3 / November 2021); and
ii. selected other construction groundworks within the main site area, as detailed within paragraph 3.12, where relevant, and paragraph 3.21 of the approved Archaeological Mitigation and Management Plan (Version 3 / November 2021), and anywhere else within the site area not evaluated,
– which should include on-site work and off-site work such as the analysis, publishing and archiving of the results – has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning

Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

16 No development shall commence until:

a. A written programme of archaeological investigation for the selected areas within Fields 9, 10 and 12 that will be subject to strip map and sample excavation, as detailed within paragraph 2.7 of the approved Archaeological Mitigation and Management Plan (Version 3 / November 2021) and shown on drawing no. P20-0137 within Appendix 7 of that Plan – which should include on-site work and off-site work such as the analysis, publishing and archiving of the results – has been submitted to and approved by the Local Planning Authority; and

b. The approved programme of archaeological work has been carried out in accordance with the approved details prior to the commencement of the development.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

17 No development shall commence on site until an analysis of the geotechnical stability and foundations of the railway line that crosses the site has been undertaken and a land stability or slope stability risk assessment report is submitted and approved in writing by the Local Planning Authority. The report shall assess whether or not the proposed development is likely to result in land instability and the extent to which it will affect either the development or the railway infrastructure and propose mitigation measures necessary to ensure that development will be safe and stable. The development shall thereafter be carried out in full accordance with the recommendations and mitigation measures detailed within the approved report.

Reason: To make sure that the development does not affect the safety and continued running of the neighbouring railway.

18 No development shall commence on site until reporting and drawings containing build details of the location, manufacturer, size and designs for the proposed batteries, and details showing the final location, construction method and flood risk impact of the cable trenches have been submitted and approved by the Local Planning Authority in consultation with Network Rail. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the development does not affect the stability of the cutting slope adjacent to the railway.

19 All soft landscaping comprised in the approved details of landscaping, as shown on drawing no. P20-0137_09 Rev J (Title. Site Layout and Planting Plan), 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 No development shall commence on site until full details of the finish and colour of all structures, equipment, fencing and support frames for the solar panels hereby approved has been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of amenity and the appearance of the site.

21 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 within the Arboricultural Impact Assessment (July 2020) 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, at 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.

Informatives: (3)

22 The applicant’s attention is drawn to the following advice and requirements from Network Rail to ensure the safe operation of the railway and the protection of Network Rail’s adjoining land.

SAFETY
Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

SOLAR PANELS
We would advise that the provision of any reflective material used in the solar collecting equipment should not interfere with the line of sight of train drivers and the potential for glare or reflection of light from the panels that may impact upon signalling must be eliminated. In the event of any complaint to the Council from Network Rail relating to Signal Sighting safety, upon notification by the local planning authority, the applicant or operator of the solar farm shall within 28 days submit for approval to the Council details of a scheme of remedial measures to address the concerns raised.

Other matters that need to be taken into consideration is the distance between panels and the
railway boundary; construction traffic; and any requirements for edge landscaping requested by the planning authority.

GROUND DISTURBANCE
The works involve disturbing the ground on or adjacent to Network Rail’s land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail’s ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to
allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING
Where vibro-compaction/displacement piling plant is to be used in development, details of the
use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS
All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail.

DRAINAGE
Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal
must not be constructed near/within 5 metres of Network Rail's boundary or at any point which
could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks

23 The applicant's attention is drawn to the following advice and requirements from the Highway Authority:

The Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of Section 59 of the Highways Act.

The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent 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 our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at http://wiltshire.gov.uk/highways-streets to make an application.

24 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.

Sam Fox - **Corporate Director, Place**

NOTES

1 **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**

1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);

1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;

1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).

2 **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - http://www.planningportal.gov.uk/planning/appeals).