Our Ref: EF/P20-0137/NMA

17th November 2023

Wiltshire Council,
County Hall,
Bythesea Road,
Trowbridge,
BA14 8JN

Planning Portal Reference: PP-12550060

Dear Sir/Madam,

Application for 'Non-Material Amendment following grant of planning permission' of Planning Permission Reference: 20/06840/FUL.

Land North of Melksham Substation, Near Melksham, Wiltshire.

Please find enclosed an application for a Non-Material Amendment ('NMA') at the above Site, this application is submitted on behalf of our client JBM Solar Projects 13 Ltd, made under the terms of Section 96A of the Town and Country Planning Act 1990 (as amended). In support of the application, please find enclosed the following:

- An 'Application for Non-Material Amendment following grant of planning permission' proforma, duly signed and completed with relevant notices served;
- The planning application fee of £234 made payable to Wiltshire Council through the Planning Portal;
- Plans and reports illustrating full details of this change listed below:
    - Archaeological Mitigation and Management Plan Updated (reference: P20-0137 10/11/2023).
    - Site Layout and Planting Plan (reference: P20-0137_09 Rev M).
    - Biodiversity Mitigation and Enhancement Plan (reference: P20-0137_19 Rev F).
    - Landscape and Ecological Management Plan (reference: P20-0137_EN_20B).

Application Background.

A request for a Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment 'EIA') Regulations 2017 was submitted to Wiltshire Council on 15th April 2020 (reference: 20/03232/SCR). A Screening Opinion was subsequently adopted on the 18th May 2020 which stated that an EIA was not required.

Planning Permission (reference: 20/06840/FUL) for '*Construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure*' was granted by Wiltshire Council on 17th December 2021 subject to 21 conditions.

A condition discharge application was granted by Wiltshire Council on 29th March 2023 for Condition 4 (Surface Water Drainage) (Application Reference: PL/2023/00556).

A condition discharge application was granted by Wiltshire Council on 28th September 2023 for Conditions 5 and 8 (Construction Method Statement and Construction Traffic Management Plan) (Application Reference: PL/2023/06596).

A condition discharge application was granted by Wiltshire Council on 11th October 2023 for Conditions 10 and 12 (Construction Environmental Management Plan and Monitoring Strategy) (Application Reference: PL/2023/06978).

A condition discharge application was granted by Wiltshire Council on 11th October 2023 for Condition 11 (Landscape and Ecological Management Plan) (Application Reference: PL/2023/08039).

Application Proposal.

This application seeks a non-material amendment pursuant to Planning Permission reference: 20/06840/FUL, in relation to the approved '*Archaeological Mitigation and Management Plan*' (reference: Version 3 / November 2021), '*Site Layout and Planting Plan*' (reference: P20-0137_09 Rev J) and '*Biodiversity Mitigation and Enhancement Plan*' (reference: P20-0137_19 Rev C) to amend this approved report and associated plans (Conditions 3 and 14).

The plans and reports illustrating the full details of this change are as follows:

- Archaeological Mitigation and Management Plan Updated (reference: P20-0137 10/11/2023).
- Site Layout and Planting Plan (reference: P20-0137_09 Rev M).
- Biodiversity Mitigation and Enhancement Plan (reference: P20-0137_19 Rev F).
- Landscape and Ecological Management Plan (reference: P20-0137_EN_20B).

Justification for the Proposed Amendments.

An amendment is sought as part of this application in regard to the approved Archaeological Mitigation and Management Plan. Following discussions with the County Archaeologist Neil Adam as part of the ongoing archaeological works in relation to Conditions 15 and 16, it has been agreed

to reduce one of the ground ballasted areas within the Site. This area has been reduced by 0.5ha as shown in the submitted Archaeological Mitigation and Management Plan Updated (reference: P20-0137 10/11/2023). This application has been submitted in conjunction with a Condition Discharge application for Conditions 15 and 16.

Secondly, as part of this application a minor amendment is sought in relation to a small area of grassland adjacent to the railway corridor. This area was proposed for EM2 grass seed mix on the approved '*Site Layout and Planting Plan*' (reference: P20-0137_09 Rev J) and an amendment is sought to this grass mix type to an agricultural grass mix as this narrow strip will be used for agricultural access between the parcels.

This amendment is considered to represent a non-material amendment to the approved scheme when considered in the context of the development as a whole.

All other conditions attached to the planning permission (LPA reference: 20/06840/FUL), save for Conditions 3, 11 and 14 which detail the approved plans and reports, would be unaffected by the proposed amendment sought in this Non-Material Amendment application.

Further, there would not be any materially different impacts as a result of the amendments sought in this NMA application in terms of ecology, noise, flooding or traffic/highway matters from the application decision.

Planning Policy Context.

The Development Plan relevant to this Site is the Wiltshire Core Strategy (2006 – 2026) adopted in January 2015 and the Joint Melksham Neighbourhood Plan (2020-2026) made in July 2021.

The Development Plan has not materially changed since the Solar Farm was granted planning permission but having regard to the policies contained within the adopted Core Strategy and Joint Melksham Neighbourhood Plan there is clear support for renewable and low carbon energy projects subject to material planning considerations. The most relevant policy within the adopted Core Strategy is Core Policy 42 which refers to '*Standalone Renewable Energy Installations*'. Policy 2 of the adopted Joint Melksham Neighbourhood Plan is also relevant which refers to '*Local Renewable and Low Carbon Energy Generation*'.

Wiltshire Council are preparing a new local plan for the area to guide development in the period up to 2038, the Wiltshire Local Plan (also referred to as 'the Plan') has reached the publication stage (Regulation 19) of its preparation. The current consultation is set to run until the end of November 2023.

Other material planning considerations since the determination of planning permission 20/06840/FUL comprise national legislation, policy and guidance including the Powering Up Britain: Energy Security Plan, a revised draft Overarching National Policy Statement for Energy ('EN-1') and revised draft National Policy Statement for Renewable Energy Infrastructure ('EN-3').

Powering up Britain: Energy Security Plan (March 2023).

The Government published a suite of documentation entitled 'Powering Up Britain' in March 2023. This included an Energy Security Plan ('The ESP'). It is noted that the Government states that:

> ***"Low cost renewable generation will be the foundation of the electricity system and will play a key role in delivering amongst the cheapest wholesale electricity in Europe"*** (page 34).

The ESP continues to examine the role of solar over pages 37/38, and it reaffirms the Government's commitment to aim for 70GW of ground and rooftop capacity by 2035. It restates earlier commitments that this amounts to a fivefold increase on current installed capacity. The ESP then concludes on this matter:

> ***"We need to maximise deployment of both types of solar to achieve our overall target."***

The Government is therefore clear that the deployment of ground mounted solar (as well as roof mounted solar) needs to be maximised if the fivefold increase in deployment is to be met.

After considering ways that rooftop solar can be encouraged, the ESP turns to ground mounted solar, which is noted as being readily deployable at scale.

The ESP again restates that the Government considers that meeting energy security and climate changes goals is "***urgent***" and "***of critical importance to the country,"*** and further that ***"these goals can be achieved together with maintaining food security for the UK."***

The ESP further encourages deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental management.

The conclusion is reached in the ESP that that "***the Government considers that there is a strong need for increased solar deployment."***

Overarching National Policy Statement for Energy ('EN-1') (March 2023).

The previous draft NPS on Energy was updated in March 2023. Although it is a draft document, it sets out the Government's latest position on energy and is therefore a material consideration to be afforded considerable weight.

The need for new energy infrastructure, including additional generating capacity, is set out in Section 3 of the NPS. The role of wind and solar is set out on pages 25/26, noting that the Government's analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar (paragraph 3.3.20).

National Policy Statement for Renewable Energy ('EN-3') (March 2023).

The updated draft NPS on renewable energy was also updated in March 2023.

Under the *'Solar Photovoltaic Generation'* (Section 3.10, page 82), the need for sustained growth in solar deployment is again reaffirmed (paragraph 3.10.1), that solar has an important role in delivering the Government's goals for greater energy independence and that Government is

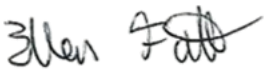
supportive of the co-location of solar with other functions, which include storage, to maximise the efficiency of land use (paragraph 3.10.2).

Summary.

The proposed amendment to Planning Permission Reference: 20/06840/FUL is considered to represent a Non-Material Amendment and, therefore, an application submitted under the terms of Section 96A of the Town and Country Planning Act 1990 is appropriate.

We trust that the above and enclosed are sufficient to validate this application and progress it towards determination. Should you require any further information please do not hesitate to contact me.

Yours sincerely,



Ellen Fortt
Senior Planner MRTPI
ellen.fortt@pegasusgroup.co.uk