Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2023/08729

Decision Date: 01 July 2024

Applicant:	Katie Whitty C/O Agent, Almondsbury, Bristol, UK, United Kingdom, BS32 4QL
Particulars of Development:	Variation of conditions 2, 4, 5, 6, 7, 8, 9, 10, 15, 17 and 18 relating to application PL/2021/03061.
At:	Agricultural fields west of Whaddon Farm, Whaddon Lane, Hilperton, Trowbridge, BA14 6NR

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for variation or non-compliance with a condition or conditions imposed on an earlier permission in accordance with the application and plans submitted by you.

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 compliance with the following conditions:

Conditions: (20)

1 The development hereby permitted shall be begun before 6 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 development hereby permitted shall be carried out in accordance with the following approved plans:

Drawings No: INR001-SP-01, Rev 05, Whaddon Farm Site Location Plan, as received on 22 March 2021; 1699-0201-01, Issue 07, Solar Park Layout, as received on 20 May 2024; 1699-0201-20. Issue 02, Construction Compound Location Plan, as received on 20 May 2024; 1699-0204-00, Issue 01, CCTV Detail, as received on 10 October 2023; 1699-0204-01, Issue 01, CCTV with speaker Detail, as received on 10 October 2023; 1699-0205-01, Issue 01, Fence Detail, as received on 10 October 2023; 1699-0206-

00, Issue 01, Mounting System Detail, as received on 10 October 2023; 1699-0207-02, Issue 01, Aux Transformer Detail, as received on 10 October 2023; 1699-0207-14, Issue 01, Inverter Station Detail, as received on 10 October 2023; 1699-0207-27, Issue 03, Battery Storage Unit Detail, as received on 26 October 2023; 1699-0207-28, Issue 02, Battery Inverter Station Detail, as received on 10 October 2023; 1699-0207-40, Issue 01, Spares Container Detail, as received on 10 October 2023; 1699-0207-41, Issue 01, Welfare Container Detail, as received on 10 October 2023; 1699-0208-10, Issue 01, Access Road Sections, as received on 10 October 2023; 1699-0208-50, Issue 01, Private Switchgear, as received on 10 October 2023; 1699-0208-71, Issue 02, SSE 33kV DNO Switchgear, as received on 26 October 2023; P23-1076_EN_01A, Detailed Planting Plan, as received on 9 January 2024; Biodiversity Management Plan, revision V3, produced by Clarkson and Woods, as received on 10 October 2023; Ecological Impact Assessment version 4, including: Appendix A - Bat Surveys (version V3), Appendix B - Wintering Bird Survey (version V2), Appendix C - Breeding Bird Survey (version V2) and Appendix D - Otter and Water Vole Survey (version V3), all produced by Clarkson and Woods and received on 10 October 2023.

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

3 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 the original decision notice dated 6 April 2022, 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.

4 The temporary construction compound as detailed on the Construction Compound Location Plan (drawing no. 1699-0201-20, Issue 02) hereby approved shall be used solely during the construction phase of the solar farm, and within three months following the completion of the solar farm, the compound shall be fully removed with all materials, plant and debris to be cleared from the site. If a temporary compound is required as part of the decommissioning phase of the solar farm, details of this shall

be submitted to and agreed in writing by the local planning authority no less than six months before the decommissioning of the site commences.

REASON: In the interests of visual amenity and to ensure the land is fully restored to its former use and condition.

5 The development hereby permitted shall be carried out and maintained over the operational lifetime of the development in accordance with the agreed Colours and Finishes as approved under Discharge of Conditions application reference PL/2023/04747 unless otherwise approved in writing by the Local Planning Authority.

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

6 The development hereby permitted shall be carried out in accordance with the Archaeological Management Plan produced by Cotswold Archaeology, dated 20 May 2022, as approved under Discharge of Conditions application reference PL/2022/04701, unless otherwise approved in writing by the Local Planning Authority.

REASON: To enable the preservation of sites of archaeological interest.

7 Within 28 days of the completion of construction works, the applicant must submit to the Local Planning Authority a post-construction road condition survey and remediation strategy to be assessed against the approved pre-construction road conditions survey submitted as part of Discharge of Conditions application reference PL/2023/04835 (Road Condition Survey, references 3555.01.1_R0 & 3555.01.2_R0, as received on 15 June 2023). The applicant would be required to appropriately reinstate any identified damage reasonably attributable to the construction works in accordance with the approved remediation strategy, which is to be prepared in consultation with and agreed with Wilshire Council's Highways Authority.

REASON: In the interests of highway safety and to ensure that the condition of the highway is maintained.

8 The development hereby permitted shall be carried out in strict accordance with Appendix A of the approved Construction Traffic Management Plan (CTMP) Revision B (produced by Pegasus, reference P19-1958 TR01 Rev.B, dated May 2024) which illustrates the proposed construction traffic route and signage locations, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that clear routing is provided for construction vehicles and adequate warning of the accesses are provided in the interests of highway safety.

9 The development hereby permitted shall be carried out in strict accordance with the Construction Environmental Management Plan (CEMP) (version V6, produced by Clarkson and Woods Ecological, dated May 2024), 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, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

10 The development hereby permitted shall be carried out in strict accordance with the Bat Monitoring Strategy (version V2, produced by Clarkson and Woods Ecological Consultants, dated October 2023), unless otherwise agreed in writing by the Local Planning Authority. Results of the bat monitoring (once in spring and another in autumn) shall be submitted to the Local Planning Authority within 6 months of the surveys being completed in years 1, 3, 5, and 10.

REASON: In the interests of protecting bat species

11 Within three months of the end of the construction phase of the development hereby permitted, 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 as detailed in the CEMP by the aforementioned competent person prior to, during and post-completion of construction works. Associated dates of visits to the development site shall be stipulated in the compliance report and photographic evidence shall be provided.

REASON: To ensure works are undertaken in strict accordance with an approved 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.

12 No lighting shall be installed during the construction phase of the development hereby permitted unless a detailed lighting plan including exact details of any proposed lighting and their locations have been submitted to and approved inviting by the local planning authority.

REASON: To ensure wildlife corridors are not illuminated.

13 No later than 12 months before the planned decommissioning of the solar farm, a scheme for decommissioning and the restoration of the site must be submitted to and approved in writing by the local planning authority. The scheme shall be based on updated ecological surveys and must make provision for the removal of the solar arrays and the associated above-ground structures, equipment, fencing and foundations, to a depth of at least one metre below ground level.

The scheme must include the management and timing of any works; a traffic management plan; and an environmental management plan including measures for the protection of wildlife.

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

14 The development hereby approved shall be carried out in strict accordance with the Biodiversity Management Plan (produced by Clarkson and Woods, V3 dated October 2023) and all of the mitigation and enhancement measures detailed in Appendix B: Figures; Figure 1: Locations of Ecological Mitigation and Enhancement Features; and Figure 2: Hibernaculum Specification.

REASON: To ensure compliance with planning policy and secure the protection and mitigation for the habitats and species recorded.

15 The development hereby permitted shall be carried out in strict accordance with the management and maintenance details set out in the Landscape and Ecology Management Plan (produced by Pegasus Group, reference P23-1076_EN_02A, dated January 2024).

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

16 The development hereby approved shall be carried out in accordance with the surface water drainage scheme detailed from Section 8 of the Flood Risk Assessment and Drainage Strategy produced by Clive Onions Consulting Civil Engineer (reference P19-1958, V1, dated February 2021).

REASON: To ensure that the development can be adequately drained.

17 The development hereby approved shall be carried out in strict accordance with the

Construction Traffic Management Plan, Revision B (produced by Pegasus, reference P19-1958 TR01 Rev.B, dated May 2024).

REASON: In the interests of highway safety.

18 The development hereby permitted shall be carried out in strict accordance with the detailed landscape and planting proposals set out within the Detailed Planting Plan (produced by Pegasus Design, reference P23-1076_EN_01, Rev A, as received on 9 January 2024).

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

19 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the date on which any part of the development becomes first operational or the completion of the development whichever is the sooner; 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 external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication GN01:21, ‘Guidance Note 1 for the reduction of obtrusive light 2021’ (ILP, 2021), and Guidance Note GN08-18 ‘Bats and artificial lighting in the UK’, produced by the Bat Conservation Trust and Institution of Lighting Professionals.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area in order to minimise unnecessary light spillage above and outside the development site and to ensure lighting does not adversely impact wildlife.

Informatives: (2)

1 During the construction, operational and decommissioning phases of the development, all adjacent public rights of way shall remain open and accessible at all times for members of the public.

2 As detailed within the written representation provided by the Canal and River Trust dated 3 August 2021, the applicant is advised to contact Carl Ashman, Works Engineer by email at Carl.Ashman@canalrivertrust.org.uk to ensure that the proposed works comply with the Canal and River Trust's code of practice.

Parvis Khansari - **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).

3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk