

The Town and Country Planning Act 1990
Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2024/05649

Decision Date: 13 March 2025

Applicant: Eden FG Solar Ltd
The Barn, Ford Farm, Aldbourne, SN8 2DP

Particulars of Development: Laying of an underground cable linking Forest Gate Solar Farm to Chippenham Substation.

At: Land North of Forest Gate Solar Farm, London Road,
Pewsham, Wilts

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 39 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: (9)

- 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 development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Site Location Plan, Dwg No. TOR-A0 L 2024_P001 Rev A
 - Impact Assessment Plan, Dwg No. PRI23119-02 Cycleway Sheet 1 of 2
 - Impact Assessment Plan, Dwg No. PRI23119-02 Cycleway Sheet 2 of 2
 - Arboricultural Impact Assessment, (by ACD Environmental, dated 20/03/2024 ref. PRI23119_AIA)
 - Technical Note for Arboricultural Assessment, February 2024
 - Tree Survey Plan, Dwg No. PRI23119-01A Cycleway Sheet 1 of 2
 - Tree Survey Plan, Dwg No. PRI23119-01A Cycleway Sheet 2 of 2

- Waste Management Plan (JT Utilities Ltd)
- Forest Gate Solar Farm Cable Route - Scope of Works for Horizontally Directionally Drilling Under the River Avon (Eden Renewables)
- River Avon Horizontal Directional Drilling Method & Monitoring Statement Forest Gate Solar Farm Cable Route (Eden Renewables)
- River Avon Crossing Point, Dwg No. TOR-P002
- Heritage Desk-Based Assessment (Cotswold Archaeology, May 2024)

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

- 3 The development will be carried out in strict accordance with the following documents:
- Preliminary Ecological Assessment of Cable Route for Forest Gate Solar Farm. May 2024. Wychwood Biodiversity Ltd
 - Biodiversity Metric 4.0 Forest Gate. May 2024. Wychwood
 - Option 1 Biodiversity Metric 4.0 Forest Gate. May 2024. Wychwood
 - Option 2 Biodiversity Metric 4.0 Forest Gate. May 2024. Wychwood

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

- 4 Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan 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) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing, specific working methods.
 - b) Working method statements for protected/priority species, such as nesting birds and reptiles. Including how access to, from and within the working corridor will be achieved with minimal impact upon surrounding habitats.
 - c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for works in close proximity to water bodies and hedgerows.
 - d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
 - e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Development shall be carried out in strict accordance with the approved CEMP.

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.

- 5 No development shall commence within the area indicated by application PL/2024/05649 until:
- a) A written programme of archaeological investigation, 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: To enable the recording of any matters of archaeological interest.'

Informative: The work is to be carried out following the standard and guidance for geophysical survey as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant.

It should be made clear that, in this case, the geophysical survey forms the first stage of possible further archaeological mitigation. Further archaeological investigation may be required either prior to or during construction or both. This will be dependent on the results of the geophysical survey undertaken prior to construction. Analysis and reporting commensurate with the significance of the archaeological results of further mitigation may also be required.

- 6 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall demonstrate how flood risk to people and property, and pollution to groundwater and location watercourses will be mitigated during construction phase. Development shall be carried out in accordance with the approved details.

REASON: In order that the development is undertaken in an acceptable manner, to minimise the risk of flooding and pollution of the water environment.

- 7 No development shall commence on site until a Habitat Monitoring Plan has been submitted to and approved in writing by the local planning authority to include:

- The proposed habitat restoration procedures to be implemented to ensure all habitats have been restored to their original condition within 2 years.
- The monitoring methodology to be implemented to ensure the above.

The details of which will be submitted to the Local Planning Authority in year two post construction

REASON: To ensure the impacts upon biodiversity are temporary.

- 8 No development shall take place until a detailed method statement based on the Eden Renewables Ltd Scope of Works for Horizontally Directionally Drilling Under the River Avon has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include details of the following:
- the timing of the works
 - the drilling of the exploratory bores to confirm the thickness of the superficial sediments either side of the river on the pipeline route and the depth to groundwater
 - the depth of the directional drill relative to the strata and water levels
 - measures to be used during the directional drilling in order to minimise environmental impacts of the works (considering both potential disturbance of the substrata and pollution of the watercourse)
 - construction methods
 - storage location and control of any fuels/oil/chemicals and fluids used during the construction
 - pollution protection methods
 - the control and removal of spoil and waste
 - silt management, including wheel wash facilities
 - the use and routing of heavy plant, machinery and vehicles

REASON: To prevent pollution of the water environment. The Southwest river basin management plan also requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies.

- 9 Works shall only take place between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

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.

Informatives: (7)

- 10 The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may 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.
- 11 **Informatives:**
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.
- An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.
- Wiltshire Council's land drainage bylaws can be downloaded here. The land drainage consent application form and guidance notes can be found on our website here:
<https://www.wiltshire.gov.uk/civil-emergencies-land-drainageordinary-watercourse>
- 12 **Informative:**
The applicants attention is drawn to the comments made by the highway officer on the 1st August 2024.
- The applicant would be required to obtain a Section 50 Street Works Licence to carry out the proposed works on the lengths of highway, and this will be required to have a bond attached which would be directly linked to the length of route for cabling proposed within the public highway.
- The applicant is advised to contact the Streetworks Team,
streetworks@wiltshire.gov.uk to agree the works required for the S50 licence.
- 13 **INFORMATIVES:**
- Reptiles/Amphibians
There is a residual risk that great crested newts / reptiles could occur on the application

site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible in line with the recommendations made in (insert details of ecological report). If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk) .

Nesting Birds

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

14 Informative:

The applicants attention is drawn to the comments made by Network Rail on the 5th August 2024.

Informative: The applicants attention is drawn to the comments made by the Rights of Way Officer on the 9th October 2024.

- 15 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.

- 16 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990

is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Wiltshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. For further information on exempt developments please refer to:

<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is considered to apply.

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
- 4 **CIL.** The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website Community Infrastructure Levy (CIL) - Wiltshire Council