

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

Application Reference Number: PL/2021/06112

Decision Date: 09/03/2023

Applicant:	Eden (FG) Solar Ltd The Barn, Ford Farm, Aldbourne, SN8 2DP
Particulars of Development:	The development of a solar farm of up to 49.9 MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including customer cabin, customer substation, DNO substation and equipment, inverter and transformer substations, spare part container, associated battery storage, access tracks, fencing, security cameras, landscape planting and associated works
At:	Land at Forest Gate, Pewsham, Chippenham, SN15 3RS

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: (19)

- 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 and to ensure the long-term management of landscape and ecological features retained and created by the development and in the interests of the significance of the heritage assets and their setting.

3 The development hereby permitted shall be carried out in accordance with the following approved plans and details:

- Site location plan 264801/P002 6 October 2022
- Site location plan 264801/P004 6 October 2022
- PV Layout plan EDR1004-100 Rev H, 16 December 2022
- Forest Gate Planting Plan 264801-TOR-XX-XX-P-L-93-001 Rev W, December 2022
- Fixed tilt array details EDR1004-203 13 September 2022
- 40ft (12.2m) Central inverter substation details EDR1004-206 Rev D 6 April 2021
- 53ft (16.2m) Battery storage system details EDR1004-207 Rev E 12 April 2021
- Customer substation building details EDR1004-210 Rev C 6 April 2021
- Distribution network operator container details EDR1004-211 Rev C 6 April 2021
- Customer cabin details EDR1004-212 Rev C 6 April 2021
- Fence and gate details EDR1004-214 Rev C 13 April 2021
- Security camera plan EDR1004-215 Rev G 26 May 2021
- Maintenance road details EDR1004-216 Rev A 6 April 2021
- Fence and hedge details EDR1004-217 Rev B 13 April 2021
- Spare part container EDR1004-222 6 April 2021
- No-dig road details EDR1004-230 Rev A 29 April 2021
- Eastern site access General arrangement 800.0024.001 Rev C 3 September 2021
- Eastern site access Tracking 800.0024.002 Rev D 3 September 2021
- Eastern site access Visibility 800.0024.003 Rev C 3 September 2021
- Western site access General arrangement 800.0024.004 Rev B 3 September 2021
- Western site access Tracking (unchanged) 800.0024.005 Rev C 3 September 2021
- Western site access Visibility splay 800.0024.006 Rev A 3 September 2021
- Site access tracking Tractor and trailer 800.0024.007 Rev A 13 April 2022
- Biodiversity management plan, Dec 2022

- Construction Traffic Management Plan 800.0024/CTMP/7 9 May 2022
- Biodiversity net gain calculation Metric 3.1 – 15 December 2022
- Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan 8325, Revision C October 2022
- Environmental Statement, 4th addendum including technical appendices, December 2022
- ES Technical Appendix A1 Heritage Assessment, June 2021 (resubmitted October 2022)
- ES Technical Appendix A2 Geophysical Survey Report, December 2020 (resubmitted October 2022)
- ES Technical Appendix A3 Cable route Heritage appraisal, January 2022 (resubmitted October 2022)
- ES Technical Appendix A4 Trial trenching evaluation, December 2021 (resubmitted October 2022)
- ES Technical Appendix B1 Landscape and visual assessment, October 2022
- ES Technical Appendix C1 Full Ecological Assessment, 15 December 2022
- ES Technical Appendix C2 Phase 2 Bat and Great Crested Newt, 13 October 2022
- ES Technical Appendix C3 Breeding Bird Survey, June 2020 (resubmitted October 2022)
- ES Technical Appendix C4 Biodiversity Management Plan, December 2022
- ES Technical Appendix C5 Preliminary Ecological Assessment of cable route, January 2022 (resubmitted October 2022)

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

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No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme. The scheme shall respond to the following conditions raised:

- The applicant should provide calculations to establish the site greenfield runoff rate and the storage volumes required using a 1% (1 in 100 year) plus 10% climate change rainfall event. The scheme should ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates unless evidence is submitted that demonstrates that site or environmental conditions make these measures unsuitable.
- The applicant should demonstrate proposed flow/exceedance paths and any additional surface drainage features on the PV layout plan.
- No development shall commence until details are provided of how these assets at high risk of pluvial flooding will be protected to ensure the safety of anyone attending the site. This should include a more detailed plan of the area at high risk of pluvial flooding. Alternatively, all proposed construction should be located outside of these potential flood areas.

- No development shall commence on site until details of the connection to the watercourse are confirmed and how these might be impacted by the increase in runoff resulting from climate change.
- No development can proceed until water quality has been addressed in line with the following assumptions:
 - As solar panels are not listed in the SuDS manual, the pollutant loads for commercial roofs (lower end values) should be used for the solar panels.
 - The pollutant loads for low traffic roads should be used when considering the access roads around the site.

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 within the area indicated by application PL/2021/06112 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: The matter is required to be agreed with the Local Planning Authority before development commences in order to enable the protection of any matters of archaeological interest.

- 6 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 "Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (October 2022) by Hayden's Arboricultural Consultants.

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 concrete, oil, cement, bitumen or other chemical 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: The tree protection fencing is required to be placed on site before any development, site clearance or machinery is brought on to site in order to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity and biodiversity.

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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 and agreed in writing by the local planning authority. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase in accordance with the Requirements and Recommendations section of the submitted Full Ecological Assessment prepared by Wychwood Biodiversity (17/10/2022), and within the Avoidance section of the Biodiversity Management Plan prepared by Wychwood Biodiversity (17/10/2022). These will include 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.
- b) Reasonable avoidance working method statements for protected/priority species, such as nesting birds, amphibians (great crested newts), reptiles, bats and dormice.
- c) Working method statements where minor works are required within the hedgerow buffer.
- d) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or 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; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- f) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

g) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECOW and to include photographic evidence.

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order 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.

- 8 Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order 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.

- 9 Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Monitoring Strategy for the Biodiversity Management Plan hereby approved shall be 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) A scheme of monitoring focused on the key aspects of the Biodiversity Mitigation and Enhancement Plans;
- b) Details of a timetable to establish a monitoring baseline on completion of the development at the start of the operational phase

- c) A timetable for regular reporting for the lifetime of the development (in years 1, 3, 5, 10, 25, 40);
- d) Details of the body or organization responsible for implementation of the Monitoring Strategy, with any change to this body or organisation to be notified to the local planning authority within three months of such a change.

The Monitoring Strategy shall be implemented in full in accordance with the approved details for the entire operational lifetime of the installation.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order 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.

- 10 10. The development will be carried out in strict accordance with the following documents:

- a) Forest Gate Planting Plan. DWG TOR-XX-XX-P-L-93-001. Rev W. Terence O Rourke (12/2022).
- b) Forest Gate Biodiversity Management Plan FINAL_041022. Rev XF. Eden Renewables and Wychwood Biodiversity (17,10,2022).
- c) Diagram #001 Ecology Map Overview. Rev XF. Eden Renewables and Wychwood Biodiversity (17,10,2022).
- d) Diagram #002 Map of avoidance and reduction measures (Appendix B). Rev XF. Eden Renewables and Wychwood Biodiversity (17,10,2022).
- e) Diagram #003 Map of Mitigation Measures: Establishment (Appendix C). Rev XF. Eden Renewables and Wychwood Biodiversity (17,10,2022).
- f) Diagram #004 Map of Mitigation Measures. Rev XF. Eden Renewables and Wychwood Biodiversity (17,10,2022).
- g) Diagram #005 Ecology Map: 4.5m Buffer (only). Rev XF. Eden Renewables and Wychwood Biodiversity (17,10,2022).
- h) Diagram #006 Ecology Map: 10m Buffer (only). Rev XF. Eden Renewables and Wychwood Biodiversity (17,10,2022).
- i) Biodiversity Metric 3.1 (15/12/2022).

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

- 11 Notwithstanding the submitted Construction Traffic Management Plan and prior to the commencement of any development or preparatory works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a

Construction Management Statement, together with a site plan, which shall include the following:

- a) Detailed Site logistics arrangements;
- b) A description of management responsibilities, to include communication procedures with the LPA and local community regarding key construction issues - newsletters, fliers etc. ;
- c) A description of the construction programme;
- d) the parking of vehicles of site operatives and visitors, including parking for delivery vehicles to avoid parking and congestion on the public highway;
- e) loading and unloading of plant and materials;
- f) storage of plant and materials used in constructing the development;
- g) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- h) wheel washing facilities;
- i) measures to control the emission of dust and dirt and noise mitigation during construction;
- j) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- k) measures for the protection of the natural environment, which shall include monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase;
- l) Site working and delivery hours, including delivery schedules, and a named person for residents to contact;
- m) details of traffic routeing signs, both at the site accesses and along the construction route;
- n) pre-condition photo survey of the section of highway of the A4 London Road which would serve as access to the sites. Copies of the pre-condition survey and a post condition survey following completion of construction shall be supplied to the local planning authority.

shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority. There shall be no burning undertaken on site at any time.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

No development shall commence on site until visibility splays for the eastern access (adjoining the bus stop) 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 120 metres to the north and south from the centre of the access, in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 13 No development shall commence on site until visibility splays for the western access (field 4 on the layout plan) 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 160 metres to the north and 120 metres to the south from the centre of the access, in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 14 The development hereby permitted shall not be first commenced until the access track between the public highway and the site compound has been consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

- 15 No development shall commence on site until details of the proposed width of the access tracks, including passing bays, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of highway safety.

- 16 No construction or operational artificial lighting shall be installed at the site unless

otherwise agreed in writing by the local planning authority.

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 in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be 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 and to minimise unnecessary light spillage above and outside the development site and in the interests of conserving biodiversity.

- 17 Notwithstanding the details hereby approved, the finished colour for all cabins, substation containers, fencing and any other structure that forms a part of this development shall be finished in a dark green (RAL 6007) and shall be maintained as such thereafter.

REASON: In the interests of preserving the character and appearance of the area.

- 18 Landscape Planting shall be undertaken in accordance with the Forest Gate Planting Plan TOR-XX-XX-P-L-93-001 Revision W and maintained as such thereafter.

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or in accordance with a programme to be agreed in writing with 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.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the

protection of existing important landscape features and to ensure that the site is satisfactorily landscaped in order to support protected species and their habitats.

- 19 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

Informatives: (6)

- 20 Informative
Wilts and Berks Canal Trust (WBCT) has an agreement with the landowner to gain access into the section of canal through the land, the subject of this application and requests that, if the application is consented that access for restoration and maintenance purposes by WBCT shall be provided.
- 21 Informative:
There is a risk that protected species (great crested newts / reptiles/ dormice/ bats) 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 in line with the recommendations made in the Full Ecological Assessment prepared by Wychwood Biodiversity (2022) and as advised the contracted ecologist. If these species are unexpectedly found during the works, the applicant is advised to stop work and follow advice from the contracted ecologist.
- 22 Informative:
A photographic pre-condition highway survey to be carried out to the section of highway of the A4 London Road which would serve as access to the sites, and copies of pre and post condition survey to be supplied to Wiltshire Council. The applicant should be informed that 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 S59 of the Highways Act.

- 23 Informative:
The work is to be carried out following the standards and guidelines for archaeological field evaluation as set out by the Chartered Institute for Archaeologists (CIfA) and the standards and guidelines for Strip, Map and Record excavations as set out by the Chartered Institute for Archaeologists (CIfA). The applicant should note that the costs of carrying out an archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.
- 24 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.
- 25 Informative:
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.

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