

Our Ref: JA/P23-0965/S73

02nd December 2025

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

Planning Portal Reference: PP-14303938

Dear Sir/Madam,

Variation of Conditions 3, 4, 5, 6, 7, 9, 12, 16, 17, 21 and 22 of Planning Permission PL/2024/07438 which relates to a variation of conditions 3, 6, 7, 16, and 17 attached to planning application PL/2023/03501 which relates to a variation of conditions 3, 4, 5, 6, 7, 11 and 20 attached to planning application 20/03528/FUL for the Installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays and battery based electricity storage containers together with transformer stations; access; internal access track; landscaping; security fencing; security measures; access gate; and ancillary infrastructure on land near Minety Substation, Minety, Wiltshire, SN16 9DX

Please find enclosed an application submitted on behalf of our client JBM Solar Projects 14 Ltd, made under the terms of Section 73 ('S73') of the Town and Country Planning Act 1990 (as amended).

This application has been submitted to seek a variation of Condition 3 'Approved Plans', Condition 4 'Drainage', Condition 5 'Construction Traffic Management Plan', Conditions 6 and 7 'Access', Condition 9 'Ecological Mitigation', Condition 12 'Landscape and Ecological Management Plan', Condition 16 'Arboricultural Impact Assessment' Condition 17 'Landscaping' and Condition 21 and Condition 22 'Noise' of planning permission PL/2024/07438.

This application comprises the following documents and plans:

- Application form and certificates;
- Site Location Plan;
- Minety PV Layout Plan, Revision 08.1, prepared by RWE, dated 13th June 2025;
- Detailed Planting Plan, drawing number P23-0965_EN_03, Revision A, prepared by Pegasus Group, dated 16th July 2025;
- Landscape Masterplan, drawing number P23-0965_EN_02, Revision A, prepared by Pegasus Group, dated 16th July 2025;

33 Sheep Street, Cirencester, Gloucestershire, GL7 1RQ
T 01285 641717 E Cirencester@pegasusgroup.co.uk
Offices throughout the UK.

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Registered Office: 33 Sheep Street, Cirencester, Gloucestershire, GL7 1RQ

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- Landscape & Ecological Management Plan, prepared by Pegasus Group, dated 16th July 2025, Revision A;
- Ecological Mitigation and Enhancement Plan, prepared by Avian Ecology, dated 20th August 2025;
- Arboricultural Impact Assessment, prepared by Barton Hyett, dated 02nd September 2025, Revision E;
- Minety Noise Assessment, prepared by ION Acoustics, dated 19th May 2025;
- Flood Risk Technical Note 001, prepared by Calibro, dated 23rd May 2025;
- Construction Traffic Management Plan, prepared by Pegasus Group, dated September 2025;
- Statutory Biodiversity Metric, dated 7th October 2025;
- Ecology Technical Note, prepared by Pegasus Group, dated 21st November 2025;
- EIA Compliance Statement, prepared by Pegasus Group, dated 24th November 2025; and
- Typical Battery Station Details, prepared by RWE, drawing number: 0101, Revision 02, dated February 2025.

The application fee of £2085 (£2000 plus £85 Planning Portal fee) has been paid via the Planning Portal upon submission.

Application Background.

Planning Permission (reference: 20/O3528/FUL) for 'Installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays and battery-based electricity storage containers together with transformer stations; access; internal access track; landscaping; security fencing; security measures; access gate; and ancillary infrastructure' was granted by Wiltshire Council on 7th April 2022 subject to 24 conditions.

Subsequently, a Section 73 Planning Permission (reference: PL/2023/O3501) for the variation of Condition 3, 4, 5, 6, 7, 11 and 20 was granted by Wiltshire Council on 9th April 2024 to allow modifications to the approved layout, an increase from 12 battery units with 16 localised inverters to 22 battery units and 19 containerised inverters as well as alterations to the location of a vehicular access.

Further to the above, a separate Section 73 Planning Permission (reference: PL/2024/O5563) for the variation of Condition 21 was granted by Wiltshire Council on 14th October 2024 to remove the requirement to fit noise reduction kits to all inverters and to simply require compliance with the mitigation measures set out in the Noise Assessment.

Additionally, a further Section 73 Planning Permission (reference: PL/2024/O7438) for the variation of conditions 3, 6, 7, 16, and 17 was granted by Wiltshire Council on 05th December 2024 to enable the relocation of the Eastern Access and to clarify that the Tree Protection Fencing can be constructed in a phased approach.



This Section 73 application seeks to vary the Conditions attached to planning permission PL/2024/07438.

Prior to the determination of application PL/2024/07438, all of the pre-commencement conditions attached to planning permissions PL/2023/03501 and 20/03528/FUL were discharged, with the approved details being included as compliance conditions on the decision notice for planning permission PL/2024/07438. There are no pre-commencement conditions attached to planning permission PL/2024/07438.

Following the granting of S73 Planning Permission PL/2024/07438, the western site access was completed between the 9th December and 19th December, and a Certificate of Lawful Existing Development was submitted on 20th February 2025. The Certificate of Lawful Use or Development was granted on 14th May 2025 (LPA Ref: PL/2025/02033).

Application Proposal and Proposed Amendments.

This application seeks to vary Conditions 3, 4, 5, 6, 7, 9, 12, 16, 17, 21 and 22 attached to Planning Permission PL/2024/07438. The purpose of this Section 73 application is to make the following amendments to the approved Site Layout and Landscape Strategy due to requirements from the Engineering, Procurement and Construction contractor:

- Increase the hybrid inverter/battery container areas from 11 to 13 and amend the layout from a linear to a square configuration. Each hybrid battery/ inverter areas will accommodate x1 Containerised Inverter Unit, x 4 DC to DC Converter Unit and x4 CATL Containerised Battery Units. The dimensions of the containerised units remain the same (12.5m by 2.7m with a height of 2.6m); however, an updated BESS technical drawing is submitted with this S73 Application (Typical Battery Station Details, dwg no 0101_02, dated February 2025) to show the BESS arrangement;
- Relocate the access track located north of panel Field 1 so that it runs adjacent to panel Fields 2 and 3, rather than adjacent to the site boundary;
- Increase the size of the Construction Compound adjacent to the Western Access;
- Amendment to the consented delivery hours to the construction compounds (from 10:00–16:00 on Monday–Friday to 08:00–16:00 Monday–Friday);
- Relocation of Construction Compound from panel Field 8 to panel Field 15 adjacent to Eastern Access and a further temporary Construction Compound location to the east of Field 15 (where there are currently no panels) with a Public Right of Way (ProW Hank 12) temporarily diverted around this;
- Introduction of a Construction Compound to an area to the east of Field 2 (where there are currently no panels);
- Various adjustments to access track including provision of additional turning heads to assist with construction phase;
- Removal of an existing concrete track and provision of additional panels in this location;
- Various micro adjustments to field panels and fence locations, including southern boundary of panel Field 7 to ensure the required buffer to the SSSI;

- Requirement to install a cable between Field Panels 3 and 4 in a narrow strip of the application site;
- Removal of a small section of planting (as demonstrated in the blue hatched area in the accompanying 'Landscape Masterplan – P23-0965_EN_02 Rev A – dated 16 July 2025') from the approved Landscape Masterplan (drawing number: P19-2270_13 Rev. R – dated 03 July 2024) and BNG calculations, as this area has now been purchased by National Grid to facilitate the expansion of their substation. This planting will now come forward through a separate consented application (reference: PL/2022/09258 and Discharge of Condition Work reference: PL/2024/07068).

Justification for Variations.

The amendments sought are required by the Contractors who are constructing the site and are minor in nature. The updated layout containing the amendments described above is shown within the plan submitted with this Section 73 application titled: Landscape Masterplan, drawing number P23-0965_EN_02, Revision A, prepared by Pegasus Group, dated 16th July 2025. The amendments to the battery storage system design reflects the latest technology and design as the technology has developed since this planning application was originally approved.

A small section of planting (demonstrated in Blue Hatching on the Detailed Planting Plan and Landscape Masterplan submitted with this Section 73 application) has been removed from the scheme (and BNG calculations) as this area has now been purchased by National Grid to facilitate the expansion of their substation. This planting will now come forward through a separate application (Reference: PL/2022/09258 and Discharge of Condition Work reference: PL/2024/07068).

Due to requirements from the contractors constructing the site, construction compounds need to be introduced to an area to the east of Field 2 and relocated from panel Field 8 to panel Field 15 adjacent to the Eastern Access and a further temporary construction compound located to the east of Field 15, with a Public Right of Way (ProW Hank 12) temporarily diverted around this.

An updated Flood Risk Technical Note has been prepared by Calibro which explains that although the consented site was originally entirely within Flood Zone 1, as the Environment Agency's Flood Zone modelling has been updated since the original application, a very small part of the site now falls within Flood Zone 2 and 3. However, no water sensitive equipment is promoted in the flood zone 2 and 3 areas.

In addition, the extent of Flood Zone 2 only covers part of a proposed swale. The depth of flooding at this location would be expected to be very shallow, well below the lowest panel edge (800mm above the ground). Consequently, the flooding would not impact generation output, nor would the panels have a noticeable impact on the flow of flood water. As a result, the new allocation of flood

zones at the site would not change the overall conclusions of the approved Flood Risk Assessment or subsequent reporting that the site would be safe from flooding. Therefore, no additional mitigation is proposed. Given the flood zone revisions only result in very minor coverage of the consented scheme, it is deemed disproportionate for this to trigger the application of the Sequential Test.

Furthermore, the Technical Note explains that the changes to the Risk of Flooding from Surface Water mapping does not alter the conclusions of the consented Flood Risk Assessment or subsequent reporting such that no new mitigation is deemed necessary. In summary, the Technical Note concludes that all of the other changes proposed through this Section 73 application would have negligible impacts on flood risk as they are largely cosmetic changes.

An updated Noise Assessment has been carried out by ION Acoustics, which utilised the same methodology as the previously approved noise assessment, assessing the revisions to the location of the various hybrid inverters and other inverters. The updated Noise Assessment concludes that operational noise levels from the revised site adhere to the noise limits granted for the consented scheme and that it is considered that there are no noise-related issues associated with the Solar Farm that should prevent the Section 73 application from being granted.

In terms of heritage it can be concluded that there will not be any materially different impacts as a result of the amendments sought in this Section 73 application.

An updated Arboricultural Impact Assessment ('AIA') (prepared by Barton Hyett) has been submitted with this Section 73 application and inspects trees and hedgerows on the site, providing written advice on how they inform feasibility and design options. The AIA concludes that if the advice contained within the report is adopted, the proposed development is acceptable from an arboricultural perspective.

In terms of Ecology, an Ecology Note has been prepared by Pegasus Group and submitted with this Section 73 application which demonstrates that the proposed amendments to the scheme would cause no additional impacts on designated sites, habitats or protected and notable species. Furthermore, the Ecology Note confirms that the findings and recommendations in the 2021 ES Ecology Chapter, as updated by the 2025 site surveys accordingly, remain valid for this Section 73 application and that providing the recommendations are implemented in full, the amended layout proposed as part of the Section 73 application will have no significant increase in the impact on biodiversity compared with the current consented scheme.

An updated Biodiversity Net Gain (BNG) assessment was undertaken using the latest Statutory Biodiversity Metric which demonstrates that the updated landscape scheme will deliver a net gain

of **70.13% habitat units** and **21.19% in hedgerow units**. Therefore, the updated landscape plans increase the net gain on Site for habitat units and the net gain for hedgerows remains the same. This is due to the baseline value of the Site being lower than previous, as a result of the removed area of landscaping. Therefore, no significant impacts are predicted on the BNG on Site as a result of the updated designs.

The EIA Compliance Statement submitted with this application confirms that the proposed amendments which are being sought under this Section 73 application do not give rise to any additional or significant effects, nor significantly alter the conclusions reached within the ES (including SEI's) approved as part of the original application. As such no further ES information is therefore considered necessary to accompany this Section 73 application.

Proposed Revised Conditions.

This application seeks to vary the wording of Conditions 3, 4, 5, 6, 7, 9, 12, 16, 17, 21 and 22 of Section 73 Permission PL/2024/07438. The proposed revised wordings to the conditions are identified below. Text proposed for deletion is identified in red bold text and is crossed out (for example: ~~deleted~~). Revised wording proposed is identified in red bold text and underlined (for example: revised wording).

Condition 3.

It is proposed that Condition 3 is amended to:

"The development hereby permitted shall be carried out in accordance with the details shown in the following approved plans, drawings and documents:

- ***Site Location Plan – RL-J082-1***
- ~~***Minety PV Layout Revision 02 – dated 2 July 2024***~~
- ***Minety Solar Farm Layout Plan, revision 08.1, dated 13th June 2025***
- ~~***Landscape Masterplan – P19-2270_13 Rev. R – dated 03 July 2024***~~
- ***Landscape Masterplan – P23-0965_EN_02 Rev A – dated 16 July 2025***
- ***Construction Compound – 15 November 2021***
- ***Typical PV Table Details Rev. A – 3 June 2021***

- *Typical Trench Sections Details Rev. A – 6 April 2020*
- *Typical Spares Container Details Rev. A – 6 April 2020*
- ~~*Typical Battery Storage System Details 1 Rev. A – 6 April 2020*~~
- ~~*Typical Battery Station Linear Rev A 21 April 2023*~~
- *Typical Battery Station Details, Revision 02, Drawing Number: 0101 – February 2025*
- *Typical Customer Switchgear Details Rev. A – 6 April 2020*
- *Typical Inverter Substation Details Rev. A – 6 April 2020*
- *Typical Fence, Track & CCTV Details Rev. A – 6 April 2020*
- ~~*Arboricultural Impact Assessment Rev. B – dated July 2024*~~
- *Arboricultural Impact Assessment Rev. E – dated September 2025*
- ~~*Noise Assessment for Planning – Acoustics Report A1579 R02e – 15th July 2024*~~
- *Minety Noise Assessment, prepared by ION Acoustics, dated 19th May 2025*

Condition 4.

It is proposed that Condition 4 is amended to:

“The development hereby permitted shall be carried out in accordance the scheme for the discharge of surface water included within the approved Drainage Technical Note (v2, dated 16 March 2023), Flood Risk Assessment (v5, dated August 2020), ~~and~~ FRA Addendum (v2, dated August 2020) and Flood Risk Technical Note 001 (23rd May 2025).”

Condition 5.

It is proposed that Condition 5 is amended to:

"The approved Construction Traffic Management Plan, prepared by Pegasus Group, Reference: ~~P19-2270 TRO2/B dated, August 2024, Revision C~~ P23-0965 TR01, dated September 2025 shall be fully implemented and adhered to throughout the entire construction period unless otherwise agreed in writing by the Local Planning Authority."

Condition 6.

It is proposed that Condition 6 is amended to:

"Prior to the use of the western (proposed) and eastern (proposed) access points by construction traffic, they shall be laid out and constructed in accordance with the details provided within the Construction Traffic Management Plan (Dated ~~August 2024 / Revision C~~ September 2025) ~~and shown in Appendix B and Appendix C, and the Transport Statement Letter, prepared by Pegasus Group, dated July 2024.~~ Furthermore, the first 15 metres of the accesses measured from the edge of the carriageway, shall be consolidated and surfaced (not loose stone or gravel). The accesses shall be maintained as such thereafter during the construction period."

Condition 7.

It is proposed that Condition 7 is amended to:

"Prior to the use of the western (proposed), central (existing) and eastern (proposed) access points by construction traffic, the required visibility splays shall be provided in accordance with the details provided within the Construction Traffic Management Plan (~~Dated August 2024 / Revision C~~ Dated September 2025) ~~and shown in Figure 3.1, Appendix B and Appendix C, and the Transport Statement Letter, prepared by Pegasus Group, dated July 2024.~~ The approved visibility splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent highway during the construction period."

Condition 9.

It is proposed that Condition 9 is amended to:

"Development shall be undertaken in strict accordance with the approved Ecological

Mitigation and Enhancement Plan, prepared by Avian Ecology, ~~dated 17th July 2024~~ dated 20th August 2025, unless otherwise agreed in writing by the Local Planning Authority."

Condition 12.

It is proposed that Condition 12 is amended to:

"The development shall be undertaken and managed in accordance with the approved Landscape and Ecological Management Plan 'LEMP', prepared by Pegasus Group and Avian Ecology, dated ~~10th July 2024~~ 16th July 2025 unless otherwise agreed in writing by the Local Planning Authority."

Condition 16.

It is proposed that Condition 16 is amended to:

"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 with details set out in the Arboricultural Impact Assessment, dated ~~July 2024 Revision B~~ September 2025 Revision E, prepared 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, of 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.”

Condition 17.

It is proposed that Condition 17 is amended to:

“All soft landscaping comprised in the approved details of landscaping, as shown on the Landscape Masterplan drawing no. ~~P19-2270-13 Rev. R~~ P23-0965_EN 2 Rev. A 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.”

Condition 21.

It is proposed that Condition 21 is amended to:

“The mitigation measures detailed within section 4.2 of the Noise Assessment Acoustic Report ~~A1579 RO2e dated 15th July 2024~~ A1579 RO3 dated 19th May 2025 prepared by Ion Acoustics shall be fully implemented.

The noise rating level (BS4142:2014) of plant shall be no more than those specified in Table ~~7 & 8~~ 3&4 of the Noise Assessment; ~~A1579 RO2e3~~ during daytime (0700–2300hrs) and during night-time (2300–0700hrs) at all residential receptors.”

Condition 22.

It is proposed that Condition 22 is amended to:

“A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the submitted Noise

Assessment (~~March 2023 and July 2024~~ May 2025) report by Ion Acoustics and submitted to the Local Planning Authority for approval in writing. Any additional steps required to achieve compliance shall thereafter be taken in accordance with a timetable to be agreed with the Local Planning Authority. The details as submitted and approved shall be implemented and thereafter be permanently retained."

Environmental Impact Assessment.

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 in connection to the original application (application reference: 20/O3528/FUL). Before Wiltshire Council issued their Screening Opinion, the applicant voluntarily prepared an Environmental Statement (including Supplementary Environmental Information (SEI) submissions to the ES) to accompany the original planning application. Therefore, it has been necessary to consider the implications of the S73 Application in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 "EIA Regulations".

Within the National Planning Practice Guidance (NPPG), the 'Flexible Options for Planning Permissions' section outlines that a S73 application is considered to be a new application for planning permission under the EIA Regulations.

"Where an EIA was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations. Whether changes to the original Environmental Statement are required or not, an Environmental Statement must be submitted with a section 73 application for an EIA development." Paragraph: 017 Reference ID: 17a-017-2023072 (NPPG- Flexible Options for Planning Permissions).

With respect to the requirement of EIA information to support the S73 Application, Schedule 2 paragraph 13b) of the EIA Regulations is of relevance, which considers:

"any change to or extension of development of a description listed in para 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed".

The associated thresholds to paragraph 13b) where EIA may be required are:

“Either–

- i) the development as changed or extended may have significant adverse effects on the environment or**
- ii) in relation to development of a description mentioned in column 1 of this table, the thresholds and criteria in the corresponding part of column 2 of this table applied to the change or extension are met or exceeded”.**

Therefore, an EIA Compliance Statement has been prepared by Pegasus Group to accompany this application (dated November 2025). The EIA Compliance Statement includes a table which provides consideration of the proposed amendments to the scheme assessed against Landscape and Visual impacts and Ecology impacts.

The EIA Compliance Statement concludes that the proposed changes to the development do not give rise to any additional or different significant effects, nor significantly alter the conclusions reached within the ES (including SEI) submitted. As such no further ES information is therefore considered necessary to accompany this Section 73 application.

Planning Policy Context.

The Development Plan relevant to this Site comprises the Wiltshire Core Strategy (adopted January 2015).

The Development Plan has not changed since the Solar Farm was originally granted planning permission or since S73 planning permission PL/2024/07438 was granted.

A revised version of the National Planning Policy Framework (NPPF) (2024) was published on 12th December 2024, which restates the support for renewable and low carbon energy.

Summary.

The proposed amendments to S73 Planning Permission reference: PL/2024/07438 are considered to represent minor changes to the approved development and therefore, an application seeking to vary Conditions 3, 4, 5, 6, 7, 9, 12, 16, 17, 21 and 22 of this permission under the terms of Section 73 of the Town and Country Planning Act 1990 is appropriate.

I trust that the submitted details are sufficient to allow the validation of this application and progression towards determination. However, please do not hesitate to contact me at the earliest opportunity should you require any further information.



Yours Sincerely,

J. Appleby

Jon Appleby MSc MRTPI

Planner

jon.appleby@pegasusgroup.co.uk