

The Town and Country Planning Act 1990
Approval of Variation of Conditions
Application Reference Number: PL/2024/07438
Decision Date: 05 December 2024

Applicant: JBM Solar Projects 14 Ltd
c/o Agent, c/o Agent, c/o Agent, United Kingdom, GL7 1RQ

Particulars of Development: Variation of Condition 3 'Approved Plans', Condition 6 'Transport', Condition 7 'Visibility Splays', Condition 16 'Tree Protection Measures' and Condition 17 'Landscape Masterplan' of planning permission PL/2023/03501

At: Land near Minety Substation, Minety, SN16 9DX

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: (22)

- 1 The development hereby permitted shall begin before the 07 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 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.

- 3 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
- Landscape Masterplan – P19-2270_13 Rev. R – dated 03 July 2024
- 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 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
- Noise Assessment for Planning – Acoustics Report A1579 R02c – 15th July 2024

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

- 4 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).

REASON: To comply with Core Policy 67: Flood Risk of the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

- 5 The approved Construction Traffic Management Plan, prepared by Pegasus Group, Reference: P19-2270 TRO2/B dated, August 2024, Revision C shall be fully

implemented and adhered to throughout the entire construction period unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the amenities of the occupiers of neighbouring residential properties, the amenities of the area in general, the natural environment, and in the interests of highway safety.

- 6 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) 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.

REASON: In the interests of highway safety.

- 7 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) 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.

REASON: In the interests of highway safety.

- 8 Any gates at the proposed eastern and western accesses shall be set back 16 metres from the edge of the carriageway and such gates shall open inwards only.

REASON: In the interests of highway safety.

- 9 Development shall be undertaken in strict accordance with the approved Ecological Mitigation and Enhancement Plan, prepared by Avian Ecology, dated 17th July 2024, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate protection, mitigation and enhancement of biodiversity, and to ensure compliance with legislation in respect of protected habitats and species, NPPF 2021, Core Policy 50 of the Wiltshire Core Strategy and best practice.

- 10 Development shall be carried out in strict accordance with the approved Construction Environmental Management Plan, prepared by Avian Ecology, dated 18th July 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 to ensure compliance with legislation in respect of protected habitats and species, NPPF 2021, Core Policy 50 of the Wiltshire Core Strategy and best practice.
- 11 Within four weeks of the end of the construction phase a compliance report to comply with the approved Ecological Mitigation and Enhancement Plan 'EMEP' and the Construction Environmental Management Plan 'CEMP' shall be submitted to the local planning authority. The report shall detail all works overseen by the ecologist/EcoW and all compliance checks undertaken by the aforementioned competent person prior to, during and post-completion of construction works. Associated dates of visits to site shall be stipulated in the compliance report and photographic evidence shall be provided.
- REASON: To ensure works are undertaken in strict accordance with the approved EMEP and 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 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 unless otherwise agreed in writing by the Local Planning Authority.
- REASON: To ensure the implementation of appropriate long-term management of landscape and ecological features and habitats for the lifetime of the development, and to ensure compliance with legislation, NPPF 2021, Core Policy 50 of the Wiltshire Core Strategy and best practice.
- 13 Development hereby approved shall be carried out in accordance with the approved Ecological Monitoring Plan, prepared by Avian Ecology, dated 18th July 2024.
- REASON: To ensure the protection and enhancement of biodiversity.
- 14 No external artificial lighting shall be used or installed on site until lux contour

plots/lighting contour plans for all proposed lighting have been submitted to and approved in writing by the Local Planning Authority. The plots/plans must demonstrate that bat habitat to be retained will be maintained as 'dark corridors'. Details of mitigation measures that would be implemented where necessary, to minimise light spill shall also be provided. Lighting proposals shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their Guidance Note GN01/21 'The Reduction of Obtrusive Light' and their Guidance Note GN08-18 'Bats and artificial lighting in the UK', issued jointly with the Bat Conservation Trust.

Construction phase lighting shall be limited to two tower systems comprising 6 x 160W MultiLED which are only to be used where necessary during the winter months and this is subject to the requirements of this condition having been met.

Lighting at the site shall be in strict accordance with the approved details and no additional external lighting shall be installed either during construction or operation unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise light spill and to minimise potential for adverse effects on bats and other wildlife. In addition, insufficient information was provided alongside the planning application to allow this matter to be wholly resolved prior to determination. Therefore, further details to demonstrate that dark corridors will be achievable must be submitted to, and approved by, the Local Planning Authority before development commences to ensure compliance with legislation in respect of protected habitats and species, NPPF 2021, Core Policy 50 of the Wiltshire Core Strategy and best practice.

- 15 Prior to decommissioning, an ecological assessment and mitigation report shall be submitted to the Local Planning Authority for written approval. The site shall be decommissioned in strict accordance with the approved report.

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.

- 16 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 Arboricultural Impact Assessment, dated July 2024 Revision B, 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.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

- 17 All soft landscaping comprised in the approved details of landscaping, as shown on the Landscape Masterplan drawing no. P19-2270_13 Rev. R 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.

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

- 18 In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor to deal with the contamination and provide a written remedial statement to be followed by a written verification report that confirms the works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- 19 The development hereby permitted shall not be first brought into use until all of the external walls of the battery storage units, other site structures and security fencing have been painted/finished in a colour the detail of which shall be submitted to the Local planning authority for approval and shall be either moss green or brown. The colour finish shall be retained in perpetuity thereafter.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 20 There shall be no burning undertaken on site at any time.

REASON: To protect the amenities of the occupiers of neighbouring residential properties.

- 21 The mitigation measures detailed within section 4.2 of the Noise Assessment Acoustic Report A1579 R02c dated 15th July 2024 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 of the Noise Assessment; A1579 R02c during daytime (0700–2300hrs) and during night-time (2300-0700hrs) at all residential receptors.

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 and to protect the amenities of the occupiers of neighbouring residential properties.

- 22 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) 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.

Reason: To protect local amenity from adverse effects of noise.

Informatives: (8)

- 23 Nothing in this permission shall authorise the diversion, obstruction, or stopping up of any public right of way that crosses the site. You are advised to contact the Public Rights of Way officer on RightsOfWayConsultations@wiltshire.gov.uk.
- 24 The proposal includes alteration to the public highway. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will 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. Please contact the vehicle access team on telephone 01225 713 352 or email vehicleaccess@wiltshire.gov.uk for further details.
- 25 The applicant should note that it will be necessary for a Great crested newt District Level Licence to be obtained from Natural England in order to allow the works to proceed lawfully. Great crested newts and their habitat are protected at all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Planning permission for development does not provide a defence against prosecution under this legislation.
- 26 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.
- 27 If soakaways prove to be non-viable and discharge to an ordinary watercourse is required. 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.
- 28 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities

Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

- 29 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 30 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

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