

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

Application Reference Number: 20/08618/FUL

Decision Date: 23 August 2023

Applicant:	Five Lanes Solar Ltd Parkhall, F15 , 40 Martell Road , London, SE21 8EN
Particulars of Development:	Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.9MW, including mounting system, battery storage units, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements for a temporary period of 40 years and a permanent grid connection hub.
At:	Land west of A429 (Crudwell Road), North of Malmesbury, Wiltshire

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: (23)

- 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 45 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 20.09_100 REV E
- SITE BLOCK PLAN – PROPOSED 20.09_301 REV F
- SITE BLOCK PLAN (DNO AREA) – PROPOSED 20.09_302 REV D
- TYPICAL BATTERY STORAGE UNIT – DETAIL
- Tree Constraints Plan - 10693 TCP 05_Bishoper Farm (1/12)
- Planning, Design and Access Statement – March 2021
- Appendix 4.2A - Outline Landscape and Ecology Management Plan – November 2022
- Archaeological Evaluation - CR1155_1 October 2022
- Transport Statement - 16423-HYD-XX-XX-RP-TP-4001-P1 – March 2021
- Flood Risk Assessment - 16467-HYD-XX-XX-RP-FR-0001 – January 2021
- Solar Photovoltaic Glint and Glare Study - 10088A
- Arboricultural Technical Note – March 2023

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

- 4 The development hereby approved shall be carried out in strict accordance with the following plans/reports:

- Figure 1: Ecological Mitigation and Enhancement Plan. Rev. 1. Ref: 1098-EMEP-F1 (GE Consulting, 23/03/2021).
- Tree Constraints Plan (Aspect Arboriculture, March 2023).
- Arboricultural Technical Note (Aspect Arboriculture, March 2023).
- Tree Schedule (Aspect Arboriculture, March 2023).

- Tree Protection Plan (Aspect Arboriculture, March 2023).
- Environmental Statement Volume 1: Chapter 6.0 Ecology and Nature Conservation Rev. 1. (Savills, March 2021).
- Appendix 4.3 Great Crested Newt Survey Addendum Report -1098 – GCN – CB (GE Consulting October 2022).
- Appendix 4.4: Bat Automated Detector Survey Addendum Report – 1098-BAT-RP (GE Consulting October 2022).
- Appendix 4.5 Ecological Monitoring Strategy – 1098 -EMS-RP (GE Consulting, November 2022).

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

- 5 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.

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.

- 6 'No development shall commence within the area indicated by application 20/08618/FUL 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.

INFORMATIVE: The work is to be carried out following the standards and guidelines for Strip, Map and Record excavations as set out by the Chartered Institute for Archaeologists (CIfA). The costs of this work are to be met by the applicant.

- 7 No development shall commence within the area indicated by application 20/08618/FUL until:

An Archaeological Management Plan, setting out how the archaeological exclusion zones are to be scoped out of the development and then protected from impacts during the developmental and operational phases of the proposals, has been submitted to and approved by the Local Planning Authority

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.

INFORMATIVE: The AMP is to be prepared by qualified archaeologists following the standards and guidelines of the Chartered Institute for Archaeologists (CIfA). The costs of this work are to be borne by the applicant.

- 8 Prior to the commencement of works, including 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 will 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 ground works/excavation, site clearance, vegetation clearance and boundary treatment works, an Ecological Construction Management Plan (EcCMP) shall be submitted to the local planning authority for approval in writing. The EcCMP shall include a marked up plan showing details of biodiversity protection zones for the main site and the sub-station/DNO site and 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.
- b) Working method statements for protected/priority species, such as nesting birds and reptiles.
- c) 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 preconstruction/construction related elements of strategies only.
- 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).
- f) 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 EcCMP.

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.

10

No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- dimensioned stand-off distances from new development to important retained landscape features such as hedgerows and watercourses.
- a detailed planting specification and plan showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure. Security / deer proof fence layouts must not isolate existing areas of woodland or hedgerows and watercourses. The security fencing shall maintain functional green infrastructure connectivity for larger wildlife species to pass through the solar PV site.
- Location of temporary car park and storage area/s;
- other vehicle and pedestrian access and circulation areas;

- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. containers, storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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, in the interests of visual amenity and the character and appearance of the area, and to reduce intervisibility with other solar farms.

- 11 All soft landscaping comprised in the approved details of landscaping 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.

- 12 No development shall commence on site (including any works of demolition), until a Construction MANAGEMENT Statement, together with a site plan, which shall include the following:

1. the parking of vehicles of site operatives and visitors;
2. loading and unloading of plant and materials;
3. storage of plant and materials used in constructing the development;
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
5. wheel washing facilities;
6. measures to control the emission of dust and dirt during construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
8. measures for the protection of the natural environment.
9. hours of construction, including deliveries;
10. pre-condition photo survey

has been 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.

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.

- 13 No development, at the Solar Farm area at Crudwell Road, shall take place until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

- 14 No development, at the Solar Farm area at Crudwell Road, shall take place until details of a consolidated and surfaced vehicle access, has been submitted to and approved in writing by the Local Planning Authority. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 15 No development, at the Solar Farm area at Crudwell Road, shall take place until details of a consolidated and surfaced vehicle turning space for post-construction purposes has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first brought into use until that turning space has been completed in accordance with the approved details. Such turning space shall always thereafter be retained and kept clear of obstruction.

REASON: To enable vehicles to enter and leave the site in forward gear in the interests of highway safety.

- 16 No development, at the Grid Connection compound, shall take place until details of the visibility splays have been submitted to and approved in writing by the Local Planning Authority. Such splay will have no obstruction to visibility at or above a height of 900mm

above the nearside carriageway level, and shall thereafter be maintained free of obstruction at all times.

REASON: In the interests of highway safety.

- 17 No development, at the Grid Connection compound, shall take place until details of a consolidated and surfaced vehicle access has been submitted to and approved in writing by the Local Planning Authority. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 18 No development, at the Grid Connection compound, shall take place until details of a consolidated and surfaced vehicle turning space for post-construction purposes has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first brought into use until that turning space has been completed in accordance with the approved details. Such turning space shall always thereafter be retained and kept clear of obstruction.

REASON: To enable vehicles to enter and leave the site in forward gear in the -- interests of highway safety.

- 19 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.

- 20 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.

- 21 Within three months of the end of the construction phase a compliance report shall be submitted to the local planning authority. The report shall detail all works overseen by the ecologist/EcoW and all compliance checks undertaken as detailed in the Ecological Construction Management Plan by the 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 an approved plans 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.

- 22 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.

- 23 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 contamination and provide a written remedial statement to be followed by a written verification report that confirms what 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.

Informatives: (5)

24 Informative

- Flows from solar farm sites should be restricted to the greenfield rates and volumes for equivalent storm events for all return periods up to the 1 in 100year event.
- If a formal outfall to a watercourse / sewer is provided, any increase in discharge rates as a result of climate change shall be attenuated on site.
- It will not be acceptable for a solar farm site to increase discharge rates above greenfield rates.
- The drainage proposal take opportunities available for improving the character and quality of the area through the provision of amenity, biodiversity and climate change resilience in accordance with the National Planning Policy Guidance
- SuDS should be selected to provide source controls, and treatment / management “trains” throughout the site. Applicants should use multiple features around the site and avoid relying on single site-wide features (wherever possible) in order to provide the required levels of water quantity / quality management.

25 Informative:

The drainage strategy should discuss how the erosion risk from a sheet flow off panels will be managed in order to prevent erosion of channels over time, which could concentrate and direct surface water runoff. It is noted that most solar farms may be largely permeable, and Section 5.2 of the FRA does state:

Whilst it is accepted that there may be a concentration of run-off from the bottom edge of the panels (albeit the likelihood of this is minimised as a result of the vertical and horizontal gaps between the panels, as shown in Figure 4), any rainwater unable to infiltrate at that point will flow across the ground between the proposed panel rows and beneath the downslope rows and infiltrate there as per the existing ‘natural’ situation, i.e. the same surface area will be available for infiltration compared to the pre-development situation. This arrangement will ensure that existing drainage patterns will not be altered, and therefore that flood risk is not increased off-site.

The LFA requires that overland flows will still need to be managed to prevent discharge and increase in flood risk to 3rd party land. It is anticipated that for solar farms, overland / exceedance flows will be captured and conveyed in linear features such as swales / ditches.

1. The applicant is required to submit greenfield runoff rates, to be calculated using one of two methods:

- Flood Estimation Handbook (FEH); or
- Institute of Hydrology Report 124 (IH124) based on Flood Studies Report (FSR)

2. The applicant should submit calculations to demonstrate that the any SuDS features provide sufficient water quality treatment to prevent pollution of receiving watercourses / groundwater.
3. It is noted that solar panels are not listed in the SuDS Manual – for the purposes of analysis, Solar Panels should be assessed as being like roofs. Roads should continue to be assessed as per normal, based on guidance in the CIRIA SuDS Manual.
4. The applicant should demonstrate that NFM principles have been applied as far as reasonably practicable in accordance with CIRIA C802, in order to manage surface water runoff from the site.
5. The application is to provide a robust land management plan which should include checklists and details of the regime for monitoring vegetation cover including frequency of visits, and set out remedial measures that could be implemented if problem areas are identified

26 Informative:
Groundwater Protection - The site falls within a groundwater Source Protection Zone 1 (SPZ 1). This is a zone of protection surrounding a nearby drinking water borehole, which is highly vulnerable to pollution. It therefore requires careful protection from contamination. Further information on SPZs can be found at <http://www.environment-agency.gov.uk/homeandleisure/37833.aspx> This will particularly be the case during the construction phase.

27 Informative:
Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

28 Informative:
The application may involve the creation of a new vehicle access/dropped kerb to

Oaksey Road. The consent 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 our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

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