



The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2025/05074

Decision Date: 18/08/2025

Applicant:	BW ESS Development UK Ltd C/o Renplan Ltd., 6 Beaufighter Road, United Kingdom
Particulars of Development:	Variation of condition 2 of planning permission ref. PL/2022/05504 approved on 02 May 2025 (Installation of a Battery Energy Storage System (BESS) together with associated ancillary infrastructure, equipment and access arrangements) to enable the approved Battery Energy Storage System permission to be limited to an operational period of 40 years
At:	Land at Stonehill, Minety, Wiltshire 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:

- 1 The development hereby permitted by this permission shall begin before the expiration of three years from the date of May 5th 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 limited to a period of 40 years from the date when electricity is first stored from or distributed to the electricity network (whichever is first) (First Use). Written confirmation of the First Use shall be

given to the Local Planning Authority within one month of the First Use. Within six months of the expiry of this permission or within six months of the

development ceasing to store electricity and distribute it to the electricity network for a continuous period of six months (whichever is sooner), the development and

associated infrastructure shall be dismantled and removed from the site and the land restored in accordance with a decommissioning and restoration scheme that shall first have been submitted to and approved in writing by the Local Planning Authority.

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

- 7626-SP-01_Rev 04- Site Location Plan
- 7626-SP-02_Rev 02 - Site Location Plan
- 7626-SP-03_Rev 02- Site Location Plan
- Site Location Plan Option 2 With Two Named Roads
- 7626-PL-04_Rev 06 - Site Layout Plan (Option 2)
- 7626-SD-01_Rev 03 - Auxillary Transformer
- 7626-SD-02_Rev 03 - Battery Modules
- 7626-SD-03_Rev 03 - Power Conversion System
- 7626-SD-04_Rev 03 - 10ft DC Container
- 7626-SD-05_Rev 03 - CCTV & Floodlight Column
- 7626-SD-06_Rev 03 - Perimeter Fence & Access Gate
- 7626-SD-07_Rev 03 - Customer Transformer
- 7626-SD-08_Rev 03 - Customer Switchgear
- 7626-SD-09_Rev 03 - 132kV Substation
- 7626-SD-10_Rev 03 - 40ft Spare Parts Container
- 7626-SD-11_Rev 03 - Access Track
- 7626-SD-12_Rev 01 - 20Ft Spares Container
- 7626-SD-13_Rev 01 - DNO Control Room
- 7626-FS-01_Rev 04 - Fire Strategy Plan
- 7626-EL-01 Contextual Elevations (Sheet 1 of 2) Rev 04
- 7626-EL-02 Contextual Elevations (Sheet 2 of 2) Rev 04
- 862_202 Landscape Mitigation Plan _Rev C
- 862_203 Details and Notes _Rev C

- 4 Notwithstanding the details shown on the approved plans, no development shall commence on site until details of the materials, colour and finish of any structures and containers, poles, fencing, gates, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use and retained as such for the lifetime of the development.

- 5 No demolition, site clearance or development shall commence on site, and no equipment, machinery or materials shall be brought on to site for the purpose of development, until a scheme for the protection and retention of trees as identified within Arboricultural Impact Assessment (November 2024) by Treework Environmental Practice and shown on the Tree Protection Plan (drawing no. 241121-2.2-MIVBS-TPP-NC) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full.

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 and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas.

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 with 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, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

[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 occupation or the completion of the development, whichever is the later].

- 6 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS), in accordance with the recommendations of the Arboricultural Impact Assessment (November 2024) by Treework Environmental Practice, prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has

been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

i. A specification for scaffolding and ground protection within tree protection zones;

ii. A schedule of tree works;

iii. Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;

iv. Plans and particulars showing the siting of the service and piping infrastructure;

v. A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works;

vi. A full specification of the proposed access within the root protection areas of G1 and G17, including details of the cellular confinement system.

vii. Details of the works requiring arboricultural supervision to be carried out by the developer’s arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and

viii. Details of all other activities, which have implications for trees on or adjacent to the site.

ix. In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer’s arboricultural consultant, the designated site foreman and a representative from

the Local Planning Authority, to discuss details of the proposed work and working procedures.

x. Subsequently and until the completion of all site works, site visits should be carried out in accordance with a timetable to be agreed with the Local Planning Authority by the developer's Arboricultural consultant.

A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

- 7 No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall thereafter be carried out in accordance with the details approved under this condition.
- 8 No development shall commence on site until:
 - i. 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
 - ii. The approved programme of archaeological work has been carried out in accordance with the approved details
- 9 No development shall commence on site until a Construction Ecological Management Plan (EMP) has been submitted to, and approved in writing by, the local planning authority. The EMP 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:
 - i. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
 - ii. Working method statements for protected/priority species.
 - iii. 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.
 - iv. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - v. 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 EMP.

- 10 No development shall commence on site until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed;
- ii. Landscape and ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions; vi. Preparation of a work schedule;
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring and remedial measures; and
- ix. Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details

- 11 No development shall commence on site until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Details of vehicle routing to the site vi. Detailed site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details of the measures to control the emission of dust, dirt and noise during construction;

viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;

ix. Communication procedures with the LPA and local community regarding key construction issues;

x. Details of the programme of works to secure the mitigation measures to improve visibility at the site access as recommended within the Transport Statement (November 2024) by Miles White Transport; and

xi. A pre-commencement and post-construction condition survey of the adjoining highway.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 12 Notwithstanding the contents of the Flood Risk Assessment & Surface Water Strategy (November 2024) by nijhus, no development shall commence on site until full details of the proposed scheme for the discharge of surface water from the site (including surface water from the access / gravel areas), incorporating sustainable drainage details together with permeability test results to BRE365 and showing in improvement in discharge rate from the site, 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.
- 13 No development shall commence on site until details of the drainage arrangements during the construction phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the details approved.
- 14 The proposed soft landscaping scheme, as shown on the Landscape Plans (drawings no. 862_202 Rev C and 862_203 Rev C), 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.
- 15 The development hereby permitted shall be carried out in full accordance with the recommendations, mitigation measures, and enhancement measures detailed within the Preliminary Ecological Appraisal Option 2 prepared by Western Ecology Ltd (November 2024), Biodiversity Net Gain Plan by Western Ecology Ltd (November 2024), Biodiversity Net Gain Metric (November 2024) and shown on the Landscape Plan (drawings no. 862_202 Rev C and 862_203 Rev C).
- 16 The noise emitted from the site shall not exceed the maximum level detailed within the assessment Noise Assessment Report (November 2024) by inacoustic.
- 17 A post installation noise assessment shall be carried out within 3 months of First Use of the development to confirm compliance with the submitted Noise

Assessment Report (November 2024) by inacoustic 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.

- 18 Prior to the delivery of any batteries to the site, an Emergency Plan shall have been submitted to and agreed in writing by the Local Planning Authority. The Emergency Plan shall include measures to address the consequences of any thermal runaway event, and in particular fire-fighting provision, water supply resilience and runoff contamination. The agreed Emergency Plan shall be implemented for the duration of the life of the development.
- 19 Notwithstanding the details shown on the approved plan, 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. 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.

Nic Thomas - Director of Planning, Economy and Regeneration

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