

Our Ref: PL/P20-O137/S73

22nd April 2026

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

Planning Portal Reference: PP-14747209

Dear Sir/Madam,

Section 73 Application – Variation of Conditions 3, 4, 5, 8, 10, 11, 12, 15, 16, 17, 18, 20 attached to Planning Permission (Reference: 20/06840/FUL) on:

Land North of Melksham Substation, Near Melksham, Wiltshire.

Please find enclosed an application made under the terms of Section 73 ("S73") of the Town and Country Planning Act ("TCPA") 1990 (as amended) at the above site. This application is submitted on behalf of our client JBM Solar Projects 8 Ltd.

Application Background

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 on 15th April 2020 (reference: 20/03232/SCR). A Screening Opinion was subsequently adopted on the 18th May 2020 which stated that an EIA was not required.

Planning Permission (reference: 20/06840/FUL) for 'Construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure' was granted by Wiltshire Council on 17th December 2021 subject to 20 conditions.

The following conditions have been discharged;

Condition	Application Ref:	Description	Discharged
4	PL/2023/00556	Surface Water Drainage Scheme	29/3/23
5	PL/2023/06596	Construction Method Statement	28/9/23
8	PL/2023/06596	Construction Traffic Management Plan	28/9/23
10	PL/2023/06978	Construction Environmental Management Plan	11/10/23

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11	PL/2023/08039	Landscape and Ecological Management Plan	11/10/23
12	PL/2023/06978	Monitoring Strategy (Biodiversity and Ecological Management Plan)	11/10/23
15a	PL/2023/10436	Partial Discharge of Archaeology in respect to WSI / Works	3/1/24
16a	PL/2023/10436	Partial Discharge of Archaeology in respect to programme	3/1/24
17	PL/2023/10438	Geotechnical Stability	21/2/24
18	PL/2023/10889	Battery Details	6/2/24
20	PL/2023/10889	Equipment Details	6/2/24

Additionally, a Non-Material Amendment (PL/2023/10437) was granted 4th January 2024 in respect to changes to the Archaeological Mitigation and Management Plan. This was following discussions with the County Archaeologist Neil Adam, as part of the ongoing archaeological works in relation to Conditions 15 and 16 and involved the reduction in ballasted area and seed mix.

As part of this Non-Material Amendment, the following plans were approved which supersede those listed on the decision notice for the planning permission.

Approved NMA Plans

- Archaeological Mitigation and Management Plan Updated (reference: P20-0137 10/11/2023).
- Site Layout and Planting Plan (reference: P20-0137_09 Rev M).
- Biodiversity Mitigation and Enhancement Plan (reference: P20-0137_19 Rev F).
- Landscape and Ecological Management Plan (reference: P20-0137_EN_20B).

Application Documents

In support of this S73 application, please find enclosed the following:

1. Application Form and Ownership Certificates

Plans:

2. Typical 3P Fixed Table Ballasted – Drawing No: NIO3-0001 Rev 2
3. Typical Above Ground Cabling – Drawing No: NGO3-0405 Rev 1

Documents:

4. Archaeological Mitigation and Management Plan (AMMP) Updated (Ref: P20-0137 17/04/2026)
5. Written Scheme of Investigation for a Programme of Archaeological Monitoring and Recording (Ref: CR1588, Rev E) – March 2026



Proposed Variations

Variation 1 – Internal Cable Route Change

The purpose for seeking a Section 73 variation to planning permission 20/O6840/FUL is for a change of the approved HV/LV cabling route via a different railway underpass which is required by the client for practical reasons.

Details of the existing approved HV/LV cabling route are controlled by plans found within the Archaeological Mitigation and Management Plan (“AMMP”) and are included in Appendix 1: Development Layout (Plan Name: Solar Farm Layout).

As set out in the updated AMMP submitted with this application, a number of archaeologically sensitive areas have been identified termed exclusion zones which the updated cable route passes through. The AMMP requires that within these areas, mitigation is necessary when work occurs, including trenching. Please refer to the submitted AMMP for further details.

As such, an updated Archaeological Mitigation and Management Plan is being submitted, making amendments to Appendix 1 as well as wording within the document reflecting the change in internal cable route and any subsequent mitigation requirements.

Conditions affected in respect to the route change include the below which all make reference to the AMMP;

- Condition 15 (Archaeology)
- Condition 16 (Archaeology)
- Condition 3 (Approved Documents and Plans)

Justification

The proposed change to the internal cable route is acceptable on the account that mitigation works are proposed as part of the AMMP which account for the amended route which traverse the archaeological exclusion zones. An updated WSI has been submitted to and agreed by the County Archaeologist which take into consideration these route changes. There are no impacts/changes to the previously agreed proposed overground proposals and as such can be considered acceptable in relation to other planning considerations.

Variation 2 – Change of fixing method of PV to ground

A further requirement for seeking a Section 73 variation to planning permission 20/O6840/FUL is to include and alternate method for fixing of the PV array from the use of concrete monobloc / ballast, to gabion baskets.

Details of the existing approved ‘ballasted solar system’ are controlled by plans previously found within the Archaeological Mitigation and Management Plan (“AMMP”) and are also set out separately in Condition 3 under the respective plan/document names;

- Drawing Title. Typical Ballasted PV Table Details Rev A.
- Document. Archaeological Mitigation and Management Plan (Version

3 / November 2021).

As such, an updated Archaeological Mitigation and Management Plan is being submitted, making amendments to Appendix 3 as well as wording within the document (Para 2.5) reflecting the change in fixing method/materials.

Conditions affected in respect to the change of fixing method include the below which all make reference to the AMMP;

- Condition 15 (Archaeology)
- Condition 16 (Archaeology)
- Condition 3 (Approved Documents and Plans)

Justification

The proposed changes to the fixing method are not considered to be materially different to the previous method and they are equally suitable from an archaeological perspective. As such, the proposed variation is considered to be acceptable.

Proposed Variations to Conditions

Proposed changes to conditions 15, 16 and 3 are set out below in order to address Variations 1 and 2 as set out above.

Proposed Variation to Condition 15 (Archaeology)

Condition 15 states:

"No development shall commence until:

- a) A written programme of archaeological investigation, and mitigation where appropriate, for:***
 - i. the required cable connection across National Grid-owned land to the south of Westlands Lane, as detailed within paragraphs 2.9 – 2.11 of the approved Archaeological Mitigation and Management Plan (Version 3 / November 2021); and***
 - ii. selected other construction groundworks within the main site area, as detailed within paragraph 3.12, where relevant, and paragraph 3.21 of the approved Archaeological Mitigation and Management Plan (Version 3 / November 2021), and anywhere else within the site area not evaluated, – 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."***

It is proposed to vary this condition to ensure compliance with the documents previously approved under application PL/2023/10436 as well as the updated AMMP submitted with this application.



A Written Scheme of Investigation (WSI) was previously discharged under application PL/2023/10436. An updated WSI is being submitted which accounts for changes as set out in this s.73 application. This document has been reviewed and agreed by the County Archaeologist.

Submitted with this application

- Archaeological Mitigation and Management Plan (AMMP) Updated (Ref: P20-0137 17/04/2026)
- Written Scheme of Investigation for a Programme of Archaeological Monitoring and Recording (Ref: CR1588, Rev E) – March 2026

Proposed Variation to Condition 16 (Archaeology)

Condition 16 states:

"No development shall commence until:

a. A written programme of archaeological investigation for the selected areas within Fields 9, 10 and 12 that will be subject to strip map and sample excavation, as detailed within paragraph 2.7 of the approved Archaeological Mitigation and Management Plan (Version 3 / November 2021) and shown on drawing no. P20-0137 within Appendix 7 of that Plan – 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 prior to the commencement of the development."

It is proposed to vary this condition to ensure compliance with the documents previously approved under application PL/2023/10436 as well as the updated AMMP submitted with this application.

A Written Scheme of Investigation (WSI) was previously discharged under application PL/2023/10436. An updated WSI is being submitted which accounts for changes as set out in this s.73 application. This document has been reviewed and agreed by the County Archaeologist.

Submitted with this application

- Archaeological Mitigation and Management Plan (AMMP) Updated (Ref: P20-0137 17/04/2026)
- Written Scheme of Investigation for a Programme of Archaeological Monitoring and Recording (Ref: CR1588, Rev E) – March 2026



Proposed Variation to Condition 3 (Approved Documents and Plans)

Variation of Condition 3 is proposed to resolve two distinct matters:

- Incorporate plan changes to account for change of fixing method of PV to ground as per updated drawing Typical Ballasted PV Table Details as per Variation 2 above. This sits alongside submission of the updated AMMP.
- Ensure the approved plans listed in Condition 3 account for updated documents submitted as part the Non-Material Amendment (PL/2023/10437) which was granted 4th January 2024 and updated plans/documents submitted with this application.

On the basis of the above, the following plans/documents previously listed in Condition 3 should be removed:

- Document. Archaeological Mitigation and Management Plan (Version 3 / November 2021).
- Drawing no. P20-O137_09 Rev J. Title. Site Layout and Planting Plan.
- Drawing no. P20-O137_19 Rev C. Title. Biodiversity Mitigation and Enhancement Plan.
- Drawing Title. Typical Ballasted PV Table Details Rev A.

The following plans/documents are to be added:

- Archaeological Mitigation and Management Plan (AMMP) (Ref: P20-O137 17/04/2026)
- Site Layout and Planting Plan (reference: P20-O137_09 Rev M) (as approved through NMA)
- Biodiversity Mitigation and Enhancement Plan (reference: P20-O137_19 Rev F).
- Landscape and Ecological Management Plan (reference: P20-O137_EN_20B).
- Typical 3P Fixed Table Ballasted – Drawing No: NIO3-0001 Rev 2
- Typical Above Ground Cabling – Drawing No:NGO3-O405 Rev 1

Variation 3 – Discharged Conditions to Compliance Conditions

Further to the above changes, this application also seeks to vary conditions that previously required details to be submitted for approval to reflect where these have already been discharged. As such, the following conditions also need to be made compliance conditions:

- Condition 4 – Surface Water Drainage Scheme
- Condition 5 – Construction Method Statement
- Condition 8 – Construction Traffic Management Plan
- Condition 10 – Construction Environmental Management Plan
- Condition 11 – Landscape and Ecological Management Plan
- Condition 12 – Monitoring Strategy (Biodiversity and Ecological Management Plan)
- Condition 17 – Geotechnical Stability;
- Condition 18 – Battery Details
- Condition 20– Equipment Details



The proposed variations to the conditions are set out below:

Proposed Variation to Condition 4 (Surface Water Drainage)

Condition 4 should be amended to require compliance with the following document approved on 29th March 2023 under application reference PL/2023/00556:

- Discharge of Planning Condition 4 (Ref: 20/06840/FUL) Note, dated December 2022, prepared by PFA Consulting. (Version J115-DOC04-DISCON 4-Issue 1)

Proposed Variation to Condition 5 (Construction Method Statement)

Condition 5 should be amended to require compliance with the following document approved on 28th September under application reference PL/2023/06596

- Construction Method Statement (CMS) (Rev P20-0137 TRO2 July 2023) by Pegasus Group

Proposed Variation to Variation Condition 8 (Construction Management Plan)

Condition 8 should be amended to require compliance with the following document approved on 28th September 2023 under application reference PL/2023/06596

- Construction Traffic Management Plan (P20-0137 TRO1 Sept 2023 Rev A) by Pegasus Group

Proposed Variation to Condition 10 (Construction Environmental Management Plan)

Condition 10 should be amended to require compliance with the following document approved on 11th October 2023 under application reference PL/2023/06978

- Construction Environmental Management Plan (CEMP) (V2 09/08/2023) by Avian Ecology

Proposed Variation to Condition 11 (Landscape and Ecological Management Plan)

Condition 11 should be amended to require compliance with the following document approved on 11th October 2023 under application reference PL/2023/08039

- Landscape and Ecological Management Plan (LEMP) (P20_0137_EN_20A).

Proposed Variation to Condition 12 (Monitoring Strategy)

Condition 12 should be amended to require compliance with the following document approved on 11th October 2023 under application reference PL/2023/06978

- Monitoring Strategy (Biology) (V2 09/08/2023) by Avian Ecology

Proposed Variation to Condition 17 (Geotechnical Stability of Rail Line)

Condition 17 should be amended to require compliance with the following document approved on 21st February 2024 under application reference PL/2023/10438

- Wick Solar Geotechnical Risk Assessment Report (Dated 15th October 2023) by Natural Power"



Proposed Variation to Condition 18 (Equipment Details)

Condition 18 should be amended to require compliance with the following document(s) approved on 6th February 2024 under application reference PL/2023/10889

- Battery Storage System Details 1 – Rev A
- Battery Storage System – Auxiliary Equipment Details – Rev A
- Site Layout and Planting Plan – P20-O137_09 Rev M

Proposed Variation to Condition 20 (Battery Details)

Condition 20 should be amended to require compliance with the following document approved on 6th February 2024 under application reference PL/2023/10889

- Table 1 – Building Material and Colour Finishes – December 2023

Draft Conditions List

During the application process, we would be grateful if the LPA could provide a full list of draft conditions prior to determination, so the parties can agree that the decision notice will correctly reflect any previous approvals and updated to plans and documents provided as part of this application.

Validation

The planning application fee of £2,167 inc VAT (plus Planning Portal service charge) has been paid direct to the Planning Portal in line with the requirements of an online submission.

I trust that the submitted details are sufficient to allow the validation of this application and progression towards determination.

Please do not hesitate to contact me at the earliest opportunity should you require any further information.

Yours sincerely,

Adam Clegg

Senior Planner

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