

# APPLICATION FOR THE DISCHARGE OF A PLANNING CONDITION CASE OFFICER REPORT

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| <b>APPLICATION REFERENCE:</b> | <b>PL/2026/00712</b>                                                                                                                                                                                                                                                                                                                                                              |
| <b>APPLICATION TYPE:</b>      | <b>DISCHARGE OF CONDITION</b>                                                                                                                                                                                                                                                                                                                                                     |
| <b>SITE ADDRESS:</b>          | <b>Land west of A429 (Crudwell Road), North of Malmesbury</b>                                                                                                                                                                                                                                                                                                                     |
| <b>PROPOSAL:</b>              | <b>Partial Discharge of Condition 12 (Construction Management Statement) and Full Discharge of Conditions 5 (Drainage Strategy), 6+7 (Archaeological Works), 8 (LEMP), 9 (ECMP), 10 (Hard &amp; Soft Landscaping), 14+15 (Details of Site Access - Solar Array), 16 (Visibility Splays), 17+18 (Details of Site Access - Grid Compound) relating to application 20/08618/FUL.</b> |

## PROPOSAL

This report has been prepared to support the application for the discharge of conditions attached to the planning permission granted for the development at Land west of A429 (Crudwell Road), North of Malmesbury, Wiltshire. The planning permission was granted on 23 August 2023 under reference number 20/08618/FUL. This application seeks to discharge the following condition(s):

**Condition 5 – Surface Water**  
**Condition 6 – Archaeology Written Scheme of Investigation (WSI)**  
**Condition 7 – Archaeology Management Plan (AMP)**  
**Condition 8 – Landscape and Ecological Management Plan (LEMP)**  
**Condition 9 – Ecological Construction Management Plan (EcCMP)**  
**Condition 10 – Hard and Soft Landscaping**  
**Condition 12 – Construction Management Statement**  
**Condition 13 – Visibility Splays Solar Array**  
**Condition 14 – Vehicle Access Solar Array**  
**Condition 15 – Vehicle Access Solar Array**  
**Condition 16 – Visibility Splays Grid Compound**  
**Condition 17 – Vehicle Access Grid Compound**  
**Condition 18 – Vehicle Access Grid Compound**

This report outlines how the conditions have been satisfied and includes the necessary documentation to evidence compliance.

## CONSULTATION

### **WC Archaeology – No objection**

The originally submitted details appeared to show an access road within the Archaeological Exclusion Zone. Revised details removed the access road, and no further concerns have been raised. Conditions 6 and 7 can be discharged.

**WC Drainage – No objection**

The proposed measures will ensure that surface water can be sustainably managed and Condition 5 can be discharged.

**WC Ecology – No objection**

The submitted LEMP originally failed to meet with the condition requirements but following submission of a revised LEMP and additional justification no objection to the discharge of conditions 8 and 9 was made.

**WC Highways – No objection**

Initially required updated specifications. Following the submission of revised details no objection to the discharge of the condition 14-18 was made.

**WC Landscaping – Objection**

Informal comments confirmed the submitted details were insufficiently detailed lacking confirmation of a number of suggestions for mitigation made by the originally submitted application details and lacking details to confirm compliance with the specific condition wording.

Following the submission of revised details no further comments were able to be secured.

**ASSESSMENT****Condition 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.*

**Case Officer Response:**

The council's Drainage consultant has reviewed the submitted details and considers the proposed measures will ensure that surface water can be sustainably managed without increasing the risk of flooding on or off site.

**Condition 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.*

**Case Officer Response:**

Following submission of revised details and subject to further clarification of management measures WC Archaeology removed their concerns and support approval of the details.

**Condition 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.*

**Case Officer Response:**

Following submission of revised details and subject to further clarification of management measures WC Archaeology removed their concerns and support approval of the details.

**Condition 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.*

**Case Officer Response:**

WC Ecology confirmed the originally submitted LEMP failed to meet the requirements of the condition in several areas. Comments were submitted that led to the submission of a revised LEMP incorporating the revisions sought by the Ecology Team. The LPA is now satisfied the LEMP details (associated with the proposed landscaping) provide sufficient long-term management of the site landscape and ecology impacts of the development. There remained some concern over the fencing layout and ability for grazing animals to access the site, but it has been confirmed that the stock proof fencing layout will enable grazing, as well as providing access through the site for wild animals, as intended within the LEMP.

**Condition 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.*

#### **Case Officer Response:**

Initial comments confirmed the Local Highway Authority (LHA) supported approval of the details relating to the traffic management elements of the Construction Management Statement (CMS).

The Ecologist raises some concerns over the potential for an active badger sett to be impacted by the proposals. Suggesting that a EPS License may be required from Natural England if the sett remains active (being last surveyed in 2021). Some concern over impact on bat roosts within woodland areas has also been noted. The EcCEMP sets out reasonable avoidance measures, and confirms that no works are proposed within the area of the identified badger sett or the woodland (with a low potential to support bat roosts). Direct impacts are therefore not expected to occur, and the avoidance measures will mitigate any high likelihood of indirect harm.

Should EPS licenses be required (and the highlighted risks are considered to be low), they would be limited to works within certain sensitive areas of the site and will require approval by Natural England. The majority of the wider site would be able to be constructed in accordance with the EcCEMP measures. The LPA considers it is unreasonable to prevent commencement of construction in less sensitive areas whilst the developer carries out the necessary survey of the previously noted badger sett (and any nearby trees that could support bat roosts – although already confirmed as being of low quality). The EcCEMP requires submission of a compliance report that can detail any phased surveys and/or EPS licenses that may be required.

As such, the LPA is satisfied the EcCEMP is acceptable and complies with the condition requirements. The developer's responsibilities to secure any relevant EPS Licenses prior to any works commencing within areas with potential to harm protected species or habitat can be highlighted within the decision.

#### **Condition 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.*

#### **Case Officer Response:**

There are a number of points to be addressed within the landscaping condition. Plans and details were submitted and details have either been included within landscaping plans or referenced within supporting statements (i.e. the LEMP, Construction Management Plan and Drainage details). An initial informal review of the landscaping details by the WC Landscape Officer highlighted a number of areas where details were lacking or unclear. Specifically, no additional hedgerow tree planting appeared to be proposed. This was of concern along the western boundaries specifically due to the views to and from the Cotswolds National Landscape.

Submission of two sets of revised details has confirmed that additional hedgerow tree planting will take place across the site with concentrations along the western boundaries with enhanced native hedgerow planting now notable within the northeastern area of the site. Several hedges are now confirmed within the LEMP to be maintained at 3 metres in height to ensure sufficient landscape screening (previous details suggested lower heights).

The location and design of stockproof fencing has also now been clarified. The proposal is to erect 2m high stock proof fencing (galvanised steel wiring supported by round timber posts) between around the solar array areas, leaving corridors between to allow open links between the woodland areas surrounding the site. Although the height of the fencing is non-standard (standard being 1.2m high), the design and locations are now considered to be acceptable and supported by the additional planting now confirmed across the site.

The lack of additional planting proposed around the two site access points was also noted as of concern within the initial WC Landscape Officer review. The access points are proposed to be made wider to accommodate turning to and from the public highway and visibility splays. This was thought to have involved the removal of existing hedgerow but the Applicant has confirmed existing hedges will be required to be cut back, but not removed.

Overall, the revised landscaping details are considered to comply with the requirements of the condition and the council's Landscape Officer has removed their objection.

**Condition 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.*

**Case Officer Response:**

Initial comments confirmed the Local Highway Authority (LHA) supported approval of the CMS.

**Condition 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.*

**Case Officer Response:**

Initial comments confirmed the Local Highway Authority (LHA) supported approval of the visibility splay details.

**Condition 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.*

**Case Officer Response:**

Plans and details were submitted, and initial comments confirmed the LHA considered the information relating to the surface construction was lacking. Several revised plans have been submitted, and the LHA now supports the approval of the condition details.

**Condition 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.*

**Case Officer Response:**

Plans and details were submitted, and initial comments confirmed the LHA considered the information relating to the surface construction was lacking. Several revised plans have been submitted, and the LHA now supports the approval of the condition details.

**Condition 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.*

**Case Officer Response:**

Initial comments confirmed the Local Highway Authority (LHA) supported approval of the visibility splay details.

**Condition 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.*

**Case Officer Response:**

Plans and details were submitted, and initial comments confirmed the LHA considered the information relating to the surface construction was lacking. Several revised plans have been submitted, and the LHA now supports the approval of the condition details.

**Condition 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.*

**Case Officer Response:**

Plans and details were submitted, and initial comments confirmed the LHA considered the information relating to the surface construction was lacking. Several revised plans have been submitted, and the LHA now supports the approval of the condition details.

**RECOMMENDATION:**

To approve details submitted in relation to conditions 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, & 18 of planning permission 20/08618/FUL.