

APPLICATION FOR VARIATION/REMOVAL OF CONDITION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/07349
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	Land at Studley Farm, Atworth, Melksham
DEVELOPMENT DESCRIPTION:	Removal of condition 1, variation of condition 3 (Layout changes), condition 14 (Changes to noise condition) and Conditions 4, 5, 6 and 7 with variation of wording relating to the remaining conditions on approved application PL/2021/08690 to change from pre-commencement to compliance conditions.
RECOMMENDATION:	Approve with Conditions

SITE DESCRIPTION/CONTEXT

The application site comprises approximately 35.6 hectares of agricultural land (which is categorised as Grade 3B; moderate use) associated with Studley Farm. 33ha will form part of the solar farm and the remaining 2.6ha comprise the cabling route. The site is located northwest of Broughton Gifford, south of Atworth. Open fields surround the site with Atworth Business Park approximately 270m meters to the north and the nearest residential curtilage associated with the properties forming Broughton Gifford village is circa 350m away to the southeast.

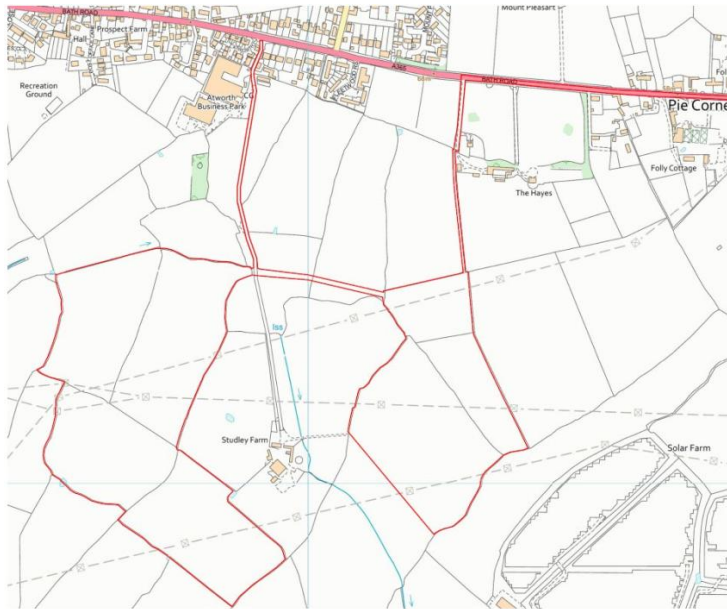


Figure 1: Site Location

The topography of the site is low lying and gently undulating. The area comprises a wider network of farmland divided by a regular framework of hedges and trees. There are limited settlements with traditional scattered farms, houses and villages, with minor road networks which intersect the area. Beyond these, the larger built-up residential area of Melksham is located approximately 2 km east and the Melksham Substation approximately 2.1 km to the north-east.

The site is not bounded by any main highway routes and would be accessed off the A365 Bath Road from the North via Studley Farm Lane, an access track associated with the main farm.

Public footpaths bound the site on the western, southwestern and eastern edges on a north-south axis. There is another footpath that bisects the site on a northwest to southeast access linking Atworth with Broughton Gifford. These public rights of way are:

- ATW013;
- ATW018;
- ATW020; and
- ATW021.

The Cotswolds Area of Outstanding Natural Beauty (AONB) is approximately 3 km to the northwest. The Box Mine Site of Special Scientific Interest (SSSI) and Bath and Bradford On Avon Bats Special Area of Conservation, are approximately 4.1 km to the northwest.

The site is within the Malmesbury-Corsham Landscape Character Area with an identified landscape type of 'Limestone lowland'. There are no listed buildings on the site, and it lies outside any Conservation Area. Broughton Gifford Conservation Area is located approximately 220m to the southeast at its nearest point.

There are some 66 listed buildings in proximity and the open agricultural fields mean that a proposed solar farm may have the potential to affect the settings of these. There is a Grade II listed building called The Hayes approximately 210m northeast. The closest Grade II* listed building is Gifford Hall situated approximately 450 m to the southeast, with the Grade II* listed buildings of the Barn at Church Farm and the Church of St Michael and All Angels situated approximately 660m and 680m to the northwest. The Great Charlfield Manor Grade II registered Park and Garden is approximately 340m at its closest point, with the Grade I listed buildings of Great Charlfield Manor, Barn at Great Charlfield Manor and Church of All Saints approximately 1.7km south.

The Government's Flood Map for Planning indicates that the majority of the Site is within Flood Zone 1 with the cabling route passing through flood zones 2 and 3. Notwithstanding this, there is evidence from the Wiltshire Council Strategic Flood Risk Assessment (SFRA) of a slight risk of surface water flooding on the two southwest fields of the wider site.

PROPOSAL

This report considers a Section 73 application for the variation/removal of condition(s) imposed on planning permission PL/2021/08690. The application relates to the site comprising land at Studley Farm, Atworth, Melksham, Wiltshire and seeks to vary conditions 3 (plans list) ,4 (landscaping drawing), 5 (LEMP), 7 (CEMP) and 14 (noise). This is required because since the granting of the original permission in 2021, a detailed site design review has been undertaken and this identified minor changes to the site layout and noise mitigation measures are required. This will require variation of Conditions 3 and 14. It is also noted that other Conditions, including Conditions 4, 5 and 7 will require minor variation to refer to the correct plans associated with Condition 3 once approved. Additionally, the existing permission (PL/2021/08690) has a number of pre-commencement conditions associated with it. It is

intended that the documentation required for discharge of these conditions is submitted as part of this application.

Whilst the application formally seeks variation of Conditions 3, 4, 5, 7 and 14, the Section 73 permission, if granted, requires the Local Planning Authority to issue a complete suite of conditions. In doing so, several existing pre-commencement conditions that have now been satisfied through the submission and approval of detailed information are proposed to be reworded as compliance conditions to reflect the approved details and ensure continued enforceability.

RELEVANT PLANNING HISTORY

The Melksham Solar Farm site has approved planning consent dated 9th June 2022, under reference: PL/2021/08690. A Section 96A Non-Material Amendment (reference PL/2025/02594) was submitted 7th April 2025 to introduce a package of Preliminary Works which could be undertaken prior to discharge of all pre-commencement conditions. These works were undertaken in April 2025 to implement the permission prior to its expiry and comprised the staking out and laying out of the access road.

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Town and Country Planning Act. 1990 (as amended)

Section 73 of the Town and Country Planning Act. 1990 (as amended) relates to the determination of applications to develop land without compliance with conditions previously attached. It states that:

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

The National Planning Practice Guidance (PPG) states the following:

- *Nature of the Application:* A Section 73 application is treated as a new planning permission, although it does not alter the original permission itself. The original permission remains intact and can still be implemented unless it has expired or been superseded.
- *Limitations:*
 - Section 73 cannot be used to change the description of development or the operative part of the permission (e.g. the nature or extent of the approved use).
 - It cannot be used to extend the time limit for implementing the original permission.

- If the proposed changes go beyond what can reasonably be considered under Section 73, a new planning application under Section 70 would be required.
- *Decision-making:* The local planning authority must consider the application only in relation to the conditions subject to which the original permission was granted. However, it may impose new or revised conditions if granting a new permission.

National Planning Policy:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

Development Plan:

The development plan for Wiltshire comprises the Wiltshire Core Strategy (WCS) (adopted January 2015) and any made neighbourhood plans, which remains the principal statutory planning document guiding development across the county. In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

The adopted Wiltshire Core Strategy (WCS), with particular regard to:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 15 Melksham Community Area;
- Core Policy 41 Sustainable Construction and Low-Carbon Energy;
- Core Policy 42 Standalone Renewable Energy Installations
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 52 Green Infrastructure
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 64 Demand Management
- Core Policy 67 Flood Risk;

Saved District Wiltshire Local Plan Policies

Policy C40 Tree Planting (saved West Wiltshire District Plan policy);

Policy NE12 Woodland (saved North Wiltshire Local Plan policy);

Policy NE14 Trees and the control of new development (saved North Wiltshire Local

Plan policy); Policy NE18 Noise and pollution (saved North Wiltshire Local Plan policy).

Draft Wiltshire Local Plan Policies

- Policy 1: Settlement Strategy
- Policy 2: Delivery Strategy
- Policy 3: Reserve sites and broad locations for growth
- Policy 4: Addressing climate change
- Policies 76 – 84: Social, housing, community, public open space and wellbeing
- Policies 85 – 101: Sustainability, ecology, water and landscape, heritage, air quality

At Full Council on 19 May, the elected members of Wiltshire Council agreed to withdraw the emerging WLP, and it has now been withdrawn with a new local plan emerging. The emerging Wiltshire Local Plan does not form part of the Development Plan. Limited weight may be afforded to relevant emerging policies having regard to their stage of preparation, the extent of unresolved objections and consistency with national policy however, for the purposes of this application, the adopted Wiltshire Core Strategy remains the primary policy framework for decision-making.

Neighbourhood Plan:

Joint Melksham Neighbourhood Development Plan 'made' 5 August 2025

Supplementary Planning Documents:

Wiltshire Design Guide

Other:

The National Fire Chiefs Council, 'Grid scale energy storage system planning - Guidance for fire and rescue services' December 2025

ISSUES

The key considerations in the assessment of this application are as follows:

- Determining whether the proposed amendments fall within the scope of Section 73 of the Town and Country Planning Act 1990 which allows for the variation or removal of conditions attached to an existing planning permission.
- Assessing whether the development, as amended, remains in accordance with the relevant policies and provisions of the development plan, and whether the changes materially alter the nature or impacts of the approved scheme.

CONSULTATION RESPONSES

Historic England: No objection

Environment Agency: Initially objected pending further information regarding pollution control, firewater containment, construction impacts and water vole mitigation. Following submission

of further drainage, firewater and ecological information, the Environment Agency withdraws its objection subject to conditions.

Assistant County Archaeologist: No objection

Wiltshire Council Landscape Officer: No Comment

Wiltshire Council Arboriculturist: No objection subject to compliance condition

Wiltshire Council Drainage: No objection

Wiltshire Council Highways Engineer: No objection.

Wiltshire Council Public Protection Officer: No objection.

Wiltshire Council Conservation Officer: No objection.

Wiltshire Council Public Rights of Way (PROW) Officer: No objection – change to compliance with submitted Public Rights of Way Improvement plan detailing the proposed improvements within the PROW network.

Wiltshire Council Ecology Officer: No objection

Atworth Parish Council: Objects to the application on the following grounds

- Compliance with existing noise conditions and opposition to any relaxation of Condition 14.
- Construction traffic routing, HGV impacts, highway safety and local amenity.
- Adequacy of consultation and community engagement.
- Construction management and programme details.
- Drainage, environmental protection and discharge of Environment Agency requirements.
- BESS fire safety, risk management and emergency response arrangements.
- Adequacy and robustness of the submitted Emergency Response Plan.
- Requests for further clarification on the extent and implications of the proposed Section 73 amendments.

Melksham Without Parish Council: make the following comments

- Changes proposed under the Section 73 application relating to the construction management arrangements and operational/construction noise are difficult to interpret.
- Request clarification regarding the precise changes proposed and whether they would result in impacts upon residents within Melksham Without Parish Council area.
- Supports the comments and concerns submitted by CAWS (Community Action Whitley and Shaw) in relation to the Environment Agency objection and associated safety and environmental matters.

REPRESENTATIONS

Below is a summary of the representations received during the consultation period. Only material planning considerations have been taken into account in the assessment of this application. Non-material issues, such as property values or private legal disputes, cannot be considered in the determination process.

The application has been advertised by way of site notices, press notice and neighbouring properties notified by letter.

3 representations have been received objecting to the proposal on the following grounds:

- Condition 14 changing noise level requirements should not be more than zero db above background level
- too close to residential properties
- will impact the local population of many wild species
- unnecessary possible fire hazard
- Excessive heavy traffic
- Flooding
- possible vandalism
- There are many open field areas, empty brown site areas, around, without having to be so close to a village.
- The council should be doing more to insist that all supermarkets, have panels on their roofs and cover car parks, allowing more space for agriculture
- Toxic cloud
- Firewater and firewater runoff
- Container Spacing
- NFCC Guidance
- Compliance with current NFCC BESS guidance.
- Battery container separation distances and fire safety design.
- Adequacy of firewater supply and contaminated firewater containment arrangements.
- Potential toxic plume impacts and the need for plume modelling.
- Consultation with DWFRS and other statutory bodies.
- Cumulative traffic impacts associated with cable route works and related infrastructure projects.
- Construction traffic routing and associated highway impacts

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Principle of the Development – Do the proposed amendments fall within the scope of s73?

The Court of Appeal has established that a Section 73 permission may authorise changes to a scheme provided that the resulting development is not fundamentally or substantially different from that originally approved. The application does not seek to alter the description of development and does not extend the duration of the planning permission.

The proposed amendments comprise:

- revised panel arrangements;
- updated battery storage layout;
- revised planting proposals;
- updated ecological, drainage and construction documents;
- revised operational noise controls.

Officers have carefully considered whether these amendments alter the nature or scale of the approved development. The development remains a solar farm with ancillary battery storage on the same site and for the same operational purpose. The overall character, capacity and planning effects of the development remain substantially the same as those previously approved.

Officers have also considered whether the cumulative effect of all proposed changes would result in a development that is fundamentally or substantially different from the approved scheme. Whilst there are revisions to the panel arrangement, battery storage compound, landscaping and supporting technical documents, the proposal remains a solar farm with ancillary battery storage at the same site, serving the same purpose and with substantially the same generating capacity. The amendments are therefore capable of being considered under Section 73.

Compliance with the Development Plan

The amended scheme remains in accordance with the adopted development plan, including:

- Wiltshire Core Strategy (WCS) policies;
- The National Planning Policy Framework (NPPF).

It is considered the proposed amendments do not materially alter the original conclusion that the development satisfies Core Policy 42.

Assessment of Conditions

The following conditions are listed on the existing Decision Notice of the parent application. These have already been amended to an extent by the Non-Material Amendment application. They are also affected by the provision of supporting documentation submitted with this application seeking to discharge most of the remaining conditions. That this development has been implemented already has been confirmed in the approved Certificate of lawfulness application ref: PL/2025/04408. Accordingly, the proposed revised wording of the original conditions sought under this application relating to the remaining relevant conditions is set out below the original condition wording for ease. In each case there is a short explanation of the

current status of the condition and justification for the proposed revised wording to the ones remaining relevant to this variation application.

Condition1

Existing

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.

Assessment

This condition is proposed to be removed because the development has already been implemented and this has been confirmed through a recent certificate of lawfulness ref: PL/2025/04408.

Condition 2

Existing

The permission hereby granted shall be for a temporary period and shall expire 40 years from the first commercial export of electricity ('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 the 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.

Assessment

This condition is to remain as it is still relevant and necessary and meets the required tests for conditions.

Condition 3

Existing

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

- Site Location Plan. Drawing No. SF1.0 REV 02 (Overview). Dated 28 September 2021
- Site Location Plan. Drawing No. SF1.0 REV 02 (Sheet 1 of 2). Dated 28 September 2021
- Site Location Plan. Drawing No. SF1.0 REV 02 (Sheet 1 of 2). Dated 28 September 2021
- Proposed Site Plan. Drawing No. SF2.0 REV 12A. Dated 24 November 2021
- PV Elevations. Drawing No. SF3.0 REV 03. Dated 28 September 2021
- Inverter Transformer Stations. Drawing No. SF4.0 REV 01. Dated 21 May 2021
- Internal Access Road Detail. Drawing No. SF5.0 REV 01. Dated 21 May 2021
- Fence and Gate Elevations. Drawing No. SF6.0 REV 01. Dated 21 May 2021
- Weather Station Detail. Drawing No. SF7.0 REV 01. Dated 21 May 2021
- Substation Elevations. Drawing No. SF8.0 REV 01. Dated 21 May 2021
- Control Room Elevations. Drawing No. SF9.0 REV 01. Dated 21 May 2021
- Auxiliary Transformer. Drawing No. SF10.0 REV 01. Dated 21 May 2021
- CCTV Elevations. Drawing No. SF11.0 REV 02. Dated 28 September 2021
- Battery Container Elevations. Drawing No. SF12.0 REV 01. Dated 21 May 2021
- Storage Container Elevations. Drawing No. SF13.0 REV 01. Dated 21 May 2021
- Battery Fence and Gate Elevations. Drawing No. SF14.0 REV 01. Dated 21 May 2021
- Planting Plan. Drawing No. BLA 034 02 Rev E. Dated 22 February 2022
- Development Proposals. Drawing No. BLA 034 03 Rev C. Dated 24 March 2022.
- Environmental Statement (March 2022) by Savills
- Construction Traffic Management Plan (April 2022) by TPA
- Ecological Assessment (August 2021), including Breeding Bird Survey Report and Great Crested Newt Presence or Absence (eDNA) Survey Report and by Avian Ecology
- Water Vole and Otter Survey Report (September 2021) by Avian Ecology
- Bat Activity Survey Report (December 2021) by Avian Ecology
- Biodiversity Net Gain (BNG) Calculator (August 2021) by Avian Ecology
- Ecology Note (26 January 2022) by Avian Ecology
- Arboricultural Impact Assessment (July 2021) by Barton Hyett Associates
- Glint and Glare Study (July 2021) by Pager Power
- Flood Risk Assessment (August 2021) by RMA Environmental
- Flood Risk Assessment Addendum Letter (09 November 2021) by RMA Environmental
- Geophysical Survey (September 2021) by Archaeological Services WYAS
- Archaeological Evaluation (December 2021) by Cotswold Archaeology

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

Assessment

This condition – the approved plans list - is to alter to the wording set out below to capture the changes to the scheme sought under this variation as well as to include the details subsequently submitted to the LPA to address the remaining outstanding conditions, the detail of which is set out in the following paragraphs below.

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

- *Figure A1 – The Preliminary Works*
- *Annex A: Proposed Scope of the Preliminary Works*
- *Site Location Plan. Drawing No. SF1.0 REV 02 (Overview). Dated 28 September 2021*

- *Site Location Plan. Drawing No. SF1.0 REV 02 (Sheet 1 of 2). Dated 28 September 2021*
- *Site Location Plan. Drawing No. SF1.0 REV 02 (Sheet 1 of 2). Dated 28 September 2021*
- *Proposed Site Plan, Drawing No. GB-MEL01&CLD104_R10_OVERALL SITE LAYOUT Dated March 2025*
- *Inverter Transformer Stations. AC Twinskid Elevations - BELUK1002-255 AC TwinSkid Rev00 Dated October 2024*
- *Internal Access Road Detail. Drawing No. BELUK1002-230 Access Track Section Details Rev01 Dated November 2024*
- *Fence and Gate Elevations. Drawing No. SF6.0 REV 01. Dated 21 May 2021*
- *Weather Station Detail. Drawing No. SF7.0 REV 01. Dated 21 May 2021*
- *Substation Elevations. Drawing No. BELUK1002-221 Rev00 Dated October 2024*
- *Control Room Elevations. Drawing No. BELUK1002-225 Control Room Rev00 Dated October 2024*
- *Auxiliary Transformer. Drawing No. BELUK1002-226 Auxiliary Transformer Details Rev00 Dated October 2024*
- *CCTV Elevations. BELUK1002-232 CCTV Pole Mounting Details Rev00 Dated October 2024*
- *Battery Container Elevations. Drawing No. BELUK1002-250 Rev00 Dated October 2024*
- *Storage Container Elevations. Drawing No. BELUK1002-222 Spare Parts Container Details Rev00 Dated October 2024*
- *Battery Fence and Gate Elevations. Drawing No. BELUK1002-231 Fence & Gates Details Rev00 Dated October 2024*
- *Planting Plan. Drawing No. B:A 034-02 Rev G Dated 6th February 2025*
- *Development Proposals. Drawing No. BLA 034 03 Rev C. Dated 24 March 2022.*
- *Environmental Statement (March 2022) by Savills*
- *Construction Method Statement (May 2025) by TPA*
- *Ecological Assessment (August 2021), including Breeding Bird Survey Report and Great Crested Newt Presence or Absence (eDNA) Survey Report and by Avian Ecology*
- *Water Vole and Otter Survey Report (September 2021) by Avian Ecology*
- *Bat Activity Survey Report (December 2021) by Avian Ecology*
- *Biodiversity Net Gain (BNG) Calculator (September 2025) by Antea Group*
- *Ecology Constraints Report (August 2025) by Antea Group*
- *Arboricultural Method Statement and Tree Protection Plan (June 2025) by Antea Group*
- *Glint and Glare Study (January 2025) by Pager Power*
- *Flood Risk Assessment (August 2021) by RMA Environmental*
- *Flood Risk Assessment Addendum Letter (09 November 2021) by RMA Environmental*
- *Geophysical Survey (September 2021) by Archaeological Services WYAS*
- *Archaeological Evaluation (December 2021) by Cotswold Archaeology*

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

Condition 4

Existing

All soft landscaping comprised in the approved details of landscaping set out in the approved Planting Plan (drawing number BLA 034 02 Rev E dated 22/02/2022) shall be carried out in the first planting and seeding season following the First Export Date of the development or the completion of the development, whichever is the sooner; 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the First Export Date of the development or the completion of the development, whichever is the sooner.

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

Assessment

This condition is to be retained in general with only the landscaping planting plan reference updated to reflect the revised landscaping scheme proposed by the variations to the application.

The proposals are considered not to harm the landscape character of the area in comparison to the consented layout. The anticipated primary impact is from the PRoW (ATW019) which travels through the site, and runs along the northern boundary of the battery storage area. It is noted that this area has increased in footprint from the consented layout due to technology changes and detailed design. However, an extended additional hedgerow section is proposed in the extended area to provide screening for footpath users.

A revised Landscape and Visual Impact Assessment with associated photomontages is included in this S73 submission. Additionally, a revised Glint and Glare study has been included within this submission which details no significant impacts upon road safety, residential amenity and aviation activity associated with the minor proposed changes to the solar panels (numbering and positioning). None of the proposed changes increase the height of any part of the proposed development.

No objection has been received from the Public Rights of Way Officer or the landscape officer. It is noted that drawing numbers SK02 and SK03 have labels attached to ATW018, ATW020, ATW021 and ATW013 which state "*PROW within the site boundary to be reinstated if required*". For purposes of clarity all the PRoW require reinstating and should be available at all times. This is secured through the condition requiring the PRoW management Plan.

It is considered that the changed arrangement would not result in material harm to or detrimental impact on neighbouring residential properties and their occupiers compared to the extant approved scheme. Accordingly, the revised landscape plan is considered acceptable, and the new condition would read as follows:

- 4 *All soft landscaping comprised in the approved details of landscaping set out in the approved Planting Plan (Drawing No. B:A 034-02 Rev G Dated 06/02/2025) shall be carried out in the first planting and seeding season following the First Export Date of*

the development or the completion of the development, whichever is the sooner; 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the First Export Date of the development or the completion of the development, whichever is the sooner'.

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

Condition 5

Existing

No development shall commence until a Landscape and Ecological Management Plan (LEMP) explaining how habitats will be managed to achieve the predicted biodiversity net gains outlined in the submitted Biodiversity Metric and represented on the submitted Planting Plan (drawing number BLA 034 02 Rev E dated 22/02/2022) during the operational phase, has been submitted for approval by the LPA. Evidence will be required to demonstrate how management will be delivered and to prove it will be effective.

Methods to achieve biodiversity enhancement are detailed in Section 4.0 of the Ecology Assessment Report prepared by Avian Ecology (03/08/2021) and these must be included within but not necessarily limit the basis of the LEMP.

The management plan must be implemented for the lifetime of the installation including decommissioning. All management plans must reference the requested monitoring scheme (submitted as a separate document) and include a mechanism for adaptive management to achieve the long-term objectives.

REASON: In order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

Assessment

The ecology officer has been consulted on this application and has specifically reviewed the proposed changes to the landscape and ecology plans in terms of the biodiversity impact. The Council ecologist confirms that they have no objections to the proposed amended layout, nor the minor changes to the wording of ecology-related Conditions 5 and 7 to refer to the updated landscaping plans. Accordingly, it is proposed that condition 5 now reads as follows:

- 5. The development shall commence in accordance with the approved Landscape and Ecological Management Plan (LEMP) Reference MEL_ANT_2024-07-546400_REP_Studley_LEMP_170625 and the development shall thereafter be carried out and managed in accordance with these approved details.*

REASON: In order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

Condition 6

Existing

No development shall commence until a scheme of monitoring focused on the key aspects of LEMP has been submitted to and approved by the Local Authority. The monitoring scheme should comprise the following:

- Commitment to undertake surveys immediately following completion to
 - a) establish how effectively the CEMP was followed and
 - b) to fix the baseline for future monitoring.
- Identification of the key features to be monitored and methodology to be used.
- Monitoring targets with specific measurable thresholds for success for each key feature with remediation measures incorporated where necessary.
- Commitment to continue monitoring for the operational lifetime of the installation in years 1, 3, 5, 10, 25 and 40.
- Commitment to prepare a report after each monitoring exercise, relating findings to those of previous years and the intended targets. The report will be submitted to the Local Planning Authority within 6 months of each monitoring visit.

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 adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

Assessment

The applicant has requested that the monitoring requirements are conditioned in relation to a proposed LEMP Monitoring Scheme with monitoring reports to be submitted within 6 months. The Council's ecologist has reviewed this and confirms that the submitted 'Landscape and Ecological Management Plan' (Antea Group, June 2025) details suitable plans and management regimes for seeding the grassland, hedgerow planting and pond creation. It is considered that sufficient biodiversity enhancements (ten bird boxes, ten bat boxes and ten invertebrate boxes as well as hibernacula and hedgehog boxes) are now proposed, with the product types specified in the LEMP report and locations shown on 'Landscaping Layout BLA 034 Rev G 06/02/2025'. A second report, the 'Landscape and Ecology Monitoring Scheme' (Antea Group, June 2025), sets out a suitable monitoring schedule and objectives in accordance with that required by *Condition 6*.

The revised ecological mitigation and management measures continue to secure biodiversity enhancement and long-term habitat management consistent with Core Policy 50. The Council Ecologist confirms that the amended layout does not undermine the biodiversity gains previously assessed.

Officers are therefore content for Condition 6 to become a compliance condition. Accordingly, the following variation wording is recommended to replace extant condition 6 to ensure continued compliance with the approved documents:

6 Condition: Compliance with LEMP documents

The development will be carried out in strict accordance with the following documents:

- Landscaping Layout BLA 034 Rev G 06/02/2025*
- Landscape and Ecology Monitoring Scheme, Antea Group, June 2025*
- Landscape and Ecological Management Plan, Antea Group, June 2025*
- Ecological Constraints Report, Antea Group, August 2025*

REASON: 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.

Condition 7

Existing:

No development shall commence until a Construction Ecology Management Plan (CEMP) has been submitted to and approved by the Local Authority. The CEMP will demonstrate how construction works will be managed to avoid impacts on biodiversity in accordance mitigation detailed in Section 4.0 of the Ecology Assessment Report prepared by Avian Ecology (03/08/2021) including the protection of features of biodiversity value represented on the Planting Plan (drawing number BLA 034 02 REV E dated (22/02/2022).

The CEMP must identify a suitably qualified ECoW who will oversee the construction works in relation to ecology with particular emphasis on:

- Update of surveys prior to start of works including (but not exclusively); the cable route, water vole and badgers.
- The erection of perimeter fence.
- Removal of hedgerow sections where agreed.
- Protection zones around features of value to wildlife (trees, hedges, ditches and ponds).
- No dig construction methods where construction within RPZ is unavoidable.
- Reasonable Avoidance Measures (RAMs) for dormice, water vole and great crested newts.
- Identifying if works affecting water vole habitat requires a license.
- The CEMP will identify all timing constraints on works e.g. in relation to water vole, breeding birds, hedgerow removal.
- If construction lighting is required, a strategy must be included in the CEMP which clearly demonstrates no impacts on sensitive, retained habitat features.
- The CEMP will make provision for protection of all wildlife identified as present or likely to be present within a zone of influence and will implement the precautionary principle at all times.

Construction works will be carried out in strict accordance with the agreed CEMP.

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 adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

Assessment

In relation to condition 7, similarly, the CEMP can also now be signed off as it addresses all points of the existing *Condition 7*. Additional information to address concerns raised by the Environment Agency has been submitted as a technical addendum to the CEMP entitled 'Briefing Note- CEMP' dated 14 April 2026. It is considered that this sufficiently addresses all outstanding concerns, including water vole impact. Officers are therefore content for Condition 7 to become a compliance condition including requiring compliance with the additional commitment sets out in the additional Briefing Note (14/04/2026). The revised ecological mitigation and management measures continue to secure biodiversity enhancement and long-term habitat management consistent with Core Policy 50. The Council Ecologist confirms that the amended layout does not undermine the biodiversity gains previously assessed.

Accordingly, the following variation wording is recommended to replace extant condition 7 to ensure continued compliance with the approved documents:

7 *Condition: Compliance with CEMP document*

The development will be carried out in strict accordance with the following documents:

- Construction Ecology Management Plan, Antea Group, June 2025*
- Briefing Note - CEMP dated 14 April 2026*

REASON: 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.

Condition 8

Existing

No development shall commence until a Public Right of Way Improvement Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan will identify the locations of existing structures, replacement structures and any surface improvements to the paths (where necessary). The approved plan will be implemented prior to first commercial export of electricity.

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 the protection and mitigation of the public right of way network.

Assessment

The applicant has submitted a Public Rights of Way Improvement Plan-260219 and technical note Reference: TECHNICAL NOTE 1 (January 2026) by Entran. Officers have reviewed the submission and are generally happy with the contents. Wiltshire Councils online map and the Footpath ATWO20 is shown on the West side of the hedge, at grid ref ST 87305 65582. The applicant should proceed on the basis that the footpath is on the west side of the hedge and the gates at R4 and R7 are not on the PROW network. It is noted that drawing number SK02 and SK03 have labels attached to ATWO18, ATWO20, ATWO21 and ATWO13 which state "PROW within the site boundary to be reinstated if required". It has been confirmed that these will be reinstated and will be available at all times unless a TTRO is in place. Accordingly, the wording of condition 8 is recommended to be varied to the following wording:

- 8 *The development shall be carried out in accordance with the approved Public Right of Way Improvement Plan Reference: 2408-013 Public Rights of Way Improvement Plan-260219 and technical note Reference: TECHNICAL NOTE 1 (January 2026) by Entran*

REASON: To ensure that the development is undertaken in an acceptable manner and to ensure the protection and mitigation of the Public Right of Way network.

Condition 9

Existing

- 9 No development shall commence on site until full details of the finish and colour of all structures, equipment, fencing and support frames for the solar panels hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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 interest of amenity and the appearance of the site.

The applicants have provided a number of plans showing large scale details of all structures, equipment, fencing and support frames. The detail demonstrates a generally bland utilitarian design which is fit for purpose. Whilst it will be visible in the landscape the landscape officer raises no objection in this regard and It is considered that these details are acceptable in this context. The colour design and finish of the proposed ancillary and supporting structures is of a type that would as far as possible blend in with the wider context and it is also noted that these ancillary and supporting structures can be removed after this temporary consent finishes with the land reverting to its previous condition. Accordingly, the proposals are fit for purposes and necessary for the development. It is therefore recommended that the wording of condition 9 is varied to require compliance with these plans in the following way:

- 9 *The development shall be carried out in accordance with the finish details provided to and approved by the Local Authority:*

- *BELUK1002-221 Customer Substation Details Rev00*
- *BELUK1002-222 Spare Parts Container Details Rev00*
- *BELUK1002-225 Control Room Rev00*
- *BELUK1002-226 Auxiliary Transformer Details Rev00*
- *BELUK1002-230 Access Track Section Details Rev01*
- *BELUK1002-231 Fence_Gates Details Rev00*
- *BELUK1002-232 CCTV Pole Mounting Details Rev00*
- *BELUK1002-250 Battery Container Details Rev00*
- *BELUK1002-255 AC TwinSkid Rev00*

REASON: In the interest of amenity, landscape and the appearance of the site.

Condition 10

Existing

- 10 No development shall commence on site until a scheme for the discharge of surface water from the site/phase, including sustainable drainage systems and all third party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Details should include swale design and operation for the lifetime of the development. Details should also include:

- Evidence that the drainage system can accommodate any predicted flood volumes in addition to additional runoff from the site during a 100 year + CC event.
- Calculations with MADD factor of zero for any drainage related to the associated infrastructure buildings/access.

REASON: In order that the development is undertaken in an acceptable manner and to ensure that the development can be adequately drained.

Assessment

The percolation tests failed to reach 75% of the effective depth, with only slight changes in the water levels recorded in some of the pits. These results indicate that the ground has a relatively low permeability and is not suitable for the adoption of soakaway drainage.

However, the drainage strategy states:

“Research indicates that an increase in the rate and volume of runoff from extensive areas covered in solar panels is negligible. However, to mitigate any potential risk it is proposed to provide swales and basins to intercept runoff from the covered areas. These swales will be located to intercept overland flows from as much of the area as practicable. Inverter stations comprise a 30m² plan area storage container sited on a 38.4m² x 0.3m deep granular sub-base. It is proposed to construct the sub-base above a permeable membrane and allow runoff to percolate into the ground as far as practicable. Any excess runoff will overflow the perimeter of the sub-base at rates approximating greenfield rates and be intercepted by the proposed swales. Proposed permanent access tracks will be constructed of permeable materials, such that runoff from the tracks will mimic greenfield conditions. The tracks will be constructed in accordance with the best practice principles set out in CIRIA C768, Guidance on the Construction of SuDS”

The attenuation has been designed to accommodate any predicted flood volumes in addition to additional runoff from the site during a 100 year + 45%. No formal drainage is proposed therefore calcs (and associated MADD factor) are not required.

Additional information was requested by the Lead Local Flood Authority ('LLFA') and was provided by the applicant. A detailed overland flow route map was received 8th April 2026 as part of the construction phase surface water management plan. Additionally, the approved LEMP shows vegetative areas in between the solar arrays at a reasonable distance to help interrupt and prevent channelised flows, reducing erosion and also enhance and promote the infiltration and interception capacity. the establishment and management of long grass within the array areas – this is set out within Sections 2.3.1 and 3.4.2 of the approved LEMP and is considered acceptable.

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 in the LEMP

which contains details for monitoring vegetation cover including frequency of visits in Section 3.4.2.

A construction management plan showing how surface water will be managed during the construction phase to prevent an increase in pollution / flood risk to local receptors has been submitted and agreed. This is detailed in the construction phase surface water plan in Sections 2.10, 2.11 and 2.12. Section 2.13 provides details of how the applicant will ensure that compaction of the soil during construction does not occur / will be remediated so that there is no increase in runoff.

The Environment Agency has requested additional conditions to be added with respect to the battery storage system units and how these will dispose of surface water in the event of a fire to avoid pollution of local water environment. Whilst this does relate to surface water drainage it is considered that this is best being added as a separate condition (along with another condition requiring details of any required remediation following any such incident). These new conditions will be attached at the end of the conditions list and have been agreed with the applicant.

Accordingly, with respect to existing condition 10 the LLFA raises no objection and confirms support for the proposed condition wording variation. Accordingly, this condition can be discharged and will be changed to a compliance condition to be worded as follows:

10 The development shall be carried out in accordance with the approved scheme for discharge of surface water Reference: Flood Risk Assessment and Drainage Strategy (March 2025) by RMA Environmental; Construction Phase Surface Water Management Plan (April 2026) by PFA; Overland Flow Routes (April 2026) by PFA; and the Fire Water Drainage Strategy (December 2025) by Antea.

REASON: In order that the development is undertaken in an acceptable manner and to ensure that the development can be adequately drained.

Condition 11 *Existing*

No development shall commence on site until clear arrangements are in place for ongoing maintenance of SuDS for the lifetime of the development.

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.

Assessment

The applicant has submitted additional information as part of the application in the form a SuDS Maintenance Plan (May 2025, by Pitman Associates). This is considered acceptable – subject to additional separate details required regarding the battery storage system ERP and accordingly the existing condition wording can be varied to a compliance condition, to be worded as follows:

- 11 *The maintenance of SuDS for the lifetime of development shall be in accordance with the approved documentation Reference: SuDS Maintenance Plan (May 2025) by Pitman Associates.*

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.

Condition 12

Existing

Notwithstanding the submitted details contained within the approved Construction Transport Management Plan, no development shall commence on site (including any works of demolition), until a further Construction Management Statement, together with a site plan, which shall include the following:

1. the parking of vehicles of site operatives and visitors; - to be shown on the drawing
2. Number and size of delivery vehicles/ construction vehicles
3. loading and unloading of plant and materials - to be shown on the drawing
4. storage of plant and materials used in constructing the development; - to be shown on the drawing
5. wheel washing facilities; - location shown on the drawing
6. measures to control the mud on the road during construction;
7. hours of construction, including deliveries;
8. pre-condition photo survey – any damage related to the development will be put right (to the satisfaction of the LHA) within 3 months of the development completion has been submitted to, and approved in writing by, the Local Planning Authority.

The Statement should also detail drainage arrangements and measures that will be taken to reduce and manage the emission of noise, vibration and dust during the construction phase of the development. This shall include the following details:

9. The movement of construction vehicles;
10. The cutting or other processing of building materials on site;
11. Wheel washing and vehicle wash down facilities;
12. The transportation and storage of waste and building materials;
13. The recycling of waste materials (if any);
14. The loading and unloading of equipment and materials;
15. The location and use of generators and temporary site accommodation; and
16. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts.

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 Management Statement without the prior written permission of the Local Planning Authority.

REASON: In order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general,

drainage, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

Assessment

A detailed Construction Management Statement has been submitted with the application addressing and including all required the details set out in extant condition 12. This has been consulted on with the Local Highways Authority. The Highways engineer confirms that the accompanying supporting documents have covered all the necessary highway points. The plan mirrors what was suggested and approved in 2023. In view of this no highway objection is raised. A photo survey of the existing condition of the roads has been received and considered acceptable. Accordingly, it is recommended that the existing wording of condition 12 is varied to a compliance condition to ensure future development of the site is undertaken in accordance with these approved documents.

12 The development shall be carried out in accordance with the approved Construction Management Statement Reference: 2408-013_Melksham_Construction Management Statement_261128 and Factual Pre-Condition Report (ref: ICE0603/LD03/260520 dated 20/05/2026 by IBEX Ltd).

Any damage caused by construction or operation of the development will be put right (to the satisfaction of the LHA) within 3 months of the development completion or the First Export Date, whichever is the soonest.

REASON: In order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, drainage, the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

Condition 13

Existing

13 Notwithstanding the submitted details contained within the approved CTMP dated April 2022, no development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

1. Routing plan
2. Traffic Management Plan (including signage drawing – wording/size etc)
3. Details of temporary/permanent Traffic Regulation Orders
4. Phases plan

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: 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.

Assessment

A detailed Construction Method Statement has been submitted with the application together with a routing plan addressing and including all required the details set out in extant condition 13. Together with condition 12, this has been consulted on with the Local Highways Authority. The Highways engineer confirms that the accompanying supporting documents (for both condition 12 and 13) have covered all the necessary highway points. The routing plan mirrors what was suggested and approved in 2023. In view of this no highway objection is raised. Accordingly, it is recommended that the existing wording of condition 13 is varied to a compliance condition to ensure future development of the site is undertaken in accordance with these approved documents.

13 The development shall be carried out in accordance with the approved Construction Method Statement (May 2025) by TPA.

REASON: 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.

Condition 14

Existing

i) No development shall commence until an assessment of the acoustic impact arising from the likely operation of the solar farm has been undertaken in accordance with BS 4142: 2019 and submitted to the Local Planning Authority and agreed in writing. This assessment shall include where necessary, a scheme of attenuation measures to demonstrate the rated level of noise shall be at or below the measured background and is protective of local amenity. Background levels are to be taken as a 15 minute LA90 at the boundary of the nearest residential noise-sensitive receptors.

ii) A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be submitted to and agreed in writing by the LPA. The approved details will be implemented and thereafter be permanently retained.

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, such that appropriate levels of amenity are achievable.

Assessment

The applicant appointed an independent noise consultant who modelled the actual equipment being installed and against actual background noise (measured at the nearest dwellings) in line with BS4142. The report determined that the total aggregate environmental noise impact from the site results in a low noise impact at the worst affected noise sensitive receptor. The Public Protection team including the Council's acoustic specialist, have

reviewed the proposal and consider the proposed changes acceptable. Specialist acoustic officers of Wiltshire Council have confirmed ...

“According to the acoustic report the night-time background levels are especially low (21/22). Having considered this application to vary the noise condition, we do not raise objection to the no greater than +4dB above the measured background proposal. The rest of the condition wording should remain and we expect the applicants to verify this has been achieved”.

The approved acoustic assessment models the specific inverter and battery equipment now proposed and includes measurements of existing background sound levels at the nearest noise-sensitive receptors. Whilst the original condition required compliance at or below background sound level, the updated assessment demonstrates that operational sound would result in a low impact classification under BS4142:2019.

It is clear that the Council's specialist acoustic adviser has reviewed the methodology and conclusions and raises no objection, concluding that a rating level not exceeding 4dB above background sound levels would remain compatible with the protection of residential amenity. Officers attach substantial weight to this specialist advice and are satisfied that the revised condition secures an acceptable amenity outcome consistent with Core Policy 57 and saved Policy NE18.

As such the proposed variation to the existing condition wording is recommended as follows:

14 *The development shall be carried out in accordance with the Environmental Noise Impact Assessment (April 2025) by Sol Acoustic.*

A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be submitted to and agreed in writing by the LPA. The approved details will be implemented and thereafter be permanently retained.

REASON: *In order that the development is undertaken in an acceptable manner, such that appropriate levels of amenity are achievable.*

Condition 15

Existing

Notwithstanding the submitted details contained in the Arboricultural Impact Assessment no development shall commence and no equipment, machinery or materials shall be brought on to site for the purpose of development until an Arboricultural Method Statement of Works and Finalised Tree Protection Plan has been submitted to and approved by the LPA.

Once these details have been approved the protective fencing shall be erected prior to any machinery, materials or equipment entering the site.

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, at 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 that is to be retained in accordance with the approved plans and particulars; and the 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.

Assessment

The applicant has submitted an Arboricultural Method Statement and Tree Protection Plan (June 2025) by Antea Group. The Council's arboriculturist has been consulted and officers advise that they are satisfied that the Arboricultural Method Statement with Tree Protection Plan, prepared by Antea Group, provides sufficient information to demonstrate that the existing trees on and off site to be retained have been fully considered and appropriate protection and methods of construction are proposed. It is therefore recommended that these reports and plans be added as approved documents and their compliance conditioned. Accordingly, the existing wording of condition 15 is recommended to be varied to the following wording:

15 *The development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan (June 2025) by Antea Group*

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

Condition 16

Existing

No development shall commence within the area indicated by application PL/2021/08690 until:

a) An Archaeological Management Plan, setting out a strategy for preserving the area of archaeological activity (identified by the archaeological evaluation of November 2021) during

both the construction and operational phases of the solar farm, 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 that the development is undertaken in an acceptable manner, to enable the preservation and protection of any areas of archaeological interest.

Assessment

An Archaeological Management Plan (AMP) was submitted under a separate discharge of condition application ref: PL/2022/06260 covering the preservation of known archaeological features in one part of the proposed development area. Officers advised that this AMP satisfied the requirements of Condition 16 that was attached to planning application PL/2021/08690 and therefore no archaeological objection to the discharge of condition 16 was raised. Accordingly, as this condition has been discharged it is recommended to vary the wording of condition 16 as follows:

16 The development shall be carried out in accordance with the Archaeological Management Plan ref: P20-3422 (dated August 2022 by Pegasus)

REASON: In order that the development is undertaken in an acceptable manner, to enable the preservation and protection of any areas of archaeological interest.

Condition 17

Existing

17 No operational external lighting shall be installed on site.

REASON: In the interests of the amenities of the area.

Assessment

This condition is be retained as worded.

Condition 18

Existing

18 No construction or demolition work (including site deliveries) shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of residential amenity and highway safety.

Assessment

This condition is be retained as worded.

Proposed New Conditions

There are two additional conditions required by the Environment Agency in relation to the battery storage. A permit under separate legislation will also be required. It is considered that

these additional conditions are necessary to make the development acceptable to ensure there is no pollution or detriment to the local water environment arising from the proposal. These conditions are considered to meet the relevant tests required by the NPPF and the applicant has agreed to these being imposed.

Condition 19

Prior to installation of battery energy storage system units on the site a scheme to dispose of surface water for the battery storage areas in the event of a fire has been submitted to, and approved in writing by, the local planning authority. The scheme should include but not necessarily be limited to the following pollution protection measures:

The final drainage designs should demonstrate that in the event of a battery fire, the drainage system can be automatically sealed to prevent any discharge of surface water to the environment and that all firefighting effluent can be retained on site.

The drainage system should have sufficient capacity to manage the firefighting effluent volumes expected as well as any surface water generated from an extreme rainfall event.

The drainage system should be designed to be resilient to the potential impacts from a sustained battery fire.

The scheme shall be implemented and maintained as approved.

REASON: To ensure that any potentially contaminated effluent in the event of a pollution incident does not pose an unacceptable risk to the water environment in line with the National Planning Policy Framework.

Condition 20

Prior to installation of battery energy storage system units on the site a detailed remediation plan following a battery fire incident has been submitted to and approved in writing by the local planning authority. The scheme shall include, but not necessarily be limited to:

How and where contaminated surface water, materials and drainage infrastructure will be sampled, managed and remediated/replaced following a potential battery fire incident to ensure no contamination enters the environment if/when normal operation resumes.

A verification plan providing details of the information that will be collected and provided to the local planning authority, in order to demonstrate that the works set out in the remediation strategy are complete. The scheme shall be implemented as approved in the event of a fire incident and any subsequent amendments shall be agreed in writing with the local planning authority.

REASON

To ensure that the any potentially contaminated effluent does not pose an unacceptable risk to the water environment in line with paragraph 180 of the National Planning Policy Framework.

In addition to the new conditions recommended above from the Environment Agency, and supported by the LPA, the following new conditions are also considered to be required following the receipt of additional information relating to the proposed battery storage compound layout (proposed new condition 21), the requirement to provide an Emergency Pollution Method Control Statement which has not yet been provided detailing how pollution will be managed in an emergency incident and is considered to be necessary to protect the

water environment , surrounding land based environment and neighbouring occupiers (new Condition 22) and securing the development to be undertaken and operated in accordance with the Battery Energy Storage System Emergency Response Plan and secure its ongoing review to ensure the safe operation of the development.

Condition 21

The proposed Battery Storage compound layout shall be undertaken in accordance with the plans contained in the Emergency Response Plan ref: ARC-1234-007-R3 Melksham Verdant Battery Energy Storage System (BESS) – Emergency Response Plan (ERP) Issue 1 – July 2026 at sections 5.5 figures 5.1 and 5.2 contained therein at pages 8 and 9 respectively.

REASON: In the interests of proper planning and to ensure safe access can be achieved to the BESS

Condition 22

The Battery Energy Storage System (BESS) shall not be installed until an Emergency Pollution Method Control Statement has been submitted and approved in writing by the LPA. The development shall be undertaken in accordance with the approved details.

REASON: To ensure pollution is adequately controlled in the event of an emergency

Condition 23

The development shall be undertaken and shall be operated in accordance with Battery Energy Storage System (BESS) – Emergency Response Plan (ERP) Issue 1 – July 2026. The operator shall maintain an Emergency Response Plan throughout the operational lifetime of the development. The ERP shall be reviewed at intervals not exceeding 12 months and following any significant incident and shall provide the LPA with a copy within 3months of each review/incident.

REASON: To ensure the safe operation of the development and protection of water environment and natural resources and amenity of nearby occupiers.

Informatives: To be retained for clarity and consistency

19 The applicant's attention is drawn to the following advice and requirements from the Highway Authority:

The Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of Section 59 of the Highways Act.

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.

20 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.

Other Material Considerations/Issues

Contamination

The site is designed with a large subsurface tank for run-off to capture any potentially contaminated water which would then be disposed of by a suitable waste contractor, this is detailed in the firewater drainage strategy. The applicant has submitted both the surface water drainage report and the construction environmental management plan and these are considered acceptable. The emergency pollution plan, including remediation, is intended to be submitted for approval prior to delivery of the batteries and the new conditions set out above requiring this are recommended to be attached to the grant of any permission.

Fire Risk Assessment

A firewater drainage strategy report was prepared by an independent consultant and submitted on 19/12/2025 in response to comments by the EA. This report determined the water storage requirements for both a 1-in-100 year flood event, accounting for 45% climate change increase, and water required for firefighting.

All battery cells, packs, and containers are assessed for thermal runaway under UL9540A and have been certified to this standard. The applicant has confirmed they would have specified deflagration panels for the proposed batteries, in line with best practice, which prevents explosion should gas build up during a thermal event.

It is noted that Atworth PC requested that the fire service is consulted. The LPA has consulted the Fire Service, and they raise no in principle objection. Furthermore, the applicant consulted the fire Service during the preparation of the Emergency Response Plan and were satisfied with the access and container spacing. The current National Fire Chief's Council (NFCC) guidance suggests 0.914m spacing and the battery supplier documentation states minimum spacing is 0.1m. The proposal is a minimum of 3m spacing, significantly more than the NFCC guidance and the battery supplier's minimum recommendation. A fire risk assessment has been carried out by the applicant's risk consultant, and this forms the basis of the Emergency Response Plan.

Emergency Response Plan

The applicant has provided a response to comments submitted by Atworth Parish Council (APC) regarding the draft emergency response plan (ERP) for the proposed battery energy storage system (BESS). The applicant advises that the ERP will be updated prior to installation and commissioning of the BESS. This is recommended to be secured through a new condition.

In response to concerns regarding contact details for key personnel and organisations, the applicant states that named contacts and associated details have not yet been appointed and

will be inserted when the ERP is finalised. It is noted that personal contact information cannot be published due to GDPR considerations.

The applicant acknowledges that the draft ERP contains an incorrect site location reference and this error is corrected in the final version. Similarly, the currently absent detailed BESS compound layout drawing have now been incorporated and are to be secured through a new condition.

With regard to operational procedures, the applicant advises that operational checklists are intended for use by site operations and maintenance personnel and that fire and rescue services (FRS) would undertake their own assessment and incident management strategy upon attendance.

On battery fire risks and thermal runaway, the applicant states that the proposed facility would utilise lithium iron phosphate (LFP) battery chemistry, which it considers less susceptible to thermal runaway than alternative battery technologies. The applicant references current NFCC guidance, noting that a “controlled burn” approach is generally advocated for BESS fires, with firefighting efforts focused on preventing fire spread rather than extinguishing battery units directly.

In relation to environmental protection and firewater management, the applicant refers to the submitted firewater drainage strategy (December 2025), which was prepared following Environment Agency comments and addresses containment of firefighting water and pollution risks. The applicant also states that post-incident environmental matters are addressed within that document. This is considered acceptable; the EA has been consulted and raises no technical objection.

The applicant further confirms that local fire and rescue service will be invited to visit the site before energisation to familiarise themselves with site access arrangements and infrastructure, and that dry-run exercises could be undertaken if requested. Although not explicitly cited, the applicant states that relevant NFCC guidance has informed preparation of the emergency planning documentation.

Finally, the applicant advises that the ERP will be regularly reviewed as part of the annual safety audit process for the BESS facility to ensure it remains current and effective throughout the lifetime of the development.

Emergency Pollution Control

An emergency pollution control method statement will be submitted for approval prior to delivery of the batteries and this is to be secured through the addition of a new condition.

Water Voles

Regarding water voles, the Council’s ecologist has raised no concerns with regard to any material impact arising to local water voles. Additionally, the EA confirmed the CEMP adequately addresses this with pre-start surveys in affected areas. This detail is in Method Statement 6: Precautionary Avoidance Measures for Water Voles of the CEMP. This is considered acceptable.

Heritage

The proposed amendments do not alter the fundamental nature of the approved development and do not introduce additional built form of materially greater scale or height than previously assessed. The revised layout has been reviewed against the original heritage assessment and associated Environmental Statement. The Council's Conservation Officer raises no objection. The amended scheme would preserve the significance of nearby heritage assets and would not result in any materially greater harm to their settings than previously assessed and accepted through planning permission PL/2021/08690.

In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been had to the desirability of preserving the setting of listed buildings. The amended layout does not introduce materially greater visual intrusion into the settings of designated heritage assets than previously assessed. The proposal therefore preserves the significance of heritage assets and complies with Core Policy 58 and Chapter 16 of the NPPF.

Highways

The amended construction management arrangements do not materially alter construction traffic numbers, routing principles or highway impacts compared with the approved development. Subject to compliance with the approved CMS and CTMP documentation the proposal remains consistent with Core Policies 60, 61 and 62.

Landscape

There is no objection raised by the landscape officer. The LVIA has been reviewed and the revised layout is considered acceptable with the residual effects remain unchanged from that previously assessed. The revised layout has been assessed against Core Policy 51. The additional battery storage area and revised panel arrangements would not materially alter the wider landscape character effects previously assessed. The revised planting strategy provides additional screening adjacent to the BESS area and ensures that residual visual effects from public viewpoints remain comparable to those previously accepted. The proposal therefore remains consistent with Core Policy 51.

Amenity

It is considered that there is no material change in visual, residential, traffic or operational effects. Public Protection have raised no objection to the proposed alterations.

Public Rights of Way (PROW)

The Council's PROW officer has said that all of the footpaths will require being reinstated and a TTRO will be required. A Public Rights of Way Improvement Plan has been submitted to discharge the relevant condition set out above and this has been considered acceptable (Feb 2026). The applicant confirms that all PROWs will be reinstated as soon as practical but no later than upon completion of construction. A condition securing this within 3 months of operational development / 'energisation' commencing is considered acceptable, necessary and appropriate. With regards to ATWO19, the applicants confirm that this PROW will not be closed or diverted. A safe system of work will be implemented whereby the footpath will be segregated from the construction traffic and banksmen will be available at crossing points with construction traffic.

Consultation

Concerns regarding the adequacy of consultation and community engagement have been noted. The Local Planning Authority is satisfied that statutory publicity requirements have been met. The determination of the application must be based upon the planning merits of the proposal and compliance with the relevant statutory procedures rather than the level of support or objection received.

Concerns relating to alternative site selection, the installation of solar panels on commercial roof space elsewhere, and wider energy policy matters are not matters for reconsideration under this Section 73 application. The principal issue is whether the proposed amendments materially alter the effects of the approved development.

Section 106 Agreement

No s106 agreement was required for the original application, and it is considered that one is not required for this application and accordingly in the case of this proposal a deed of variation **will not** be required.

PLANNING BALANCE AND CONCLUSION

In determining this Section 73 application, the Local Planning Authority has considered whether the proposed amendments would give rise to materially different planning effects compared to the approved development.

Significant weight is afforded to the continued delivery of renewable energy generation and associated energy storage infrastructure which contributes towards national and local objectives relating to climate change mitigation, energy resilience and the transition to a low-carbon economy.

The revised layout has been assessed in relation to landscape character, heritage assets, biodiversity, drainage, highway impacts, public rights of way and residential amenity. Specialist consultees, including the Environment Agency, Ecologist, Landscape Officer, LLFA, Highways Officer, Arboricultural Officer, Conservation Officer and Public Protection Officer raise no objection subject to conditions.

Whilst concerns have been raised by local residents and parish councils regarding fire risk, emergency response procedures, drainage, noise and construction impacts, officers are satisfied that these matters have been appropriately assessed and can be adequately controlled through the recommended planning conditions.

The proposed amendments do not fundamentally alter the nature of the approved development and do not result in materially greater planning harm than the scheme already permitted. The proposal therefore remains compliant with the Development Plan when read as a whole, and there are no material considerations that justify withholding planning permission.

RECOMMENDATION:

That Planning Permission be GRANTED subject to conditions as detailed within the report.