

Planning Statement:

Application for Certificate of Lawful Development

**Norrington Gate Farm, Broughton Gifford, Melksham, SN12
8LW**

Local Planning Authority: Wiltshire Council

Original Permission Ref: PL/2022/03914

Applicant: Masdar (on behalf of ADV 004 Ltd)

Date: 14 August 2026

1. Introduction

This Planning Statement is submitted to Wiltshire Council to confirm that planning permission PL/2022/03914 for the 150MW Battery Energy Storage System (BESS) at Norrington Gate Farm has been implemented. The purpose of this statement is to evidence that a material start has been made on site and, accordingly, that the permission is extant. The Statement accompanies a request for a Certificate of Lawfulness under Section 191 of the Town and Country Planning Act 1990 (as amended).

2. Legal Framework – Commencement of Development

Section 55(1) of the Town and Country Planning Act 1990 defines 'development' as the carrying out of building, engineering, mining or other operations in, on, over or under land. Section 56(2) provides that development is taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.

Section 56(4) sets out examples of a 'material operation' including, inter alia:

- *(b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building; and*
- *(d) any operation in the course of laying out or constructing a road or part of a road.*

Case law confirms that the evidential threshold is low; for example, in *Malvern Hills DC v Secretary of State for the Environment* [1982] JPL 439 the marking out of an entrance road with pegs was held to constitute an operation for the purposes of Section 56(4)(d).

As set out within the NPPG, the onus is on the applicant to provide sufficient information to support an application for a Lawful Development Certificate. If a Local Planning Authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

3. Implemented Works at Norrington Gate

Controlled enabling and setting-out activities have been carried out at the site to facilitate the approved development. These works comprise:

- Pegging and marking out of the designated access routes, consistent with the approved plans.
- Formation of the access track to support construction logistics, including installation of Terram geotextile membrane and placement of clean stone over a section of the route (approximately 100 m²).
- Excavation and digging of foundation trenches associated with the PCS Switchrooms and DC BESS units (control bases).

Each of the above activities constitutes a 'material operation' for the purposes of Section 56(4)(b) and (d). On this basis, a material start has been made, and the planning permission has been implemented.

4. Evidence Submitted

- Appendix 1 - GridTec Commencement of Works Statement
- Appendix 2 - Setting Out Points Rev 2, Drawing No. 00319-2000 P7
- Appendix 3 - Site progress photographic record (Days 1–3), showing pegging/marking, access formation with Terram and clean stone, and excavation of foundation trenches.
- Appendix 4 – Letter of Engagement between Masdar and GridTec
- Appendix 5 – GridTec Invoice dated 7 January 2026
- Appendix 6 - Wiltshire Council Decision Notice PL/2022/03914 (05 January 2023) and Discharge of Conditions Decision Notices referenced below.

5. Planning Conditions – Discharge Summary

- Condition 4 (Landscaping details) – discharged 17 October 2023 under Application PL/2023/06539 (Wiltshire Council DoC Decision Notice).
- Condition 7 (Landscape and Ecology Management Plan – LEMP) – discharged 28 June 2023 under Application PL/2023/03626 (Wiltshire Council DoC Decision Notice).
- Condition 8 (External lighting details) – discharged 28 June 2023 under Application PL/2023/03626 (Wiltshire Council DoC Decision Notice).
- Condition 11 (Surface water drainage details) – discharged 17 October 2023 under Application PL/2023/06539 (Wiltshire Council DoC Decision Notice).

These discharges confirm that pre-commencement/technical conditions relevant to the enabling works have been addressed and that the works undertaken do not conflict with the approved plans or condition intent.

6. Conclusion

On the basis of the material operations described and evidenced, the planning permission PL/2022/03914 for the Norrington Gate BESS has been lawfully commenced and remains extant. The approved development may be completed at any time subject to compliance with planning conditions.

