

APPLICATION FOR VARIATION/REMOVAL OF CONDITION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/02752
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	Land North of Melksham Substation, Near Melksham, Wiltshire
DEVELOPMENT DESCRIPTION:	Variation of Conditions 3, 4, 5, 8, 10, 11, 12, 15, 16, 17, 18, 20 of 20/06840/FUL - Construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure.
RECOMMENDATION:	Planning permission be granted subject to conditions.

SITE DESCRIPTION/CONTEXT

A site description is set out in the original planning officer's report on file 20/06840/FUL. This is considered to be reasonable and accurate and should be updated by consideration that the planning permission has been implemented and the development of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure is currently under construction. The applicant states on their application form that the development commenced on the 18 March 2022.



Figure 1: Image taken from site visit in June 2026 from Westlands Lane.



Figure 2: Image taken from site visit in June 2026 from right of way (MELW99).

In summary, the application site comprises thirteen agricultural fields to the south and east of Wick Farm, Wick Lane, Lacock, Chippenham, Wiltshire, SN15 2LU. The site is located on open agricultural land with the closest settlements of Whitley lying to the south-west and Benaacre to the south-east. The settlements of Gastard lie to the north-west and Lacock to the north-east.

Running through the site is significant infrastructure including roads/rights of way, a railway line (connecting Melksham and Chippenham) and overhead electricity wires with a network of green infrastructure (hedges and ancient woodland). Despite this severance the site remains connected through a network of field access points and an underpass of the railway embankment.

The site is not subject to any green belt or landscape designations. The site is outside of any designated conservation areas but is within the setting of a number of listed buildings such as at Wick Farm, Catridge Farm and Westlands Farm. The site is within Flood Zone 1 – the lowest probability of fluvial flood risk.

It is noted that a screening opinion for the proposals was issued in relation to the original application under LPA reference 20/03232/SCR and it was determined that the proposals would not be EIA development. There is no reason here to reach a different conclusion under these amended proposals having full regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the nature of the proposed changes.

Further context includes the grant of a non-material amendment (PL/2023/10437) at the beginning of January 2024 in relation to archaeological matters, planting, biodiversity and management.

PROPOSAL

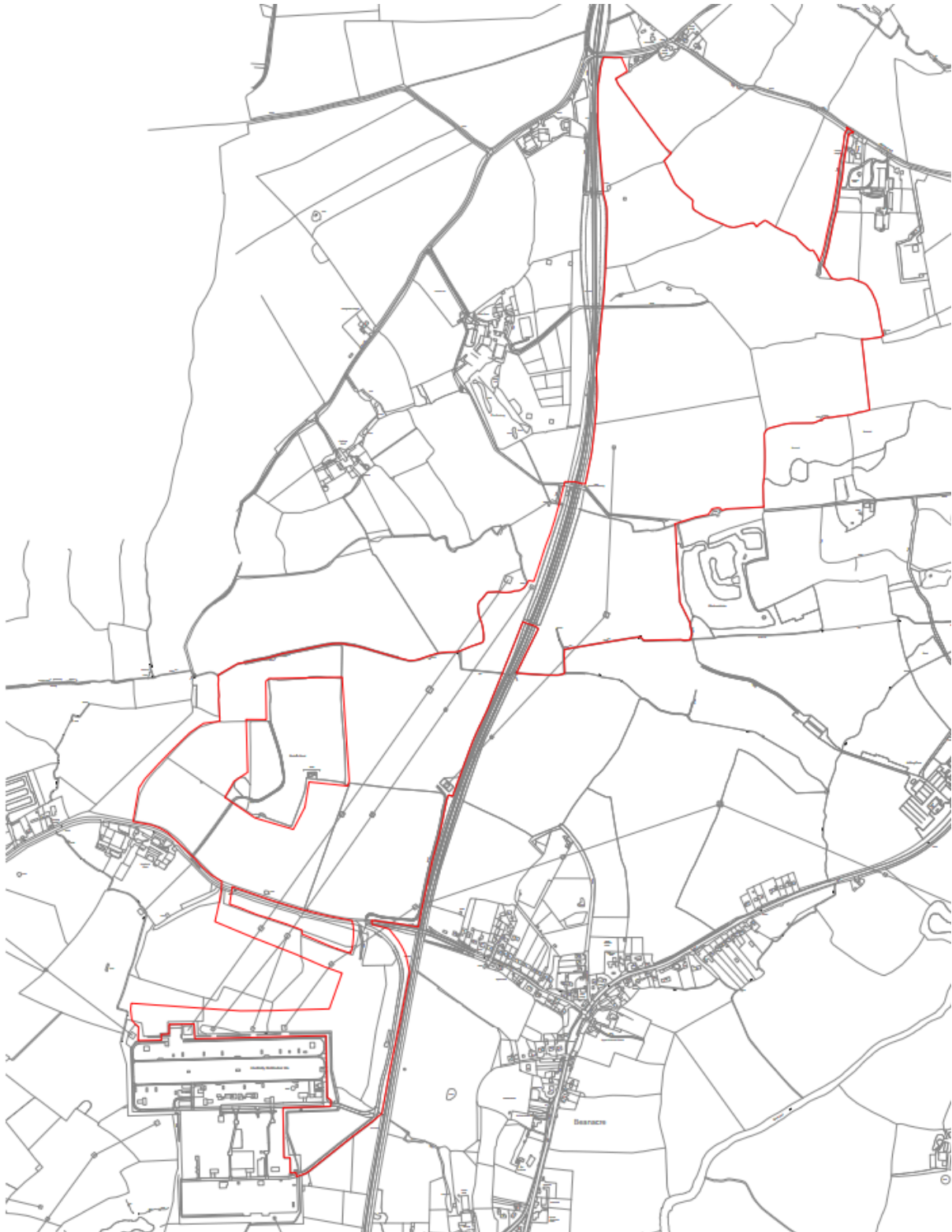


Figure 3: Site location plan

This report considers a Section 73/A application for the variation/removal of conditions imposed on planning permission 20/06840/FUL. The application relates to the site at Land North of Melksham Substation, Near Melksham, Wiltshire, and seeks to vary conditions 3, 4, 5, 8, 10, 11, 12, 15, 16, 17, 18 and 20 in relation to the approved plans list, surface water drainage, construction method statement (CMS), construction traffic management plan (CTMP), construction environmental management plan (CEMP), landscape and ecological management plan (LEMP), monitoring strategy for environmental matters, archaeology, battery details, and details of the finish and colour of all structures, equipment, fencing and support frames for the solar panels.

The approved scheme permitted:

- Construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure.

The current proposal seeks:

- Construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure.

The principal changes comprise:

- Change of the approved High Voltage (HV) / Low Voltage (LV) cabling route as set out within the archaeology submissions. This re-routing has necessitated changes to the archaeological mitigation works. These changes impact conditions 3, 15 and 16.
- The proposals seek approval for the use of gabion baskets in place of the approved concrete monoblocs as the alternative fixing method for the PV array in sensitive archaeological locations. Again, these changes impact conditions 3, 15 and 16.
- The final change relates to amending conditions that have previously required the submission of further details to simply ensure compliance with the details submitted and approved previously (and to a lesser extent within the current proposal).

The assessment below considers both the proposed amendment and the acceptability of the development as amended.

RELEVANT PLANNING HISTORY

Proposal / Summary
20/03232/SCR - Screening Opinion - TCPA EIA 2006 Decision - OPIN- Screening Opinion Date: 18/5/2020 – EIA Screening Opinion request relating to a proposed solar farm
20/06840/FUL - Full planning permission Decision - Approve with Conditions Date: 17/12/2021 – Construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure.
PL/2023/00556 - Approval of details reserved by a condition Decision - Approve Date: 29/3/2023 – Discharge of Condition 4, Surface Water of planning application

20/06840/FUL (Construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure).
PL/2023/06596 - Approval of details reserved by a condition Decision - Approve Date: 28/9/2023 – Discharge of conditions 5 and 8 of 20/06840/FUL
PL/2023/06978 - Approval of details reserved by a condition Decision - Approve Date: 11/10/2023 – Discharge of Conditions 10 - Construction Environmental Management Plan and Condition 12 of planning application 20/06840/FUL - Monitoring Strategy (Construction of a solar farm and battery storage facility together with all associated works, equipment an
PL/2023/08039 - Approval of details reserved by a condition Decision - Approve Date: 11/10/2023 – Discharge of Condition 11 relating to application 20/06840/FUL (Construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure.)
PL/2023/10436 - Approval of details reserved by a condition Decision - Approve Date: 3/1/2024 – Discharge of Conditions 15 and 16 of planning application PL/2023/10436 (Construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure).
PL/2023/10437 - Non-Material Amendment Decision - Approve Date: 4/1/2024 – Non Material Amendment relating to application 20/06840/FUL (Construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure.)
PL/2023/10438 - Approval of details reserved by a condition Decision - Approve Date: 21/2/2024 – Discharge of Condition 17 of planning application 20/06840/FUL - Geotechnical Stability.(Construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure).
PL/2023/10889 - Approval of details reserved by a condition Decision - Approve Date: 6/2/2024 – Discharge of Conditions 18 and 20 of planning application 20/06840/FUL (Construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure).

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Town and Country Planning Act. 1990 (as amended)

Section 73/A 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/A 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/A 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, 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.
- *Legal Agreements:* Because a Section 73/A application results in a new permission, any existing Section 106 agreement may need to be varied or replaced via a deed of variation to ensure obligations continue to apply to the new permission.

National Planning Policy:

- National Planning Policy Framework (NPPF)
 - DM1-DM10: Decision-making policies
 - S3: Presumption in favour of sustainable development
 - S5: Principle of development outside settlements
 - CC2: Mitigation of climate change
 - CC3: Adaptation to climate change
 - W3: Renewable and low carbon energy development and electricity network infrastructure
 - DP3: Key principles for well-designed places
 - DP4: The design process
 - TR8: Public rights of way
 - P2: Ground conditions
 - P3: Living conditions and pollution
 - P4: Impact of development on existing activities
 - P5: Maintaining public safety and security
 - F4: Assessing flood risk for decision-making
 - F5: The sequential test
 - F7: Ensuring development is safe from flooding
 - F8: Sustainable drainage systems and watercourses
 - N2: Improving the natural environment
 - N6: Areas of particular importance for biodiversity and geodiversity
 - HE4: Securing the conservation of heritage assets

- HE5: Assessing the effects on heritage assets
 - HE6: Proposals affecting designated heritage assets
 - HE7: Decision on non-designated heritage assets
 - HE10: Loss or removal of heritage assets
- 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.

When determining a Section 73/A application, the Local Planning Authority must consider the development plan and all other material considerations at the time of determination. This includes considering whether any changes in planning policy, guidance, site circumstances, consultation responses or technical evidence affect the acceptability of the development as amended.

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 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 67 Flood Risk;

Neighbourhood Plan:

The made Joint Melksham Neighbourhood Plan II (JMNP2), with particular regard to:

- Policy 1: Sustainable Design and Construction
- Settlement Strategy;
- Policy 2: Local Renewable and low Carbon Energy and Associated Infrastructure
- Policy 3: Flood Risk and Natural Flood Management

- Policy 5: Pre-application Community Engagement
- Policy 12: Green and Blue Infrastructure
- Policy 13: Biodiversity
- Policy 17: Trees and Hedgerows
- Policy 18: Landscape Character
- Policy 20: Locally Distinctive, High Quality Design
- Policy 21: Local Heritage

Supplementary Planning Documents and other Guidance:

- Wiltshire Design Guide (adopted April 2024)
- A Green & Blue Infrastructure Strategy for Wiltshire: Wiltshire's Natural Environment Plan 2022-2030

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/A 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

The views of consultees are material considerations in the determination of the application. However, the decision-maker must exercise their own planning judgement. Where consultees raise concerns or recommend conditions, these have been considered and are addressed within the assessment section of this report.

WC Archaeology: No objection.

"I would draw your attention to the files entitled 'Archaeological Mitigation and Management Plan' and 'Written Scheme of Investigation' that have recently been included among the supporting documentation attached to the above application on the planning portal. I would commend both theses documents to you in regard to a variation of Conditions 15 and 16 that have been attached to planning permission 20/06840/FUL."

WC Highways: No comment.

Historic England: No comment.

Environment Agency: No comment.

Natural England: Refers to standing advice.

Network Rail: No objection.

Parish/Town Council:

Lacock Parish Council: No comments received.

Melksham Without Parish Council: No objection.

Melksham Town Council: No objection.

REPRESENTATIONS

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of:

- Neighbour notification letters sent to adjoining and nearby properties;
- Site notices displayed near the site; and
- An advertisement placed in the local press.

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted.

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.

- No comments received.

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 WCS and the JMNP2. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a critical material consideration in the assessment.

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

The proposed amendments have been reviewed and are considered to fall within the scope of Section 73/A of the Town and Country Planning Act 1990. The changes do not result in a fundamentally different development from that originally approved, nor do they seek to alter the description of development or extend the time limit for implementation. As such, the

application is valid under Section 73/A and can be determined as a variation of conditions attached to the original planning permission.

Whilst the proposed amendment forms the basis of this application, the Local Planning Authority must consider the acceptability of the development as amended and the planning impacts arising from the scheme as a whole.

Changes in Circumstances - Has anything changed since the original permission?

Since the grant of planning permission 20/06840/FUL, consideration has been given to:

- changes in development plan policy, including the refresh of the neighbourhood plan;
- updates to national policy, including the publication of various amendments to the NPPF most recently in August 2026;
- changes to site circumstances, including the material start of development;
- updated technical and photographic evidence;
- consultation responses;

Officers conclude that these changes do not materially affect the acceptability of the amended development in principle and it is more a matter of detailed consideration as to whether the scheme as amended is acceptable. This is because whilst the development has commenced (over 4 years ago) there is an extant planning approval for the development and so this is not a factor that significantly alters the principle of development. The consultation exercise has not revealed any material considerations to influence the outcome of the planning assessment beyond the detailed matter of archaeology. The technical and photographic evidence provided is of a detailed nature and doesn't go to the heart of the permission.

Compliance with the Development Plan - Is the development as amended still acceptable?

The WCS has not materially altered since the original planning permission was granted. The neighbourhood plan has been subject to a refresh in the intervening time. However, the alterations do not have a material impact on the principle of development and detailed matters are addressed below.

The August 2026 update of the NPPF was of a more significant nature and sets out that the NPPF is of critical importance to decision making, albeit remaining an other material consideration. Policies S3 and S5 are relevant in assessing the principle of development in allocation such as this. The development is acceptable outside of settlements under paragraph 1a being infrastructure for energy. As such, the presumption in favour of sustainable development applies and development should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies of the NPPF. As such, this indicates that the matter is more a detailed assessment than one of principle. More on this below, but suffice at this stage it is noted that the NPPF states:

In applying this policy (S5), the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the

national decision-making policies which state that development proposals should be refused in specific circumstances.

In considering proposals for renewable and low-carbon energy development and electricity network infrastructure, substantial weight should be given to improving energy security, supporting economic development and the transition to net zero. This reiterates on-going government support to the principle of this types of development subject to detailed consideration.

The proposals to alter the means of fixing from concrete to gabions in sensitive locations, and the rerouting of cables and the details in relation to the above ground cable runs would not cause any harm in terms of detailed issues including archaeology (noting the technical expert views) and other matters such as ecology, landscape, and infrastructure (such as railways and highways), noting the lack of public interests and the no comment and no objection responses received.

Otherwise, the general nature of the proposed alterations is to bring the decision into line with the history of approvals for discharge of conditions and non-material amendments. All of these factors would not have made a difference to the decision.

Assessment of Conditions

Condition 1 related to the standard 3 year implementation timescale. The works have commenced and as such this condition may be deleted. Consequently, all conditions after this are subject to renumbering.

Condition 2 related to the temporary nature of the development. No amendment is sought to this and there is no evidence to indicate that the condition ought to be varied or deleted. In the interests of good practice this, as with all the conditions now proposed has been reviewed by the applicant. They have not raised any issue with this condition.

Condition 3 related to the list of approved plans. This has been amended in accordance with the details provided because the alterations detailed to the scheme do not pose any planning concerns in light of the relevant constraints, details, current policy and consultation responses received. The changes reflect the alternative use of gabions to concrete pads to fix the solar arrays in sensitive areas and formalises a previously approved non-material amendment. The alternations within the scale of the development are minor and would not make a difference to the original decision had they been included at the time.

Condition 4 related to the details of surface water drainage, a matter that was approved under discharge of condition application PL/2023/00556. The applicant seeks to amend the wording to a compliance condition which is acceptable.

Condition 5 related to the details of construction method statement, a matter that was approved under discharge of condition application PL/2023/06596. The applicant seeks to amend the wording to a compliance condition which is acceptable.

Oddly, there is no condition 6 on the decision notice for 20/06840/FUL. This appears to be a simple administrative error and has been discussed with the applicant. Consequently, the condition number is amended to reflect the lack of condition.

Condition 7 related to noise mitigation and no amendment is sought. There is no evidence to indicate that this should be altered in the circumstances and it is simply restated.

Condition 8 related to the details of construction traffic management plan, a matter that was approved under discharge of condition application PL/2023/06596. The applicant seeks to amend the wording to a compliance condition which is acceptable.

Condition 9 relates to the construction access points on Westlands Lane and Folly Lane West. The condition is instructive and does not require the submission of further information. However, there is a trigger to require the works to be carried out prior to commencement. The development commenced over 4 years ago. Upon request the applicant has provided further information (in the form of photos) to show that the requirements have been met. A site visit has been undertaken and no breach of the requirement for consolidated surfaces or visibility splays was observed. There remains a need for ongoing compliance during construction, which is still ongoing, and so the condition has been reworded to remove the pre-commencement trigger. This is a proportionate approach noting development has been ongoing for over 4 years.

Condition 10 related to the details of a construction environmental management plan, a matter that was approved under discharge of condition application PL/2023/06978. The applicant seeks to amend the wording to a compliance condition which is acceptable.

Condition 11 related to the details of a landscape and ecological management plan, a matter that was approved under discharge of condition application PL/2023/08039. The applicant seeks to amend the wording to a compliance condition which is acceptable.

Condition 12 related to the details of a monitoring strategy for biodiversity and landscaping, a matter that was approved under discharge of condition application PL/2023/06978. The applicant seeks to amend the wording to a compliance condition which is acceptable.

Condition 13 related to external lighting and no amendment is sought. There is no evidence to indicate that this should be altered in the circumstances and it is simply restated.

Condition 14 related to implementation of the approved archaeology details. The applicant has sought to amend this condition by reference to the submitted Archaeological Mitigation and Management Plan which has been reviewed by the Council's archaeologist and found to be acceptable. There is no reason to disagree with the technical expert view and the condition is amended to reflect the most recently agreed details.

Condition 15 and 16 related to archaeology and a written scheme of investigation for different parts of the site. These were matters that were approved under discharge of condition application PL/2023/10436 and also the latest submissions within this application itself associated with that. The details have been approved by the technical expert on archaeology

and there is no evidence to reach a contrary conclusion. As such the conditions may be updated to a single compliance condition.

Condition 17 related to geotechnical stability and foundations of the railway line that crosses the site a matter that was approved under discharge of condition application PL/2023/10438. The applicant seeks to amend the wording to a compliance condition which is acceptable. It is noted that there is no technical objection from Network Rail.

Condition 18 related to details for the proposed batteries and the cable trenches that was approved under discharge of condition application PL/2023/10889. The applicant seeks to amend the wording to a compliance condition which is acceptable. It is noted that there is no technical objection from Network Rail.

Condition 19 related to implementation of the approved landscaping details. The applicant has not sought to amend this detail, but it is noted that it needs to be updated to reflect the latest iteration of the Site Layout and Landscaping Plan. This has been agreed with the applicant.

Condition 20 related to details finish and colour a matter that was approved under discharge of condition application PL/2023/10889. The applicant seeks to amend the wording to a compliance condition which is acceptable.

Condition 21 relates to the tree protection measures approved. The condition is instructive and does not require the submission of further information. However, there is a trigger to require the works to be carried out prior to commencement. The development commenced over 4 years ago and whilst strictly required it would not be reasonable for all of the arboricultural protection measures across this large development area to be erected prior to commencement. The key is that they are in place whilst works in that area are carried out, or where construction access may be required.

The applicant provided a couple of photos showing some arboricultural notices on string and these do not reflect the arboricultural protection measures set out in the Arboricultural Impact Assessment (July 2020). In light of this more images (77) were provided of the site. These demonstrate that where work is clearly ongoing (a minority of the images) that adequate protection measures appear to be in place. Where work is clearly complete (the majority of photos) the landscaping appears to be in good health indicative of suitable arboricultural practice having taken place during construction.

On balance, given the amount of time since development commenced and the information provided by the applicant it is considered that permission may be granted subject to a reworded condition to remove the pre-commencement requirement and retain the instructive elements in relation to arboricultural protection measures. This is a proportionate approach noting development has been on-going for over 4 years.

Other Material Considerations/Issues

There have been no technical objections or public objections to the proposed amendments. No other material considerations are evident based on the information provided beyond what has been addressed above.

Condition Agreement

This is a development that has already commenced and as such the recommendation does not include pre-commencement planning conditions. Nonetheless, in light of the applicant's request to check conditions and in the interests of seeking a decision notice free from error or unintended consequences draft conditions have been shared with the applicant and the final conditions have been agreed by the main parties.

Public Sector Equality Duty (PSED)

In reaching this decision, due regard has been had to the Public Sector Equality Duty under Section 149 of the Equality Act 2010. This requires the Local Planning Authority to have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not.

The Local Planning Authority is satisfied that the proposal would not result in any unlawful discrimination and that any impacts on protected groups have been appropriately considered as part of this assessment.

PLANNING BALANCE AND CONCLUSION

In determining this application under Section 73/A of the Town and Country Planning Act 1990, the Local Planning Authority has first considered whether the proposed amendments fall within the lawful scope of Section 73/A.

Where the proposed amendments are considered capable of being determined under Section 73/A, the Local Planning Authority must then consider whether planning permission should be granted subject to revised conditions.

In this case, the proposed changes do not alter the description of development and do not result in a fundamentally different form of development to that previously approved. Accordingly, the proposals can be determined through the Section 73/A process.

The proposed amendments have been assessed against the relevant policies of the Wiltshire Core Strategy, any applicable Neighbourhood Plan, and the National Planning Policy Framework. Consideration has also been given to whether the development, as amended, would materially alter the nature or planning impacts of the approved scheme and whether any changes in planning policy or other material considerations since the grant of the original permission affect the acceptability of the proposal.

Significant weight is afforded to the extant planning permission, which remains capable of implementation. The assessment has therefore focused on whether the proposed amendments would give rise to any material planning impacts beyond those previously considered and accepted.

In undertaking the planning balance, regard has been had to the planning merits of the development as amended. The planning balance broadly remains as per the decision on the original planning permission, with the additional consideration being that there is a fall-back position where the extant scheme could be implemented. Having weighed these

considerations in the round, and taking account of the extant planning permission as a material consideration, it is concluded that the development remains acceptable in planning terms.

RECOMMENDATION:

That Planning Permission be GRANTED subject to the following conditions:

All conditions imposed have been assessed against the tests set out in Policy DM6 of the NPPF and are considered to be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. They have also been agreed with the applicant.

Conditions:

1.

The permission hereby granted shall be for a temporary period and shall expire 40 years from the date that electricity from the development is first exported to the electricity distribution network ('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 that 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.

2.

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

- Drawing no. J115-06 Rev.F. Title. Proposed Drainage Arrangements Plan.
- Drawing title. Phase 1 Habitat Plan Rev.00 (dated 19/10/2021) by Avian Ecology.
- Drawing no. P20-0137 13A. Title. Site Location Plan.
- Drawing no. JBM-WICKFA-SD-01. Title. Typical PV Table Details.
- Drawing Title. Typical Fence, Track & CCTV Details, Rev A dated 14 May 2020.
- Drawing Title. Typical Trench Section Details, Rev A dated 14 May 2020.
- Drawing Title. Typical Inverter Substation Details, Rev A dated 14 May 2020.
- Drawing Title. Typical Spares Container Details, Rev A dated 14 May 2020.
- Drawing Title. Typical Battery Storage System Details 1, Rev A dated 14 May 2020.
- Drawing Title. Typical Battery Storage System Details 2, Rev A dated 14 May 2020.
- Drawing Title. Typical Customer Switchgear Details, Rev A dated 14 May 2020.
- Document. Noise Assessment (December 2021 / Rev.3.2) by LF Acoustics;
- Document. Landscape and Visual Statement Addendum (18th January 2021) by Pegasus.

- Document. Glint Glare Study (January 2021) by PagerPower Urban & Renewables.
 - Document. Arboricultural Impact Assessment (July 2020) by Barton Hyett Associates.
 - Document. Flood Risk Assessment (October 2021 / Issue 3.1) by PFA Consulting.
 - Document. Third Response to LLFA (October 2021) by PFA Consulting.
 - Document. Ecological Assessment Report (August 2020), including Wintering Bird Survey Report, Breeding Bird Survey Report, and Great Crested Newt Survey Report, by Avian Ecology.
 - Document. Badger Survey (July 2020) by Avian Ecology.
 - Document. Biodiversity Management Plan (July 2020) by Avian Ecology.
 - Document. Ecology Information Note (dated 31/01/21) by Avian Ecology.
 - Document. Bat Activity Survey Report (dated 08/12/20) by Avian Ecology.
 - Document. Updated Biodiversity Net Gain Calculation Spreadsheet.
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- Document. Archaeological Mitigation and Management Plan (Ref: P20-0137 17/04/2026).
 - Drawing no. P20-0137_09 Rev M. Title. Site Layout and Planting Plan.
 - Drawing no. P20-0137_19 Rev F. Title. Biodiversity Mitigation and Enhancement Plan.
 - Drawing no. P20-0137_EN_20B. Title. Landscape and Ecological Management Plan.
 - Drawing no. NI03-0001 Rev 2 Title. Typical 3P Fixed Table Ballasted.
 - Drawing no. NG03-0405 Rev 1 Title. Typical Above Ground Cabling.

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

3.

The development shall be carried out in accordance with the Surface Water Drainage Scheme details approved under discharge of condition approval LPA reference PL/2023/00556.

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

4.

The development shall be carried out throughout the construction period in accordance with the Construction Method Statement (CMS) details approved under discharge of condition approval LPA reference PL/2023/06596. The development shall not be carried out otherwise than in accordance with the approved CMS.

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

5.

The mitigation measures detailed in the approved Noise Assessment (December 2021 / Rev.3.2) by LF Acoustics shall be carried out in full prior to the first bringing into use of the development hereby permitted.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

6.

The development shall be carried out in accordance with the Construction Traffic Management Plan (CTMP) details approved under discharge of condition approval LPA reference PL/2023/06596.

All traffic travelling to and from the site shall comply with the approved strategy and the development shall be carried out in accordance with the approved details. Any departures from the agreed CTMP will need to be agreed in writing by the Local Planning Authority prior to actions or works being carried out on site.

REASON: In the interests of highway safety and to ensure that the condition of the highways is maintained, and any damage to highways be remedied.

7.

Notwithstanding the details shown within the preliminary Construction Traffic Management Plan (August 2020) by Pegasus, the first ten metres of the accesses from Westlands Lane and Folly Lane West, measured from the edge of the carriageway, shall be consolidated and surfaced (not loose stone or gravel) and maintained as such for the lifetime of the development. The access onto Westlands Lane shall have visibility splays provided between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 160m to the east and 160m to the west from the centre of the access. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

8.

The development shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) details approved under discharge of condition approval LPA reference PL/2023/06978.

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

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

9.

The development shall be carried out in accordance with the Landscape and Environmental Management Plan (LEMP) details approved under discharge of condition approval LPA reference PL/2023/08039. The LEMP shall be implemented in full in accordance with the approved details.

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

10.

The development shall be carried out in accordance with the Monitoring Strategy (focused on the key aspects of the Biodiversity Mitigation and Enhancement Plan and Biodiversity Management Plan / Landscape and Ecological Management Plan) details approved under discharge of condition approval LPA reference PL/2023/06978.

The Monitoring Strategy shall be implemented in full in accordance with the approved details for the entire operational lifetime of the installation and the 5 year aftercare plan following completion of restoration.

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

11.

No operational lighting shall be installed on site.

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

12.

The works and mitigation measures detailed in the approved Document. Archaeological Mitigation and Management Plan (Ref: P20-0137 17/04/2026) shall be carried out in full for each phase of development as identified within the document.

REASON: In order that the development is undertaken in an acceptable manner, to protect areas of the site which are of archaeological interest, and to enable the recording of any matters of archaeological interest.

13.

The development shall be carried out in accordance with:

Archaeological Mitigation and Management Plan (AMMP) Updated (Ref: P20-0137 17/04/2026); and

Written Scheme of Investigation for a Programme of Archaeological Monitoring and Recording (Ref: CR1588, Rev E) – March 2026

REASON: The ensure that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

14.

The development shall be carried out in accordance with the analysis of the geotechnical stability and foundations of the railway line that crosses the site and the land stability or slope stability risk assessment report details approved under discharge of condition approval LPA reference PL/2023/10438.

The development shall be carried out in full accordance with the recommendations and mitigation measures detailed within the approved details.

REASON: To make sure that the development does not affect the safety and continued running of the neighbouring railway.

15.

The development shall be carried out in accordance with the build details of the location, manufacturer, size and designs for the proposed batteries, and details showing the final location, construction method and flood risk impact of the cable trenches approved under discharge of condition approval LPA reference PL/2023/10889.

REASON: To ensure the development does not affect the stability of the cutting slope adjacent to the railway.

16.

All soft landscaping comprised in the approved details of landscaping, as shown on Drawing no. P20-0137_09 Rev M. Title. Site Layout and Planting Plan, shall be carried out in the first planting and seeding season following the first operation of the development or the completion of the development whichever is the sooner, or in accordance with a schedule and timetable to be agreed in writing by the Local Planning Authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

17.

The development shall be carried out in accordance with the finish and colour details of all structures, equipment, fencing and support frames for the solar panels approved under discharge of condition approval LPA reference PL/2023/10889.

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

18.

The tree protective fencing shall remain in place for the entire construction phase and until all equipment, machinery and surplus materials have been removed from the site in accordance with the details within the Arboricultural Impact Assessment (July 2020) by Barton Hyett Associates. 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 which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first 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.

Informatives:

1.

The applicant’s attention is drawn to the following advice and requirements from Network Rail to ensure the safe operation of the railway and the protection of Network Rail’s adjoining land.

SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

SOLAR PANELS

We would advise that the provision of any reflective material used in the solar collecting equipment should not interfere with the line of sight of train drivers and the potential for glare or reflection of light from the panels that may impact upon signalling must be eliminated. In the event of any complaint to the Council from Network Rail relating to Signal Sighting safety, upon notification by the local planning authority, the applicant or operator of the solar farm shall within 28 days submit for approval to the Council details of a scheme of remedial measures to address the concerns raised. Other matters that need to be taken into consideration is the distance between panels and the railway boundary; construction traffic; and any requirements for edge landscaping requested by the planning authority.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail’s land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail’s ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

2.

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 application involves an extension to the existing/creation of a new vehicle access/dropped kerb. 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.

3.

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.