

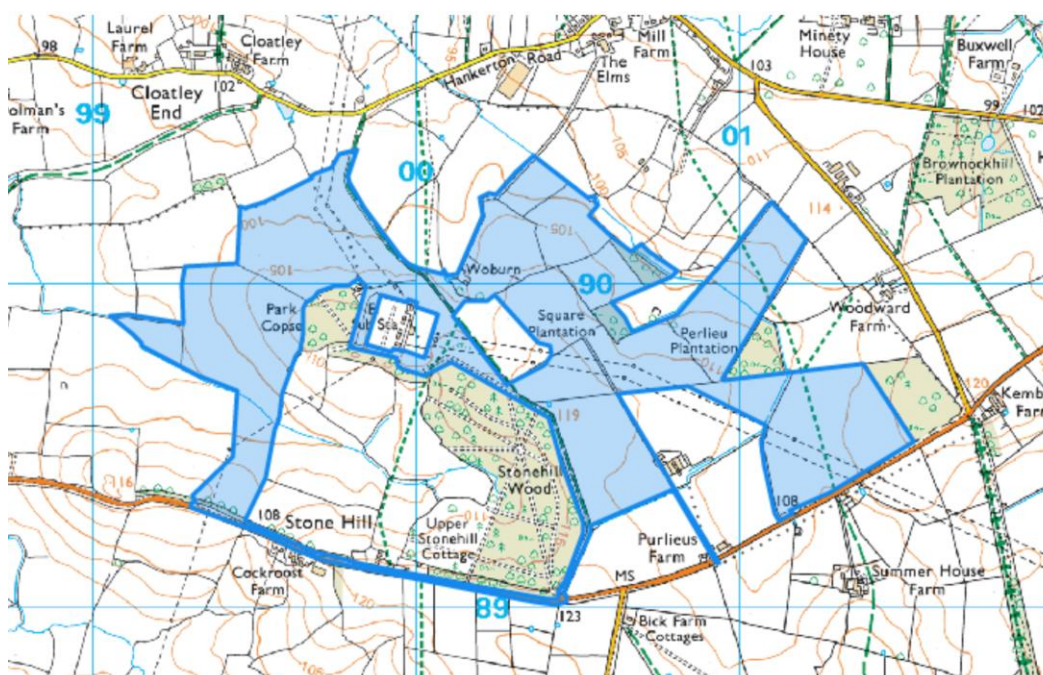
APPLICATION FOR VARIATION/REMOVAL OF CONDITION

CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/09912
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	Land near Minety Substation, Minety, SN16 9DX
DEVELOPMENT DESCRIPTION:	Variation of Conditions 3, 4, 5, 6, 7, 9, 12, 16, 17, 21 and 22 of Planning Permission PL/2024/07438 - (To vary the wording of these conditions)
RECOMMENDATION:	Approved with Conditions

SITE DESCRIPTION/CONTEXT

The application site extends to approximately 110 hectares and comprises agricultural land located to the north of the B4040 near Minety, Wiltshire. The site is split into two landholdings situated either side of the existing National Grid Minety Substation, which provides the grid connection for the approved renewable energy development. The land comprises a collection of medium-sized fields enclosed by mature hedgerows, individual trees, tree belts and areas of woodland, creating a well-defined field pattern characteristic of the local landscape. Access to the site is provided via a 1.1km private access road serving the substation from the B4040, together with existing access points located to the south-west and south-east of the site.



Application site – shaded blue

The surrounding area is predominantly rural in character and comprises agricultural land interspersed with woodland blocks, hedgerows, scattered farmsteads and energy infrastructure associated with the existing Minety Substation. The site includes three public rights of way, namely footpaths HANK11 and HANK12 and bridleway HANK15/CHAR9, which pass through or adjacent to the site.

Site Constraints

The majority of the site lies within Flood Zone 1, although updated Environment Agency mapping identifies limited areas within Flood Zones 2 and 3 associated with watercourses crossing the site. The site contains hedgerows, trees and grassland habitats of ecological value and lies adjacent to a number of designated ecological assets. Stonehill Wood and Park Copse, both designated as County Wildlife Sites and Ancient Woodland, adjoin parts of the site, whilst Cloatley Farm SSSI and Emmett Hill Meadows SSSI lie immediately to the north and north-east respectively. The site is also located within an area known to support a range of protected species, including bats.

The site is not located within a National Landscape (formerly AONB) and is not subject to any national landscape designation. Whilst there are no heritage assets within the application site itself, the site lies within an area of archaeological potential and designated heritage assets are present nearby, including the Grade II listed Milestone on Minety Road and the Grade II listed buildings at Dolman's Farmhouse and Cloatley End Farm.

PROPOSAL

This report considers a Section 73 application for the variation of condition(s) imposed on planning permission PL/2024/07438. The application relates to the site at Land near Minety Substation, Minety, SN16 9DX, and seeks to vary condition(s) 3, 4, 5, 6, 7, 9, 12, 16, 17, 21 and 22 in relation to vary the conditions to facilitate the following.

Increase in Battery/Inverter Compounds

- From 11 to 13 hybrid inverter/battery compounds
- Change layout from linear to square configuration

Construction Compounds

- Enlarge western compound
- Relocate eastern compound to Field 15
- Introduce two additional temporary compounds (east of Field 2 and east of Field 15)
- Temporary diversion of Public Right of Way (Hank 12) around compound

Access and Internal Tracks

- Realign access track north of Field 1 to run adjacent to Fields 2 and 3
- Add turning heads for construction vehicles
- Remove existing concrete track and replace with solar panels

Panel Layout Adjustments

- Minor micro-siting of panels and fencing
- Adjust southern boundary of Field 7 to maintain buffer to adjacent SSSI

Cable Installation

- Install a cable link between Fields 3 and 4 in a narrow strip

Landscape Changes

- Remove a small section of approved planting (blue hatched area) due to National Grid substation expansion
- Update Landscape Masterplan and BNG calculations

Operational and Construction Hours

- Amend delivery hours from 10:00–16:00 to 08:00–16:00 (Mon–Fri)



RELEVANT PLANNING HISTORY

The site has been subject to a number of applications; the following are the most relevant to the determination of this application:

Planning permission was originally granted under application reference 20/03528/FUL on 7 April 2022 for the installation of a renewable-led energy scheme comprising ground-mounted photovoltaic solar arrays, battery energy storage containers, transformer stations, access arrangements, internal access tracks, landscaping, security fencing and associated ancillary infrastructure. The approved development has a maximum generating capacity of 50MW together with battery energy storage infrastructure and a temporary operational lifespan of 40 years. The application was supported by an Environmental Statement and was approved by the Strategic Planning Committee.

Subsequently, planning permission PL/2023/03501 was granted by Northern Area Planning Committee on 9 April 2024 under Section 73 of the Town and Country Planning Act 1990. This permission approved amendments to the approved layout, including an increase from 12 battery units and 16 localised inverters to 22 battery units and 19 containerised inverters, revisions to the drainage strategy, amendments to construction access arrangements and associated updates to landscaping and noise mitigation measures. The Council concluded that the amendments would not give rise to any significant environmental effects beyond those previously assessed through the Environmental Statement.

A further Section 73 permission, PL/2024/07438, was granted under delegated powers on 5 December 2024. This approval related to the relocation of the south-eastern construction access approximately seven metres to the east to avoid an existing drainage feature, together with associated updates to the approved plans, arboricultural information, access drawings and landscaping details. The Council concluded that the changes would not materially alter the approved development and would not result in any additional significant environmental effects.

Following the grant of planning permission PL/2024/07438, construction of the approved western access was undertaken between 9 and 19 December 2024. A Certificate of Lawfulness for the commencement of development was subsequently granted under application PL/2025/02033 on 14 May 2025, confirming that a material start had occurred in accordance with Section 56 of the Town and Country Planning Act 1990 and that planning permission PL/2024/07438 had been lawfully implemented. Accordingly, the permission remains extant.

PL/2025/02033, Commencement of Development (installation of western access) Pursuant to Planning Permission PL/2024/07438 Granted 14/05/2025

PL/2024/07438 Variation of Condition 3 'Approved Plans', Condition 6 'Transport', Condition 7 'Visibility Splays', Condition 16 Tree Protection Measures' and Condition 17 'Landscape Masterplan' of planning permission PL/2023/03501 in order to avoid a drain hole near the access. Approve with Conditions 05/12/2024

PL/2024/05563, Variation of condition 21 of PL/2023/03501 to reduce the number of fit noise reduction kits to be installed. Approved with conditions.

PL/2024/06741 Discharge of conditions 9 (EMEP), 10 (CEMP), 12 (LEMP) and 13 (EMP) relating to application PL/2023/03501. These conditions are discharged.

PL/2024/05985 Discharge condition 5 (CTMP) of planning application PL/2023/03501. This condition is discharged.

PL/2023/03501, Variation of conditions was granted on the 09 April 2024 for the Variation of condition 3, 4, 5, 6, 7, 11 & 20 of 20/03528/FUL -To allow modifications to the approved layout, increase from 12 battery units with 16 localised inverters to 22 battery units and 19 containerised inverters, alterations to location of vehicular access. This application was discussed at the Northern Area Planning Committee in February 2024, and it was resolved that planning permission be granted subject to the conditions include an additional condition to place noise reduction kits on all inverters for ecological protection.

Application reference PL/2022/07101 is also relevant to the assessment of the current proposal. It was for the discharge of conditions 4,5 and 6 of planning permission 20/03528/FUL (Installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays and battery based electricity storage containers together with transformer stations; access; internal access track; landscaping; security fencing; security measures; access gate; and ancillary infrastructure).

The application was approved 20 October 2022 and related to the following matters:-

Condition 4 - infiltration testing and soakaway design

Condition 5 - drainage arrangements during the construction phase

Condition 6 - scheme for the discharge of surface water

20/07390/FUL - Installation of a battery storage facility and ancillary development on land adjacent to National Grid's Minety Substation. Approved subject to conditions – 25 January 2021 (Relates to adjoining land)

20/01791/SCR – Request for a Screening Opinion, under Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), for the provision of a 49.9MW solar farm occupying c. 74 ha of land adjacent to Minety Substation, Wiltshire, SN16 9DX. Application withdrawn – 4 May 2020.

Other Relevant

PL/2021/04151 – Construction of a 2 hour duration containerised Battery Storage Facility with the ability to store and export up to 49.99 MW of electricity. The development will comprise 58 single storey steel cabins, known as E - Houses which are 12m long, 2.4m wide and 2.9m high, which house banks of lithium-ion batteries. 12 MV Blocks, also known as the transformers and control gear sit alongside E - Houses. The compound is protected with a 2.5 m high steel mesh fence. The proposed development would replace the approved Minety North substation (Minety North,

17/03936/FUL). Approved subject to conditions – 4 November 2021

PL/2021/09101 – Variation of conditions 2 and 10 for application 17/03941/FUL – Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track. Awaiting determination

19/11460/FUL – Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV and landscaping. Approved subject to conditions – 6 February 2020

18/04718/FUL – Energy Storage System, Comprising Battery Storage Containers, Ancillary Buildings, Security Fencing, CCTV and Landscaping. Approved subject to conditions – 19 July 2018

17/05526/FUL – Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV, landscaping and substation. Approved subject to conditions – 21 September 2017

17/03941/FUL – Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track. Approved subject to conditions – 19 July 2017

17/03936/FUL – Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track. Approved subject to conditions – 20 July 2017

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 13 Spatial Strategy Malmesbury 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 55 Air Quality;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 67 Flood Risk;

North Wiltshire Local Plan 2011 (Saved Policies)

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

At Full Council on 19 May 2026, the elected members of Wiltshire Council agreed to withdraw the emerging Wiltshire Local Plan. The said Plan has no material weight for the purposes of the application.

In accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2026, on 30th June 2026 Wiltshire Council published a notice of intention to prepare a new local plan for Wiltshire. The next stage is a Scoping Consultation which commences on 2nd September 2026. This plan is at a very early stage and carries no weight for decision-making.

Planning Practice Guidance

Renewable and Low Carbon Energy (published 18 June 2015 / updated 14 August 2023).

Government policy for delivery of major energy infrastructure: (Amended January 2026)

Overarching National Policy Statement for Energy (EN-1)

National Policy Statement for Renewable Energy Infrastructure (EN-3)

National Policy Statement for the Electricity Networks Infrastructure (EN-5)

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

WC Landscape: No Objection

WC Public Rights of Way: Comments

The applicant has noted that HANK12 will need to be closed temporarily during construction. We require 12 weeks' notice to process the closure application. Please email rightsofway@wiltshire.gov.uk for an application form. Please apply promptly and allow 12 weeks before the closure is required.

WC Ecology: No Objection Subject to Condition

Initial concerns relating to the Ecological Mitigation and Enhancement Plan, including badger, dormouse, great crested newt, watercourse and tree protection measures, were resolved through the submission of revised ecological information. The Ecologist is satisfied that the proposed amendments would not result in significant additional ecological impacts and recommends a condition requiring compliance with the Ecological Mitigation & Enhancement Plan Rev 00 (Avian Ecology, 26/06/2026).

WC Public Protection: No objection subject to conditions

Public Protection officer comments that the proposals for attenuation and the noise levels at receptors in the noise assessment by ION Acoustics, dated May 2025, are acceptable. Conditions 21 and 22 proposed in the Pegasus Group letter are suitable to replace previous conditions relating to noise from the development.

WC Highways: No Objection

The Highway Officer considered the proposed amendment to the approved Construction Traffic Management Plan, including the extension of delivery hours from 10:00-16:00 to 08:00-16:00. Additional justification was provided by the applicant, citing logistical and operational requirements associated with deliveries from Europe. The officer notes that the surrounding B-road network already accommodates HGV traffic and that delivery numbers would remain relatively low, averaging 3-4 deliveries per day. Subject to larger vehicle movements being managed to avoid peak periods where practicable, it is concluded that the proposal would not result in a severe impact on the highway network and no highway objection is raised.

WC Arboriculture: No Objection

Following receipt of the Revised Arboricultural Impact Assessment dated September 2025, no objection is raised.

WC Drainage:

Having reviewed the Flood Risk Technical Note and proposed amendments to Conditions 3 and 4, the Lead Local Flood Authority raises no objection to the inclusion of the revised plans and updated drainage documentation within the approved development.

Charlton Parish/Town Council: Object for the following reason

Objection to the proposed amendment to delivery hours only. The Parish Council considers that extending delivery hours from 10:00-16:00 to 08:00-16:00 conflicts with the Construction Traffic Management Plan's stated aim of avoiding weekday peak traffic periods. Concern is raised that large construction vehicles and cranes travelling through Charlton village, particularly at the sharp bends on the B4040, would cause delays and disruption during the morning peak period. The Parish Council therefore requests that deliveries continue to commence from 10:00.

Hankerton Parish/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;
- A site notice displayed near the site;
- 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.

Material Planning Objections

- Increased noise from construction traffic
- Enlargement and intensification of the approved development

Supporting Comments

- Existing mitigation measures have been proposed to address noise impacts.
- Desire to retain the existing mitigating conditions already imposed on the development.

- Suggestions that approval could help rebuild trust within the community.

Non-Material Considerations

- General opposition to the solar farm/battery storage development.
- References to community animosity towards the developer and Local Planning Authority.
- Request for a contractual compensation scheme (£10,000 per annum) for nearby residents if noise limits are exceeded.
- Request that ownership of the site be transferred to the Local Authority in the event of a battery or inverter fire.

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.

Environmental Impact Assessment

The original planning permission (20/03528/FUL) was accompanied by an Environmental Statement (ES) and associated Supplementary Environmental Information. Accordingly, it is necessary to consider whether the amendments proposed through this Section 73 application give rise to any new or materially different likely significant environmental effects. Schedule 2, Paragraph 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 relates to changes or extensions to development already authorised where the amended development may have significant adverse effects on the environment.

In support of the application, the applicant has submitted an EIA Compliance Statement (November 2025). The statement assesses the proposed amendments, including the increase in hybrid battery/inverter compounds from 11 to 13, revisions to construction compounds, alterations to internal access tracks, panel micro siting, installation of an additional cable link, amendments to approved landscaping and changes to construction delivery arrangements. The statement concludes that the proposals comprise internal design refinements within the approved site boundary and do not alter the fundamental parameters of the development previously assessed through the ES.

The findings of the EIA Compliance Statement are supported by the accompanying technical submissions relating to the Site Layout, Battery Station Layout, drainage, highways, ecology, arboriculture, landscaping and noise, all of which have been reviewed as part of this application. The Local Planning Authority has considered the submitted technical evidence and consultation responses in relation to each environmental topic and notes that no technical

objections have been raised by the relevant consultees. Having undertaken its own assessment of the proposed amendments, the Local Planning Authority concludes that the development remains within the scope of the original Environmental Statement and that no updated Environmental Statement or further assessment in this context is required.

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

The proposed amendments have been reviewed and are considered to fall within the scope of Section 73 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 and can be determined as a variation of condition(s) attached to the original planning permission.

The proposed development represents a further amendment to a renewable energy scheme that already benefits from planning permission under reference PL/2024/07438, itself a Section 73 permission varying earlier consents granted under PL/2023/03501 and 20/03528/FUL. The principle of a solar farm and battery energy storage facility at this location has therefore been firmly established through a series of planning permissions, and the current application seeks only to vary a number of conditions to facilitate relatively minor amendments to the approved layout, construction arrangements, landscaping, ecology, drainage and noise documentation.

The current application seeks amendments to the approved layout and associated technical documents, including revisions to the battery and inverter compounds, construction compounds, internal access arrangements, landscaping, ecological mitigation and construction delivery hours. Having regard to the development approved under planning permissions 20/03528/FUL, PL/2023/03501 and PL/2024/07438, it is considered that the proposed changes represent further refinements to the approved scheme and do not alter the overall site extent, generating capacity, operational lifespan or the nature of the development as a solar farm and battery energy storage facility.

The application does not seek to alter the description of development, the overall purpose of the scheme, or the operational parameters of the approved renewable energy development. Accordingly, the principle of development does not fall for reconsideration through this Section 73 application. The key issue is whether the proposed amendments remain acceptable in planning terms having regard to their effects on matters including landscape, ecology, trees, drainage, highway impacts, residential amenity and noise.

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

Since the grant of planning permission PL/2024/07438, consideration has been given to

- changes in development plan policy;
- updates to national policy;
- changes to site circumstances;
- updated technical evidence;

- consultation responses;
- ***Changes in development plan policy? Is the proposal compliant with the development plan?***

The proposed development modifies a renewable energy scheme that already benefits from planning permission under references 20/03528/FUL, PL/2023/03501 and PL/2024/07438. The principle of a solar farm and battery energy storage facility at this location has therefore been firmly established and does not require reconsideration through this Section 73 application.

Since the grant of planning permission PL/2024/07438, there have been no changes to the adopted Development Plan that would materially alter the assessment of the proposal. Although Full Council withdrew the emerging Wiltshire Local Plan on 19 May 2026 and a new Local Plan process commenced on 30 June 2026, neither document carries weight in determining this application. Consequently, the proposal falls to be assessed against the adopted Wiltshire Core Strategy and other material considerations.

The principle of the development therefore remains acceptable. The key consideration is whether the proposed amendments to the approved plans and supporting technical documents give rise to any unacceptable impacts in respect of matters including highways, ecology, trees, drainage, landscape, noise and residential amenity, which have been detailed, assessed and determined below.

As a standalone renewable energy installation, the development continues to accord with Core Policy 41. The proposed increase in hybrid inverter and battery compounds from 11 to 13, together with the associated layout amendments, does not alter the approved generating capacity, operational lifespan, or overall renewable energy function of the development. The amendments therefore continue to support the objectives of Core Policies 41 and 42, which seek to promote renewable and low-carbon energy generation whilst ensuring environmental effects are appropriately addressed. The submitted EIA Compliance Statement and technical assessments conclude that the revised infrastructure can be accommodated within the site without giving rise to any significant additional environmental effects beyond those previously assessed and approved.

Updated ecological information supports the proposed revisions to the battery compounds, access tracks, construction compounds, cable route, and panel layout, including revised Ecological Mitigation and Enhancement Plan and Landscape and Ecological Management Plan documents. Following review of the updated information, the Council's Ecologist raises no objection and is satisfied that the amended scheme would continue to provide appropriate protection for designated sites, habitats and protected species. The proposal therefore remains compliant with Core Policy 50, which seeks to protect, conserve and enhance biodiversity whilst avoiding adverse effects on ecological networks and designated sites.

The amended layout has also been assessed in landscape and arboricultural terms. Although a small section of previously approved planting is proposed for removal as a consequence of the separate National Grid substation expansion, the revised Landscape Masterplan continues to secure substantial landscape mitigation through tree planting, hedgerow

reinforcement, habitat creation, and long-term management measures. Furthermore, no significant tree loss is proposed and existing protection measures remain in place. The Council's Landscape and Arboricultural Officers raise no objection. Consequently, the proposal continues to accord with Core Policy 51, which seeks to protect and enhance landscape character, together with Core Policy 57 which requires development to respond positively to its landscape setting and maintain local character. Saved Policies NE12 and NE14 of the North Wiltshire Local Plan also continue to be satisfied through the retention and protection of woodland, trees and hedgerows.

The proposed amendments to the Construction Traffic Management Plan, access arrangements and visibility splays, including the extension of delivery hours from 10:00-16:00 to 08:00-16:00 Monday to Friday, have been reviewed by the Highway Authority. The Authority concludes that traffic levels would remain relatively low and that the proposals would not result in a severe impact on the transport network. The application also includes the temporary diversion of Public Footpath HANK12 around a temporary construction compound during the construction phase. Wiltshire Council's Public Rights of Way Officer raises no objection to the proposed arrangements and advises that the temporary closure of HANK12 will require a separate application process, required to secure the necessary temporary closure order. Whilst concerns have been raised by Charlton Parish Council regarding the proposed delivery hours, no technical highway or public rights of way objection has been received. As such, the amended development continues to comply with Core Policies 60, 61 and 62, which seek to ensure development promotes sustainable transport, is satisfactorily served by the highway network and does not result in unacceptable impacts on highway safety, network capacity or accessibility. The temporary diversion of HANK12 would be controlled through separate statutory procedures and would not result in the permanent loss or obstruction of the public rights of way network.

The updated drainage information submitted in support of the application confirms that the amended layout, additional battery compounds, revised access tracks and construction compounds would not materially alter the approved drainage strategy or increase flood risk. The submitted Flood Risk Technical Note demonstrates that the development can continue to accommodate runoff within the approved drainage system, including allowance for climate change. The Lead Local Flood Authority raises no objection. The proposal therefore remains compliant with Core Policy 67, which seeks to ensure development is appropriately drained and does not increase flood risk elsewhere.

In terms of residential amenity, the increase in battery compounds and amended layout have been assessed through an updated Noise Assessment. The assessment demonstrates that operational noise levels would remain within the approved limits at surrounding receptors and that the proposed attenuation measures would maintain an acceptable acoustic environment. The Council's Public Protection Officer raises no objection to the revised wording of the noise conditions. The proposal therefore continues to accord with Core Policy 57 and saved Policy NE18 of the North Wiltshire Local Plan, which seek to ensure that development does not give rise to unacceptable impacts on residential amenity from noise or other forms of pollution.

Taking all of the above into account, the proposed amendments represent refinements to the approved development rather than a materially different form of development. No conflict has been identified with the adopted development plan and the scheme continues to accord with

Core Policies 13, 41, 42, 50, 51, 55, 57, 60, 61, 62 and 67 of the Wiltshire Core Strategy together with saved Policies NE12, NE14 and NE18 of the North Wiltshire Local Plan. Accordingly, notwithstanding the proposed amendments, the development remains policy compliant, and there have been no changes in development plan policy which would warrant a different planning conclusion to that previously reached under planning permission PL/2024/07438.

- ***Updates to national policy: Is the proposal compliant with National Policy?***

Since the grant of planning permission PL/2024/07438, a revised National Planning Policy Framework was published on 17 August 2026, replacing the December 2024 version and introducing a new decision-making framework, including policies S3 to S5 relating to the principle of development within and outside settlements.

The revised NPPF continues to support the delivery of renewable and low-carbon energy infrastructure as part of the transition to a low-carbon economy and places significant weight on the contribution that such development makes towards energy security, climate change mitigation and sustainable development objectives. The proposed amendments would not prejudice the approved development's ability to deliver those benefits and therefore do not conflict with the overall objectives of national policy.

The introduction of Policies S3, S4 and S5 does not materially alter the planning balance in this case. Whilst the site lies outside a defined settlement, the application does not seek to establish a new principle of development within the countryside. Furthermore, the proposal relates to infrastructure which is necessarily located in a rural area and remains associated with the existing National Grid substation and approved renewable energy scheme. The amendments do not expand the red line boundary, alter the approved use of the land, or result in a materially different form of development. Consequently, the proposal remains consistent with the objectives of Policy S5 relating to development outside settlements and does not conflict with the revised decision-making framework.

In addition, the revised Framework continues to require development proposals to protect and enhance the natural environment, conserve landscape character, minimise flood risk, provide safe and suitable access arrangements, and protect the amenity of existing and future occupiers. These matters have been assessed through updated ecological, landscape, arboricultural, drainage, highways and noise evidence. The Council's specialist consultees, including Ecology, Landscape, Arboriculture, Drainage, Highways and Public Protection, have raised no objections. The Council's Public Rights of Way Officer has also considered the temporary diversion of Public Footpath HANK12 during construction and raises no objection, provided the diversion is addressed through the separate temporary closure process. Accordingly, there is no evidence that the proposed amendments would conflict with the environmental, transport or amenity objectives of the revised Framework.

Having regard to the revised National Planning Policy Framework as a whole, it is deemed that the proposed amendments remain consistent with national policy. The proposal continues to represent acceptable amendments to an approved renewable energy development, and no changes in national planning policy warrant a different conclusion from that previously reached under planning permission PL/2024/07438.

- ***Other changes to consider, including updated technical evidence? Would the proposal still be compliant?***

In respect of changes to site circumstances, updated technical evidence, and consultation responses, these have been assessed below through the assessment of conditions.

Assessment of Conditions Subject of this Section 73

Drainage and Flood Risk: Condition 4

Condition 4 requires the development to be carried out in accordance with the approved surface water drainage strategy, comprising the Drainage Technical Note (v2, dated 16 March 2023), Flood Risk Assessment (v5, dated August 2020) and FRA Addendum (v2, dated August 2020). The applicant seeks to amend the condition to include Flood Risk Technical Note 001 (dated 23 May 2025) within the suite of approved drainage documents.

The submitted Flood Risk Technical Note considers the drainage and flood risk implications of the amendments proposed under this application, including the increase in hybrid inverter/battery compounds, changes to construction compounds, revisions to access tracks, the micro-siting of panels and fencing, and the installation of an additional cable route. The assessment concludes that these amendments would not materially alter the approved drainage strategy or increase flood risk. In particular, the increase from 11 to 13 hybrid inverter/battery compounds would be accommodated within the proposed drainage design, with the gravel bases providing sufficient attenuation and storage capacity for runoff during a 1 in 100-year storm event, including an allowance for climate change.

The Technical Note also reviews updated Environment Agency Flood Zone mapping, which identifies limited areas of the site within Flood Zones 2 and 3. No water-sensitive equipment is proposed within these areas and any flooding is expected to be localised and shallow in nature. The assessment concludes that the updated mapping does not change the findings of the approved Flood Risk Assessment and does not require any additional mitigation. Updated surface water flood mapping similarly confirms that the battery and inverter compounds remain outside areas at risk of surface water flooding and that the amended scheme would not adversely affect the site's drainage performance.

The Lead Local Flood Authority has reviewed the submitted information and raises no objection to the proposed amendment. The revised condition would simply incorporate the updated Flood Risk Technical Note within the approved drainage documentation, while the wider drainage strategy remains unchanged. Having regard to the submitted evidence and the consultation response received, the proposed amendment to Condition 4 is considered acceptable and compliant with Core Policy 67 of the Wiltshire Core Strategy.

Highways & Construction Traffic: Conditions 5, 6 and 7

Conditions 5, 6 and 7 of planning permission PL/2024/07438 relate to the approved Construction Traffic Management Plan (CTMP), the construction of the western and eastern access points, and the provision and retention of visibility splays. The applicant seeks to

amend these conditions to reference the revised CTMP (Revision C, September 2025) and associated access drawings submitted in support of this application.

The most notable change relates to the proposed delivery hours, which would increase from 10:00-16:00 Monday to Friday to 08:00-16:00 Monday to Friday. The revised CTMP also reflects changes to the approved construction compounds, the removal of the previously proposed use of the National Grid Substation access, and various updates to the approved access arrangements.

The revised CTMP confirms that construction traffic would continue to use the approved western and eastern access points from the B4040, with traffic routed via the A429 and B4040. The document also confirms that contractor parking will be accommodated within the site, construction compounds will be provided on-site, delivery management procedures will be implemented throughout the construction period, and banksmen will be used where necessary to manage vehicle movements. Traffic levels are expected to remain relatively low, averaging approximately three to four deliveries per day, equivalent to around six to eight two-way HGV movements.

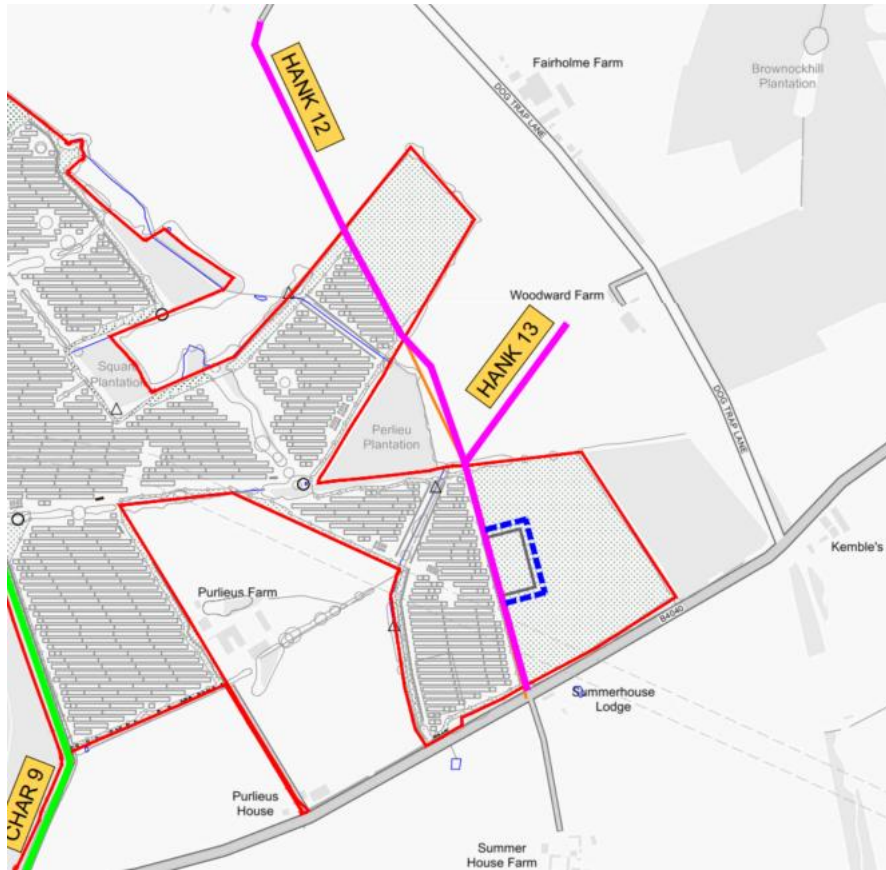
The Highway Officer has reviewed the proposed amendments, including the extension of delivery hours. In support of the amendment, the applicant explains that additional flexibility is required to accommodate deliveries arriving from Europe and to reduce the need for overnight stops. Whilst the Highway Officer advises that larger vehicles should avoid peak traffic periods where practicable, it is noted that the B4040 already accommodates HGV traffic and that the anticipated level of construction traffic would remain relatively modest. Accordingly, no highway objection is raised.

The concerns raised by Charlton Parish Council regarding the earlier delivery start time have been carefully considered. Whilst there is potential for a limited number of construction vehicles to travel during the morning peak period, significant weight is attached to the advice of the Local Highway Authority as the Council's specialist technical consultee. In this instance, there is no substantive evidence to demonstrate that the anticipated level of HGV movements would give rise to severe highway impacts or unacceptable highway safety concerns.

Having regard to the submitted CTMP, the consultation responses received and the limited scale of the proposed traffic movements, it is considered that the amendments would not materially alter the approved access strategy or result in unacceptable impacts on the local highway network. The revised conditions remain necessary to ensure that construction traffic, access arrangements and visibility splays are provided and maintained in the interests of highway safety. The proposed wording is considered to satisfy the six tests for planning conditions, being necessary, relevant, enforceable, precise and reasonable.

PRoW Diversion

The proposed amendments include a temporary diversion of Public Footpath HANK12 around a temporary construction compound located to the east of Field 15. The submitted information confirms that any diversion would be required only during the development's construction phase. Fig 2.2 of the CTMP sets out the diversion route.



The applicant advises that the temporary diversion would be implemented through a Temporary Traffic Regulation Order (TTRO). TTROs are made by the Highway Authority under Section 14 of the Road Traffic Regulation Act 1984 and are subject to a separate statutory process outside the planning system. As part of that process, the suitability of the temporary diversion route and associated arrangements would be considered by the relevant authority.

No objection has been raised by the Highway Authority in respect of the proposed diversion. The Council's Public Rights of Way Officer has acknowledged that the applicant is that *HANK12* will need to be closed temporarily during construction and that PRoW will require 12 weeks' notice to process the closure application. The existing informatives attached to the original permission relating to the protection and maintenance of public rights of way during the construction phase would continue to apply to the approved development. As the temporary diversion would be subject to a separate TTRO process and associated statutory controls, it is not considered necessary or reasonable to impose any additional planning conditions or informatives in relation to the diversion. Subject to the above, the revised diversion route is not considered to give rise to unacceptable planning impacts.

Ecology: Conditions 9 and 12

Condition 9 currently requires the development to be carried out in accordance with the approved Ecological Mitigation and Enhancement Plan (EMEP) dated 17 July 2024, whilst Condition 12 requires the development to be undertaken and managed in accordance with the approved Landscape and Ecological Management Plan (LEMP) dated 10 July 2024. The

applicant seeks to update both conditions to reflect revised ecological information submitted in support of the amended layout.

The revised EMEP and LEMP have been prepared to account for the changes proposed under this Section 73 application. The updated documents incorporate revised ecological survey information, habitat management measures, biodiversity enhancement proposals and ecological protection buffers associated with the amended scheme. The accompanying Ecology Technical Note concludes that the proposed amendments would not give rise to any significant additional effects on designated sites, habitats or protected species, and that the conclusions of the original Environmental Statement remain valid. The updated biodiversity metric also demonstrates that the development would continue to deliver significant biodiversity gains.

The Council Ecologist reviewed the submitted information and initially sought clarification on a number of matters, including impacts on badgers, dormice, great crested newts, watercourses and tree protection measures. Following the submission of additional information, the Ecologist confirmed that these matters had been satisfactorily addressed and raises no objection to the proposal, subject to compliance with the revised Ecological Mitigation and Enhancement Plan.

Having regard to the submitted ecological information and the consultation response received, it is considered that the proposed amendments would not result in any unacceptable ecological impacts. The revised conditions remain necessary to secure the ecological mitigation, enhancement and long-term habitat management measures associated with the development and provide a clear and enforceable mechanism for their delivery. The proposed amendments to Conditions 9 and 12 are therefore considered acceptable and continue to accord with Core Policy 50 of the Wiltshire Core Strategy and the biodiversity objectives of the NPPF.

Arboriculture & Landscaping: Conditions 16, 17 and condition 3

Conditions 16 and 17 secure the approved tree protection measures and landscaping scheme. The applicant seeks to update these conditions to reference revised arboricultural and landscape documents submitted in support of the amended layout.

Conditions 16 and 17 secure the approved tree protection measures and landscaping scheme. The applicant seeks to update these conditions to reflect revised arboricultural and landscape documents submitted in support of the amended layout.

The revised Arboricultural Impact Assessment (Revision E, September 2025) has been prepared to reflect the proposed changes to the layout, construction compounds, access arrangements and cable routing. The assessment confirms that no significant trees would be lost as a result of the amendments and that important trees, hedgerows and other landscape features can be retained. Existing protection measures, including root protection areas and buffers to veteran trees and ancient woodland, would remain in place throughout the development. The Council's Arboricultural Officer has reviewed the submitted information and raises no objection to the proposed amendments.

The revised Landscape Masterplan and Detailed Planting Plan update the approved landscaping scheme to reflect the amended layout and the removal of a small area of land associated with the separate National Grid substation expansion project. The amendments include an increase in hybrid battery/inverter compounds from 11 to 13, changes to the compound layout, revisions to construction compounds and internal access tracks, and minor panel micro-siting. However, the development remains within the approved site boundary and there would be no change to its generating capacity, operational lifespan or overall nature.

The revised landscaping proposals continue to provide substantial mitigation and enhancement measures, including new tree and hedgerow planting, species-rich grassland creation and habitat enhancements. The submitted EIA Compliance Statement concludes that the amended scheme would not result in materially different landscape or visual effects from those previously assessed and that the overall visual envelope of the development would remain largely unchanged.

Having regard to the scale and nature of the proposed amendments, it is considered that the revised arboricultural and landscape proposals would not give rise to any unacceptable impacts on trees, landscape character, green infrastructure or biodiversity. The proposals therefore remain consistent with Core Policies 50, 51 and 57 of the Wiltshire Core Strategy and the relevant provisions of the NPPF.

Accordingly, the amendments to Conditions 16 and 17 are considered acceptable. The revised conditions ensure that the approved tree protection and landscape mitigation measures remain aligned with the amended development proposed under Condition 3. They continue to provide an appropriate and enforceable mechanism for protecting existing landscape features and securing the long-term delivery of the approved landscaping scheme. The conditions are considered necessary, relevant, enforceable, precise and reasonable and therefore continue to satisfy the six tests for planning conditions.

Noise & Residential Amenity: Conditions 21 and 22

The applicant has submitted an updated Noise Assessment (ION Acoustics Report A1579 R03, dated 19 May 2025) to assess the noise implications of the proposed amendments, including the increase in hybrid battery/inverter compounds from 11 to 13 and the associated layout changes. The assessment follows the same methodology used for the approved scheme and considers operational noise impacts at the same residential receptors assessed under the extant permission.

The assessment specifically considers the potential noise effects arising from the increase in battery/inverter compounds and the revised layout. It concludes that, whilst the number of compounds would increase, the proposed attenuation measures and revised arrangement of equipment would ensure that operational noise levels remain within the approved limits at all third-party residential receptors. Whilst a marginal exceedance of 1dB is predicted at Purlieus Farm (AL01), the report notes that this property is associated with the development and that the predicted operational noise levels would remain significantly below the existing ambient noise environment. Overall, the assessment concludes that the operational noise impacts of the amended scheme would remain low and that the increase in battery/inverter compounds would not give rise to unacceptable additional noise effects.

The Council's Public Protection Officer has reviewed the Noise Assessment and raises no objection. The Officer is satisfied that the proposed attenuation measures and predicted noise levels are acceptable and confirms that the revised wording of Conditions 21 and 22 provides an appropriate mechanism for securing compliance with the approved noise limits. Significant weight is attached to this specialist advice.

Representations have also raised concerns regarding noise associated with construction traffic and delivery vehicles, particularly in relation to the proposed extension of delivery hours. However, these are temporary construction impacts and are addressed separately through the Construction Traffic Management Plan secured by Condition 5. The Highway Authority has reviewed the proposed arrangements and raises no objection.

Having regard to the findings of the updated Noise Assessment, the increase in battery/inverter compounds from 11 to 13, the consultation response from the Public Protection Officer and the mitigation measures proposed, it is considered that the amended development would not give rise to unacceptable impacts on residential amenity. The revised conditions continue to secure appropriate mitigation, maintain the approved noise limits and require post-installation verification to demonstrate compliance. Accordingly, the amendments to Conditions 21 and 22 are considered acceptable and remain consistent with Core Policy 57 of the Wiltshire Core Strategy, saved Policy NE18 of the North Wiltshire Local Plan and the environmental living conditions and amenity objectives of the NPPF.

Approved Plans: Condition 3

Condition 3 is the principal condition controlling the form and layout of the approved development. The proposed revisions update the schedule of approved plans and documents to reflect the amendments assessed through this application, including the revised Minety Solar Farm Layout Plan Rev 08.1, updated drainage information, revised CTMP, ecological mitigation, landscape proposals, arboricultural information and noise assessment. For the reasons set out elsewhere in this report, the proposed amendments have been found acceptable in respect of highways, drainage, ecology, landscape, arboriculture and residential amenity. It is therefore appropriate to amend Condition 3 to reference the updated drawings and technical documents which collectively define the revised development. The amended condition is considered necessary, relevant, enforceable, precise and reasonable and continues to satisfy the six tests for planning conditions.

Assessment of all other Conditions

Commencement of Development - Condition 1

Condition 1 is no longer required. A Certificate of Lawfulness granted under application PL/2025/02033 confirmed that a material start had been made through the construction of the approved western access and that planning permission PL/2024/07438 had therefore been lawfully implemented. In accordance with PPG and paragraph 56 of the NPPF, conditions should only be imposed where necessary. As development has lawfully commenced, a condition requiring commencement within a specified period no longer serves any planning

purpose and fails the necessity test. As such, the condition should be removed. The remaining conditions will be renumbered accordingly.

Temporary Permission - Condition 2

Condition 2 remains necessary and should be retained. The temporary 40-year lifespan and requirement to decommission and restore the site formed an important part of the original planning balance when planning permission 20/03528/FUL was granted. The current application does not propose any changes to the operational lifespan, generating capacity or overall nature of the development, and no evidence has been provided to justify removing or amending the condition. The requirement for the site to be restored at the end of its operational life therefore remains appropriate and consistent with the basis upon which planning permission was originally granted.

Gates Set Back – Condition 8

Condition 8 continues to serve an important highway safety purpose by ensuring vehicles can wait clear of the public highway whilst access gates are opened. As no changes are proposed to the approved access arrangements, the condition remains necessary and should be retained unchanged.

Ecology – Conditions 10, 11, 13, and 15

The approach to Conditions 10 (Construction Environmental Management Plan) and 13 (Ecological Management Plan) was previously considered under application PL/2024/07438, where it was concluded that the conditions should be revised to require implementation of the approved details. As the requirements of these conditions have already been discharged under PL/2023/03501, it is considered appropriate to retain them in an amended form, requiring the development to be carried out in accordance with the approved documents and details discharged under PL/2023/03501, thereby ensuring the agreed environmental and ecological mitigation measures are implemented. In addition, Condition 11 should also be retained, as it secures the submission of a post-construction compliance report demonstrating that the approved CEMP and ecological mitigation and enhancement measures have been implemented in accordance with the approved details. Condition 15 should continue to be retained, as it provides a mechanism for assessing and mitigating ecological impacts at the decommissioning stage, ensuring appropriate protection of habitats and species throughout the lifetime of the development.

External Lighting – Condition 14

Condition 14 should also be retained, as it is deemed that it secures the submission and approval of detailed lighting information to ensure that light spill is minimised and dark corridors for bats and other wildlife are maintained. The condition provides an important mechanism for safeguarding ecological interests during both the construction and operational phases of the development and ensuring compliance with relevant ecological guidance and best practice.

Contamination – Condition 18

Condition 18 is deemed appropriate to retain, as it provides a precautionary mechanism for addressing any previously unidentified contamination encountered during development, ensuring that appropriate investigation, remediation and verification measures are undertaken to protect human health, controlled waters, ecological receptors and the safe use of the site.

Character, Landscape and Amenity Conditions- 19 and 20

Conditions 19 and 20 should be retained as they ensure that the external finish, colour and appearance of the battery storage units, associated structures and security fencing are appropriate to the rural setting of the site, thereby minimising visual impacts and safeguarding the character, appearance and visual amenity of the surrounding area throughout the lifetime of the development. Furthermore, the prohibition of on-site burning will prevent smoke, odour and air quality impacts, helping to protect the amenity of neighbouring occupiers and the surrounding environment.

Other Material Considerations/Issues

Public Representation

A number of representations raise matters that are not material planning considerations, including general opposition to the approved development, alleged community animosity, requests for financial compensation in the event of noise exceedance and requests relating to future site ownership following a battery or inverter fire. Such matters are not relevant to the determination of this Section 73 application and have not been afforded weight in reaching a decision.

PLANNING BALANCE AND CONCLUSION

In determining this application under Section 73 of the Town and Country Planning Act 1990, the Local Planning Authority has considered whether the proposed amendments fall within the scope of Section 73. 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. The assessment has also considered whether the development, as amended, materially alters the nature or impacts of the approved scheme.

In weighing the planning balance, the following factors have been considered:

- **Benefits:** The proposal would facilitate the more efficient delivery and operation of an already approved renewable energy development through relatively minor amendments to the layout, battery and inverter compounds, construction compounds, access arrangements, landscaping and supporting infrastructure. The amendments maintain the approved renewable energy generating capacity and continue to support national and local objectives for renewable and low-carbon energy generation. Updated ecological, landscape, arboricultural, drainage, highway and noise information demonstrates that the development can continue to operate with appropriate mitigation measures in place, whilst also retaining significant biodiversity enhancement and habitat management benefits.

- **Harms:** The proposed extension of delivery hours from 10:00-16:00 to 08:00-16:00 may result in a limited increase in construction vehicle activity during the morning period. Concerns have also been raised regarding noise and the increased number of battery and inverter compounds. However, no objections have been raised by the Highway Authority, Public Protection Officer, Ecologist, Arboricultural Officer, Landscape Officer or Lead Local Flood Authority. The submitted technical evidence demonstrates that the amended development would not result in significant additional environmental effects or unacceptable impacts on highway safety, residential amenity, landscape character, biodiversity, trees, or flood risk. Any residual impacts can be appropriately controlled through the proposed planning conditions.

The proposed amendments are considered to fall within the scope of Section 73 and do not result in a fundamentally different form of development from that previously approved. The principle of the solar farm and battery energy storage facility has been established through extant planning permissions, and the changes proposed represent refinements to the approved scheme rather than a material alteration to its nature, scale, generating capacity or operational lifespan.

Overall, the benefits of facilitating the efficient delivery of a consented renewable energy scheme, whilst maintaining appropriate environmental safeguards and mitigation, are considered to outweigh the limited and adequately mitigated impacts identified. The proposal remains in accordance with Core Policies 41, 42, 50, 51, 57, 60, 61, 62 and 67 of the Wiltshire Core Strategy, saved policies of the North Wiltshire Local Plan, and the relevant policy objectives of the National Planning Policy Framework. There are no material considerations which indicate that planning permission should be withheld.

Accordingly, the variation of conditions is considered acceptable and planning permission should be granted subject to the amended conditions.

RECOMMENDATION:

That Planning Permission be GRANTED subject to the following 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 plans, drawings and documents:

Received 6th April 2020

- Typical Customer Switchgear Details Rev. A
- Typical Inverter Substation Details Rev. A
- Typical Fence, Track & CCTV Details Rev. A
- Typical Trench Sections Details Rev. A
- Typical Spares Container Details Rev. A

Received 27th April 2020

- Site Location Plan – RL-J082-1

Received 3rd June 2023

- Construction Compound – 15 November 2021

Received 3rd June 2023

- Typical PV Table Details Rev. A – 3 June 2021

Received 19th December 2025

- Minety Solar Farm Layout Plan Rev 08.1 (dated 13 June 2025)
- Landscape Masterplan – P23-0965_EN_02 Rev A – dated 16 July 2025
- Noise Assessment Acoustic Report A1579 R03 (dated 19th May 2025) prepared by Ion Acoustics
- Typical Battery Station Details, Revision 02, Drawing Number: 0101 – February 2025)
- Arboricultural Impact Assessment Rev. E – dated September 2025

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

3. The development hereby permitted shall be carried out in accordance the scheme for the discharge of surface water included within the approved Drainage Technical Note (v2, dated 16 March 2023), Flood Risk Assessment (v5, dated August 2020), FRA Addendum (v2, dated August 2020) and Flood Risk Technical Note 001 (dated 23 May 2025).

REASON: To comply with Core Policy 67: Flood Risk of the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

4. The approved Construction Traffic Management Plan, prepared by Pegasus Group, Reference: P23-0965 TR01, dated September 2025 shall be fully implemented and adhered to throughout the entire construction period unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the amenities of the occupiers of neighbouring residential properties, the

amenities of the area in general, the natural environment, and in the interests of highway safety

5. Prior to the use of the western (proposed) and eastern (proposed) access points by construction traffic, they shall be laid out and constructed in accordance with the details provided within the Construction Traffic Management Plan (dated September 2025). Furthermore, the first 15 metres of the accesses measured from the edge of the carriageway, shall be consolidated and surfaced (not loose stone or gravel). The accesses shall be maintained as such thereafter during the construction period.

REASON: In the interests of highway safety.

6. Prior to the use of the western (proposed), central (existing) and eastern (proposed) access points by construction traffic, the required visibility splays shall be provided in accordance with the details provided within the Construction Traffic Management Plan (dated September 2025). The approved visibility splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent highway during the construction period.

REASON: In the interests of highway safety.

7. Any gates at the proposed eastern and western accesses shall be set back 16 metres from the edge of the carriageway and such gates shall open inwards only.

REASON: In the interests of highway safety.

8. Development shall be undertaken in strict accordance with the approved Ecological Mitigation and Enhancement Plan, prepared by Avian Ecology, dated 26th June 2026, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate protection, mitigation and enhancement of biodiversity, and to ensure compliance with legislation in respect of protected habitats and species, the NPPF, Core Policy 50 of the Wiltshire Core Strategy and best practice.

9. Development shall be carried out in strict accordance with the approved Construction Environmental Management Plan, prepared by Avian Ecology, dated 18th July 2024 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and to ensure compliance with legislation in respect of protected habitats and species, Core Policy 50 of the Wiltshire Core Strategy and the Policy objectives of the NPPF.

10. Within four weeks of the end of the construction phase a compliance report to comply with the approved Ecological Mitigation and Enhancement Plan 'EMEP' and the Construction Environmental Management Plan 'CEMP' shall be submitted to the local planning authority. The report shall detail all works overseen by the ecologist/EcoW and all compliance checks undertaken by the aforementioned competent person prior to, during and post-completion of

construction works. Associated dates of visits to site shall be stipulated in the compliance report and photographic evidence shall be provided.

REASON: To ensure works are undertaken in strict accordance with the approved EMEP and CEMP prior to and during construction, and that works are conducted in line with current best practice and are supervised by a suitably licensed and competent professional ecological consultant / ECoW where necessary.

11. The development shall be undertaken and managed in accordance with the approved Landscape and Ecological Management Plan ("LEMP"), prepared by Pegasus Group and Avian Ecology, dated 16th July 2025, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the implementation of appropriate long-term management of landscape and ecological features and habitats for the lifetime of the development, and to ensure compliance with legislation, the NPPF, Core Policy 50 of the Wiltshire Core Strategy and best practice.

12. Development shall be carried out in strict accordance with the approved Construction Environmental Management Plan, prepared by Avian Ecology, dated 18th July 2024 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and to ensure compliance with legislation in respect of protected habitats and species, NPPF, Core Policy 50 of the Wiltshire Core Strategy and best practice.

13. No external artificial lighting shall be used or installed on site until lux contour plots/lighting contour plans for all proposed lighting have been submitted to and approved in writing by the Local Planning Authority.

- The plots/plans must demonstrate that bat habitat to be retained will be maintained as 'dark corridors'. Details of mitigation measures that would be implemented where necessary, to minimise light spill shall also be provided.

- Lighting proposals shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their Guidance Note GN01/21 'The Reduction of Obtrusive Light' and their Guidance Note GN08-18 'Bats and artificial lighting in the UK', issued jointly with the Bat Conservation Trust.

- Construction phase lighting shall be limited to two tower systems comprising 6 x 160W MultiLED which are only to be used where necessary during the winter months and this is subject to the requirements of this condition having been met.

Lighting at the site shall be in strict accordance with the approved details and no additional external lighting shall be installed either during construction or operation unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise light spill and to minimise potential for adverse effects on bats and

other wildlife. In addition, insufficient information was provided alongside the planning application to allow this matter to be wholly resolved prior to determination. Therefore, further details to demonstrate that dark corridors will be achievable must be submitted to, and approved by, the Local Planning Authority before development commences to ensure compliance with legislation in respect of protected habitats and species, NPPF, Core Policy 50 of the Wiltshire Core Strategy and best practice.

14. Prior to decommissioning, an ecological assessment and mitigation report shall be submitted to the Local Planning Authority for written approval. The site shall be decommissioned in strict accordance with the approved report.

REASON: To ensure adequate protection and mitigation for ecological receptors during the decommissioning phase and to ensure compliance with legislation in respect of protected habitats and species, planning policy and best practice.

15. No development shall commence on site and no equipment, machinery or materials shall be brought on to site for the purpose of development until tree protective fencing has been erected in accordance with the details set out in the Arboricultural Impact Assessment BHA_J.3536_AIA Revision E with Tree Retention, Removal and Protection Plan Drawing No. BHA_705_02 Rev G prepared by Barton Hyett Associates received 19th December.

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, of 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.

16. The development shall be carried out in accordance with: S73 Landscape Masterplan, Drawing No. P23-0965_EN_02 Rev A, (dated 16 July 2025); and treeS73 Detailed Planting Plan, Drawing No. P23-0965_EN_03 Rev A (dated 16 July 2025), both received 19th December 2025

All soft landscaping comprised in the approved details of landscaping, 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. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor to deal with the contamination and provide a written remedial statement to be followed by a written verification report that confirms the works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18. The development hereby permitted shall not be first brought into use until all of the external walls of the battery storage units, other site structures and security fencing have been painted/finished in a colour the detail of which shall be submitted to the Local planning authority for approval and shall be either moss green or brown. The colour finish shall be retained in perpetuity thereafter.

REASON: In the interests of visual amenity and the character and appearance of the area.

19. There shall be no burning undertaken on site at any time.

REASON: To protect the amenities of the occupiers of neighbouring residential properties.

20. The mitigation measures detailed within section 4.2 of the Noise Assessment Acoustic Report A1579 R03 dated 19th May 2025 prepared by Ion Acoustics shall be fully implemented. The noise rating level (BS4142:2014) of plant shall be no more than those specified in Tables 3 and 4 of Noise Assessment A1579 R03 during daytime (0700-2300hrs) and during night-time (2300-0700hrs) at all residential receptors.

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 and to protect the amenities of the occupiers of neighbouring residential properties.

21. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the submitted Noise Assessment (May 2025) report by Ion Acoustics and submitted to the Local Planning Authority for approval in writing. Any additional steps required to achieve compliance shall thereafter be taken in accordance with a timetable to be agreed with the Local Planning Authority. The details as submitted and approved shall be implemented and thereafter be permanently retained.

Reason: To protect local amenity from adverse effects of noise.

Informatives: (8)

1. Nothing in this permission shall authorise the diversion, obstruction, or stopping up of any public right of way that crosses the site. You are advised to contact the Public Rights of Way officer on RightsOfWayConsultations@wiltshire.gov.uk.

2. The proposal includes alteration to the public highway. The permission 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 the vehicle access team on telephone 01225 713 352 or email vehicleaccess@wiltshire.gov.uk for further details.

3. The applicant should note that it will be necessary for a Great crested newt District Level Licence to be obtained from Natural England in order to allow the works to proceed lawfully. Great crested newts and their habitat are protected at all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Planning permission for development does not provide a defence against prosecution under this legislation.

4. 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.

5. If soakaways prove to be non-viable and discharge to an ordinary watercourse is required. Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

6. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer.

Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

7. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

8. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.