

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Approved

Name and Address of Applicant

Mr Daniel Corcoran
JBM Solar project 26 Ltd
C/o Agent

Name and Address of Agent (if any)

Mr James Willey
Pegasus Group
33 Sheep Street
Cirencester
GL7 1RQ

Part I - Particulars of Application

Date of Application

5 February 2024

Application No.

24/00120/CONDIT

Particulars and location of development :

Variation of conditions 2,4,12,21,22 and 23 to planning permission 21/01395/FUL. Amendment to the access, required management and maintenance, construction traffic management plan, construction access improvements and vehicular visibility splays

Church Farm Washpit Lane Barlestone Nuneaton Leicestershire

Part II - Particulars of decision

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Block plan 1 (received 22 November 2021)
- Site Layout Plan P23-0657-EN-00-03 (Received 5th February 2024)
- Detailed Soft Landscaping Plan P23-0657-EN-00-01 Rev H (Received 5th February 2024)
- Fence, track and cctv details revision A (received 22 November 2021)

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

- Inverter station details revision A (received 22 November 2021)
- Custom switchgear details revision A (received 22 November 2021)
- Battery station details revision A (received 22 November 2021)
- Comms and weather station mast revision A (received 22 November 2021)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Written confirmation of the date of the first export of electricity to the National Grid from the solar farm hereby approved shall be provided to the local planning authority within one month of the date of this taking place.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

4. The planning permission hereby granted is temporary for a period of 40 years from the date of the first export of electricity to the National Grid from the solar farm hereby approved. After such time the use shall cease and the solar farm and associated equipment shall be removed from site in accordance with Condition 5 with exception of the electric substation, the associated access and its direct ancillary equipment hereby approved which shall be retained as permanent infrastructure.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

5. Not less than 12 months prior to the expiry of this permission a decommissioning Method Statement & Site Restoration Scheme shall be submitted to and in agreed in writing by the local planning authority. This shall include details of:-

- The works for the removal of the solar panels, ancillary equipment and structures;
- works for the restoration of the site;
- the management and timing of any works;
- a Traffic Management Plan;
- an Environmental Management Plan to include measures to be taking during decommissioning to protect wildlife and habitats;
- identification of access routes; and
- a programme of implementation.

The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement & Site Restoration Scheme during the 12 months of the expiry of this permission.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

6. Should the solar farm hereby approved no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months, a Decommissioning Method Statement & Site Restoration Scheme as per the requirements of Condition 5 shall be submitted to and agreed in writing by the local planning authority within 3 months after the end of the 6 months cessation period. The statement must also include the date the site first ceased to operate. The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement & Site Restoration Scheme.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

7. The solar farm shall not be brought into operation until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation WSI V4.1 Stoneshollow Solar Farm (received 5th December 2023) and provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11, 12 and 13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. In respect of archaeological mitigation the development shall be carried out in accordance with the approved Archaeological Excavation Interim Statement, Table 1 - Building Material and Colour Finishes and PV layout - Drg No. 20210906_A017_3P495.dwg received 5th December 2023.

Reason: To ensure any archaeological deposits are protected and recorded in accordance with Policies DM11, 12 and 13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. The development shall be carried out in accordance with the Badger Report - Received 31 July 2023 No development shall be undertaken except in accordance with the approved scheme of mitigation.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The development shall be carried out in full accordance with the mitigation strategies specified in the RPS Ecological Appraisal dated 5th November 2021.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. The development shall be carried out in accordance with the details of the site wide Landscape & Ecological Management Plan provided in - Landscape & Ecological Management Plan received 5th December 2023 and maintained in accordance with this approved document for a period of 40 years or until such a time that the development is decommissioned.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site and secure BNG in accordance with SADMP policy DM6; BNP polices ENV3, ENV7, ENV8 and ENV9; and the advice contained in the NPPF together with the Habitats Directive.

12. The development shall be carried out in accordance with the approved Construction Environment Management Plan (CEMP) received - Received 31 July 2023.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site and secure BNG in accordance with SADMP policy DM6; BNP polices ENV3, ENV7, ENV8 and ENV9; and the advice contained in the NPPF together with the Habitats Directive.

13. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect any bats using the site for foraging or commuting in accordance with SADMP policy DM6; BNP polices ENV3, ENV7, ENV8 and ENV9; and the advice contained in the NPPF together with the Habitats Directive.

14. The development shall be carried out in accordance with the mitigation measures provided in Pile & Noise Method Statement Received 14 August 2023.
- Reason: To protect the amenities of nearby land users in accordance with SADMP policies DM7 and DM1 and the advice contained in the NPPF.
15. Site preparation and construction shall be limited to the following hours;
Monday - Friday 07:30 - 18:00
Saturday 08:00 - 13:00
No working on Sundays and Bank Holidays
- Reason: To protect the amenities of nearby land users in accordance with SADMP policies DM7 and DM1 and the advice contained in the NPPF.
16. The development shall only be carried out in accordance with the Drainage Scheme detailed in Drainage Details 23-309 (Received 11th April 2023)
- Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure the long term maintenance of the drainage infrastructure to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.
17. The construction of the development shall be carried out in accordance with the Construction Traffic Management Plan dated 2 February 2024.
- Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
18. The construction access improvements shown on RPS drawing numbers JNY11137-02 Rev B (Access 2), JNY11137-04 Rev A (Access 3) and JNY11137-06 Rev A B (Access 5), shall be implemented in full prior to commencement of main construction works to the site which the access serves.
- Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021)
19. Vehicular visibility splays of 2.4m x 160m (west) and 2.4m x 215m (east) at Access 2, drawing number JNY11137-02 Rev B, 2.4m x 47m (south) and 2.4m x 120m (east) at Access 3, drawing number JNY11137-04 Rev A and 2.4m x 215m at Access 5 drawing number JNY11137-06 Rev A B shall be provided prior to commencement of main construction works to the site which the access serves. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6m above the level of the adjacent footway/verge/highway.
- Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).
20. The access drives shall be surfaced with tarmac, or similar hard bound material (not loose aggregate) for a distance of at least 15m behind the highway boundary prior to commencement of main construction works to the site which the access serves and once provided, shall be so maintained in perpetuity.
- Reason: To reduce the possibility of deleterious material being deposited in the highway in the interests of highway safety and in accordance with the National Planning Policy Framework (2023),
21. The scheme, timetable for delivery and treatment of Public Rights of Way shall be carried out in accordance with the PROW Scheme reference C25 P23-0657_TR01 Rev.A_OCT23_Stoneshollow (received 1st November 2023) and shall be retained as such for the operational life of the development.
- Reason: To protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2023).

22. No trees or shrubs should be planted within 1m of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

Reason: To prevent overgrowth of the path in the interests of protecting and enhancing Public Rights of Way and Access in accordance with paragraph 100 of the National Planning Policy Framework (2023).

C. Brown.

Christopher Brown MRTPI
Head of Planning

Date : 23 May 2024

NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.
2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.
3. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months (see para 2a below) of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/planning-inspectorate>). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5th September 2003 must be made within six months of the date of this notice.
4. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application then, you must do so in accordance with the guidance found using the following link <https://www.gov.uk/appeal-enforcement-notice>.
5. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS

- 1 The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, B.S. 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."
- 2 The buildings to which these requirements apply are :-
 - a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.
 - b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.
 - c) Factories as defined by Section 175 of the Factories Act 1961.
Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

PPNOTES (02/07/2014)



Hinckley & Bosworth
Borough Council

Start Notice

Important Information – Please keep this with your decision notice

Please read the above decision notice carefully and ensure that you understand and comply with the requirements of any planning conditions imposed.

If you require any further information about why a particular planning condition has been imposed or in respect of what information is needed to discharge your condition please contact the case officer who will be happy to advise of the requirements and information required.

We carry out a programme of site monitoring to check compliance with conditions in order to proactively manage the development and to ensure development is carried out in accordance with the planning permission granted.

Please ensure that any application for the discharge of pre-commencement conditions are carried out in a timely manner as this may take up to 8 weeks depending on the requirements of the condition. Please also be aware there is a charge to discharge conditions per request which means you can discharge conditions individually or group details together as a single request to discharge multiple planning conditions. The fee for discharging these pre-commencement conditions, can be found on the [planning portal](#).

We would be grateful if you could email the development address and application reference number with your contact details and the intended start date by email to planning@hinckley-bosworth.gov.uk or complete the form on the reverse.

Hinckley & Bosworth Borough Council
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
TEL: 01455 238141 EMAIL: planning@hinckley-bosworth.gov.uk



Hinckley & Bosworth
Borough Council

Development Details

Planning application ref:	24/00120/CONDIT
Proposal:	Variation of conditions 2,4,12,21,22 and 23 to planning permission 21/01395/FUL. Amendment to the access, required management and maintenance, construction traffic management plan, construction access improvements and vehicular visibility splays
Site Location:	Church Farm Washpit Lane Barlestone Nuneaton Leicestershire

Date when work is intended to start:	
Have all pre-commencement conditions been discharged?	
Signed:	Print Name:

Your contact details (or attach letterhead/business card):

Name:	
Address:	
Telephone:	
Mobile:	
Email:	

Hinckley & Bosworth Borough Council
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