

JW/P23-0657

5<sup>th</sup> February 2024

**Planning Development Services**

Hinckley and Bosworth Borough Council  
Hinckley Hub  
Rugby road  
Hinckley  
Leics  
LE10 0FR

Dear Sir/Madam,

**Variation of Conditions 2, 12, 21, 22 and 23 attached to planning permission 21/01395/FUL  
Church Farm, Washpit Lane, Barlestone, Nuneaton, Leicestershire, CV13 0EH**

Please find enclosed an application submitted on behalf of our client, JBM Solar Projects 26 Ltd, in relation to the above.

This application seeks to vary conditions attached to planning permission 21/01395/FUL, which has the following description:

*Installation and operation a of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, point of connection mast, switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.*

This application comprises the following documents and plans:

- Application Form and Certificates
- Site Layout Plan – P23-0657\_EN\_OO\_03
- Detailed Soft Landscape Plan – P23-0657\_EN\_OO\_01 Rev H
- Construction Traffic Management Plan, prepared by RPS, dated 2<sup>nd</sup> February 2024
- Substation Access Technical Note, prepared by RPS, dated 2<sup>nd</sup> February 2024

**Proposed Variations**

- It is proposed remove the northern proposed access and access road to the substation and it is proposed to retain the previously proposed temporary access and access road to the substation permanently. This variation will be sought through a variation to the approved plans listed in Condition 2 and the wording of Condition 4.

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- It is proposed to amend Condition 12, to ensure that the required management and maintenance of the BNG is aligned with the operational period of the solar farm, to allow for this requirement to cease should the solar farm be decommissioned prior to the 40 year time limit.

Please note that the key has also been updated on the Landscape Strategy to demonstrate the land which will be transferred to the National Grid Electricity Distribution (NGED) and therefore change to operational land in their control upon energisation for the smooth running of the regional grid network.

### **Justification for Variations**

#### **Substation Access**

The detailed Technical Note, prepared by RPS, submitted with this application sets out the background and justification for this variation.

The Technical Note concludes:

**The temporary construction access can achieve the requisite visibility splays for the posted speed limit of 60mph, and there are no highway safety concerns regarding the use of this access. On this basis, the retention of the construction access offers an improved means of access relative to the consented maintenance access.**

**The revised proposals to maintain the temporary construction access as a permanent access to the substation are acceptable in transport terms; therefore there are no transport related reasons for not permitting.**

It is noted that Paragraph 115 of the National Planning Policy Framework (NPPF) states: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

Given the foregoing, it is submitted that the proposed variations to the substation access should be considered acceptable.

It is noted that Condition 4 exempts the substation from the time limit on the permission, and therefore the access will need to be retained in perpetuity. For completeness, it is proposed to ensure that this is reflected in the wording of the condition.

As the access is deemed to be acceptable from a highways perspective and as it will be required in relation to the permanent substation, this variation is regarded as necessary and justified.

## BNG

The current wording of the condition requires “Commitment to at least 40 years management and maintenance of measures included in the BNG plan” reflecting the 40 year time limit on the planning permission as set out in Condition 4.

However, it is not clear from the wording of the condition that this requirement would cease on decommissioning of the solar farm, should this occur earlier than the 40 year time limit on the permission (as accounted for in Condition 6).

It is assumed it is not the intention to require ongoing management and maintenance of the BNG following the decommissioning of the solar farm, and therefore the proposed variation is considered to make this clearer and is regarded as acceptable.

### Proposed Conditions

#### Condition 2

It is proposed that Condition 2 is amended to:

*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)
- ~~PV Layout revision A (received 1 July 2022)~~
- ~~Landscape Proposals JSL4005-100 Revision 1 (received 21 June 2022)~~
- Site Layout Plan P23-0657\_EN\_OO\_03
- Detailed Soft Landscape Plan P23-0657\_EN\_OO\_01 Rev H
- Fence, track and cctv details revision A (received 22 November 2021)
- 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)

#### Condition 4

It is proposed that Condition 4 is amended to:

*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*

### Condition 12

It is proposed that Condition 12 is amended to:

*No development shall take place until a site wide Landscape & Ecological Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This plan must include the following elements:*

- *Deliver the net gains set out in the metric o Include specification for enhancement of retained grassland along the stream valley, and management of this (though grazing and/or hay cutting and removal of arisings)*
- *Include specification for creation of grassland, including species-mixes, and management through grazing or hay-cutting and removal of arisings*
- *Include siting, design and future maintenance of bird and bat boxes*
- *Include method for propagating, planting and maintaining Black Poplars*
- *Include tree and hedge maintenance, including species-mixes, enhancement and gapping-up existing retained hedges*
- *Include replanting of hedges removed for construction access visibility splays, including species mixes.*
- *Commitment to at least 40 years management and maintenance of measures included in the BNG plan, or up until such time the development commences decommissioning.*

*Once approved the development shall be carried out in accordance with the plan thereafter.*

### Condition 21

It is proposed that Condition 21 is amended to:

*The construction of the development shall be carried out in accordance with the Construction Traffic Management Plan dated ~~20 May 2022~~ 2 February 2024.*

### Condition 22

It is proposed that Condition 22 is amended to:

*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 ~~AB~~ (Access 5), shall be implemented in full prior to commencement of main construction works to the site which the access serves.*



### Condition 23

It is proposed that Condition 23 is amended to:

*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.*

I trust that the submitted details are sufficient to allow the validation of this application and progression towards determination. However, please do not hesitate to contact me at the earliest opportunity should you require any further information.

### Conditions 9,10,12,13,15,17,18,19,20,25

It is noted that the following conditions on the current planning permission have been discharged:

Condition 9 (Biodiversity Management Plan) – 23/00885/DISCON  
Condition 10 (Badger Mitigation) – 23/00747/DISCON  
Condition 12 (Landscape and Ecological Management Plan) – 23/00885/DISCON  
Condition 13 (CEMP Ecology) – 23/00747/DISCON  
Condition 15 (CEMP Environmental) – 23/00747/DISCON  
Condition 17 (Surface Water drainage scheme) – 23/00347/DISCON  
Condition 18 (Surface Water During Construction) – 23/00347/DISCON  
Condition 19 (Long Term Drainage Maintenance) – 23/00347/DISCON  
Condition 20 (Infiltration) – 23/00347/DISCON  
Condition 25 (Public right of way) – 23/00608/DISCON

The approved details are considered to remain relevant to this S73 proposal and therefore it is requested that these conditions be made compliance conditions.

I trust that the submitted details are sufficient to allow the validation of this application and progression towards determination. However, please do not hesitate to contact me at the earliest opportunity should you require any further information.

Yours Sincerely

James Willey  
**Associate Planner**

