

DECISION NOTICE

Mr D Ward
c/o Davis Meade Property Consultants Ltd
Mrs Kathryn Williams
103 Beatrice Street
Oswestry
Shropshire
SY11 1HL

Date: 25th October 2023

Our Ref: 23/03062/FUL
Your Ref: Planning application in
relat...

Dear Mr D Ward c/o Davis Meade Property Consultants Ltd

DETERMINATION OF APPLICATION FOR FULL PLANNING PERMISSION

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

Location:	Manor Farm, Crickheath, Oswestry, Shropshire
Proposed Development:	Installation of ground mounted 1800kw solar pv to supply previously secured export grid connection and all associated works
Application No.	23/03062/FUL
Date Received:	14th July 2023
Applicant:	Mr D Ward

Shropshire Council hereby **GRANT FULL PLANNING PERMISSION** subject to the conditions listed below.

STANDARD 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 Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.



CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place (including ground works and vegetation clearance) until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority.

The plan will be based on the Habitat Enhancement Plan (Map 3 in the Phase 1 Preliminary Ecological Assessment (ELM Associates, January 2023, Updated July 2023) and shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 180 of the NPPF.

4. Within six weeks prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence, or a change in status, of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for prior approval that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

5. No development shall take place until a detailed soft landscape scheme for the whole site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. This shall follow the concept given in the Habitat Enhancement Plan and the Phase 1 Preliminary Ecological Assessment approved as part of this planning consent. The details shall include: plant species, sizes, numbers and densities, method of cultivation and planting and means of protection. This is for all grassed areas, tree, shrub, and hedgerow planting.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

6. A landscape management and maintenance plan for the landscape mitigation proposals, based on the Phase 1 Preliminary Ecological Assessment approved as part of this planning consent shall be prepared and submitted. The landscape management and maintenance plan shall be submitted prior to development commencement and shall be followed for a minimum of five years following planting.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

7. Prior to first use of the site, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 3 bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 3 artificial nests, suitable for tit species.

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

8. Prior to first use of the site, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the GCN RAMMS, as set out in section 9 of the Phase 1 Preliminary Ecological Assessment (ELM Associates, January 2023, Updated July 2023)

Reason: To demonstrate compliance with the GCN RAMMS to ensure the protection of great crested newts, which are European Protected Species.

9. Works carried out in accordance with Planning Design and Access and site access as per Figure 6 - Construction material site access plan for the applicant site as defined by the approved plan Figure 5 Solar development area permitted under deed of grant as published on July 2023.

Reason: In the interest of Highway Safety.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

10. (a) Within one week of the date of first export of electricity, written notice of the date of first export shall be given to the local planning authority.

(b) Electricity generation at the site shall cease no later than the 40th anniversary of the date of first export.

(c) Not less than 6 months before the 40th anniversary of the date of first export, or within 12 months of the cessation of electricity generation at the site, whichever is the sooner, a decommissioning and site restoration scheme shall be submitted to the local planning authority for approval. The submitted scheme shall include details of timescales for decommissioning and site restoration, and shall be implemented in accordance with the approved details.

Reason: To define the temporary period of the development and ensure that the land is satisfactorily reinstated following cessation and/or planned design life to enhance the landscape and visual character of the area.

Schedule 1 - Approved plans, drawings, documents

Description	Reference	Date Received
Location Plan	FIGURE 1	24.07.2023
Environmental Statement	APPENDIX 5 A	18.07.2023
Environmental Statement	APPENDIX 5 B	18.07.2023
Heritage Statement	APPENDIX 4 A	14.07.2023
Location Plan	APPENDIX 1	14.07.2023
Block Plan	APPENDIX 2	14.07.2023
Block Plan	FIGURE 4	14.07.2023
Detail Drawing	APPENDIX 3 (1)	14.07.2023
Detail Drawing	APPENDIX 3 (2)	14.07.2023
Detail Drawing	APPENDIX 3 (3)	14.07.2023
Detail Drawing	FIGURE 5	14.07.2023
Section - Proposed	APPENDIX 7 B	14.07.2023

INFORMATIVES

In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

SUDS Informative:

For the transformer installation, the applicant should consider employing measures such as the following:

Surface water soakaways

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

NESTING BIRDS INFORMATIVE

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

LIGHTING INFORMATIVE

Should any lighting be required, this should be sensitive to bats and follow the Bat Conservation Trusts guidance. The latest Bat Conservation Trust guidance on bats and lighting is currently available at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>.

Please contact me, or one of the other Ecology team members, if you have any queries on the above.

Sophie Milburn

Planning Ecologist

sophie.milburn@shropshire.gov.uk

Tel.: 01743 254765

Highways Informative notes:

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team.

This link provides further details

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-formsand-charges/>

Please note Shropshire Council require at least 3 months notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided

with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

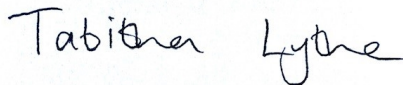
If your proposed project requires **Building Regulations Approval** or you are unsure whether it does please contact us on **01743 258710**, email buildingcontrol@shropshire.gov.uk or visit our website <https://www.shropshire.gov.uk/building-control/> for pre-application advice and a competitive fee.

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link:

<http://www.shropshirefire.gov.uk/planning-applications>

If your project relates to a **Listed Building** please be aware that if, during the process of obtaining Building Regulation Approval or undertaking Fire Safety works amendments to the scheme as approved under the Listed Building Consent are requested, it is very likely that you will need to amend your approved drawings regardless of how minor the alteration may be. If this is the case, please contact the Case Officer and they will determine what action is required. Work should not be proceed until appropriate amendment/s have been approved in writing by the Council. We would advise that the carrying out of unauthorised work could represent a criminal offence under Section 9(1) of the Planning (Listed Building & Conservation Areas) Act 1990 (as amended).

23/03062/FUL



Tabitha Lythe, Planning and Development Services Manager

Date of Decision: 25th October 2023

NOTES

Conditions

You will see that your decision notice includes a number of conditions:

- You must comply with all of the conditions. If you are unclear about any of them, please contact the Planning Officer who dealt with the application.
- Some of the conditions may require you to submit further information to the Council for approval. Most conditions will need to be complied with before you start work on site.
- If you think any of the conditions are unreasonable you may appeal to the First Secretary of State, through the [Planning Inspectorate](#).
- Please also ensure that you comply with the requirements of any Legal Agreement that may accompany the planning permission.

Informatives

Your decision notice includes a number of informatives. This gives you some extra guidance and advice which will help the development process. Please note your Decision Notice gives permission only under the Town and Country Planning Acts. You may need other approvals, for example under the Building Regulations, or Party Wall Act, or permission from your neighbour to go onto his/her land.

Amendments

If you need to alter your approved drawings please send full details to us regardless of how small the alteration is. Your case officer will determine whether this can be agreed through a simplified exchange of correspondence or whether a revised application needs to be submitted. Further guidance can be found at www.shropshire.gov.uk/planning. You should not commence work until the amendment has been approved in writing by the Council. This is **particularly important** if the project involves a **Listed Building** and work should not be proceeded until appropriate amendment/s have been approved in writing by the Council. We would advise that the carrying out of unauthorised work could represent a criminal offence under Section 9(1) of the Planning (Listed Building & Conservation Areas) Act 1990 (as amended).

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then the applicant can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 (as amended).

An appeal must be made within six months of the date of this notice, or 12-weeks if the scheme is for that of "household" development, or minor commercial application, or within 8 weeks in the case of advertisement appeals.

Appeals can be made online

Householder Development Appeals - [Appeal a householder planning decision: Overview - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Full Planning Application - <https://www.gov.uk/appeal-planning-decision>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on Tel: 0303 444 5000.

Where an enforcement notice has been served on the same, or substantially the same, development as in the application within 2 years of the date the application was made, the period for receiving an appeal is 28 days of the date on the decision notice or the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA has to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 week deadline).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (appeals@shropshire.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council requiring the Council to purchase the interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).