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Push Energy
1-2 Tollgate Business Park
Tollgate West
Stanway
Colchester
C038AB

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H02-1004-15 **Date of Decision:** 16th December 2015

Applicant: Push Energy
1-2 Tollgate Business Park
Tollgate West
Stanway
Colchester
C038AB

Location: Decoy Farm Spalding Road Crowland Peterborough

Description: Proposed solar farm and associated infrastructure-approved under H02-0454-14. Modification of Condition 2 to delete reference to Flood Risk Assessment

South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) subject to the following condition(s):

1 The development must be begun not later than 12 August 2017.

Reason: As required by 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 be carried out in accordance with the following approved plans:
Dwg. nos. 1118-01-LP01; 1118-01-BP01D; 15/PA003; 15/PA005; 15/PA006; 15PA007.

Accompanying condition compliance approval H02-0780-15 (discharging condition 5,7,9,11 and 12 of H02-0454-14)

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

3 The planning permission is for a period not exceeding 25 years from the date that the

development is first connected to electricity grid. The date of first connection to the grid shall be notified in writing to the Local Planning Authority within 28 days of this event occurring.

Reason: To limit the long term effects of the development and in recognition of the temporary lifespan of the structures.
This Condition is imposed in accordance with Policy SG4 of the South Holland Local Plan, 2006 and advice within Section 11 of the National Planning Policy Framework, 2012.

4 On cessation of the use of the land (or any part of the land) as a solar park for electricity production through use of solar panels as approved by this permission all buildings, structures, fences, gates, posts, solar panels and fixings shall be removed from the site (or the relevant part of the solar park that has ceased operation) within 6 months of the cessation of use and the land shall revert back to agriculture.

Reason: The site is located in an area of countryside where development other than agriculture would not normally be permitted and when the site ceases to be used as a solar park then it will be required to revert back to agriculture.
This Condition is imposed in accordance with Policy SG4 of the South Holland Local Plan, 2006 and advice within Section 11 of the National Planning Policy Framework, 2012.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no buildings, structures, fences, gates, posts, solar panels, hardstandings, footings, platforms, pavements, bunding, berms, earthworks or other engineering operations shall be constructed, installed or carried out on site other than in accordance with the approved details of this planning permission.

Reason: To protect the character of the countryside and the visual amenities of the locality and also to retain the value of the land for agriculture and wildlife, as the site is located in an area of open countryside where development other than agriculture would not normally be permitted.
This Condition is imposed in accordance with Policy SG4 of the South Holland Local Plan, 2006 and advice within Section 11 of the National Planning Policy Framework, 2012.

6 The new hedge planting shall be allowed to reach a height of at least 3 metres and shall thereafter be retained at that height. The hedging shall be maintained by the owner(s) of the land and in the event that plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season.

Reason: To ensure effective screening of the development on the site in the interest of countryside character and amenities and to protect/enhance bio-diversity interests.
This Condition is imposed in accordance with Policy SG4 of the South Holland Local Plan, 2006 and advice within Section 11 of the National Planning Policy Framework, 2012.

7 A copy of the final report required in connection with Condition 12 of H02-0454-14 shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper

archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

8 No external lighting shall be provided on the site at any time once the site is operational.

Reason: To accord with the terms of the application and in the interests of the amenities of the rural locality.
This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

9 Noise from fixed plant and machinery shall not exceed the background noise level by more than 5dB(A) when measured as a 15 minute LA(eq) at any residential boundary not within the applicant's ownership.

Reason: To safeguard the amenity of nearby residents.
This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan, 2006.

10 Within 28 days from the receipt of a written request from the Local Planning Authority following a complaint to it concerning glint/glare, the solar farm operator shall submit details of proposed mitigation measures and timescale for their implementation. Such information shall be provided within 3 months of the date of the written request of the Local Planning Authority. The proposed mitigation measures shall be carried out in accordance with the approved details.

Reason: To safeguard the amenity of nearby residents.
This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

11 All cabling shall be installed underground.

Reason: To limit the effects of the development in the interests of the amenities of the locality.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be

viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch



Paul Jackson
Place Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal

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 the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authroity based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

http://www.planningportal.gov.uk/planning/appeals/planningappeals

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant 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 can he 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 in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.