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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H13-0190-23 **Date of Decision:** 31st May 2023
Applicant: Solar Advanced Systems - T/A S A S Energy Ltd.
C/O The J T S Partnership Llp
44 St Peter'S Street
Canterbury
CT1 2BG
Location: Land At Moulton Bulb Co. Ltd Long Lane Moulton Spalding
Description: Erection of a ground mounted solar array with associated infrastructure.

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

- 1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

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 and/or documents:
JTS/9501/01 Rev 02
JTS/9501/02 Rev 00
SOLDOM11813 ESP
SOLDOM11813 SP
SOLDOM11813 AO
SOLDOM11813 PVAFD
SOLDOM11813 ISTXD
2022_44 001
Landscaping & Visual Impact Assessment (Rev. A) by Kirsten Bowden dated January 2023
Planning, Design & Access Statement by JTS Partnership dated February 2023

Solar Photovoltaic Glint and Glare Study by Pager Power Urban & Renewables (Ref. 11531A) dated January 2023
Preliminary Ecological Appraisal by T4 Ecology Ltd (Report Ref. MH1564 Version 1) dated January 2023
Flood Risk Assessment by Considine Ltd (Report No. 5153 FRA - Rev P01) dated 15 November 2022
Photographic Schedule (Photographs 1-51)

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

- 3 Within six months of the solar panels hereby permitted no longer being used to generate electricity, the solar panels and all associated equipment shall be removed from the site and the site re-instated to its former condition.

Reason: In the interest of visual amenity.

This Condition is imposed in accordance with Policies 2, 3 and 31 of the South East Lincolnshire Local Plan, 2019.

- 4 Prior to the ground mounted solar array being brought into use details of additional landscaping along the western boundary of the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To soften the impact of the development upon the character and appearance of the countryside.

This Condition is imposed in accordance with Policies 2, 3 and 31 of the South East Lincolnshire Local Plan, 2019.

- 5 The approved scheme of landscaping and tree planting shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 31 of the South East Lincolnshire Local Plan, 2019.

- 6 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to and approved in writing by the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;

- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;

- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

- 7 Noise from fixed plant and machinery shall not exceed a level of 5 dB(A) above the background noise level when measured as a L(A)_{eq15min} at any residential boundary not within the applicant's ownership.

Reason: To ensure that there is no noise nuisance to nearby residents.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 8 In the event that problems are encountered caused by glare sufficient to result in serious affect on amenity, details of remedial measures to be undertaken to reduce glare/reflectivity shall be submitted to the Local Planning Authority for written approval within 1 month of such problems being identified. The remedial measures shall thereafter be carried out in their entirety within 3 months of the date of their approval by the Local Planning Authority.

Reason: In the interest of amenity.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 9 The development shall be carried out strictly in accordance with the recommendations within the Preliminary Ecological Appraisal accompanying the application, including the provision of skylark plots.

Reason: In the interests of nature conservation and to achieve Biodiversity Net Gain on-site.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021.

- 10 Prior to the development hereby permitted being brought into use details of an ecological management and monitoring plan shall be submitted to and approved in writing by the Local Planning Authority. It shall thereafter be carried out in accordance with the approved details.

Note: Your attention is drawn to the recommendations of the Lincolnshire Wildlife Trust within their correspondence dated 30 March 2022 accompanying the application.

Reason: In the interests of nature conservation and to achieve Biodiversity Net Gain on-site.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021.

- 11 Details of the external illumination of any buildings and areas of the site including details of luminance and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use. There shall be no external illumination other than that so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development and to prevent light pollution. This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

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>

Your attention is drawn to correspondence from the South Holland Internal Drainage Board dated 3 April 2023 accompanying the application. You are advised of the need to comply with the requirements of the Drainage Board, which are covered by their own Bye-laws. You are further advised that any future amendments to this application and/or compliance with Conditions must also respect those Bye-laws. Please contact the Drainage Board directly for further information.

Your attention is drawn to correspondence from Lincolnshire Police dated 17 February 2023 accompanying the application.



Phil Norman
Head of Planning
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		

<https://www.gov.uk/appeal-householder-planning-decision>

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

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

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.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. 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.

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

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.