



Planning
Inspectorate

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Inspectorate
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Mr P Burrell
Pegasus Group
33 Sheep Street
Cirencester
GL7 1RQ

Your Ref:

Our Ref: APP/Y2430/W/24/3340258

Date: 4th November 2024

Dear Sir/Madam,

**Town and Country Planning Act 1990
Appeal by: JBM Solar Projects 10 Ltd
Land to the south-east of Bottesford
Regulation 2(4) notice**

Dear Mr Burrell

I refer to the above application. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, if the Secretary of State is minded to grant planning permission subject to pre-commencement conditions he may only do so with the written agreement of the appellant to the terms of those conditions.

The Inspector has proposed in this case that any planning permission granted should include the following pre-commencement conditions. The numbers of the conditions are subject to change.

1. No development shall take place until full details of the DNO control room and the customer switch room (as shown on the plan Belvoir compound details revision A) have been submitted to and approved in writing by the local planning authority. These buildings shall be constructed in accordance with the approved details.

Reason - To provide certainty.

2. No development shall take place until a construction method statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The CMS shall include details of the following:

- i) The phasing of construction works.
- ii) The formation and position of the temporary construction compounds.
- iii) Dust management and suppression measures.

- iv) Measures for pollution control, including the protection of watercourses and ground water.
- v) Illumination during the construction period.
- vi) The methods to be adopted to reduce the effects of noise occurring during the construction period to the lowest practicable levels and in accordance with B.S. 5228: Noise control on construction and open sites.
- vii) The storage of materials and disposal of surplus materials.
- viii) The construction of the access into the site, the erection of any entrance gates and the creation and maintenance of associated visibility splays.
- ix) The method of working for cable trenches, including soil storage and back-filling, and details of cable boring methodologies below roads, water courses and hedges.
- x) Soil storage.
- xi) Post-construction reinstatement of the working areas.
- xii) The control of surface water to prevent it entering the public highway or carrying sediment to the surface water drainage network in the vicinity of the site.
- xiii) Measures to protect root protection areas during construction.
- xiv) Measures to exclude small animals from excavations.

The development shall be implemented in accordance with the approved CMS throughout the construction period.

Reason – To safeguard the living conditions of nearby residents, and to ensure that construction works do not have a harmful environmental effect.

3. No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The LEMP shall be prepared in accordance with the Site Layout and Landscape Strategy ref P19-2022_24 Rev C (sheets 1 & 2), the mitigation measures contained with the Environmental Statement Chapter 2 - Landscape and Visual Impact Assessment (January 2022), and the Biodiversity Management Plan by Avian Ecology dated 20 September 2022, and it shall include details of the following:

- i) The proposed new hedgerow and tree planting, including any strengthening of existing vegetation.
- ii) Planting plans, written specifications of operations associated with plant and grass establishment, and schedules of plants.
- iii) The management and monitoring of the site during the operational period.
- iv) The layout and planting within the community orchard.

The approved LEMP shall be implemented in full before the end of the first planting season following the date when electrical power is first exported. Any revisions to the LEMP shall be implemented in accordance with details which have been submitted to, and approved in writing by, the local planning authority.

Reason – To protect the character and appearance of the area, and to ensure the delivery of biodiversity net gain.

4. Prior to the commencement of each phase of development (construction, operation and decommissioning), a soil management plan shall be submitted to, and approved in writing by, the local planning authority. The plan shall include consideration of the appropriate time of year for soil handling, planting beneath the panels and return to the former land quality as indicated in Appendix 6 of the Agricultural Land Classification survey dated 9th January 2023 – Issue 9 carried out by Amet Property. The development shall be carried out in accordance with the approved soil management plan.

Reason – To safeguard the quality of agricultural land.

5. No development shall take place until details of a scheme of heritage interpretation boards and information boards has been submitted to, and approved in writing by, the local planning authority. The boards shall be erected in accordance with the approved scheme before electrical power is first exported and shall be maintained for the lifetime of the development.

Reason - To maintain appreciation of heritage assets and the countryside.

6. No development shall take place until a construction traffic management plan (CTMP) has been submitted to, and approved in writing by, the local planning authority. The CTMP shall include details of the following:

- i) A timetable for implementation of the CTMP.
- ii) The routing of construction traffic.
- iii) Cleaning of the site entrance, facilities for wheel washing and cleaning the adjacent public highway
- iv) Parking facilities.
- v) Arrangements for banks-staff and temporary signage.
- vi) The sheeting of all heavy goods vehicles carrying spoil from the site to prevent spillage or deposit of any materials on the highway.
- vii) Dilapidation surveys on Castle View Road and arrangements for making good damage to the highway from construction traffic identified in the surveys.

The development shall be implemented in accordance with the approved CTMP throughout the construction period.

Reason – In the interest of highway safety, to safeguard the living conditions of local residents, and to ensure that construction traffic does not have a harmful environmental effect.

7. No development shall take place until a scheme for the treatment of the public rights of way within the site and the proposed permissive footpath has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:

- i) A timetable for implementation.
- ii) Arrangements for management during the construction period.
- iii) Details of surfacing, width, signage and landscaping.

The development shall be carried out in accordance with the approved scheme.

Reason – To facilitate off-road movement across the site.

8. No development shall take place until a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- i) A timetable for implementation.
- ii) Arrangements for infiltration testing to assess the suitability of the site for use of infiltration as a component of the drainage system.
- iii) Arrangements for maintenance of the surface water drainage system.

The development shall be carried out and the drainage system maintained in accordance with the approved scheme.

Reason – To ensure adequate drainage provision and to avoid an increased risk of flooding, both on and off the site.

9. No development shall take place until a scheme for the management of surface water during the construction period has been submitted to, and approved in writing by, the local planning authority. Construction shall be carried out in accordance with the approved scheme.

Reason - To ensure adequate drainage provision and to prevent flooding and pollution off-site.

10. No development shall take place until a badger survey update has been submitted to, and approved in writing by, the local planning authority. The survey must be undertaken within the three months that precede construction-related site or vegetation clearance. Any mitigation measures proposed shall be carried out in accordance with a scheme and timetable which have been submitted to, and approved in writing by, the local planning authority.

Reason - To safeguard badgers on the site.

11. No development shall take place until a skylark mitigation strategy has been submitted to, and approved in writing, by the local planning authority. The skylark mitigation strategy shall include the following:

- i) Purpose and conservation objectives for the strategy.
- ii) A schedule of works, and a timetable for their implementation.
- iii) Arrangements for management and monitoring of the strategy.

The skylark mitigation strategy shall be implemented in accordance with the approved details and timetable, and the mitigation measures shall be retained for the lifetime of the development.

Reason – To provide alternative foraging and nesting opportunities for skylarks displaced by the development.

12. No development shall take place until a scheme of mammal pass-throughs in the security fencing have been submitted to, and approved in writing by, the local planning authority. The fencing shall be erected in accordance with the approved scheme, and retained for the lifetime of the development.

Reason – To permit the movement of small mammals across the appeal site.

13. No development shall take place until a written scheme of archaeological investigation (WSI) has been submitted to, and approved in writing by, the local planning authority. The WSI shall include:

- i) A statement of significance and research objectives
- ii) The programme and methodology of site investigation and recording, and the nomination of a competent person or organisation to undertake the works.
- iii) The programme for post-investigation assessment and subsequent analysis, publication and dissemination, and deposition of the resulting material.

Reason – To safeguard and to ensure the investigation and recording of archaeological assets within the site.

Each of these conditions should be a pre-commencement condition, since the matters with which they are concerned need to be resolved before development works take place. Can you please either:

- i. Provide written confirmation that you accept the proposed conditions; or ii. State why you do not agree to the imposition of the proposed pre-commencement conditions; or
- iii. Provide comments on the proposed conditions.

If we do not receive a response within 10 working days from the date of this letter in accordance with Regulation 2(1)(b) of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 you will be deemed to have given consent and the Secretary of State will be able to impose the proposed pre-commencement conditions without your express approval.

If you are not agreeable to some or all of the pre-commencement conditions, it will be a matter for the Secretary of State to decide whether the condition(s) in dispute need to be pre-commencement conditions. However, if the pre-commencement conditions are considered necessary to make the development acceptable in planning terms, planning permission cannot be granted without them and the appeal may be dismissed.

Please note that the above is without prejudice to the Secretary of State's consideration of the appeal, or the final decision on the appeal. I have copied this letter to the Local Planning Authority.

Yours sincerely

Alison Bell
Major Casework Team