



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT:	Mr Dhir Quintas Energy Ltd Suite C 3rd Floor 3 Harbour Exchange Square Canary Wharf London E14 9GE	APPLICANT:	Chisbon Solar Farm Limited 6th Floor 33 Holborn London EC1N 2HT
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/01790/FUL

DATE REGISTERED: 22nd November 2019

Proposed Development and Location of the Land:

**Variation of condition 12 of planning permission 16/01631/FUL to extend the period of planning permission.
Land North of Frowick Lane St Osyth Essex**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following conditions;

- 1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure shall be erected other than that which has been approved, without first obtaining planning permission.

Reason - In the interests of the amenity of the area.

- 2 The decommissioning phase shall be carried out in accordance with the Decommissioning Method Statement approved in writing by the Local Planning Authority under reference 13/01196/DISCON on 5 November 2013, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the amenity of the area.

- 3 The landscaping scheme to be used for the site shall be the Landscape Management Plan dated 18th May 2015 received under 15/00881/FUL, unless otherwise agreed, in writing, at a later date with the Local Planning Authority. The landscaping scheme shall be implemented in accordance with the approved details within the first planting season following the commencement of the development hereby permitted, and shall be maintained during the lifetime of the development, with the replacement of any trees or plants which die, are removed or become seriously damaged or diseased, in the first available planting season with others of similar size and species.

Reason - To ensure the provision of amenity afforded by appropriate landscape design.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular

access within 15m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 5 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 12m. from the nearside edge of carriageway of the existing road.

Reason - To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

- 6 The vehicular turning facilities shall be constructed in precise accordance with drawing no. EX8/20E, unless otherwise agreed, in writing, at a later date with the Local Planning Authority. The turning facilities shall be maintained free from obstruction at all times for that sole purpose.

Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

- 7 The Traffic Management Plan approved in writing by the Local Planning Authority under reference 13/01025/DISCON on 1 October 2013, and amended by details received under 14/01066/FUL, shall be adhered to by all ground works, construction and decommissioning traffic throughout the pre-construction, construction and decommissioning phases, unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - To ensure that the adjoining highway is not obstructed by construction activity, in the interests of highway safety.

- 8 The ecological management scheme and mitigation plan approved in writing by the Local Planning Authority under reference 13/01025/DISCON on 1 October 2013, shall be undertaken as approved, unless otherwise agreed, in writing, at a later date with the Local Planning Authority. The solar farm hereby permitted shall be operated at all times in accordance with the approved scheme.

Reason - To preserve and enhance the biodiversity of the site.

- 9 No additional external artificial lighting shall be installed, other than that approved in accordance with security measures.

Reason - In the interests of the amenity of the area.

- 10 The Flood Risk Management and surface water drainage measures shall be carried out in accordance with the details set out in the Flood Risk Assessment by Evans Rivers and Coastal Ltd dated November 2012 submitted under 13/00360/FUL. The solar farm hereby permitted shall be operated at all times in accordance with the approved scheme.

Reason - In the interest of flood risk.

- 11 Unless otherwise approved in writing in advance by the Local Planning Authority no construction or decommissioning works shall take place except between the following hours: 0800 to 1800 Monday to Friday, and 0800 to 1300 Saturday. No construction or decommissioning works shall take place at any time on Sunday or a Bank Holiday without prior written approval from the Local Planning Authority.

Reason - In the interests of the amenity of the area.

- 12 The planning permission hereby granted is for until 5th March 2055. After this date, the use shall cease, and within a period of six months from cessation of operation, all ancillary equipment shall be removed from the site in accordance with the Decommissioning Method Statement approved pursuant to condition 2.

Reason - To ensure that the landscape impact of the development exists only for the lifetime of the project.

- 13 No later than 12 months prior to the end of this permission, a site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of works to remove the solar panels and related equipment, and shall be fully implemented within 12 months of the expiry of this permission.

Reason - In the interests of the amenity of the area.

- 14 If any of the individual solar panel(s) ceases to export electricity to the grid for a continuous period of 12 months then a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months from the end of the 12 month period for the removal of the solar panel(s) and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall then be fully implemented within 6 months of that written approval being given.

Reason - In order to ensure that the solar park fulfils its required purpose or is removed from the land in the interests of rural visual amenity.

DATED: 21st February 2020

SIGNED:



Catherine Bicknell
Head of Planning

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN1 Landscape Character

EN4 Protection of the Best and Most Versatile Agricultural Land

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

EN11C Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites

EN13A Renewable Energy

TR2 Travel Plans

EN23 Development Within the Proximity of a Listed Building

EN29 Archaeology

TR1A Development Affecting Highways

Tending District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1 Managing Growth

SPL3 Sustainable Design

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL7 Archaeology

PPL8 Conservation Areas

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires

approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

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 to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- 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 permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- 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@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.