

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Application number:	22/00365/FUL
Validated on:	5 th April 2022
Site address:	Hempsted Landfill Site Hempsted Lane
Proposal:	Creation of 2MW solar array together with associated landscaping and other works, including grid connections

In exercise of its powers under the above-mentioned Act and Order the City Council as the Local Planning Authority **GRANT PERMISSION** for the development described above in accordance with the terms of the application and the plan/s submitted therewith subject to the following conditions:

Condition 1

The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers:

- Site Location Plan – Drawing No. 1008_01
- Proposed Plan – Drawing No. 1008_02
- Typical Inverter Housing – Drawing No. 1008_03
- Typical CCTV – Drawing No. 1008_04
- Solar Panel and Frame Details – Drawing No. 1008_05
- Proposed Elevations – Drawing No. 1008_06
- Typical Fencing – Drawing No. 1008_07

Except where these may be modified by any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans.

Condition 2

The planning permission hereby granted for the solar arrays is for a period of 30 years from the date of first export of electricity from the development (the 'first export date') after which the solar arrays and associated infrastructure hereby permitted shall be removed. Written notification of the first export date shall be given to the Local Planning Authority within 14 days of the event occurring.

Reason

In the interests of visual amenity.

Condition 3

Within 12 months of the date when the solar panels permanently cease to produce electricity, or the expiration of this permission, whichever is the sooner, the solar panels and its ancillary equipment and infrastructure shall be removed, and the land restored, in accordance with a scheme to be submitted to and approved by the Local Planning Authority. The land restoration scheme shall be submitted within two months of the cessation of electricity production.

Reason

In the interest of visual amenity.

Condition 4

No above ground development shall commence before full details of proposed landscaping/tree/hedgerow planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, species and sizes, planting specifications, maintenance schedule, provision for guards or other protective measures.

Proposed planting should:

- be native, of UK provenance, grown in the UK from UK sourced seed and supplied by members of the UK Sourced and Grown Assurance Scheme.
- Stock should predominantly comprise whips, transplants, feathers and similarly young stock planted in mass-planting beds.
- Details of seed mixes for grassland and wildflower meadows should be stated on the detailed planting plan. Seeds proposed for sowing should be sourced from suppliers that can provide clear evidence that seeds are of UK provenance (i.e., sourced from UK stock seed) and have been UK grown.
- The schedule of maintenance should be a detailed document covering establishment operations for trees, shrubs and grass & wildflower seeding during the first 5 years and should also lay out a programme for maintenance thereafter. The nature, frequency and timing of each operation should be described in detail for each year.

The details shall include the tree pit design and location, type and materials to be used for hard landscaping including specifications.

All planting shall be carried out in accordance with the approved details in the first planting season following the completion or first occupation/use of the development, whichever is the sooner. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

To ensure adequate provision for trees/hedgerows, in the interests of visual amenity and the character and appearance of the area. In accordance with the NPPF, Policy INF3 of the JCS and Policy E4 of the Gloucester City Plan.

Condition 5

No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

These measures shall include:

- I. Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).
- II. Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the local planning authority.

The tree protection measures shall remain in place until the completion of development and shall be installed prior to commencement of development, site clearance or excavation, or unless otherwise agreed in writing with the local planning authority.

Reason

To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area. In accordance with the NPPF, Policy INF3 of the JCS and Policy E4 of the Gloucester City Plan.

Condition 6

Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

Reason

To prevent damage to or loss of trees.

Condition 7

The development hereby permitted shall not be brought into use until the following works shall have been completed:

- i. Installation of infiltration trenches running parallel to the toe of the panels within down-sloping areas of the site to intercept and distribute flows, create storage, and attenuate runoff, with the site drainage ditches conveying waters in a controlled manner
- ii. Access and maintenance roads should be constructed as: grass tracks /unbound (low fines) crushed stones/ gravel or similar permeable materials (not MOT Type 1).

Reason

To ensure the development does not result in an increase in flood risk.

Condition 8

The development hereby permitted shall not be brought in to use/occupied until a Flood Warning & Evacuation Plan (FWEP) has been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include (but not be limited to) proposals for flood warnings and associated site-specific actions, signage and emergency access / egress. The plan shall be implemented in accordance with the approved details before the development is first brought into use and thereafter for the lifetime of the development.

Reason

To ensure that the development remains safe for its users over the lifetime of the development.

Condition 9

Notwithstanding the details submitted no development shall take place until precise details of the design and location of any proposed new sub-station has been submitted to and approved in writing by the Local Planning Authority. All proposed sub-station equipment should be located on land above a level of 10.70 metres Above Ordnance Datum. The development shall be carried out and thereafter maintained in accordance with the approved details.

Reason

To prevent any impact on the site's ability to function for its lifetime.

Condition 10

The development hereby permitted shall not be commenced until a landfill management method statement has been submitted to and approved in writing by the Local Planning Authority. This document shall identify and assess the risks to the following and provide appropriate mitigation measures. These are:

1. The cap and pollution control infrastructure from construction and operational activities
2. Slope stability
3. The landfill permit holder's obligations for environmental monitoring
4. Waste settlement
5. Maintenance and ongoing replacement of gas and leachate management infrastructure

Once approved the development shall be carried out in full accordance with the approved method statement.

Reason

To prevent pollution, including of controlled waters.

Condition 11

A. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken in accordance with the requirements of condition Part B and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part C, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition Part D.

B. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination: Risk Management' guidance

C. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation.

D. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination: Risk Management' guidance

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 12

No below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the Local Planning Authority. The detailed site waste management plan must identify:

- the specific types and amount of waste materials forecast to be generated from the development during site preparation & demolition and construction phases; and
- the specific measures that will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill.

In addition, the detailed site waste management plan must also set out the proposed proportions of recycled content that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the Local Planning Authority gives prior written permission for any variation.

Reason

To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction and adopted Minerals Local Plan for Gloucestershire Policy SR01.

Condition 13

No above-ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. All details shall be fully implemented as approved unless the Local Planning Authority gives prior written permission for any variation.

Reason

To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction.

Condition 14

All mitigation and enhancements recommendations detailed within the Preliminary Ecological Appraisal (PEA) report, Ref:21-8252 V3, dated 10th November 2021 (Prepared by Syntegra), shall be strictly adhered to throughout the works. Prior to the first use of the development hereby permitted a plan indicating the biodiversity enhancements to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter maintained in accordance with the approved details.

Reason

To secure biodiversity mitigation and enhancement.

Condition 15

Prior to the first use of the site, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not be limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas.
- ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
- iii. A description of the luminosity of lights and their light colour including a lux contour map.
- iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. No external lighting shall be installed on the site at any time other than in accordance with the approved details.

Reason

To ensure proper provision is made to safeguard protected species and their habitats.

Condition 16

No demolition, tree or shrub removal or clearance works shall take place between 1st March and 31st August inclusive unless a survey (by a suitably qualified ecologist) to assess the nesting bird activity on the site during this period and a scheme to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Reason

To secure biodiversity mitigation and enhancement.

Condition 17

Notwithstanding the submitted drawings, no development works above existing ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of all boundary treatments. The boundary treatment shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority. The proposed fencing shall include hedgehog gaps of 13x13 cm at the base to facilitate dispersal of this NERC Priority Species. Development shall be carried out and thereafter maintained in accordance with the approved details.

Reason

In the interests of visual amenity and secure biodiversity and enhancement.

Condition 18

Notwithstanding the submitted details no development shall take place above slab level until details (to include the proposed colour and finish) of the external materials of all the buildings, structures including solar panels, CCTV poles, inverter buildings and sub-stations have been submitted to and approved by the Local Planning Authority and all materials used shall conform to the details so approved.

Reason

In the interests of visual amenity.

Condition 19

The development hereby permitted shall be carried out strictly in accordance with the measures set out in Section 5 (measures, management and control processes), Section 6 (environmental impact measures) and Section 7 (construction travel plan) of the Construction and Operational Traffic Management Plan, Document Reference R 21-0083-001 E, dated 16th November 2021, Prepared by Evoke Transport.

Reason

In the interests of highway safety.

Condition 20

During the construction phase (including demolition and preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the noise climate and amenity of local residents.

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

Note 2

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property.
- Building a free-standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

The legal requirement of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 – explanatory booklet.

Note 3

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.



Jon Bishop

Planning Development Manager

Decision date: 21st December 2022

PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET