

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2024/0826

DECISION DATE: 28 January 2025

DATE RECEIVED: 11/10/2024

APPLICANT:

Mr D Bovingdon
C/o Agent

AGENT:

Mr Joe Riley
Shaw and Jagger Architects Ltd
1 Cardale Park
Beckwith Head Road
Harrogate
HG3 1RY

DEVELOPMENT PROPOSED: Proposed free-standing solar panel array adjacent to the existing earthwork bund with associated battery storage shed.

AT: Wiswell Manor Pendleton Road Wiswell BB7 9BZ

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted 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: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

- Amended Location Plan drawing no. (02)001 B
- Amended Proposed Site Plan and Sections drawing no. (02)003 D
- Amended Proposed Plans and Elevations drawing no. (02)004 C
- Existing Site Plan and Sections (02)002
- Biodiversity Net Gain and Management/Monitoring Report dated 09 December 2024
- Solar Panel Specification: Tiger Neo N-type 54HL4R-B 420-440 Watt All-Black Module

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent hereby approved.

3. Notwithstanding the submitted details, details or specifications of all materials to be used on the external surfaces of the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority before their installation in the proposed development. The approved materials shall be implemented within the development in strict accordance with the approved details.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality and to preserve the landscape character of the Forest of Bowland National Landscape in accordance with Key Statement EN2 and Policies DMG1, DMG2 and DME5 of the Ribble Valley Core Strategy.

4. The Biodiversity Gain Plan (as required by the 'Statutory Biodiversity Condition' - see further details below at #6 of the Notes Section) shall be prepared in accordance with the submitted Biodiversity Net Gain Report/Assessment by Conservation Contracts Northwest dated 9 December 2024.

Reason: This is not a statutory requirement but unless imposed there is no requirement that the Biodiversity Gain Plan submitted for approval shall be in accordance with the biodiversity and ecology information submitted with the planning application.

5. Notwithstanding the details outlined in the approved Biodiversity Net Gain and Management/Monitoring Report dated 09/12/2024, the development shall not commence until an updated Habitat Management and Monitoring Plan (the 'Statutory Biodiversity Condition' - see further details below), has been submitted to, and approved in writing by, the local planning authority. This shall include details of:-

- (i) a non-technical summary;
- (ii) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (iii) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (iv) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (v) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

(b) Notice in writing shall be given to the Council when the:

- (i) HMMP has been implemented; and
- (ii) habitat creation and enhancement works as set out in the HMMP have been completed.

(c) First use of the building hereby approved shall not take place until:

- (i) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- (ii) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

(d) The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

(e) Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

6. The landscaping proposals hereby approved (as shown on plan drawing ref: (02)003 D) shall be implemented in the first planting season following installation of the development, whether in whole or part and shall be maintained in accordance with the approved Habitat Management and Monitoring Plan.

Reason: To ensure the proposal is satisfactorily landscaped and trees/hedgerow of landscape/visual amenity value are retained as part of the development in accordance with Policy DME1 and Key Statement EN2 of the Ribble Valley Core Strategy.

7. The development hereby approved shall be constructed using a 'no dig' construction as shown on approved plan drawing ref: (02)004 C and outlined within the submitted 'RADIX Efficient, robust foundations for solar arrays and battery energy storage systems' document.

Reason: To ensure there is no harm to trees within influencing distance of the site in accordance with Policy DME1 of the Ribble Valley Core Strategy.

8. Site preparation and construction phase times of operation: Construction deliveries to and from the site and construction works, shall be restricted to between 0800 and 1800hrs Monday to Friday, 0900 to 1300hrs on Saturdays, and shall not take place on Sundays and Bank Holidays, unless otherwise prior agreed in writing with the local planning authority. All works will be undertaken in accordance with BS5228:2009.

Reason: To protect the amenity of neighbouring residential properties in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
3. The Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development.
4. This Decision Notice should be read in conjunction with the officer's report which is available to view on the website.
5. Environmental Health have had issues with pigeons nesting under solar panels causing problems for the occupier and neighbouring properties. The applicant may wish to consider incorporating bird proofing measures into the design.
6. Statutory Biodiversity Condition
The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the planning authority has approved the plan.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed in the legislation are considered to apply. The biodiversity gain plan must include:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development; and
- (f) such other matters as the Secretary of State may by regulations specify.

When calculating the post-development biodiversity value of a habitat, the planning authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed.

Nicola Hopkins

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

Notes

Right of Appeal

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 against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, 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.
- If this is a decision to refuse planning permission, or approve with conditions, 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.

Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If it is a householder appeal it can be made online at: <https://www.gov.uk/appeal-householder-planning-decision> . 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 a development order. 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 appeal] of the date of this notice, whichever period expires earlier. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

Purchase Notices

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.