



Committee and Date
North Planning Committee
14th November 2017

Item
11
Public

Development Management Report

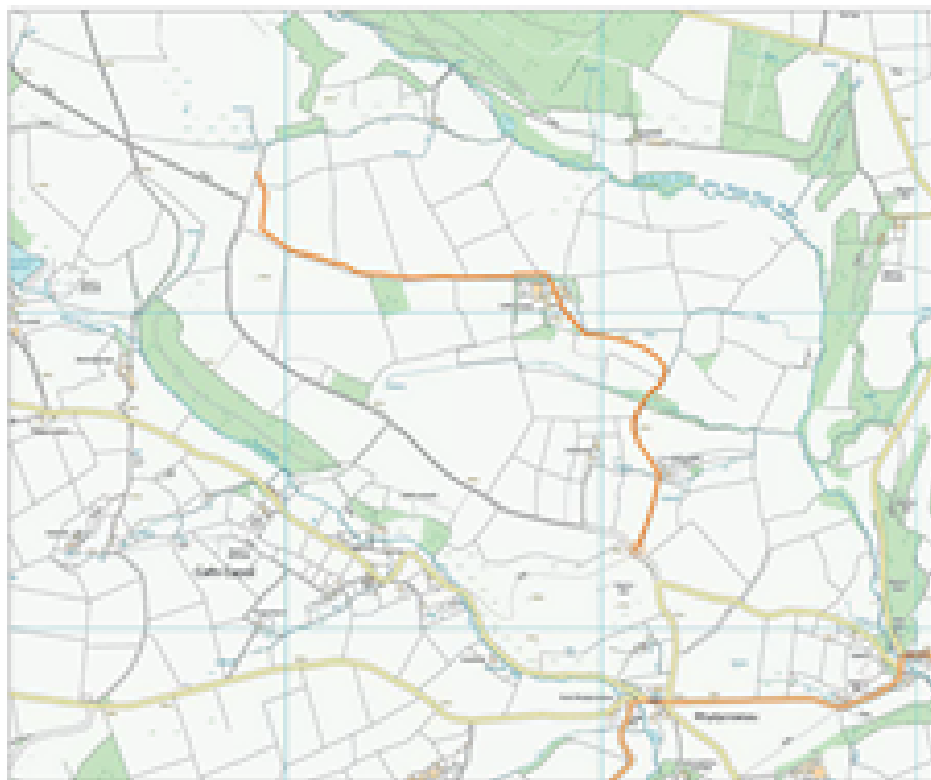
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 17/00887/FUL	Parish:	Selattyn And Gobowen
Proposal: Installation of a temporary access track and upgrade of existing farm entrance, for the purpose of delivery and construction of a proposed renewable energy park		
Site Address: Cefn-Y-Maes Rhydcroesau Oswestry Shropshire SY10 7JB		
Applicant: Cefn Y Maes Community Renewable Energy Park Limited		
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk	

Grid Ref: 323836 - 332017



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

1.1 This application seeks planning permission for the construction of a temporary access track and the upgrading of an existing farm entrance. The track is being proposed in connection with a planning application that has been submitted to Powys County Council for a renewable energy park on a site to the north-west in Wales. That planning application is currently undetermined. The purpose of the track is to provide a route to the proposed energy park for vehicles that would be associated with the construction of the proposed energy park. Whilst the energy park is located in Powys, the proposed means of access to it by construction vehicles is predominantly across land within Shropshire.

1.2 The track would be 6 metres wide, and constructed of aluminium or plastic interconnecting panels. It would run between the existing farm entrance adjacent to the public highway and the energy park; a distance of 2.3km. The first part of the track, between the public highway and the property at Cefn y Maes, would follow the line of the existing access track. From there it would cross largely unsurfaced fields to the energy park site. The delivery of the road sections would be made by 73 HGVs. The existing farm entrance would be widened to allow large vehicles to turn to/from the public highway. This would include the creation of a bellmouth at the eastern side of the entrance. Once the construction of the proposed energy park has been completed the track would be removed.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site lies at Cefn y Maes, approximately 450 metres to the north of the settlement of Rhydycroesau and approximately 4km to the west of Oswestry. The site lies in a sparsely populated upland area, comprising predominantly grazing land.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The views of the Parish Council are contrary to the Officer recommendation. One of the Local Members, Councillor Robert Macey, has requested that the application is determined by Planning Committee. The Principle Officers in consultation with the Committee chairman and Local Member has agreed that the Parish Council has raised material planning issues and that a decision by Planning Committee is appropriate.

4.0 COMMUNITY REPRESENTATIONS**4.1 Consultee Comments**

4.1.1 **Selattyn and Gobowen Parish Council** Objects. The Parish Council express their ongoing concerns regarding the scale, volume and routing of vehicles and site traffic.

The Parish Council previously raised concerns that the proposal raises serious road safety considerations due to them being extremely narrow and steep in places. The Council stated that the proposed routes cannot take anywhere near the quantity or size of vehicles that would be required to deliver and construct the proposed energy park without endangering other road users.

Updated comments:

The Parish Council were re-consulted following the submission of a draft Traffic Management Plan, and have provided the following additional comments.

- The name 'Community Energy Park' is misleading; would query what the community involvement is; the community is objecting to it and the electricity generated on site is not going to the locality
- The proposed delivery window is too wide - 07.00 to 19.00 will unduly impact on school runs and home journeys. Preferable to have 09.30 to 15.00
- The road surface in times of wet weather needs to have more frequent checks than currently proposed. The checks should be documented and the time and name of person carrying it out recorded and the register should be made available for inspection at any time
- In the event of a dirty/muddy road the sweeping should be controlled by the police not the site operators, only when they are satisfied should sweeping cease, in the interests of the safety of road users
- The definition of the peak traffic flow period is not defined, we need further detail
- The co-ordination of movement activities should be done by Cefn-y-maes community solar park and not the supplier of the solar panels. A single contact person and deputy should be designated with full 24 hr telephone access. The contact details should be clearly displayed at the site entrance so that any issues can be promptly registered with the site operator. The caller should be issued with a reference number so as to facilitate any necessary follow up. This notice should be clearly visible at all times and protected from the elements
- The use of articulated HGV is not acceptable on the narrow country lanes, deliveries to site should be on rigid body lorries of an appropriate type
- The reporting of incidents - the proposed timeline for feedback is not satisfactory. Preliminary report 24 hrs, Final report 7 days, Technical Report 14 days. Following an incident all deliveries should cease until the causation and deficiencies have been fully investigated and a methodology put in place to ensure that it cannot happen again. To have a period of 14 days before all details are made available is neither acceptable nor professional's. Safety of road users is paramount. If procedures are adequate there will not be an incident therefore there cannot be any reason to object to this request.

4.1.2 **Oswestry Rural Parish Council** (adjacent parish) Objects.

The Parish Council has considered the proposed routing of vehicles and the access point from the highway, and noted the following

- The concerns raised by Shropshire Council's Highways Dept in its report dated 13 April particularly the underestimation of the number of HGV movements
- The impact on roads and country lanes (including verges and trees) clearly not suitable for the proposed size and volume of vehicles

- The hugely disruptive nature of all vehicle movements (not just HGV) on: local businesses, tourism, the natural environment and residential dwellings on and close to the route (noise and structural damage)
- Road safety on the whole route. The A5 and A483 have an acknowledged accident history
- The lack of local community support for the proposal.

4.1.3 **Powys County Council (adjacent planning authority)** No comments made.

4.1.4 **SC Highways Development Control** No objections subject to a condition.

The applicant's agent has requested that only the access widening and temporary access track should be considered by Shropshire Council but confirms that this proposal is interlinked with the Renewable Energy Park proposal in Powys.

The further Supplementary Environmental Report confirms that the wind turbine and hardstanding has been removed from the development, leaving the originally proposed solar farm (2,588 panels) and associated access, buildings/equipment.

The removal of the wind turbine, while significant in terms of the removal of the abnormal load traffic associated with the delivery and erection of the structure, is not considered to significantly affect the consideration of the access track as a stand-alone proposal under this application.

The access widening and construction of the temporary access track will in itself require a number of HGV movements which are detailed in the letter. It is considered that the management of the construction (HGV) traffic will be required and a condition is, therefore, suggested below requiring a Construction Traffic Management Plan (CTMP) to be submitted and approved. It is also considered that the access track works are unlikely to be implemented unless the amended Renewable Energy Park application is approved by Powys County Council.

The widening of the access shown in Figure 6.7 should be able to be implemented under a Section 184 (Highways Act 1980) licence/agreement and an informative note is provided below for contact details.

It is considered that the CTMP should confirm the duration of the construction of the access track and consider measures and mitigation along the defined route (Fford Cefn y Maes) between the B4580 junction and the site entrance, i.e., the previously suggested pre/post-construction surveys of the road and a scheme to rectify any damage caused during construction. This is considered to be proportionate to the proposal as it is likely that the temporary access track would only be implemented if the Renewable Energy Park application had been approved, with any Highway measures or mitigation simply preceding the further energy park construction and highway requirements which would still be required even with the removal of the wind turbine.

It is noted that there appears to be a discrepancy in the HGV movement figures stated in the "Traffic & Transportation" section of the Engena letter in respect of the delivery of the access track panels, with 67 HGV movements being required (rather than 134) however, this can be clarified in the requested CTMP (see condition in

Appendix 1).

4.1.5 **SC Ecology** No objections subject to conditions.

Reptiles: The presence of reptiles within the proposed works area is considered unlikely but as some suitable habitat will be affected by the proposals it is appropriate that safe working methods are put in place to ensure no reptiles are harmed. These methods should include habitat modification (e.g. cutting and maintaining the vegetation to just above ground level prior to works if the sward has been allowed to grow) to discourage reptiles from occurring and clearing these areas when reptiles are usually active (March to October inclusive). If the stone piles on the sites eastern and southern boundaries are to be removed they should be dismantled carefully (by hand if possible) with an ecologist present to search for reptiles. The stones should be moved to areas immediately adjacent to site boundary (i.e. adjacent to the scrub to the north-east of the site) so that these potential hibernacula are not lost. If any reptiles are found these will be moved to appropriate habitat away from the development site. During construction, any storage of piles of materials and excavated earth on the site should be kept to a minimum and away from the boundaries to deter reptiles from using them for temporary cover.

Badgers: No badger setts were recorded during the site visit however the grassland provides suitable habitat for setts to be created. The site also provides suitable habitat for foraging and commuting Badgers with a single distinct Badger path noted along the eastern boundary. No further evidence of Badger activity, such as latrines or snuffle holes were recorded, however setts are known to be present within 1km of the proposed development.

Although significant negative impacts on Badgers are not predicted it is recommended that mitigation measures are put in place to ensure foraging Badgers do not become trapped within any excavation works associated with construction. Excavations should either not be left uncovered overnight or ways of escape for Badgers provided (wooden planks or graded earth banks).

Great Crested Newts: Due to the distance of the nearest pond from the proposed works (500m and over), poor connectivity between ponds and the proposed works and extent of the suitable Great Crested Newt habitat affected by the proposed works, it is considered very unlikely that Great Crested Newts will be present. The proposed development site will therefore have no negative impact on this protected species.

Nesting Birds: The trees are suitable for nesting birds, although at the time of survey no nests were noted and the presence of ground nesting birds in the areas of improved grassland affected by the proposals is considered unlikely.

Otter: The majority of works will take place within the area of improved grassland and as long as appropriate pollution control and drainage methods are adhered to there will be no significant negative impacts on local watercourses and as such no significant negative impacts on Otter are anticipated.

Bats: No recommendations relating to enhancements for bats directly adjacent to

the proposed turbine have been made as efforts to actively encourage bats into the vicinity of an operational turbine would potentially bring more bats into harm from the operational turbine. Enhancements will be made however to the hedgerows along western and southern boundaries of the field to the south of the development site. This will increase ecological connectivity in the vicinity of the proposed development site without creating an enhanced commuting route close to the operational turbine.

A condition is recommended to require the submission and approval of a Construction Environmental Management Plan (see Appendix 1).

- 4.1.6 **SC Drainage** No objections. The Agent has confirmed that the temporary access track would be semi-permeable and the site entrance will slope away from the highway. The temporary access track is therefore acceptable from the drainage perspective.
- 4.1.7 **SC Archaeology** No objections. The proposed development is understood to comprise a temporary access track and upgrades to an existing farm entrance to facilitate the construction of a proposed renewable energy park. The park itself will be sited in Powys, Wales and is subject to a separate planning application which is currently being considered by Powys County Council as the relevant Local Planning Authority.

It is understood from Chapter 6 (Development Proposal) and Chapter 7 (Construction, Operation and Decommissioning) of Volume 2 of the Environmental Statement that the existing farm track will be utilised to the Cefn-Y-Maes farmstead. The temporary sections of the trackway will be constructed using either aluminium or plastic, which will be delivered to site either in interconnected panels or on a roll by standard HGVs. It is understood from paragraph 6.22 of Chapter 6, Volume 2 of the Environmental Statement that these sections of the trackway will sit on the surface and not require any excavations or other significant ground works.

It is further noted that the proposed energy park will be connected to the Local Distribution Network via an underground cable from the sub-station to the selected connection point. However, Chapter 6 of Volume 2 of the Environmental Statement makes it clear that these works will be the responsibility of Scottish Power Energy Networks. As such, they will form the subject of a separate planning application if necessary and do not therefore form part of the current planning application.

It is understood that Shropshire Council has been consulted by Powys County Council on the planning application relating to the renewable energy park facility itself. Further, that Shropshire Council will therefore be submitting a formal consultation response, including in relation to impacts on the historic environment. Consequently, the following advice relates solely to the works for the temporary access track within Shropshire and not to the main scheme.

Given that the temporary sections of the access track will be installed without the need for any ground works, any archaeological impact will be negligible. Likewise, it is considered that the alteration to the entrance to the existing farm track will not have an archaeological impact. Consequently, we have no further comments to make on this application in relation to archaeological matters.

We would, however, note that any the trenching within Shropshire for the cables to connect the energy park to the Local Distribution Network will pass through an area whose archaeological potential remains untested. We would therefore recommend that any such works in an upland location such as this are subject to appropriate archaeological mitigation

4.1.8 **CADW – Welsh Government’s historic environment service** No comments to make. The proposed access track comes no closer than c 2km to any designated historic assets; consequently it will not have any affect upon them.

4.1.9 **SC Rights of Way**

It appears that the proposed access to the site will run along the track to Cefn Meas which is also Public footpath 105 before running up the existing access drive to Cefn-y-Maes . At this point the proposed access drive will cross footpath 107 before continuing to site. Whilst it does not appear that, both footpaths will to be directly affected by the proposal the health and safety of users is paramount at all times during and after construction. Further advice provided to be added as informative notes.

4.1.10 **Ramblers** Objects.

- Concern over consultations undertaken
- Concern over factual errors in the submitted planning application documents
- Query whether there is any mitigation proposed to ameliorate the severe damage that will affect walking routes
- The development will be very visible in a sensitive upland area
- Dangers to walkers, cyclists and horse riders due to construction traffic
- Impact of solar panels on ancient boundary stone
- Concern over precedent

4.1.11 **CPRE** Objects.

- Should be considered as a single project, including linked infrastructure
- Proposal does not specify means of exporting electricity
- Has not provided sufficient information to comply with the EIA Directive
- Access track should not be considered without reference to effects of HGV and AIL transport
- Adverse visual effects of track
- Impact from traffic and HGVs
- Concern over routing of traffic through Oswestry and routing via very steep roads
- Route should have a dummy run

4.2 **Public Comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition three properties in the vicinity have been directly notified. 54 objections have been received. Many of these raise issues that relate principally to the associated application for an energy park that is being considered by Powys County Council. A summary of the concerns raised by these objections is set out

below.

- Proposal cannot be considered in isolation from the main energy park application
- All new electricity pylons would be in Shropshire
- Major impact from delivery lorries, including many exceptional loads, some over 30 metres long and over 5 metres wide
- Will be necessary to widen some roads
- Impact on Oswestry town centre and traffic disruption
- No details shown of any pylons required
- No benefit to the community
- Traffic impact from delivery of machinery and materials
- Adverse noise from traffic
- Track will open up countryside to more motorcyclists and 4x4 clubs
- Long term landscape impact
- Impact on pony trekkers, ornithologists, and hikers
- Impact on hedgerows from widening of lanes
- Impact on tourism
- If permitted, track should be removed and the land restored at end of temporary period
- Concern over public safety on public highway and consideration of these issues by the Council's highways consultant

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design
- Historic environment considerations
- Ecological considerations
- Highways and access; local amenity considerations

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The proposed track would provide temporary access for vehicles associated with the construction of a renewable energy park which is being proposed on nearby land in Powys. Core Strategy policy CS5 allows for infrastructure sited within the countryside where this cannot be accommodated within settlements. Core Strategy policy CS8 provides support for infrastructure where this has no significant adverse impact on recognised environmental assets. The proposed energy park application is being determined by Powys County Council and it is not considered that the merits of that scheme are relevant to this application under consideration. In principle the construction and retention of the track for a temporary period is acceptable. The land use impacts are considered below.

6.2 Siting, scale and design

6.2.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.

6.2.2 The temporary access track would be required in support of the construction of the proposed energy park only, following which time it would be removed. The applicant is agreeable to a condition which requires the removal of the track within nine months or once electricity generation has commenced, whichever is sooner. Whilst the track would result in a change to the landscape fabric of the area this would be for a relatively short duration only. This change would be fully reversible upon removal of the track. Visibility of the track from public viewpoints would be limited to nearby public footpaths. Given the scale and limited time that the track would be required it is not considered that any adverse impacts on the landscape character of the area would be significant. It is also considered that a condition should be imposed to require that details of the reinstatement of the site entrance is submitted for approval, in order to minimise any long term impact from a widened access in this rural area.

6.2.3 The applicant has advised that the temporary access track is only required in connection with the construction of the proposed energy park. Should permission for that be refused then the temporary access track would not be required.

6.3 **Historic environment considerations**

6.3.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.

6.3.2 Archaeological impacts would be negligible given that the track would be laid on the ground surface and no groundworks would be necessary.

6.4 **Ecological considerations**

6.4.1 Core Strategy Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.

6.4.2 The temporary access track would lay on the land surface and may have a temporary adverse impact upon the underlying grass. Once the track has been removed and the grass has restored the impact is anticipated to be neutral. Where possible the route of the track has followed the route of the existing farm tracks to minimise impact upon ecological habitat. The route of the temporary track has been considered as part of the wider ecological assessment of the energy park scheme which is contained within the Environmental Statement for that application.

6.4.3 Based upon the desk top and site surveys undertaken, the Council's Ecologist has not raised any significant concerns. It is considered that mitigation and precautionary measures are put in place to minimise ecological impacts. These can be secured through approval of a Construction Environmental Management Plan as part of an appropriate planning condition.

6.5 **Highways and access; local amenity considerations**

6.5.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take

place where there is sufficient existing infrastructure capacity.

- 6.5.2 There are three principal highways and traffic related issues for consideration. The proposed widening of the site entrance; the construction traffic involved in the delivery of the access track panels; and the construction traffic associated with the construction of the proposed energy park in Powys. In relation to this latter issue, it should be noted that the current application relates to the temporary access track only. As such it is considered that matters concerning construction traffic that would deliver components for the energy park itself should be assessed as part of the Powys County Council application and not as part of the current track application. The Council has been consulted on that application and has provided recommendations to the County Council on traffic issues. Nevertheless it is acknowledged that the two elements, including matters relating to traffic management for the whole scheme, are interlinked.
- 6.5.3 The Council's highways consultant has not raised any issues with the widening of the existing farm access track. In terms of traffic the total number of HGV movements associated with both the temporary track and the associated energy park is anticipated to be 444 over the course of the four month construction period. Of these approximately 276 (138 HGVs) would be associated with the delivery and subsequent removal of the track panels.
- 6.5.4 The application for the energy park originally included the installation of a wind turbine and this would have necessitated the delivery of some components by exceptional loads. This element of the energy park application has now been removed, hence there is no longer a need for these larger delivery vehicles. Most of the deliveries, including those relating to the track panels, would be made using rigid HGVs. However a limited number of articulated lorries are likely to be required.
- 6.5.5 The primary route to the site by construction vehicles from the A5 would be through Oswestry and along the B4580 to Rhydycroesau. The local concerns raised over the potential impacts of this construction traffic, including by the Parish Councils, are acknowledged. Officers agree that the proposal is likely to result in some adverse impact on the local highway network, particularly given the width and alignment of some of the roads and also the need to pass through the town. Officers have discussed with the applicant's agent potential opportunities to minimise these impacts. Nevertheless on the basis of the assessment above Officers consider that there is no fundamental objection to the construction of the temporary track and as such it is appropriate to seek to address concerns over construction traffic through a Traffic Management Plan to be agreed as part of a planning condition.
- 6.5.6 The applicant's agent has prepared a draft Traffic Management Plan and the Parish Council's comments on this, as set out in section 4.1.1 above, are noted. It is anticipated that management would include the following:
- Any articulated HGVs to use the alternative route that avoids Oswestry town
 - Advance notification/publicity of the construction period
 - HGV deliveries to avoid peak times
 - Convoys to be restricted to a maximum of three vehicles
 - Wheel washing facilities to be provided at the site entrance

6.5.7 The Council's highways consultant has advised that the Traffic Management Plan should include pre- and post-construction surveys of the public highway between the B4580 junction and the site entrance, and a scheme to rectify any damage caused during construction.

6.5.8 Should planning permission be granted for the temporary track the Parish Council can be consulted on any Traffic Management Plan submission, in view of their continued concerns and in order to continue discussions over detailed management measures that may be necessary.

7.0 **CONCLUSION**

7.1 The proposed access track would facilitate access by construction vehicles should planning permission for an energy park on an adjacent site in Wales be granted by Powys County Council. Whilst the two applications are interlinked they are required to be considered separately and the merits of the proposed energy park are not relevant to the application for the temporary track.

7.2 The track itself would be removed after no longer than nine months and the temporary impacts would be limited in duration. Reinstatement works would be undertaken to the widened access point upon completion of construction of the energy park. Notwithstanding concerns over highways impacts from construction traffic it is appropriate for such matters to be dealt with as part of a Traffic Management Plan which can be prepared in line with the measures agreed in principle to date, and as the detailed elements of the construction method are drawn up, should permission for the energy park be granted.

7.3 Subject to the conditions set out in Appendix 1 it is considered that the proposed temporary access track is acceptable in relation to Development Plan policies and other material considerations, and that planning permission can be granted.

8. **Risk Assessment and Opportunities Appraisal**

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9. Financial Implications

There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD8 - Infrastructure Provision
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

None.

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member Cllr Robert Macey Cllr Mark Thomas Jones

Appendices APPENDIX 1 - Conditions

APPENDIX 1 - Conditions**STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until a Construction Traffic Management Plan (Method Statement) has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan/Statement shall be adhered to throughout the construction period and shall provide for: -

- Pre and post construction surveys of Fford Cefn y Maes, including the B4580 junction, to the improved site entrance along with a scheme of works to protect or mitigate damage to the Highway areas and including a timescale for undertaking any works following the completion of the development
- the duration of the construction and number of vehicle movements
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a traffic management and HGV routing plan

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

4. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;

- f) Identification of Persons responsible for:
- i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.
- All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

5. No construction work shall commence until a scheme of reinstatement, including timescales for implementation, has been submitted to and approved in writing by the Local Planning Authority, for the modified site entrance associated with the Renewable Energy Park.

Reason: To conserve rural character in the vicinity of the development.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

6. The temporary access track shall be removed from site following nine months from its initial implementation on site (date to be provided to the Local Planning Authority with photographic evidence), or within four weeks following first generation from the associated Cefn y Maes Community Renewable Energy Park, whichever is sooner.

Reason: To protect the visual character of the area.

Informatives

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.

2. Works on, within or abutting the public highway
This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertake the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together with a list of approved contractors, as required.

3. Wild birds

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

Great Crested Newts

Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

Wildlife

Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Badgers

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

Reptiles

If piles of rubble, logs, bricks, other loose materials or other possible reptile and amphibian refuge sites are to be disturbed, this should be done by hand and carried out in the active season for reptiles (approximately 31st March to 15th October) and any reptiles discovered

should be allowed to naturally disperse. Advice should be sought from an experienced ecologist if large numbers of reptiles are present.

Bats

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

Any trees within the hedgerows may have potential for roosting bats. If these trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on these trees.

If a bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

4. The applicant must ensure the following:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

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