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# Appeal Decision

Inquiry Held on 22 – 24 March 2023, and closed in writing 11 April 2023

Site visit made on 7 April 2023

**by M Shrigley BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9<sup>th</sup> May 2023

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**Appeal Ref: APP/C3240/W/22/3308481**

**Land at Steerway Farm, Limekiln Lane, Wellington, Telford TF1 2JU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by RE Projects Development Limited against the decision of Telford and Wrekin Council.
  - The application Ref TWC/2021/1071, dated 14 October 2021, was refused by notice dated 8 April 2022.
  - The development proposed is for the installation of a ground mounted solar farm with continued agricultural use (grazing), ancillary infrastructure and security fencing, landscape provision and ecological enhancements.
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## Decision

1. The appeal is allowed and planning permission is granted for the installation of a ground mounted solar farm with continued agricultural use (grazing), ancillary infrastructure and security fencing, landscape provision and ecological enhancements on Land at Steerway Farm, Limekiln Lane, Wellington, Telford, Shropshire TF1 2JU in accordance with the terms of the application, Reference TWC/2021/1071, dated 14 October 2021, subject to the 'Schedule of Conditions' set out at the end of this decision.

## Application for Costs

2. An application for the partial award of costs was made by Telford and Wrekin Council against RE Projects Development Limited. This application will be the subject of a separate decision.

## Procedural Matters

3. In advance of the Inquiry the main parties agreed that reasons for refusal relating to Biodiversity Net Gain (BNG) and the impact to wild nesting birds were no longer in dispute. This being detailed in the submitted Statement of Common Ground for Ecology dated 6 January, later amended to the version dated 20 March 2023. Whilst ecology considerations are not entirely clear cut, accounting for the potential use of planning conditions in any decision made I have no compelling reason to depart from the main parties agreed position when assessing any benefits attributed to the scheme. As detailed in my overall reasoning.
4. An updated Landscape and Visual Impact Assessment (Version 3) (LVIA) circulated to the Council on 31 January 2023 and was volunteered by the appellants as an appeal document forming part of its landscape witness

- evidence. I subsequently requested that the LVIA was information needed for the purposes of dealing with the appeal under the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000.
5. The additional information, in the main, relates to informed professional landscape assessment and mitigation opinion on disputed character and appearance impact matters. The consideration of which does not materially disadvantage other appeal parties.
  6. I have dealt with local policy implications largely within the main issue. But other elements of the dispute require wider consideration of the Council's development plan, national policy and strategy as well as the recovered and now determined appeal decision for New Works Lane issued on 27 March 2023 (Appeal Reference APP/C3240/W22/3293667). Therefore, those further aspects are set out within my decision.

### **Main Issue**

7. The main issue is the impact of the development on the character and appearance of the strategic landscape around the Shropshire Hills Area of Outstanding Natural Beauty (AONB), having regard to local public rights of way and any benefits associated to the scheme.

### **Reasons**

8. At my site visit I could see that the land subject to the appeal has an undulating appearance largely comprising of open fields with a ridge along part of the eastern boundary, and the northernmost field sloping down from that ridge towards Dawley Road. The immediate area closest to the site includes a mix of environmental features: the M54; sporadic residential properties along Limekiln Lane; a golf club and extensive woodland.
9. I could also see that agricultural fields, hedges and tree cover are significant components of the immediate areas character and appearance. In particular, the Ercall Nature Reserve situated nearby, roughly to the west, exhibits sylvan and unspoilt natural characteristics set over steep embankments. Further afield at the heart of the Wrekin Forest is 'The Wrekin Hill' with a distinctive ridge like profile and is part of a series of hills. Wrekin Hill being the most renowned or iconic hill in Shropshire within the AONB as a recreation attraction and destination.
10. The main parties to the appeal agree that based on the Telford and Wrekin Strategic Landscapes Study (2015) the appeal site falls within the Wrekin Forest Strategic Landscape (WFSL), which is one of three important Strategic Landscape (SL) areas within the Council's administrative area. The WFSL covers the northern part of the AONB and the lower-lying countryside which lies beyond it.
11. I acknowledge the WFSL is recognised in the Telford and Wrekin Strategic Landscapes Study to have a distinctive rural character and appearance, founded on: the proximity of the AONB; the presence of extensive woodland; ancient road and settlement patterns; as well as periods of farming and industry. It is broadly documented as comprising of an intimate landscape, often enclosed by trees and woodland, but with sudden long-range views.

12. The level of impact of the appeal development on the SL which contains a network of public routes enjoyed by people for activities such as walking, running, cycling and horse-riding is a major element of the dispute. Much of the opposition to the appeal scheme includes that it is too close to the AONB as well as the ancient woodland of the Ercall within the WFSL. The proposal being likened to urbanisation of the open countryside.
13. I note that the Telford and Wrekin Local Plan (2018) (TWLP) Policy NE 7 states that the AONB will be given the highest level of protection. And that the Council will protect the SL's from development which would cause detrimental change to the quality of the landscape.
14. The appellant's landscape evidence offers a systematic and convincing summary of effects to character and appearance. I agree that the site does not reflect deep countryside remote from human influence. Levels of tranquillity diminish considerably when using the public routes heading in the direction towards the M54, or routes running close to it.
15. I appreciate that components of the appeal site as arable and grazing fields do have genuine value in terms of the variety of the landscapes that make up the WFSL. That said, the solar farm would be located wholly outside the AONB and would sit within only a small part of the overall SL which is significantly influenced by the presence of the adjacent urban area of Telford and a motorway.
16. The appeal site location has importance as a local access point to the WFSL and AONB. But it is not an important gateway site to the WFSL in the way that The Wrekin Forest Glen car park (as the main carpark for commuters visiting the area from further afield) is. There may be some people travelling beyond the local area to use the public pathways near to the site but in relative terms I would expect it to be of a far lower magnitude. Accepting that locally organised recreation events may also give rise to some variation.
17. For the purposes of applying paragraph 174(a) of the National Planning Policy Framework (the Framework) the local landscape impacted is a valued landscape given the WFSL designation and proximity to the AONB. It is clearly cherished by many local residents. I agree the appeal land is sensitive to change and significant weight should be attributed to any harm to landscape character and appearance.
18. Despite that acknowledged sensitivity, given the lack of significant intervisibility with the AONB because of trees, hedges and topography it is not a highly sensitive site. It is not a key or main gateway site to the WFSL, albeit it does have intrinsic local recreational value and is evidenced as being well used.
19. Although softening and screening planting are proposed, the solar farm would result in an engineered landscape character rather than an open rural one. It would represent a substantial and significant change in character predominantly from the views contained within it.
20. The evidence heard refers to the byway which runs through the southern part of the site and allows access onto Limekiln Lane. Within the site boundary; from the byway; and where other wider marginal views are possible in small gaps such as field entrances, the changes would materially degrade the experience of using the nearby entry or transit points for the WFSL. In that

- respect, the change in character to one of a developed and managed landscape would be at odds with its 'special qualities'.
21. Nevertheless, I also recognise that solar farms are often located in rural areas. The appeal scheme would not extend the urban area fringe. It would be visually distinct from the urban area and separated by the M54.
  22. It would be difficult to view or experience the solar farm along Limekiln Lane or the public route within the golf course owing to extensive tree and hedgerow cover which would remain. Noting there are some small gaps and visibility access points allowing some views. Outside of only small infrequent visibility gaps and, also bearing in mind the open fields, and undulating topography to the southeast of the site I accept that the overall effects of the scheme would be highly contained and localised.
  23. In accordance with the Framework great weight is attached to conserving and enhancing landscape and scenic beauty in AONBs. There would be very limited harm to the setting of the AONB owing to a lack of intervisibility and the localised nature of the effects involved, as well as the remaining size and overall quality of the WFSL left undisturbed.
  24. Where limited and localised views would be possible of the appeal scheme, it would affect the attractiveness of public routes used by local people seeking the natural beauty and remoteness of the AONB and Wrekin Forest landscape.
  25. But embedded design features incorporated into the scheme otherwise include: the setting back of panels from property and field boundaries; management of hedges to increase their height; inclusion of meadow grasses surrounding the panels and an opportunity for sheep grazing within the development fields; plus, new hedge and tree planting along external perimeters where they do not already exist.
  26. Based on that provision, as well as the location, far reaching views of the solar farm would represent a relatively small component of views up to the Wrekin area. Because of those factors, I am satisfied the scheme design accords with the criteria of TWLP Policy BE 1, which aims to support good design.
  27. Owing to the contained characteristics of the appeal site, the proposed solar farm would not result in a significant adverse effect on the landscape, or the amenity value of the area experienced as a whole.
  28. Moreover, the scheme would not conflict with Policies P1 and WF 1 of the Shropshire Hills AONB Management Plan (2019-2024). That is because Policy P1 relates to development in the area around the AONB where proposals are required to take account of the special qualities and landscape quality of the setting of the AONB, which the scheme does.
  29. Policy WF 1 does not bar all forms of development. It notes the WFSL should be protected 'as far as possible'. The position and layout of the development achieves that aim. And harm to landscape or visual amenity would not be unacceptable to users of the AONB because of the marginal and limited overall effects which would be apparent.
  30. Even though there would be no conflict with Policies BE 1, P1 and WF 1, overall I find that the proposal would have a material adverse effect on the landscape character and appearance of the site 'itself' and the subsequent localised

contribution that this makes to the qualities of the WFSL. Thus, a detrimental but contained change would be caused to the WFSL and limited harm to the setting of the AONB by virtue of that. For those specific reasons the scheme would conflict with the terms of TWLP Policy NE 7.

*Benefits, and additional aspects*

31. The appeal documents include information which suggests a BNG of around 97% habitat units is achievable with the development. Those gains are obtained by arable land being recultivated to 'other neutral grassland'. The appellant argued their delivery calculation would be realistic and achievable with a planting density at a rate of 9-15 species per m<sup>2</sup> anticipated.
32. Yet issues were raised at the Inquiry by interested parties over the scale of acidity of soils covering arable land influencing the level of BNG possible. Because of those concerns, the scenario adjustments agreed between the main appeal parties show an overall BNG gain would still be achievable.
33. Based on the evidence available it is probable that arable farming practice in the vicinity would have been to plant crops knowing the likely soil condition. Therefore, I find it is plausible that the pH of the soil is unlikely to be far off neutral currently.
34. As a further safeguard, it is proposed by the appellant that field soil would be tested to ensure that a suitable pH and nutrient condition would be in place for achieving an optimal BNG. In tandem, the appellant acknowledges that the Landscape and Ecology Management Plan (LEMP) is likely to need to be modified should climate change make a significant impact on the site over the predicted 40-year operational life of the solar farm. Such modification would be able to take pH scenario concerns into consideration. The LEMP would be able to be modified to ensure that the resultant grassland is maintained at a moderate condition.
35. Accordingly, I am satisfied a lower figure of 30% BNG is unlikely but cannot completely be ruled out. A figure below 60% would only result if the new replacement grassland is downgraded to modified grassland, with a poor condition after 4 years. Consequently, with the LEMP and a soil condition assessment being part of the potential planning conditions able to be applied, a BNG of 97% remains achievable over the full 40-year operational period.
36. Thus, I agree a range of outcomes could be apparent with BNG of either 60% or 97% as the more likely outcomes should the appeal be allowed. A gain of around 30% being the least likely outcome to occur.
37. The Framework supports the increased use and supply of renewable energy. It is evidenced that a 30MW solar farm could generate enough renewable electricity per annum to power around 11,000 households and save some 7,000 tonnes of CO<sub>2</sub> emissions per year. A higher output figure of up to 49.9MW the scheme could deliver is also referenced by the appellant which forms a more up to date position.
38. The Climate Change Act 2008, as amended sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero, by 2050. Recently, the Government committed to reduce emissions by 78% compared with 1990 levels by 2035.

39. The National Policy Statements (NPSs) for the delivery of major energy infrastructure are also material considerations in my decision. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. Whilst NPSs EN-1 and EN-3 do not specifically refer to solar generated power they reiterate the urgent need for renewable energy electricity projects to be brought forward. Draft updates to NPSs EN-1 and 3 identify that, as part of the strategy for the low-cost decarbonisation of the energy sector, solar farming provides a clean, low cost and secure source of electricity. Notwithstanding the replacement EN-3 is in draft consultation form.
40. I have had regard to the December 2020 Energy White Paper (WP). The WP sets out that solar is one of the key building blocks of the future UK energy generation mix. The Net Zero Strategy: Build Back Greener (2021) also has relevance where it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar.
41. I am aware the Government's British Energy Security Strategy (April 2022) does not set a firm target for solar but expects a five-fold increase in deployment by 2035. This aligns to the strategy's aim that by 2030, 95% of British electricity could be low carbon; and by 2035 that the electricity system will be able to be decarbonised, subject to security of supply.
42. Accounting for national thresholds, the description of the scheme, as well as technological innovation there is no reason evidenced the 49.9MW output could not be achieved within the confines of the site. Besides, even the lower 30MW maximum capacity also referred to by the appellant would still represent a considerable benefit if that were to occur. There are no physical constraints limiting early development of the solar farm and a grid connection offer is in place.
43. As such, I accept the scheme could make an early and significant contribution to the objective of achieving Net Zero and the commitment to reducing emissions by 78% compared with 1990 levels by 2035. In all of that context, the clean and secure energy benefit on offer attracts substantial weight.
44. Further benefits would include some legacy landscape enhancement. The economic benefits associated to construction are also relevant. The scheme would provide short term employment opportunity.
45. The Council cite their record on 'in house' Net Zero initiatives alongside the existing planning consents they have authorised allowing similar solar farm development within their administrative area. Those matters, in some respects being linked to the 'Climate Emergency Motion' they passed around July 2019. Nonetheless, acknowledgement of those positive steps does not take away from the clean renewable energy production benefits on offer.
46. Separate to those points, the decision of the Secretary of State (SoS) relating to the New Works Lane appeal is relevant, by virtue of it being situated on adjacent land and the similarity of issues contested.
47. None of the evidence relating to the New Works Lane appeal is before me to make meaningful comparisons but the general approaches taken by the decision maker are important. Whilst I am not bound by the outcome, I have

considered the substance of the conclusions, and my findings in this appeal are broadly consistent with the decision-making principles contained within it. Thus, the rulings<sup>1</sup> the Council refers me to in their written closing do not alter my overall assessment.

48. In light of the SoS's decision, I find there would be negligible cumulative effects relating to landscape character and visual amenity with both schemes in place because of the physical and visual containment of the proposed development.
49. I recognise TWLP Policy ER 1 (Renewable Energy) is generally permissive of renewable energy schemes, subject to a set of criteria that addresses protective elements including significant adverse effects on landscape and amenity. I accept that the interpretation of the term 'landscape' in Policy ER 1 refers to the landscape as a whole.
50. The interpretation of Policy ER 1 in the New Works decision is treated in the same way by the SoS. Outside of WFSL considerations there would be no significant effect on landscape as a whole; no significant adverse effect on local amenity; and no conflict with any other protective criteria listed in Policy ER1.

### **Other Matters**

51. The statutory duty contained in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving listed buildings or their setting, or any features of special architectural or historic interest which they possess.
52. There are a number of heritage assets nearby, including an ancient scheduled monument on The Wrekin. I concur with the main parties that there would be no harm caused to any nearby designated heritage asset in accordance with the terms of the Framework because of the separation distances involved as well as intervening wooded areas and hedges.
53. Outside of the main issue I have carefully considered interested party objections to the scheme. But there is nothing conclusive demonstrating there would be a carbon sequestration reduction in soils. The scheme is likely to allow overall soil health to substantially regenerate. Beyond aesthetic considerations of people disliking the appearance of the solar farm it would not restrict access to any public route currently utilised. There would remain adequate unrestricted access to the countryside for public enjoyment, recreation and health interests. There is no compelling basis to conclude the appeal scheme would erode from tourism.
54. I am satisfied that issues associated with protected species impacts and other fauna can be addressed through conditions and the licensing regime. With regard to Best and Most Versatile Land use, the proposal would be compliant with the advice of the Framework. There are no other sites evidenced which have been assessed to offer a better or more convincing and realistic alternative, bearing in mind grid connection availability and the overall environmental effects triggered by a commercial scale proposal such as this.

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<sup>1</sup> *North Wiltshire District Council v Secretary of State for the Environment [1993]*; *Hallam Land Management Ltd v Secretary of State for Communities and Local Government [2019]* & *DLA Delivery Limited v Baroness Cumberlege of Newick [2018]*

55. A suitably worded planning condition coupled with the degree of on-site vegetation which would remain would provide adequate flood risk safeguards. Statutory consultees have assessed glint and glare considerations and have found those to be acceptable for motorway users. I agree. There is nothing demonstrating that the scheme would erode from living conditions by virtue of noise or the solar farm's positioning.
56. Although a variety of social and environmental issues are posed in relation to solar array production there is nothing convincing evidenced to directly link those problems as constituting compelling reasons to support refusal of the scheme. There are no significant public safety issues arising that are incapable of being addressed by planning condition. I also agree a small amount of site grazing cannot be discounted as a credible option albeit it would be tokenistic in nature. Furthermore, I am satisfied decommissioning requirements could be properly controlled and enforced through planning condition use.

### **Conditions**

57. Without prejudice, the main parties compiled an agreed list of conditions in the event the appeal were to be allowed. The list was revised during the Inquiry to ensure biodiversity interests could be met. Subject to minor amendment the suggested wording would meet the relevant legal tests. Standard conditions would be needed to specify the time limit and plans in line with statutory provision and to provide a formal mechanism for amendment.
58. The approval of details for the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment and enclosures is warranted in the interests of safeguarding visual amenity. Decommissioning conditions would ensure site restoration is properly undertaken in the interests of protecting the character and appearance of the area. A range of ecology conditions are necessary to ensure flora and fauna are properly protected, inclusive of regard to protected species and to ensure an adequate level of overall biodiversity enhancement and future ecological management. Additionally, further conditions would be required to ensure: construction management is respectful to the area; adequate archaeological protection; coal mining risks are safely managed; safe access can be achieved; and any new lighting does not give rise to ecological or other wider amenity harm.

### **Planning Balance**

59. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
60. There would be some conflict with the Council's development plan arising from the main issue of the case. Outside of my findings on the main issue, there would also be significant benefits as a result of the appeal scheme encouraged by other elements of the development plan and the content of the Framework.
61. The proposal would cause a detrimental change to the WFSL that is not in accordance with Policy NE 7. But the scheme otherwise complies with Policy ER 1. Given that Policy ER 1 incorporates consideration of landscape harm and the landscape harm evident would not be unacceptable, on balance, the scheme is largely in accordance with the development plan when read as a whole.



62. I have found that the proposal would have a material adverse effect on the landscape character and appearance of the site itself and the subsequent contribution it makes to the qualities of the WFSL. In that context, there would be localised and contained harm to its special qualities and very limited harm to the setting of the AONB would result by virtue of that.
63. Accounting for the potential 40-year operational lifespan of the solar farm the harm from the scheme would ultimately be reversible. There would also be benefits in terms of legacy planting scheme provision and BNG.
64. I have taken a cautious line with the weight attributed to the level of BNG in making my decision. But even in the worst-case scenario evidenced, an overall gain would still be able to be delivered. The construction phase would make some positive economic contribution through employment creation. Albeit the evidence is sparse, and those benefits are afforded limited weight.
65. The Council underscores a “right development but wrong place” argument and I am cognisant of the high degree of public opposition apparent. But my decision must ultimately be made on the level of harms arising against any overall benefits. The clean and secure energy production the scheme offers is a substantial overarching benefit even at the lower scale of up to 30MW, if that was to transpire.
66. When weighed in the planning balance the magnitude of benefits are considerable relative to the harms, and subsequently the direct benefits arising from the development give me sufficient reasons to allow the appeal. I must also make clear that even if I had found partial conflict with Policy ER 1 (given the interpretation issue in dispute) the other material considerations triggered would still justify the grant of planning permission in this particular case.

### **Conclusion**

67. Taking all matters raised in the round I find that the overall benefits of the development would substantially outweigh the harms it would cause. For the reasons set out above the appeal succeeds.

*M Shrigley*

INSPECTOR

### **APPEARANCES**

FOR THE APPELLANT:

David Hardy (LLB (Hons) BCL (Hons))

Counsel, CMS

WHO CALLED:

Nigel Cussen (BSc (Hons) DipTRP MRTPI)

Planning Witness, Pegasus Group

Andrew Cook (BA (Hons) MLD CMLI MIEMA CEnv)

Landscape Witness, Pegasus Group

Peta Marshall (BSc (Hons) MCIEEM PIEMA)

Ecology Witness, Greenscape  
Environmental Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Estelle Dehon KC BA (Hons), LLB (Wits)  
BCL MPhil (Oxon)

Counsel, Cornerstone Barristers

WHO CALLED:

Katy Craddock BA (Hons), MA, MRTPI

Planning Witness

Doug Harman MA CMLI

Landscape Witness

Stuart Dunlop BSc (Hons)

Ecology Witness

INTERESTED PARTIES (WHO SPOKE AT THE INQUIRY):

Mr Deaves

Zero Carbon Shropshire

Cllr Jacqui Seymour

Wrockwardine Ward

Cllr Angela McClements

Arleston Ward

Cllr Dorothy Roberts

Mayor of Wellington, Wellington  
Town Council

Cllr Jayne Greenaway

Lawley & Overdale Parish  
Council

Cllr Dave Cooper

Little Wenlock Parish Council

Jocelyn Lewis, Campaign Group

'Stop Steeraway Solar Farm'

Matthew Fennell-Fox

Paul Kalinauckas

Bowring walkers, Bowring  
runners & Shropshire Canicross

John Yorke

Lawley Village Community  
Group, also read statement on  
behalf of the British Horse  
Society/Telford  
Bridleways/British Driving  
Society

Anne Suffolk

Ramblers / Open Spaces  
Society

Greg Sinclair

CPRE, The Countryside Charity

Sarah Fahy

Sally Anne Robinson

BHS / Telford Bridleways /  
British Driving Society

DOCUMENTS SUBMITTED DURING THE INQUIRY:

INQ1 – Appellant’s Opening

INQ2 – Council’s Opening

INQ3 – Enlarged AONB Plan, Pegasus Group, dated 20 March 2023

INQ5 – ‘Walk Around The Wrekin’, Wellington Local Agenda 21 Group, dated 2014

INQ5 – IPCC Synthesis Report, dated 19 March 2023

INQ6 – Extract from Telford & Wrekin Strategic Housing Land Availability Assessment (update 2016), Assessment Guidance Template

INQ7 – Land North of Roden Lane Farm, Planning Committee Decision (Ref TWC/2020/0851)

INQ8 – Land West of New Works Lane, Telford, Secretary of State’s Decision and Inspector’s Report (Appeal Reference: APP/C3240/W/22/3293667)

DOCUMENTS SUBMITTED AFTER THE INQUIRY:

Updated agreed list of planning conditions.

Ecology/BNG reference note from the Appellant.

Revised/ updated application for costs made by the Council.

Written closings of the Council.

Appellant’s response to cost claim.

Written closings of the Appellant.

**Schedule of Planning Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be carried out in accordance with the deposited plans and drawings, unless otherwise agreed by the Local Planning Authority:
  - N050-YX-DG-A00002: General layout plan without shading
  - TRP1078\_03 Rev\_5: Mitigation and Enhancement Plan
  - GWS-2104-TSP Rev A: Tree Shading Plan
  - 1 Rev 04: General Layout Plan
  - 1078-05: Construction Drawings & Details - (Panel Elevation & Road Fencing)
  - 1078-06: Construction Drawings & Details - (Transformation Unit & Grid Connection Cabin)
  - 1078-07: Construction Drawings & Details - (Sections)
  - SA38550-BRY-ST-PL-0001: Location Plan
  - SA39965-BRY-ST-PL-C-0001: Topographical Survey

- 3) Within 1 month of the date of first export of electricity confirmation shall be given in writing to the Local Planning Authority of the date of first export to the Grid. The development hereby permitted shall cease on or before the expiry of a 40-year period from the date of first export of electricity. The land shall thereafter be restored in accordance with a scheme of decommissioning work ("Decommissioning Scheme") and ecological assessment report ("the Ecological Assessment Report"). The scheme of decommissioning work shall first be submitted to and approved in writing by the Local Planning Authority and the timetable, no later than 39 years from the date of first export of electricity, subsequently implemented as approved.
- 4) In the event the site ceases to generate electricity for a period of 12 months prior to the 40-year period, a scheme of decommissioning works ("the Early Decommissioning Scheme") shall be submitted no later than 6 months from the end of the 12-month non-electricity generating period to the Local Planning Authority and approved in writing. The decommissioning works shall be carried out strictly in accordance with the approved scheme.
- 5) Alongside the scheme for decommissioning the site, an ecological assessment report ("the Ecological Assessment Report") detailing site recommendations shall be submitted to and approved in writing by the Local Planning Authority. The site will only be decommissioned in accordance with the approved report.
- 6) No development shall take place until a Post-Development Ecological Habitat Report has been submitted to and approved in writing by the Local Planning Authority. This document shall set out habitat retention, management, site enhancements, monitoring (in accordance with Condition 7) and recommend subsequent remedial measures. The development shall then be carried out in accordance with the approved details. Works shall be overseen and undertaken where appropriate by a licensed, suitably qualified and experienced ecologist to deliver a Biodiversity Unit uplift within the range of 30-97%.
- 7) Following the implementation of the measures contained within the Post Development Ecological Habitat Report required under Condition 6, and no later than 1 year from the first export date to the Grid, biodiversity monitoring reports shall be undertaken and submitted to the Local Planning Authority. These shall be undertaken in years 1, 2, 3, 5, 10 and 15 following the first export date. Should the expected biodiversity net gains not be achieved then the habitat retention, enhancement and creation measures shall be amended and implemented to improve the biodiversity net gains.
- 8) Development shall not take place until a Site Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should comply with the Considerate Constructors Scheme and include the following details: a) Location of site compound b) Parking of vehicles of site personnel, operatives and visitors c) Loading and unloading of plant and materials d) Storage of plant and materials in constructing the development e) Protection of ecology and archaeology f) Prevention of mud being deposited on highway g) Details in relation to crossing or shared use of any public rights of way by construction traffic h) Any lighting during construction (this must be directed in such a way as not

to cause nuisance to adjoining properties, woodlands, bats or adjacent highway) i) Measure for the control and reduction of noise from construction works j) Defined routes for construction vehicles k) Measures for control of construction traffic within the site and on the surrounding highway network l) Hours of operation of construction works and others works on the site m) Measures for the monitoring and enforcement of the plans.

The agreed plan shall be complied with at all times during construction work.

- 9) Within the year prior to decommissioning of the site, a programme of works associated to the decommissioning and remediation of the development site, including details of associated traffic movements, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The details submitted must be approved prior to the commencement of decommissioning and then implemented as approved.
- 10) Notwithstanding the approved plans contained in Condition 2, prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment and enclosures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the proposed development unless otherwise agreed in writing by the local planning authority.
- 11) No development shall commence until:- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of the approved site layout to illustrate the position of the mine entries and extent of the opencast workings. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
- 12) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
- 13) Development shall not take place until details of the design and construction of the proposed site access off Dawley Road have been submitted to, and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented prior to the commencement of construction on site.
- 14) Prior to the commencement of construction on site, access visibility splays of a depth of 2.4 metres and a length of 120 metres shall be provided, and these splays shall thereafter be kept free of any obstacles or obstructions.

- 15) No piling of foundations or installation of mounting frames shall take place until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use. Reason: To ensure the provision of adequate vehicular facilities prior to the commencement of material construction activities.
- 16) Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be complied with at all times during construction work.
- 17) No development shall take place until details for the proposed surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.
- 18) Prior to development a suite of artificial nesting and/or roosting boxes for birds and bats shall be erected on the site. A plan detailing the type and location of these features shall then be submitted to, and agreed in writing with, the Local Planning Authority. The scheme shall then be undertaken in accordance with the agreed details. The following artificial nesting/roosting boxes shall be provided:
  - a) A total of 8 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species
  - b) A total of 8 woodcrete artificial nesting boxes suitable for bird species such as robin, blackbird and tit species.
- 19) No development (including demolition or site clearance procedures) shall commence until either a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority for the proposed work or agreement has been made and submitted in respect of the Council's District Level Licence (DLL). Works shall be carried out strictly in accordance with the granted EPS Mitigation Licence and the associated method statement and shall be supervised, where appropriate, by an experienced, licensed ecologist unless a separate agreement has been made under the DLL scheme and confirmed in writing by the LPA.
- 20) Development shall not take place until a phased programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) has been secured and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented thereafter.
- 21) Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Institute of Lighting Professionals (ILP) Guidance Note 8: Bats and artificial lighting.

## **End of Schedule**