



## Appeal Decision

Site visit made on 1 February 2023

**by Paul Thompson DipTRP MAUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 September 2023**

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### **Appeal A: APP/A2525/W/22/3295140**

#### **Gunthorpe Road Solar Farm, Land south of Gunthorpe Road, Walpole Marsh, Wisbech near PE14 7JH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Walpole Green Limited against South Holland District Council.
  - The application Ref H-18-0741-21, is dated 8 July 2021.
  - The development proposed is installation of a solar farm and battery storage facility with associated infrastructure.
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### **Appeal B: APP/V2635/W/22/3295141**

#### **Gunthorpe Road Solar Farm, Land south of Gunthorpe Road, Walpole Marsh, Wisbech near PE14 7JH**

- 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 Walpole Green Limited against the decision of the Borough Council of King's Lynn and West Norfolk.
  - The application Ref 21/01442/FM, dated 8 July 2021, was refused by notice dated 24 February 2022.
  - The development proposed is installation of a solar farm and battery storage facility with associated infrastructure.
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## **Decision**

### *Appeal A*

1. The appeal is allowed and planning permission is granted for installation of a solar farm and battery storage facility with associated infrastructure at Gunthorpe Road Solar Farm, Land south of Gunthorpe Road, Walpole Marsh, Wisbech near PE14 7JH in accordance with the terms of the application, Ref H-18-0741-21, dated 8 July 2021, subject to the attached schedule of conditions.

### *Appeal B*

2. The appeal is allowed and planning permission is granted for installation of a solar farm and battery storage facility with associated infrastructure at Gunthorpe Road Solar Farm, Land south of Gunthorpe Road, Walpole Marsh, Wisbech near PE14 7JH in accordance with the terms of the application, Ref 21/01442/FM, dated 8 July 2021, subject to the attached schedule of conditions.

## **Procedural Matters**

3. The appeal site straddles the administrative boundary between local authorities in two different counties, South Holland District Council (SHDC) in Lincolnshire; and the Borough Council of Kings Lynn and West Norfolk (KLWN), in Norfolk. While an application was submitted to each Council, on 21 January 2022 SHDC's Planning Chairman's Panel considered a report that raised no objections to the proposal. Its resolution was that decision-making authority should be delegated to KLWN, as the greater proportion of the site lies in its administrative area, and they issued a notice of non-determination on 25 February 2022. This stated no further action would be taken on that application. SHDC therefore failed to determine the application submitted to it and Appeal A is made on this basis. In its Statement of Case, SHDC suggest it does not wish to defend the appeal and has no objection to the proposal.
4. Although I have determined the appeals independently, given that authority was delegated to KLWN to determine the proposal, the main issues are the same and based on the reasons advanced by KLWN on its Decision Notice. I have had regard to all correspondence submitted by consultees and other interested parties to both Councils.

## **Main Issues**

5. The main issue is the effect of the proposed development on the use of best and most versatile agricultural land.

## **Reasons**

### *Planning Policy*

6. The Decision Notice only refers to Policy DM20 of KLWN's Site Allocations and Development Management Policies Plan<sup>1</sup> (SADMPP). This states proposals for renewable energy and associated infrastructure will be assessed to determine whether or not the benefits they bring in terms of energy generated are outweighed by the impacts, either individually or cumulatively, upon a number of factors. It also states the Council will seek to resist proposals where there is significant loss of agricultural land; or where land in the best and most versatile grades of agricultural land [BMV] are proposed to be used. However, it goes on to clarify that development may be permitted where adverse impacts can be satisfactorily mitigated against and secured by planning condition or legal agreement. This mirrors the approach in paragraph 158 of the National Planning Policy Framework (the Framework).
7. Policy 31 of SHDC's South East Lincolnshire Local Plan 2011-36<sup>2</sup> (SELLP) states renewable energy facilities and associated infrastructure will be permitted provided, individually or cumulatively, there would not be significant harm to, amongst other things, agricultural land take.
8. The National Planning Practice Guidance<sup>3</sup> (NPPG) explains that where a proposal involves greenfield land, consideration should be given to whether the use of any agricultural land has been shown to be necessary, whether poorer quality land has been used in preference to higher quality land and to whether

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<sup>1</sup> Adopted September 2016.

<sup>2</sup> Adopted March 2019.

<sup>3</sup> Paragraph: 013, Reference ID: 5-013-20150327, Revision date: 27 March 2015.

the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. This approach is also reflected in the Framework, which states where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality<sup>4</sup>. Framework paragraph 174 requires the economic and other benefits of the best and most versatile land to be recognised in planning decisions. The NPPG also provides a link to the Written Ministerial Statement (WMS) of 25 March 2015 regarding unjustified use of agricultural land and expects any proposal for a solar farm involving BMV to be justified by the most compelling evidence.

9. The Framework clarifies in its glossary at Annex 2 that BMV equates to land falling within Grades 1, 2, and 3a of the Agricultural Land Classification. This land therefore requires greatest consideration when determining appeals.

#### *Effect of the Proposal*

10. The appellant's Site Selection fixed the study area for the proposal to 5km from a connection point of an existing electricity substation with additional capacity. The appeal site covers an area of 78ha, comprises two large agricultural fields south of Gunthorpe Road and west of the River Nene and land within nearby roads for cabling to export energy to the Grid at the Walpole Substation.
11. The concerns identified by KLWN are not with the site selection process but with what they describe as the loss of further Grade 1 land, having regard to other BMV land already occupied by or consented for use as solar farms in the locality. Moreover, the appellant's Agricultural Land Classification report<sup>5</sup> confirms the entirety of the land within the site is Grade 1 and all nearby land is either Grade 1 or Grade 2. This is common across the area where most agricultural land appears to lie within the BMV category. As a consequence, finding an alternative site that could viably connect to the spare capacity at the nearby substation would appear to have been addressed.
12. Notwithstanding this, the proposal would take land out of arable use, including for food production, for a temporary period of 35 years. This would not represent a total loss of agricultural land as sheep would be grazed between and under the arrays, a matter which could be secured through a management plan; and, following decommissioning, the land would be restored to agricultural use. The proposal would also allow for biodiversity and landscape enhancements around the panels. However, in accordance with the NPPG, these conditions need to be met alongside the use of BMV land. There would be a reduction in the productivity of this land and poorer quality land would not be used in preference to higher quality land, as required by the WMS, NPPG and the Framework, albeit it would appear that such poorer quality land is not viably available.
13. The total area of agricultural land within each of the Council's administrative areas is significant. However, the evidence before me shows the extent of land that would be occupied by solar farms, including the proposal, would represent a relatively small part of this, particularly regarding Grade 1 and 2 land available and that is utilised. While I note the Council's concerns that a tipping point of sorts has been reached with several solar farms located on BMV land,

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<sup>4</sup> Footnote 58, within paragraph 175.

<sup>5</sup> 22 June 2021.

there are many competing demands for agricultural land, and some represent total loss. In the case of solar farms, there is a partial loss for a temporary period, and that loss must be balanced against the benefits of any scheme, which I address in the Planning Balance.

14. Nevertheless, I conclude that the loss of BMV throughout the lifetime of the proposed development has not been justified by the most compelling evidence, as required by the WMS, NPPG and the Framework. There would also be conflict with the aims of SADMPP Policy DM20 and SELLP Policy 31, as there would be temporary loss of 78 hectares of BMV land, which, particularly in combination with the other approved solar farms in the area, can be considered to represent significant agricultural land take from the proposal either individually or cumulatively.

## **Other Matters**

### *Character and Appearance*

15. The site is traversed by the Walpole St Peter Footpath 1 and there are others surrounding it, including at an elevated position alongside the River Nene. There are also numerous rural roads in the context of the site. Accordingly, the site is conspicuous within its local environment and, together with existing energy developments including other solar farms nearby, it would increase their influence within the local environment. However, there is no compelling evidence before me that undermines the accuracy of the appellant's Landscape and Visual Impact Assessment. Moreover, while there would be some landscape and visual harm associated with the proposal, this would be limited in its scale and extent, including cumulatively in relation to other solar farms nearby. Furthermore, these effects would reduce with the proposed scheme of planting, as it develops, and would be entirely reversible with decommissioning of the site and its restoration to agricultural use, which would also be controlled by planning condition.

### *Heritage*

16. There are several Grade II listed buildings within the local area, and my attention is drawn to the 'County Boundary Post', 'Footbridge, Road Bridge and Sluices', and 'Ingleborough Mill'. I have also been referred to the Grade I listed Church of Saint Peter at Walpole St Peter; the Church of Saint Leonard at Leverington; and the Churches of Saint Mary at Long Sutton, Tydd St Mary, and West Walton. I have therefore had regard to the statutory duty referred to in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA).
17. The listed buildings draw significance from their settings and are experienced from rights of way in the locality. To my mind, the site does not contribute to the setting of any of the assets, given their distance, but they would remain visible and prominent from many other locations. Accordingly, the proposal would be unlikely to affect how they are understood or experienced in their respective contexts. In particular, I am mindful of the contribution made by agricultural landscapes to the setting of churches, but the proposal would not compete with the aforementioned churches or interrupt any designed views of them. The effect on the setting of the listed buildings would therefore be negligible and would not conflict with the requirements of the PLBCAA.

18. The site may also possibly include archaeological deposits, dating back as far as the Iron Age. A precautionary approach would therefore be appropriate in the context of the conflicting evidence before me regarding the potential for archaeological deposits. A condition requiring a programme of archaeological works would be reasonable and proportionate.
19. It would therefore not be necessary for me to consider the heritage balance or the concept of less than substantial harm referred to in the Framework.

*Living Conditions and Risks Associated with the Development*

20. Residential properties in the locality are some distance from the site, particularly those aspects that are more likely to generate noise, such as the substation and battery storage. The appellant's Noise Impact Assessment (NIA) confirms that noise generated by the proposal would be below background noise readings but the tonality of noise from some equipment may be 'just perceptible'. However, I am satisfied this level would not be such, in light of the background noise levels, so as to represent harm to living conditions of the occupiers of those properties from noise, subject to control over operational noise levels stated in the NIA.
21. While interested parties have raised concerns regarding noise and dust, I am satisfied that, subject to further inclusion of matters raised by KLWN's Community Safety and Neighbourhood Nuisance Officer, these can be addressed by conditions.
22. Interested parties have also raised concern regarding the potential for glint and glare from the proposal and its visual impact when viewed from nearby properties. The proposal would cover a large area, but the appearance and scale of the solar arrays, as well as the potential effects of glint and glare, would generally be addressed by the combined screening effect of existing and proposed planting. Any glint or glare perceptible beyond this would be so limited to not represent harm to living conditions of the occupiers of any affected property. The proposal would not therefore result in harm to the outlook and, thereby, the living conditions of occupants of the properties, and no further mitigation would be necessary.
23. Concerns have been raised with regard to the proposed battery storage and the risk of fire. This is an issue highlighted in other solar farm cases, and there have been examples of fires associated with such facilities, albeit that was some time ago and technology and design measures have changed. However, in such circumstances this issue can be addressed by a suitably worded condition, which would deal with comments from Norfolk County Council's Fire and Rescue Service.
24. The site would be monitored by CCTV served by infra-red lighting. With such security measures in place, the proposed development would be unlikely to exacerbate the potential for or fear of crime for neighbouring occupiers.

*Vehicular Access (Including During Construction and Decommissioning)*

25. The extent of traffic associated with the construction, operational, and decommissioning phases of the proposal would be 16 movements per day over the construction period and only the occasional visit for maintenance during the operation phase. In my view, and in comparison to existing traffic on these roads, this would not be a material increase and would have a negligible effect

on air quality. The width of the roads is also not uncharacteristic for a rural area such as that surrounding the site.

26. In any event, implications for the local network, including overrun of verges near to King John Bank and Gunthorpe Road crossroads, can be mitigated through the proposed Construction Traffic Management Plan and works to the highway. The former would include measures to direct traffic along a specified route. I note that neither of the local highway authorities in Lincolnshire or Norfolk raised concerns with the proposal subject to such provisions.

### *Ecology*

27. The appellant's Ecological Impact Assessment is reasonable and proportionate for the nature of development proposed and includes mitigation measures that would ensure that Priority and Protected Species would not be harmed, including nesting birds. In addition, the biodiversity enhancements for the site may provide improvements to habitat for some of those species.

### *Other Considerations*

28. The applications were submitted with the site identified on the requisite drawings. While an interested party has indicated there is a land ownership issue regarding part of the site, which could impact on the proposed development, this is a legal matter which cannot be dealt with in the appeals, and is for the relevant parties to resolve. Nevertheless, I am satisfied that the certificates of ownership for the applications and notification have been carried out in the correct manner. Similarly, whether the cabling proposed to connect to the substation could be implemented and any implications for the development, are matters for the developer and highway authority to resolve. Furthermore, boundary screening planted between land owned by separate parties could be implemented outside the scope of the appeal, subject to it being on land under the control of the appellant, so it would be unreasonable to insist it be set away from a boundary.

### **Planning Balance**

29. Despite the absence of harm regarding several 'other matters' outlined above, conflict with SADMPP Policy 20 and SELLP Policy 31 renders it contrary to the relevant development plans. However, BMV land is plentiful in the Councils' administrative areas and the proposal would utilise a small amount of that land. Furthermore, given the proposed connection to the intended substation, this proposal could also not be located on previously developed land or non-BMV land, as demonstrated by other solar farms that have been located on such land nearby. I am also mindful the SADMPP does not identify any suitable sites for the location of solar farms in KLWN. Accordingly, I only afford moderate weight to the conflict of the proposal with the development plans to effectively avoid development of BMV land.

### Benefits of the Appeal Scheme

30. The UK Government declared a Climate Emergency in May 2019 and KLWN followed suit in September 2021. In doing so, it adopted a Climate Change Strategy and Action Plan, Phase 2 of which is aligned with the amended Climate Change Act 2008<sup>6</sup> to achieve net zero greenhouse gas emissions by

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<sup>6</sup> The (2050 Target Amendment) Order 2019.

2050, from a 1990 baseline. SHDC, together with two other Lincolnshire Councils, has a Strategy with an identical target. Furthermore, the UK Net Zero Strategy: Build Back Greener<sup>7</sup> sets a 78% reduction by 2035 and the Government's latest approach to energy is contained within the *Powering Up Britain Strategy*<sup>8</sup>, which builds on the targeted reduction by committing to a fivefold increase in solar energy generation by 2035. The latest draft of the National Policy Statement EN-1<sup>9</sup> also reiterates the urgency of energy development deployment to support this commitment.

31. Given the scale and urgency of the emergency, I attach significant weight to this material consideration, including the impact of climate change on food production. A balance therefore needs to be struck to reduce the former to protect the latter, including in certain cases BMV. Energy and food security are therefore both key issues, which are affected by foreign markets.
32. The proposal has a current design of 39MW, with potential to generate up to 49.9MW, enough to power approximately 10,150 family homes, in a manner that would reduce the potential implications of CO<sub>2</sub> pollutants generated by equivalent electricity produced from fossil fuels by 8927 Tonnes each year it is operational. These would therefore amount to significant environmental and energy security benefits.
33. I am mindful that biodiversity net gain BNG is not yet mandatory for new developments, but the Framework is supportive of measurable attempts to secure such benefits. There would be BNG and landscape enhancement through implementation of the proposal, with onsite enhancement and mitigation measures, including considerable new hedgerow planting. Most of these benefits would be at least throughout the lifetime of the development, as there is a commitment to monitor and report on biodiversity, with a contingency to re-seed pasture and species-rich grassland areas if they do not establish. Environmental benefits associated with these aspects of the proposal would be of significant weight.
34. Although fallow periods can improve soil health, there is no substantive evidence before me to suggest that this would be the case for the specific soil types prevalent within the site in the context of the fallow period associated with the proposal. In this context, I am only able to afford this limited weight as a long-term benefit to agricultural production.
35. The selection of the proposed site ensures a viable scheme through minimised transmission losses, but this is the starting point for any scheme of this nature, and it would primarily serve to benefit the appellant, so it would only result in economic and environmental benefits of limited weight.
36. The proposal would enable the farm holding to diversify its income and help to secure the viability of the farming business in the long term. There is also no substantive evidence before me to demonstrate that land taken out of arable production would affect the workforce or overall viability of the farm holding, or that sheep grazing would be incompatible with reducing carbon emissions.
37. The construction phase would be over several months, a relatively short period, due to the lightweight nature of the proposals, but there are likely to be some

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<sup>7</sup> October 2021.

<sup>8</sup> March 2023.

<sup>9</sup> March 2023.

benefits to the economy from the labour market and the procurement of materials and equipment, and some long-term employment through management, maintenance, monitoring and security of the site. Given the scale of the development proposed these would be social and economic benefits of moderate significance.

38. Taken together, I have outlined that the appeal scheme includes significant benefits in respect of energy security and the environment regarding the nature of energy generated, as well as biodiversity and landscape enhancements. There would also be some other moderate and limited benefits. This is balanced against the moderate weight to the conflict of the proposal with the development plans in respect of the loss of BMV land. When assessed against the policies in the Framework, taken as a whole, this leads me to an overall conclusion that material considerations indicate the decisions should be taken otherwise than in accordance with the development plans. This would therefore justify the grant of planning permission for the appeals.

### **Conditions**

39. I note the appellant's general acceptance of the planning conditions listed provided by KLWN but, where appropriate, I have amended wording for clarity and removed tailpieces to conditions that circumvent the statutory route to vary conditions or deprive interested parties of the opportunity to comment.
40. I have imposed standard conditions relating to the commencement of development and compliance with the submitted plans, in the interests of achieving a satisfactory development. Moreover, in terms of the latter, it is not necessary to include a condition to secure further details of the proposed structures, as these are clearly set out on the drawings and acceptable for their intended purposes. I have also omitted the condition controlling height of solar panels as a maximum height is already specified on the drawings; and the condition regarding glint and glare, as the evidence shows further mitigation not to be necessary.
41. I have altered the wording of the conditions referring to the cessation and decommissioning or early decommissioning of the site for clarity. However, they remain necessary to ensure the land is returned to agricultural use as soon as it is no longer required for the development. The decommissioning period would be agreed in a scheme for the same.
42. A pre-commencement condition to secure a revised Construction Traffic Management Plan and Method Statement is reasonable in the context of the information provided to firm up the details in the application document. However, in the interests of living conditions of residents, I have amended the condition to refer to, amongst other things, construction machinery noise and dust. A separate condition is used to cover working hours during construction and decommissioning.
43. Pre-commencement conditions are also necessary to ensure proposed works to the access into the site and off-site highway works are carried out in the interests of safety of users of the affected roads; and to secure a scheme of archaeological works for safeguarding potential deposits in the site.
44. Despite the Environment Agency suggesting buildings have been designed to be flood resilient and resistant, to ensure safe operation of the battery storage



system and avoid fire risks and pollution, it is necessary to secure a safety management plan for the same.

45. A condition is necessary to ensure development is constructed in compliance with flood risk mitigation measures to safeguard it at times of high risk of flooding. Despite this, a detailed scheme of drainage is necessary to agree a satisfactory sustainable drainage scheme at the start of the development.
46. To minimise light pollution in the countryside, details of the luminance and fields of illumination of lighting for buildings and areas of the site are necessary prior to their use. I have merged all the conditions dealing with landscaping and tree protection, landscape and ecological management and biodiversity net gain, for clarity and to avoid duplication. These are necessary in the interests of the appearance and ecology of the development.
47. The appellant has provided a Solar Farm Grazing Management Plan, which satisfactorily explains how sheep grazing of the land around panels will be maintained throughout the development. This can be controlled by a condition.
48. The Councils have requested different planning conditions to deal with operational noise from the development. I favour that referred to by KLWN's Community Safety and Neighbourhood Nuisance Officer, as it refers to the tonal noise relevant to the development and identified in the appellant's NIA.
49. To reduce the potential impact of other works on the agricultural land value of the site and its ecology, it would be relevant to the proposal to restrict any further buildings, enclosures, or other works; and for cabling to only be installed underground, except where it relates to connections between panels. A condition to secure mitigation for unexpected contamination is also necessary to safeguard the living conditions of residents.

## **Conclusion**

50. The proposed development would be contrary to the development plans of SHDC and KLWN, when considered as a whole. Despite this, the material considerations I have set out, including the Framework, indicate that the appeals should be determined other than in accordance with them. Accordingly, for the reasons given, I conclude that both appeals should be allowed and, in respect of Appeal A, planning permission should be granted.

*Paul Thompson*

INSPECTOR

## **Schedule of Conditions for Both Appeals**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 003 Rev 003; GR2.0 Revision 05A; GR3.0 Revision 03; GR4.0 Revision 01; GR5.0 Revision 01; GR6.0 Revision 01; GR7.0 Revision 01; GR8.0 Revision 01; GR9.0 Revision 01;

GR10.0 Revision 01; GR11.0 Revision 01; GR12.0 Revision 01; GR13.0 Revision 01; GR14.0 Revision 01.

- 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 35-year period from the date of the first export of electricity and the local planning authority shall be notified of the cessation of electricity generation and storage in writing no later than 5 working days after the event. The land shall thereafter be restored to its former condition in accordance with a scheme of decommissioning work (the Decommissioning Scheme).
- 4) The Decommissioning Scheme shall be submitted to and approved in writing by the local planning authority no later than 6 months prior to decommissioning and shall include provision for the dismantling and removal from the site of the solar PV panels, frames, foundations, inverter housings and all associated structures, storage facilities and fencing. The decommissioning shall be carried out strictly in accordance with the approved scheme.
- 5) In the event the site ceases to generate and store electricity for supply to the electricity grid network for a period of 12 months, an Early Decommissioning Scheme shall be submitted to and approved in writing by the local planning authority, no later than 3 months from the end of the 12-month period. The scheme shall include the same provisions referred to in Condition 4 and the decommissioning shall be carried out strictly in accordance with the approved scheme.
- 6) Notwithstanding the submitted details, no development shall take place, including any site clearance or works of demolition, until a Construction Traffic Management Plan and Method Statement shall have been submitted to, and approved in writing by the local planning authority. This shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development and provide for:
  - a) phasing of the development to include access construction;
  - b) the parking of vehicles of site operatives and visitors;
  - c) loading and unloading of plant and materials;
  - d) storage of plant and materials used in constructing the development;
  - e) wheel washing facilities;
  - f) the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material;
  - g) strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction;
  - h) measures to control the emission of dust and dirt during construction; and
  - i) measures to control noise generated by construction machinery.

The Construction Traffic Management Plan and Method Statement shall be strictly adhered to throughout the construction period for the development.

- 7) No development shall take place, including any site clearance or works of demolition, until the existing access onto Gunthorpe Road shall have been widened and all obstructions exceeding 0.6 metres high cleared from the land within the visibility splays as illustrated on Drawing number SK01 Rev D, and thereafter the visibility splays shall be kept free of obstacles exceeding 0.6 metres in height.
- 8) No development shall take place, including any site clearance or works of demolition, until the works to improve the public highway by means of carriageway junction widening at the crossroads of King John Bank/Marsh Road/Gunthorpe Road in accordance with the details as shown on Drawing number SP01 Rev E have been certified complete by the local planning authority.
- 9) No development shall take place, including any site clearance or works of demolition, until a Written Scheme of Investigation and timetable for a programme and reporting of archaeological works has been submitted to, and approved in writing by, the local planning authority. Development shall only be implemented in accordance with the approved scheme and timetable.
- 10) Prior to first use of the Battery Storage System, a Battery Safety Management Plan (BSMP) shall be submitted to, and approved in writing by, the local planning authority. The BSMP must prescribe measures to facilitate safety during the construction, operation and decommissioning of the battery storage system. The BSMP shall only be implemented as approved.
- 11) Notwithstanding the submitted details, prior to the development first becoming operational, a surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and provide details of:
  - a) how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
  - b) attenuation and discharge rates which shall be restricted to 1.4 litres per second;
  - c) the timetable for and any phasing of implementation for the drainage scheme; and
  - d) how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall not become operational until the approved scheme has been completed or provided on the site in accordance with the approved phasing and thereafter retained and maintained strictly in accordance with the approved details.

- 12) Details of the external illumination of all buildings and areas of the site, including details of luminance and fields of illumination, shall be submitted to, and approved in writing by, the local planning authority, prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved.
- 13) The development shall be carried out in accordance with the Landscape & Ecological Management Plan, the mitigation measures in the Ecological Impact Assessment, and the Biodiversity Net Gain Assessment, all prepared by Delta Simons and dated February 2022, June 2021 and November 2021 respectively; and the approved details of landscaping, shown on Drawing No 1284/10 - Revision E, shall be implemented in the first planting season following the completion of the development.

Any trees/shrubs/plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Similarly, any trees shown to be retained on the drawing shall be protected during construction work as follows:

- a) chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees;
  - b) no materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made;
  - c) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
  - d) no services shall be routed under the spread of the crowns of the trees to be retained;
  - e) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority; and
  - f) if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.
- 14) For the duration of the construction and decommissioning periods, construction/deconstruction activities and deliveries received at or despatched from the site, shall only occur between the hours of 0800- and 1800-hours Monday to Friday, 0800- and 1330-hours on Saturday and not at all on Sundays and Bank Holidays other than with the prior written approval of the local planning authority.
  - 15) The development shall be undertaken in accordance with the Solar Farm Grazing Management Plan (SFGMP) dated March 2022 submitted as part

of the appeal statement. If for any reason grazing by sheep fails to occur for a period of more than 12 months, the solar panels, battery storage facilities and the related ancillary equipment shall be decommissioned and removed from the site in accordance with Condition 4 above.

- 16) The development must adhere to the predicted operational noise levels stated in Chapter 5 of the Noise Impact Assessment, dated 21 June 2021.
- 17) The development hereby permitted shall be implemented in accordance with the flood risk mitigation recommendations contained in the Flood Risk Assessment and Outline Surface Water Drainage Strategy, dated October 2021.
- 18) All cabling (with the exception of that connecting between solar arrays) shall be installed underground.
- 19) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.
- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no buildings, structures, fences, gates, posts, solar panels, hardstandings, footings, platforms, pavements, bunding, earthworks or other engineering operations shall be constructed, installed, or carried out on site other than in accordance with the details on the approved drawings.

### **End of Schedule**