

AGENDA ITEM



Committee and date

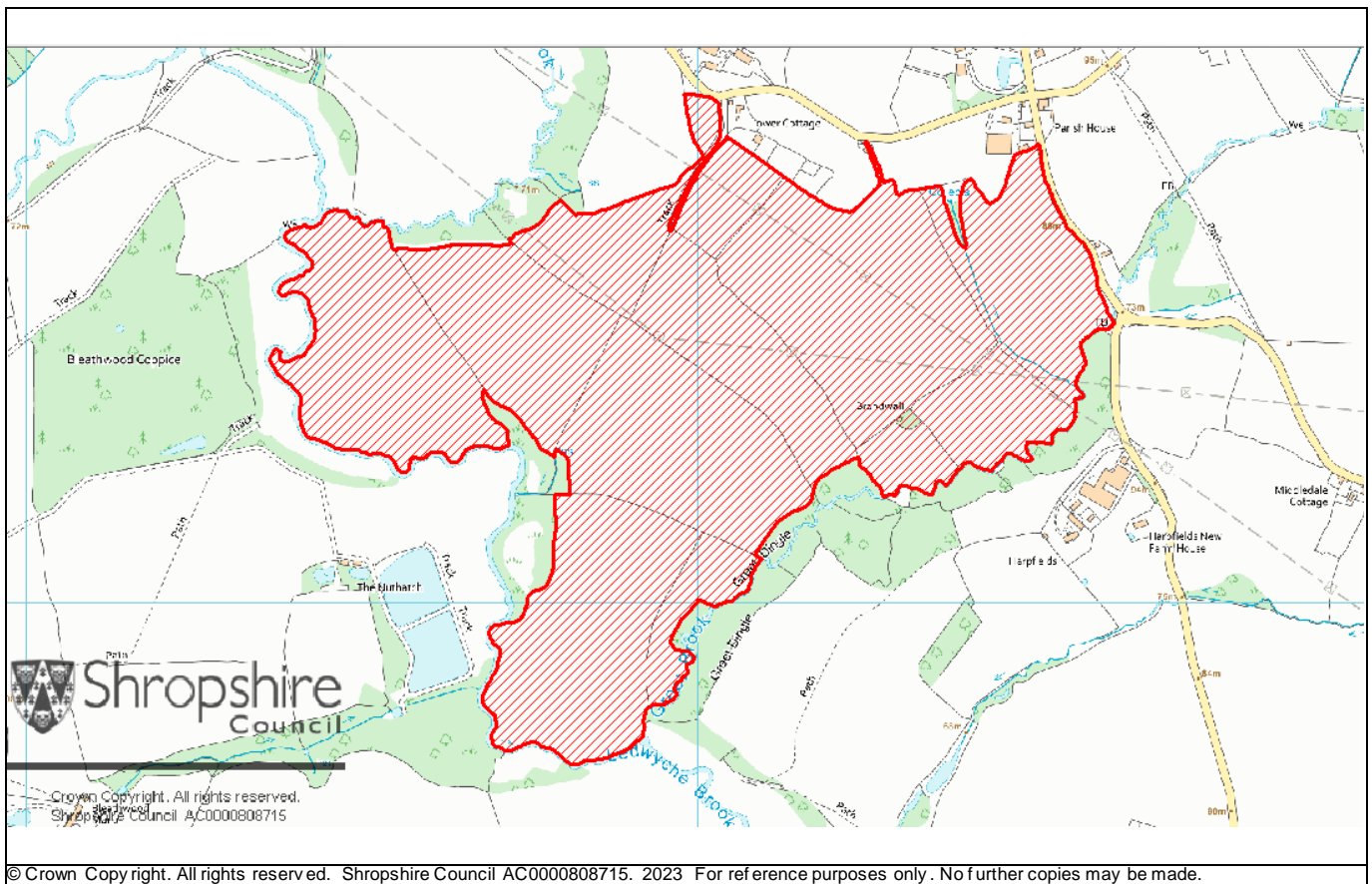
21st May 2024

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

<u>Application Number:</u> 24/00764/VAR	<u>Parish:</u>	Burford
<u>Proposal:</u> Variation of Condition 2 (approved plans) and removal of Condition 17 (food production) of planning permission No. 22/02565/FUL		
<u>Site Address:</u> Brick House Farm Greete Ludlow Shropshire SY8 3BZ		
<u>Applicant:</u> Mr Alan Connolly		
<u>Case Officer:</u> Louise Evans	<u>email:</u> Louise.m.evans@shropshire.gov.uk	
<u>Grid Ref:</u> 357655 - 270872		



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 The application seeks to remove a condition (17) which required four 'food opportunity areas' to be established and operated within a solar farm development. The proposal to remove this condition will also require a revision to the some of the approved plans and therefore a variation to condition 2 of the consented scheme.

1.2 Condition 17 is drafted as follows:

1a. The four locations defined on the approved layout plan as 'food opportunity areas' shall be maintained free of solar arrays and shall be managed with the objective of producing food where practicable throughout the operational life of the solar farm hereby approved.

b. Six months following site energisation / commissioning of the development a scheme detailing cultivation proposals for the food opportunity areas shall be submitted for the written approval of the Local Planning Authority, not to be unreasonably withheld, and the approved scheme shall be implemented in accordance with the approved details.

c. The operator shall maintain an annual records of food production within the food opportunity areas, following the first year's harvest and this shall be made available for inspection by the Local Planning Authority within two months of any prior written request.

d. In the event that any material changes are proposed to the previously agreed scheme within the food opportunity areas then such proposals shall be submitted for the prior written approval of the Local Planning Authority, not to be unreasonably withheld, and the amended proposals shall be implemented in accordance with the approved details.

Reason: To preserve the use of Best and Most Versatile land within the Site for food production in accordance with Paragraph 174b of the NPPF or any subsequent equivalent re-enactment of this national guidance (having regard also to draft policy DP26.k. of the emerging Shropshire Local Plan).

2.0 BACKGROUND

2.1 The original application was considered by the Committee on 27th September 2022 when Members resolved to defer the proposals to allow the applicant to investigate whether it would be possible to remove the best and most versatile agricultural land ('BMV') from the scheme.

2.2 The application was re-considered at Committee on 21st October 2022 where the applicants presented a revised scheme containing the 'food opportunity areas' generally on the grade 3a land within the site. The grade 2 land within the site was already designated as Biodiversity Enhancement Areas rather than solar for use. This change resulted in 95% of the solar farm scheme being on non BMV land. The committee resolved to approve the scheme subject to the condition in question.

2.3 The amendments to the scheme to include the 'food opportunity areas' resulted in a loss of 5MW of the solar farm capacity, which, according to the applicant, would have provided enough electricity to power the equivalent of 1,500 homes. (The scheme retained a significant capacity of 45MW which is sufficient to power 13,500 homes).

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 The Parish Council comments are at variance with the Officer view. The Chair of the South Planning Committee, in consultation with the Development Manager South, consider that material planning considerations are raised which warrant consideration by the South Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.1 Greete Parish Meeting - objection:

Greet Parish meeting are unhappy with the process under which the application

has been submitted and object on the basis that the decision would be contrary to the commitment from government to protect farmland and to utilise brownfield land. It is also believed that that the applicants have made misleading claims.

4.2 **Public comments**

4.2.1 13 representations of objection have been received. The matters raised are summarised below:

- The development is contrary to government guidelines.
- Better alternatives exist than the use of BMV agricultural land for solar energy generation.
- Contrary to previous decision which makes a mockery of the previous decision.
- BMV land must be utilised for food production.
- The change to the application is only sought for financial gain.
- Query the assertions made by the application.
- Believe that the applicants have made misleading claims.

5.0 **THE MAIN ISSUES**

Whether the benefits of the development outweigh the loss of production of areas of best and most versatile agricultural land within the development site.

6.0 **OFFICER APPRAISAL**

6.1 The applicant has exercised their right to have this matter reconsidered and the Planning Authority are obliged to determine the case taking account of any new evidence that may be available or presented. It does not necessarily follow that taking a different view to that previously resolved suggests that the Council should not have attached the condition in the first place.

6.2 Furthermore, in the consideration of a section 73 application, the local planning authority must only consider the disputed conditions that are the subject of the application, it is not a complete re-consideration of the application. The options available to the decision makers are to approve the permission and remove the condition, vary the condition, or to refuse permission. Under all circumstances, the previous permission will continue to exist.

6.3 The starting point for decision making is the development plan and any other material considerations. With regards to the development plan, CS Policy CS6 seeks to make efficient use of land and safeguard natural resources including high quality agricultural land. This indicates that the use of BMV agricultural land does need to be taken into account in decision making.

6.4 With regards to material considerations, paragraph 180b of the Framework states that planning decisions should take into account the economic and other benefits of the best and most versatile (BMV) agricultural land. Further guidance regarding the use of BMV land is provided in footnote 62 of the Framework. This footnote is

linked to paragraph 181 not 180b, and the former relates to plan making not decision taking. However, even if it is considered to be relevant to decision taking, it simply indicates that the availability of land for food production is a consideration to be taken into account, it does not prevent the use of such land for non-agricultural purposes.

- 6.5 The Written Ministerial Statement on solar energy (25 March 2015) indicates that the use of BMV land for solar farms has to be justified by the most compelling evidence. In addition, The Planning Practice Guidance (PPG) on renewable and low carbon energy, which also dates from 2015, provides a list of planning considerations that relate to large scale ground mounted solar photovoltaic farms. These include: encouraging the effective use of land by focussing such developments on previously developed and non-agricultural land provided it is not of high environmental value; and where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- 6.6 Drawing these threads together, none of the documents, in particular the development plan, place an embargo on the use of best and most versatile agricultural land but they do make it clear that the use of BMV land for non-agricultural purposes is a matter for consideration in the determination of such applications. The weight afforded to this issue being a matter for the decision maker. In this instance, the case was determined with a condition that required the majority of the grade 3a agricultural land on the site to remain free from equipment associated with the solar farm and for these areas to continue to be put to use for food production.
- 6.7 Paragraph 56 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:
1. necessary;
 2. relevant to planning;
 3. relevant to the development to be permitted;
 4. enforceable;
 5. precise; and
 6. reasonable in all other respects.

6.8

These are often referred to as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply. In this case, the applicant is calling into question whether condition 17 is necessary and reasonable.

6.9

Part of the applicant's case is that there would be technical and financial barriers to

the 'food opportunity areas' (FOAs) in that each area would require access and fencing and that there are also significant risks in allowing unqualified personnel into the site which would have implications for risk management and insurance.

6.10

Except that there may be a cost implication to this condition, all of these matters raised by the applicant are disputed. Access would be required to the FOAs but so would access to other parts of the site for installation and maintenance and it has not been demonstrated why similar accesses could not be used/provided for both.

6.11

Furthermore, depending on type of farming proposed, fencing would not necessarily be required. For instance, fencing may be required to contain livestock but if the land were to remain in arable production the need for fencing would cease and this argument could not be sustained.

6.12

With regards to access for unqualified personal not being acceptable from a risk management perspective, it is interesting to note that the original submission and this current application suggest that the land between panels would continue to be used for grazing livestock (sheep), however, based on the applicant's claim that they would not be able to provide access to 'unqualified personnel', this would appear not to be the case as surely sheep farming would require access by farmers too. From further discussions with the applicant, it has been indicated that around 50% of the solar farms they manage provide for sheep grazing for at least part of the year. The current scheme has also been designed to enable such to occur and as it is a common practice across a number of their sites, they already have insurance contracts in place to facilitate this and the potential risks have been quantified the FOAs would require bespoke contracts as they differ from standard practice and therein lies the difference between the two.

6.13

Furthermore, it is suggested that the current condition requires the yearly submission of food production records to the Council and that the agricultural use must be successful. Again, this is not the case. The condition requires evidence of active commitment to utilise the food production areas for agriculture and the keeping of records. This requires agreement with a farmer but other than suggesting that the land would not be desirable to farmers as they are isolated parcels of land within an operational solar farm, it is not clear whether any real attempt has been made to seek to find a partner that could successfully farm the food opportunity areas.

6.14

What does have greater weight with regards to the applicant's argument that the condition should be removed is reference to more recent decision making by Shropshire Council. In particular, reference has been made to application 22/03486/FUL at Land South of Withington which was granted permission in April 2023 (43% of this solar farm was Grade 3a BMV land which amounted to 19.5ha of the site) and application 22/03068/FUL at Land South of Holyhead Road which was granted planning permission in June 2023 for a solar farm on a 54.7ha site following a resolution to grant from committee on 15th November 2022 (94%

(51.2ha) of the land was BMV, 65% (35.3ha) of which was Grade 1 or 2 agricultural land).

6.15 With regards to latter case, it is noted that the Council sought Counsel advice before the application was approved which set out that BMV land was not precluded from development and that the wording of the NPPF does not amount to an instruction to refuse applications involving the loss of BMV. Instead, it is a matter for the decision maker to weigh the harms against the benefits in the planning balance. It was further noted that the site would provide a continued agricultural use in the form of sheep grazing. The approval contained no requirement for any of the land to remain in agricultural use or include areas such as FOAs.

6.16 More recently, Shropshire Council has seen this issue raised again in a number of planning appeals (Appeal Ref: APP/L3245/W/23/3329815 Land to the South of Hall Lane, Kemberton, Telford, TF11 9LB Decision date: 22nd February 2024, Appeal Ref: APP/L3245/W/23/3332543 Land west of Berrington, Shrewsbury, Shropshire, SY5 6HA Decision date: 26th March 2024 and Appeal Ref: APP/L3245/W/23/3314982 Land to the East of Squirrel Lane, Ledwyche, Ludlow, Shropshire SY8 4JX Decision date: 7 July 2023).

6.17 Within all the appeal decisions the inspectors attributed substantial weight to the benefits of the schemes with regards to renewable energy production and, at best, only moderate weight to the loss of production on best and most versatile agricultural land.

6.18 Within the appeal at Kemberton, the inspector did not give any weight in the planning balance to the use/loss of BMV land, commenting '*Overall, I am satisfied that the proposal would not result in the temporary or permanent loss of agricultural land as the land could continue to be used for some agricultural purposes whilst also being used to produce solar energy. Nor would the proposal be detrimental to the quality of the land, so a return to agricultural use at a later date would still be possible.*' No conditions requiring the land to be used for agricultural purposes were attached in this instance.

6.19 However, in relation to the Ledwyche scheme, the inspector noted that sheep grazing is a matter that could be addressed with the imposition of a planning condition and attached the following condition to that permission:
Prior to the Commencement Date the developer shall submit for the approval in writing of the local planning authority a scheme setting out the measures which shall be undertaken to facilitate sustainable sheep-grazing between the solar arrays, including grass sward specification and potential stocking type and density, for the duration of the operational life of the development. The scheme shall be implemented in accordance with the approved details and confirmation that the approved measures are being implemented shall be provided to the local planning authority upon prior written request.

6.20 Therefore, in determining the current application, officers consider that the applicant's arguments around why the condition is not reasonable are not well founded, however, what could be attributed greater weight, is that reversion of the scheme to its original form (without the food opportunity areas) would enable greater energy production from the development, amounting to an additional 5MW in this instance. In recent decision making on solar farm schemes containing BMV land, energy production has been given greater weight in the planning balance than the continued use of the land for food production, noting in all cases that agricultural use could continue to occur in the form of sheep grazing and that the operational life of a solar farm is not permanent.

6.21 The current application has been submitted on the basis that the condition should be removed in its entirety to accord with more recent decision making by Shropshire Council. This being the case, the only mitigating factors in the determination of the application are that the operational life of the proposal is not permanent (40 years) and as such does not result in the permanent loss of the land or its quality and that the BMV land amounts to an insignificant amount of the BMV land both locally and nationally. (Members should note that the approved scheme does contain a planning condition that limits the lifespan of the scheme to 40 years and requires the land to revert to agricultural use after this time). Furthermore, the omission of a condition requiring sheep grazing would not prevent agricultural use during the operational life of the solar farm, simply that the matter would be in the control of the developer/landowner.

6.22 It is the view of officers that the contribution of an additional 5MW of energy production for this scheme carries greater weight than the temporary loss of BMV land from production of food and the condition should therefore be removed. This recommendation is being made in the light of additional material considerations in the form of recent decision making by both Shropshire Council and planning inspectors. However, the applicant has confirmed that they are prepared to accept a condition, the same as that detailed within the Ledwyche appeal, to provide assurances that the scheme is capable of accommodating sheep grazing and to enable monitoring of such by the Local Planning Authority.

7.0 CONCLUSION

7.1 It is the view of officers that, on balance, condition 17 of permission 22/02565/FUL should be varied to enable submission of information with regards to potential for sheep grazing and that condition 2 should be varied to enable the siting of panels on BMV land within the site, as per the original proposals for the scheme, which will enable the production of an additional 5MW of electricity generation from the development. All the conditions set out on the original decision that continue to have effect will be restated on this permission as is required through planning law.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk management

- 8.1.1 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, i.e. written representations, hearing or inquiry.
 - The decision may be 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 made 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**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

8.3 **Equalities**

8.3.1 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 1990.

9.0 **FINANCIAL IMPLICATIONS**

9.1 There are likely financial implications if the decision and/or imposition of conditions are challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar 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

Shropshire Core Strategy:

- CS5: Countryside and Greenbelt
- CS6: Sustainable Design
- CS7: Communications and Transport
- CS8: Facilities, services and infrastructure provision
- CS13: Economic Development, Enterprise and Employment
- CS16: Tourism, Culture and Leisure
- CS17: Environmental Networks
- CS18: Sustainable Water Management

SAMDev Plan:

- MD1: Scale and Distribution of Development
- MD2: Sustainable Design
- MD4: Managing Employment Development
- MD7b: General Management of Development in the Countryside
- MD8: Infrastructure Provision
- MD12: The Natural Environment
- MD13: The Historic Environment

Emerging Policy:

Regulation 19: Pre-Submission Draft of the Shropshire Local Plan 2016 to 2038

- Policy S2: Strategic Approach
- Policy SP4: Sustainable Development
- Policy SP10: Managing Development in the Countryside
- Policy SP12: Shropshire Economic Growth Strategy
- Policy DP12: The Natural Environment
- Policy DP16: Landscaping of New Development
- Policy DP17: Landscape and Visual Amenity
- Policy DP18: Pollution and Public Amenity
- Policy DP21: Flood Risk
- Policy DP22: Sustainable Drainage Systems
- Policy DP23: Conserving and Enhancing the Historic Environment
- Policy DP26: Strategic, Renewable and Low Carbon Infrastructure

RELEVANT PLANNING HISTORY:

22/02565/FUL Construction of a solar farm together with all associated works, equipment, necessary infrastructure and biodiversity enhancement areas. GRANT 21st October 2022

11. Additional Information

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View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S9BOZZTDFXU00>

List of Background Papers

Planning application reference 24/00764/VAR and plans and supplementary reports.

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Richard Huffer

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

Commencement of Development

1. The development hereby approved shall be commenced within 3 years of the date 21st October 2022. Such date shall be referred to hereinafter as 'the Commencement Date'.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 and in recognition of the part-retrospective nature of the development.

Definition of the Permission

2. Except as otherwise provided in the conditions attached to this permission the operations hereby permitted shall be carried out strictly in accordance with the application form dated 30th May 2022 and the accompanying planning statement and supporting documents and plans, namely:

Documents / Reports:

- o Agricultural land classification report
- o Arboricultural Impact Assessment
- o Badger survey
- o Biodiversity metric
- o Biodiversity management plan
- o Construction traffic management plan (Updated 14/10/22)
- o Flood risk assessment
- o Glint and glare study
- o Heritage desk based assessment
- o Landscape and Visual Impact Assessment (amended)
- o Mineral reserves assessment
- o Noise assessment
- o Public attitudes survey
- o Applicant response to CPRE letter 18/9/22 and 17/10/22
- o Applicant briefing note 5/09/22
- o Access Strategy 17/10/22
- o Arboricultural Method Statement by Barton Hyatt Associates dated August 2023.
- o Written Scheme of Investigation by Cotswold Archaeology dated March 2023.
- o Phase 2 Evaluation Report by Cotswold Archaeology dated May 2023
- o Archaeological Mitigation and Management Plan by Pegasus Group dated 26th July 2023

Drawings

- o P21-0442_01D Site location plan
- o P21-0442_07 Topography plan

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- o BKH-DWG002 Engineering layout plan
- o P21-0442_05E Landscape Strategy
- o P21-0442_10D Master Site Layout
- o BKH-DWG004 Mounting system details
- o BKH-DWG005 Fencing details
- o BKH-DWG006.1 CCTV Layout
- o BKH-DWG006.2 CCTV details
- o BKH-DWG007.3 Inverter substation
- o 10069-E-SP-01 Electric design overall layout
- o 10069-E-ELV-01 2.4m high palisade fencing
- o 10069-E-SP-02 WPD 132kV Metering substation underground
- o 10069-E-ELV-02 WPD 25m Communications tower
- o 10069-E-GA-02 Customer switchroom
- o 10069-E-GA-06 Customer switchroom elevation
- o 10069-E-GA-05 DNO Switchroom elevation
- o 10069-E-GA-01 DNO switchroom

Reason: To define the permission.

3. This permission shall relate only to the land edged red on the site location plan (Reference P21-0442_01), hereinafter referred to as 'the Site'.

Reason: To define the permission.

Highways

4. For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.

Reason: In the interests of maintaining highway efficiency and safety.

5. Prior to any construction works taking place and post construction a full condition survey shall be carried out on the route between the site access and the A49.

Reason: In the interest of safety of the users of the public highway and safety of the users of the site

6. No demolition ground clearance or construction works will commence until the Local Planning Authority has approved in writing that the approved Tree Protection Measures have been established in compliance with the final approved tree protection plan.

Reason: To ensure that the Tree protection is set up and maintained in accordance with the Tree Protection Plan

Landscape and Ecological Mitigation Plan

7a. No development shall take place (including ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i. Planting plans, creation of wildlife habitats and features and ecological enhancements in accordance with the Biodiversity Management Plan by Avian Ecology.
- ii. Written specifications for establishment of planting and habitat creation;
- iii. Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- iv. Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved.

b. Planting and seeding shall be undertaken within the first available planting season following the completion of construction works and in accordance with a scheme which shall be submitted for the approval in writing of the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. The developer shall notify the Local Planning Authority in writing of the date when planting and seeding under the terms of condition 7a above has been completed.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

8. All new planting within the Site shall be subject to aftercare / maintenance for the lifetime of the development, including weeding and replacement of failures.

Reason: To secure establishment of the landscaped area in the interests of visual amenity and ecology.

Ecology

9. All site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance the Biodiversity Management Plan by Avian Ecology.

Reason: To ensure the protection of and enhancements for habitats and wildlife.

10. No development shall take place (including 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:

- i. An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented;
- ii. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- iii. Requirements and proposals for any site lighting required during the construction phase;
- iv. A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- v. The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- vi. Pollution prevention measures.
- vii. Identification of Persons responsible for:
 - o Compliance with legal consents relating to nature conservation;
 - o Compliance with planning conditions relating to nature conservation;
 - o Installation of physical protection measures during construction;
 - o Implementation of sensitive working practices during construction;
 - o Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - o Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

11. Within 28 days prior to any pre-development site enabling works an inspection for badgers and otters shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence (further to that submitted in support of the approved planning consent), or a change in status, of badgers or otters is recorded during the pre-development survey then the ecologist shall submit a mitigation strategy for prior written approval that sets out appropriate actions to be taken during the construction stage. These measures must be implemented as approved.

Reason: To ensure the protection of badgers (under the Protection of Badgers Act 1992) and otters (under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended)).

12. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Institution of Lighting Professionals and Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK (available at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>). All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To minimise disturbance to bats, which are European Protected Species [and other species].

Fencing

13a. Fencing shall be provided strictly in accordance with the details shown on the approved fencing plan reference BKH-DWG005; Fencing Details.

b. Site security shall be provided in accordance with the specifications detailed in the approved drawing reference BKH-DWG006.2 (CCTV Details) and drawing reference BKH-DWG006.1 (CCTV Layout).

Reason: In the interests of and visual amenity and privacy.

Amenity complaints procedure

14. Prior to the Commencement Date the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise and other amenity related matters from the construction and operational phases of the development. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:

- i. Investigation of the complaint
- ii. Reporting the results of the investigation to the Local Planning Authority
- iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

15. Prior to the Commencement Date the developer shall submit for the approval in writing of the local planning authority a scheme setting out the measures which shall be undertaken to facilitate sustainable sheep-grazing between the solar arrays, including grass sward

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specification and potential stocking type and density, for the duration of the operational life of the development. The scheme shall be implemented in accordance with the approved details and confirmation that the approved measures are being implemented shall be provided to the local planning authority upon prior written request.

Reason: To allow the site to be utilised for agriculture during the planned design life of the development and to afford the Local Planning Authority the opportunity to monitor this.

Final decommissioning

16. All photovoltaic panels and other structures constructed in connection with the approved development shall be physically removed from the Site within 40 years of the date of this permission and the Site shall be reinstated to agricultural fields. The Local Planning Authority shall be provided with not less than one week's notice in writing of the intended date for commencement of decommissioning works under the terms of this permission.

Reason: To allow the site to be reinstated to an agricultural field capable of full productivity at the end of the planned design life of the development and to afford the Local Planning Authority the opportunity to record and monitor decommissioning.