



Appeal Decision

Hearing held on 6 February 2024

Site visits made on 5 and 6 February 2024

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2024

Appeal Ref: APP/B1550/W/23/3329891

Land West of Great Wheatley Farm, Great Wheatley Road, Rayleigh, SS6 7AR

- 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 Aura Power Solar UK Ltd against the decision of Rochford District Council.
 - The application Ref 22/00175/FUL, dated 17 February 2022, was refused by notice dated 5 July 2023.
 - The development proposed is a solar farm, access, ancillary infrastructure and cable route.
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Decision

1. The appeal is allowed and planning permission is granted for a solar farm, access, ancillary infrastructure and cable route at land west of Great Wheatley Farm, Great Wheatley Road, Rayleigh, SS6 7AR in accordance with the terms of the application, Ref 22/00175/FUL, dated 15 February 2022, subject to the conditions set out in Annex A.

Application for costs

2. An application for costs was made by Aura Power Solar UK Ltd against Rochford District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council confirmed (14 January 2022) that an Environmental Impact Assessment was not required. There is no reason to disagree.
4. A revised Module Array Layout plan was submitted with the appeal. This corrects a minor drafting error in respect of the alignment of the proposed boundary fence and site boundary in the south-west corner of the site. The Council considered that no party would be prejudiced by the use of this revised plan. Given the very minor changes it involves, this is a conclusion I agree with. Accordingly, I have determined the appeal on this basis.

Main Issues

5. The parties are agreed that the proposal is inappropriate development in the Green Belt in terms of local and national policy.
6. Given this, the main issues in the appeal are:

- The effect of the proposed development on the openness of the Green Belt and the purposes of including land within it; and
- Whether the harm to Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposed development.

Reasons

The site, the surrounding area and the proposal

7. The appeal site comprises a number of connected agricultural fields which total approximately 45 ha. External boundaries are mainly defined by mature vegetation. Pylons and associated cabling cross the northern part of the site.
8. The site is located in the Green Belt to the west of the settlement of Rayleigh. Due to the topography of the area the fields are at a significantly lower level than the houses located in the Great Wheatley Road area. Immediately adjacent to the southern boundary is the A127, whilst the northern boundary abuts a railway line. Fields lie beyond the eastern and western boundaries. The wider area is a mosaic of open land, residential and commercial development which is crossed by major transport routes.
9. The proposal would consist of ground mounted solar arrays arranged in rows across the majority of the fields along with essential electricity generation infrastructure, internal access tracks, security fencing and new boundary landscaping. The proposal would link to Rayleigh Substation which is around 75m to the north-east of the site.

Planning Policy Context

10. The development plan comprises the *Core Strategy (adopted December 2011)* (CS), the *Allocations Plan (adopted February 2014)* and the *Development Management Plan (adopted December 2014)* (DMP).
11. CS Policy GB1 deals with the protection of the Green Belt. Policy ENV6 of the CS supports large scale renewable energy projects where they would not be located on, or near, areas designated for ecological or landscape purposes and where they would not have a significant adverse visual impact.
12. The *National Planning Policy Framework* (the Framework), the *Planning Practice Guidance* (PPG), the *National Policy Statement on Energy* (EN-1) and the *National Policy Statement on Renewable Energy Infrastructure* (EN-3) are all material considerations.

Green Belt Openness

13. Policy GB1 of the CS seeks to direct development away from the Green Belt, prioritising the protection of Green Belt land based on how well the land helps to achieve the purposes of the Green Belt. The supporting text indicates that development would be controlled in line with national policy as it stood at the time.
14. National policy is currently set out in the Framework. This indicates that the Government attaches great importance to the Green Belt. The fundamental aim is to prevent urban sprawl by keeping land permanently open; the essential

characteristics of the Green Belt are their openness and their permanence. Openness has both a visual and spatial element.

15. The appeal site currently comprises arable fields. The proposal would introduce development across the majority of these fields. Although the footprint of the posts holding the arrays would be small, the panels themselves are larger. They would have the effect of covering more of the ground area, albeit that their mass would be broken up by the grass in between each row and the fact that there would be 'airspace' and functioning soil beneath the panels. In addition, there would be access tracks, fencing, substations and transformers as part of the proposal. As a result, I consider that the proposal would slightly diminish the openness of the Green Belt spatially.
16. Due to the topography and the degree of enclosure provided by the existing vegetation there is limited visibility of the appeal site from outside the site at present. Notwithstanding the change in levels across the site, the proposed panels and associated structures would be of limited height and would also be able to be screened from view to a large part by the existing and proposed vegetation, which it is proposed would be maintained at a height of around 3.5m.
17. This is confirmed by the Zone of Theoretical Visibility that forms part of the appellant's Landscape and Visual Impact Assessment (LVIA) which shows that potential visibility of the proposal would be very limited and localised. The LVIA undertook a detailed assessment of 4 viewpoints. Given the limited visibility of the proposal demonstrated on the ZTV, I consider the number and location of the viewpoints is adequate.
18. The only publicly accessible viewpoint with any clear view of the site is the public footpath to the east as it descends the hillside from Great Wheatley Road. In this view the proposal would be seen as part of a wider panorama that includes a mix of power lines, major transport corridors, warehouses and other developments and open fields. The conclusion of the LVIA is that the visual effect on receptors would be moderate and over time this would be reduced as the new planting is established.
19. The LVIA indicates that the patches of visibility identified in the ZTV that are not in the immediate vicinity of the site are largely fields with no public access. Moreover, the proposal, where visible from these areas, would be a minor component in a long-range view. As such the visual effect would be negligible. Some fleeting views from moving vehicles would also be possible from a short stretch of the elevated section of the A130. However, given the distance to the site (around 1 km), the fact that views would be perpendicular to the direction of travel and the intervening development, the visual impact would be limited.
20. It was suggested by Councillors that, compared to the current open fields, the proposal's impact would be like a "burnt field". However, the Council did not provide any technical evidence to support this claim or to counter the findings of the LVIA. From my observations I agree with the conclusions the LVIA reaches on the likely visual effects of the proposal.
21. Overall, I consider that the proposal would cause moderate visual harm but given the very localised nature of this visual impact, I consider it would only have a slight impact on the visual openness of the Green Belt.

22. The LVIA acknowledges there would be some views of the proposal from a number of properties that occupy an elevated position on the edge of Rayleigh in the Great Wheatley Road area. However, these are private rather than public views, and I observed at my site visit that even in winter, garden and other intervening vegetation limit the views of the site that are possible. Moreover, the low-level nature of the development means it would not prevent views of the wider panorama. In addition, the fundamental nature of the view, which is of a patchwork of open fields, built, development, power lines and busy road corridors would not alter significantly. Given this, and the distance between these houses and the eastern boundary of the site, the visual effect would be 'slight adverse' at worst. I consider the impact on living conditions later in my decision.
23. There are a limited number of properties on the southern side of the A127, but views of the site from these are already limited by existing vegetation. It is proposed to strengthen this, and this together with the volume of traffic on the road, means there would be little, if any visibility of the proposal from them.
24. There is no evidence that indicates that there are other existing or proposed solar farms in the LVIA study area, so there would be no cumulative landscape or visual effects.
25. The PPG indicates that when assessing the impact of a development on the openness of the Green Belt, the duration of the development and its remediability, and the degree of activity it would be likely to generate, are matters to take into consideration. The proposal would occupy the site for 40 years and this can be secured by condition. Although a significant period of time, the proposal would not be permanent. At the end of this period the site could be restored to agricultural land. In addition, apart from during the construction phase and during de-commissioning, the development would generate minimal activity.
26. Third parties drew my attention to an appeal decision from 2015¹ which I was told concluded that, in that case, limited weight should be given to the fact that the site can be returned to its former use at the end of the permission. However, the planning policy context in relation to renewable energy has changed significantly since 2015, so I give this minimal weight.
27. Taking all of the above together, both visually and spatially, the proposal would result in slight harm to the openness of the Green Belt. This adds to the harm caused by reason of inappropriateness.

Green Belt Purposes

28. As defined by paragraph 143 of the Framework, the Green Belt serves 5 purposes (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and spatial character of historic towns; and (e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
29. Whilst Rayleigh has a historic core, it is surrounded by modern development and it is not a "historic town". Moreover, the appeal site does not contribute to

¹ Appeal Reference APP/K1128/V/15/3132968

preserving the setting or special character of the designated heritage assets at the centre, so this purpose is not relevant in this instance.

30. As part of the evidence base for the emerging Local Plan an assessment of how land within the Green Belt contributed to the five Green Belt purposes has been undertaken. In this the appeal site forms part of 'Parcel 19' – an extensive area of land that covers land to the north and west of Rayleigh and Hockley. This assessment concludes that this area makes a moderate contribution to purposes 1 and 2, and a strong contribution to purposes 3 and 5. However, with regard to the latter it indicates that all Green Belt land can be considered to support urban regeneration and it is not possible to distinguish which parcels perform this to a greater or lesser degree. As such, all parcels were scored as strong in this regard.
31. Reference was also made to the findings of the stage 2 assessment in the Green Belt study. This assessed the potential harm of releasing parcels of land from the Green Belt for development. Whilst this found the release of Assessment Area AA18 which includes the appeal site would cause moderate-high harm, the proposed development would not result in the appeal site being removed from the Green Belt. As such, it does not follow that the development would cause moderate to high harm to the Green Belt. Nor would the development weaken the integrity of the Green Belt or its boundaries as it would remain within the Green Belt.
32. The appeal site is not immediately adjacent to the built edge of Rayleigh, being separated from it by open land. As a result, the proposed development would be visually discrete from it. Moreover, the solar panels and associated infrastructure would be relatively low-lying features, that would have a completely different character and form to the residential development on the edge of Rayleigh. As such, the proposal would not be seen as the spreading out of the settlement and would not be contrary to this purpose.
33. The Green Belt in this area has a role to play in preventing the coalescence of Rayleigh with Wickford to the west and Thundersley to the south. A significant gap would remain between these built up areas and as highlighted above the proposal would have a completely different character and form to the urban areas. Additionally, the LVIA shows there would be limited visibility of the proposal from the public realm and so visually the impact the proposal would have on the perceived openness of these gaps would be very limited. Consequently, the appeal scheme would not be contrary to this purpose.
34. The proposal would represent development in the countryside. However, the busy A127 adjacent to the site, nearby warehousing and power lines all detract from the rural character of the area. The appeal scheme would introduce man-made structures into the fields and so would change their character. Nonetheless, the solar arrays would be located within the existing field pattern and the scheme would retain and enhance the existing field boundaries and reintroduce internal field boundaries. This would result in minimal visibility of the scheme from outside the site. Furthermore, the solar arrays would be low-lying, open sided features, that would be temporary in nature, limiting the overall effect on the countryside.
35. The appellant's evidence sets out the site selection process that was undertaken to identify sites that would be able to utilise the connection capacity that is available at Rayleigh sub-station. This concluded that there

were no sites of the sized needed to ensure a financially viable scheme that were brownfield land or that were not located in the Green Belt. In the absence of any evidence to counter I see no reason to dispute this conclusion. In the light of this, I consider that the proposal would have limited impact on the fifth Green Belt purpose.

36. Overall, the proposal would cause encroachment into the countryside, contrary to this purpose of the Green Belt. However, the degree of harm it would cause would be limited.

Green Belt conclusion

37. The parties agree that the proposal is inappropriate development in the Green Belt. This is, by definition, harmful to the Green Belt. The development would also cause some slight harm to the openness of the Green Belt and by causing some degree of encroachment into the countryside would conflict with one of the purposes of including land in the Green Belt. In line with paragraph 153 of the Framework, the harm to the Green Belt from these matters results in substantial weight against the proposal. The proposal would not accord with CS Policy GB1 or the Framework outlined above.
38. The Council highlighted that this scheme had a lower energy output when compared to other schemes in the district that had been approved in the Green Belt that have been in the region of 49.9MW. To this end they referred to two decisions elsewhere in the country for 30MW solar farms that had been refused.
39. However, the appellant stated that the energy that could be generated by the scheme was limited by the capacity at the substation. Moreover, their evidence shows that the energy output per hectare of the scheme would be similar or better than existing or proposed schemes in the area. As such, the proposal would still be making efficient use of Green Belt land.
40. In addition, neither of the appeals referred to by the Council were in the Green Belt and so they are not directly comparable with the appeal scheme.

Benefits arising from the provision of renewable energy

41. The proposal would have an installed capacity of approximately 30MW, estimated to provide sufficient electricity to power around 9,400 homes a year and saving approximately 9,939 tonnes of CO₂ per annum. The site benefits from an immediate connection to the grid at the Rayleigh substation which is clearly beneficial in enabling the energy produced to be exported without delay.
42. In recent years both the Government and the Council have declared an Environmental and Climate Change Emergency. Various recent government publications have highlighted the need to significantly increase generation from onshore wind and solar energy production, as it seeks to ensure that by 2035 all our electricity will come from low carbon sources and that it achieves net-zero emissions by 2050. The Council has set the objective of reducing carbon emissions by 80% by 2030 and of being carbon neutral by 2050.
43. Documents such as the British Energy Security Strategy reinforce the need for electricity to come from low carbon sources for energy security and economic stability.

44. To achieve these ambitious targets, it is clear that considerable growth in large scale solar farms will be necessary and this cannot be achieved solely by the use of brownfield land or roof top installations.
45. In order to support the aim of achieving carbon-neutrality and where possible carbon negativity, the Council's Sustainability Action Plan 2022-2030 indicates it will continue to support large scale renewable energy projects with the desired outcome being to reach a renewable energy capacity of 100MW by 2030. It was highlighted that this figure has already been reached.
46. However, there is nothing in this document that indicates that this should be taken as a maximum target. Given the aim is to go beyond carbon neutrality to achieve carbon negativity where possible, setting an upper limit on renewable energy generation would be counter intuitive. Furthermore, since this application was determined, another scheme in the Green Belt with a capacity of 49.9MW has been approved by the Council. This shows that this figure is not an upper target.
47. The support in both national and local policy for renewable energy is caveated by the need for the impacts to be acceptable, or capable of being made so. Nevertheless, the renewable energy benefit of the proposal, both in terms of its contribution towards energy security and resilience and the reduction in greenhouse gas emissions, must be accorded substantial weight.

Other considerations

48. The proposal would include a variety of landscape and biodiversity measures including new and improved hedging, new tree planting, creation of species rich grassland and wildflower meadows and the provision of bird and bat boxes. The biodiversity metric shows that it would deliver significant biodiversity net gain in the region of 141% for primary habitats and 165% for linear habitats. This is a permanent benefit of the scheme which attracts significant weight.
49. There would be some economic benefit during the construction period albeit this would reduce significantly once the development was operational. It would also result in additional business rates. I give moderate weight to these economic benefits.
50. It was suggested at the hearing that the proposal could lead to job losses at Great Wheatley Farm which has developed the vineyard and associated business to the east of the site, as it was stated they would not progress plans to develop and expand the business. However, no detailed evidence of these expansion plans and the job estimates were provided. Nor has planning permission been secured for any of the infrastructure necessary to support these plans. Furthermore, I am not persuaded that the development which would be a small component in the view from the farm buildings which also includes power lines and busy transport corridors would prevent the expansion plans of the business. Consequently, this suggestion does not weigh against the proposal.

Other Matters

Agricultural Land

51. The national Agricultural Land Classification map indicates that the site is Grade 3 land. However, this is indicative of the type of land in the area rather than

providing an assessment of any particular field. As a result, the appellant submitted an Agricultural Land Quality report which was based on a detailed soil and agricultural quality survey of the site. This was carried out in accordance with national guidelines for such surveys and the Council have not disputed the methodology. This concludes that the entire site is Grade 3b land.

52. Although not objecting to the proposal, the response from Natural England indicates that the development is likely to affect the best and most versatile (BMV) agricultural land. However, there is no evidence that this statement is based on a detailed survey of the site as has been provided by the appellant.
53. In my view, it is more appropriate to rely on the results of the detailed site survey. As a result, I consider that the appeal site does not form BMV agricultural land. In addition, the proposal would allow the continued use of the land for agricultural purposes through the grazing of sheep during the operational period.
54. Consequently, the proposal would satisfy the advice in the PPG² that where a proposal involves greenfield land, poorer quality land should be used in preference to higher quality, and that proposals should allow for continued agricultural use.

Heritage

55. Great Wheatley Farmhouse and the adjacent barns are Grade II Listed Buildings whose significance lies in the fact that they form a coherent example of a developed post-medieval East Anglian farmstead. The appellant's Heritage Impact Assessment considered the potential impacts of the proposal on the setting of these assets. This noted that the principal visual and contextual relationships which make up the asset's setting are the relationships between the building themselves. Nonetheless the agricultural fields to the west which include the appeal site contribute to an understanding of its original agricultural settings and thus to their significance.
56. The distance and intervening vegetation means there would be limited visibility between the buildings and the proposed development. In addition, a number of agricultural fields would remain around the farmstead enabling the agricultural setting to still be appreciated. As a result, I agree with the conclusion that the proposal would cause less than substantial harm, at the lower end of the scale, to the significance of these designated heritage assets. Nonetheless, in accordance with the Framework and the statutory obligations imposed I give great weight to this harm. I shall weigh this against the public benefits later in my decision.
57. The Heritage Impact Assessment also concluded that further intrusive archaeological evaluation should be undertaken. This can be secured by a condition.

Living Conditions

58. As noted above there is some limited visibility from a number of properties on the edge of Rayleigh to the east of the site. I visited a number of these as part of my site visit. These properties are located in excess of 250m from the eastern boundary of the site. Given this, whilst the proposal may alter the view

² Paragraph ID 5-013-21050327

from these properties, it would not have any unacceptable impact on the living conditions of the occupiers.

59. In addition, a condition could be used to control any external lighting used on the site to ensure the proposal would not cause any unacceptable light pollution either for residents or road users. In addition, there is no substantive evidence that shows that there are any health risks for local residents associated with large scale solar farms either in terms of radiation exposure or noise.
60. Although it has been argued that the scheme would result in a loss of property prices the Planning Practice Guidance states that “[the courts] have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations³.”

Trees

61. The majority of existing trees and hedges on the site would be retained and enhanced as part of the proposed development. However, a small number of low quality trees that form a linear group along the boundary with the A127 would need to be removed to facilitate changes to the access to the site. In addition, an oak tree of moderate quality located more centrally within the site also needs to be removed. However, it is proposed to plant a significant number of new hedges, trees and woodlands as part of the landscaping of the site. This would more than compensate for the number of trees that would be lost.

Highways

62. The construction of the solar array would result in some additional traffic movements, but this would only be for a temporary period. A temporary construction access arrangement is proposed onto the A127 to ensure vehicles can enter and exit the site safely. In the light of the lack of objection by the highways authority, and from my own observations, I am satisfied that, subject to conditions, these additional movements could be safely accommodated within the existing highway network. Therefore, this matter does not weigh against the proposal.

Planning Balance and Conclusion

63. It is agreed that the proposal is inappropriate development in the Green Belt. This, by definition, is harmful to the Green Belt. In addition, the proposal would result in slight harm to the openness of the Green Belt and would be contrary to one of the purposes of including land in the Green Belt. In line with the Framework, I give substantial weight to the harm the proposal would cause to the Green Belt. In addition, the proposal would cause less than substantial harm to the setting of nearby designated heritage assets.
64. On the other side of the planning balance, the Framework sets out a presumption in favour of sustainable development, and renewable energy development is central to achieving a sustainable low carbon future. The appeal scheme would make a significant contribution to this, and I give substantial

³ Paragraph Reference ID 21b-008-20140306

weight both to the contribution the proposal makes to cutting greenhouse gas emissions and to improving energy resilience and security.

65. In addition, I give significant weight to the landscape and biodiversity enhancements that would be achieved by the appeal scheme and moderate weight to its economic benefits.
66. The Framework requires that where a proposal causes less than substantial harm to the significance of designated heritage assets, this harm should be weighed against the public benefits of the proposal. I attribute significant weight to this harm but the contribution the scheme would make to the generation of clean and secure energy is a substantial public benefit and together with the other public benefits outlined above, outweigh the less than substantial harm to the designated heritage assets.
67. The determination of whether very special circumstances exist is a matter of planning judgement based on a consideration of all relevant matters. In this case I consider that the public benefits of the proposal are of a magnitude that they would clearly outweigh the combined weight of the harm to the Green Belt and to the heritage assets. Therefore, the very special circumstances needed to justify the development exist, and the proposal would not conflict with the policies in the development plan outlined above or the Framework. Consequently, I conclude that the appeal should be allowed.

Conditions

68. The Council and the appellant agreed a set of conditions that were discussed at the hearing. I have considered these in the light of paragraph 56 of the Framework and have revised a number of them as discussed at the hearing.
69. In addition to the standard implementation condition (condition 1), to provide certainty it is necessary to define the plans with which the scheme should accord (condition 2). Conditions 3 and 4 are reasonable and necessary to limit the period of the permission and to ensure the site is decommissioned either at the end of the permission or when energy generation ceases. Condition 5 is required to protect the living conditions of nearby residents and to accord with Policy DM1 of the DMP.
70. In the interest of the character and appearance of the area, biodiversity and in line with DMP Policies DM1, DM25 and DM26, conditions 6, 7, and 8 are necessary. Condition 6 needs to be a pre-commencement condition as it relates to works that need to be undertaken during the construction period. Conditions 9 and 22 are necessary in the interests of the visual amenity of the area and to accord with Policies DM1 and DM26 of the DMP. In the interests of biodiversity condition 23 is necessary.
71. Conditions 10 and 11 are necessary for highway safety reasons, to protect the living conditions of residents and to accord with DMP Policy DM1. Condition 10 needs to be a pre-commencement condition as it relates to how the construction period is carried out. Conditions 13, 14, 15, 16 and 17 are all required for highway safety reasons. Conditions 13 and 15 both need to be pre-commencement conditions. The former to ensure that a safe access is provided for construction traffic before construction work begins and the latter as it relates to works that need to be undertaken during the construction period.

72. To protect and record any potential archaeological remains on the site, condition 12 is necessary. This needs to be a pre-commencement condition as it relates to works which need to be undertaken before construction works disturb the site. To protect soil quality condition 21 is required and this needs to be a pre-commencement condition because it relates to how the construction phase is carried out.
73. Conditions 18, 19 and 20 are necessary to ensure the site is properly drained. Condition 19 needs to be a pre-commencement condition as it relates to works that need to be in place before construction works commence.
74. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the appellant has provided written agreement to the pre-commencement conditions.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Thea Osmund Smith	Counsel
Andrew Ross BSc (Hons), MA, MRTPI	Director - Turley
Peter Thomas PhD	Head of Development – Aura Power
Jon Mason BSc (Hons), DipLA, CMLI	Director - Axis
Steph Palmer	Aura Power

FOR THE LOCAL PLANNING AUTHORITY:

Mike Stranks	Team Leader – Rochford District Council
Yvonne Dunn	Planning Officer – Rochford District Council
Cllr Michael Hoy	Rochford District Council
Cllr Adrian Eves	Rochford District Council
Cllr Wilma Wilson	Rochford District Council

INTERESTED PARTIES:

Jon Fuller	SE Essex Friends of the Earth
Jill Waight	Resident
Tony Dean	Resident
Aron Priest	Resident

Annex A

Conditions

- 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 undertaken in accordance with planning and document reference numbers:
 - Module Array Layout GBR.2263.DEV.M4.001.0 Rev.M.a
 - Site Location Plan Issue 03 (JE)
 - Proposed Site Access from A127 during Construction Phase 2999-01-SK03
 - Customer Switchroom / Control Building AP.4
 - Typical Cable Trench Cross Section GBR.2263.DEV.E4.017.3 Rev 0
 - Typical Transformer Station GBR.2263.DEV.M4.014.1 Rev 0
 - Typical Fence and Gate GBR.2263.DEV.M4.016.3 Rev A
 - Indicative Solar Panel Elevation GBR.2263.DEV.M4.018.3 Rev 0
 - Typical Spare Parts Container GBR.2263.DEV.M4.021.3 Rev 0
 - Typical Track Cross Section GBR.2263.DEV.M4.031.3 Rev 0
 - Typical Hedge Gate GBR.2263.DEV.M4.037.3 Rev 0
 - Indicative Bund Location Plan Version No. 1
 - New Junction SW Drainage Proposed Options Alternative 2 Appendix 5 of KRS Flood Risk Assessment KRS .0616.002.R.001.C
 - Tree Retention Plan 1 10819-T-03 Rev D
 - Tree Retention Plan 2 10819-T-04 Rev D
 - Tree Protection Plan 1 10819-T-05 Rev D
 - Tree Protection Plan 2 10819-T-06 Rev D.
- 3) The planning permission hereby granted shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first exported to the electricity grid. This date is referred to hereinafter as 'the First Export Date'. Written notification of the First Export Date shall be given to the local planning authority within 10 working days of the event.
- 4) No later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation by this solar PV park, whichever is the sooner, a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall be submitted to, and approved in writing by, the local planning authority. The scheme of works shall include the following:
 - (a) a programme of works;
 - (b) a method statement for the decommissioning and dismantling of all equipment and surfacing on site;
 - (c) details of any items to be retained on site;
 - (d) a method statement for restoring the land to agriculture;
 - (e) timescale for the decommissioning, removal and reinstatement of the land; and
 - (f) a method statement for the disposal/recycling of redundant equipment/structures.

The scheme of works shall be undertaken in accordance with the approved details and timescales. The operator shall notify the Local

Planning Authority in writing within five working days following the cessation of electricity generation.

- 5) No construction or decommissioning works shall take place except between the following hours: 0730 to 1830 Monday to Friday, and 0830 to 1300 Saturday and Sunday.
- 6) No development shall take place until a scheme providing full details of the landscaping to be implemented on the site (the 'Landscaping Scheme') has been submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the details illustrated on the previously submitted Illustrative Landscape Masterplan 2999-01-03 Rev A. The scheme shall include:
 - a. precise widths of all new hedges and woodland planting including the additional planting along the southern boundary;
 - b. Details of Hard surfacing including pathways and driveways, other hard landscape features and materials;
 - c. Existing trees, hedges or other soft features to be retained;
 - d. A planting plan and specification (including cultivation and other operations associated with plant and grassland establishment) providing schedules for all new planting and seeding noting species, mixes, planting sizes and proposed numbers/densities where appropriate;
 - e. Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
 - f. compliance with the biodiversity net gain metric; and
 - g. a timetable for implementation.

All new planting shall be implemented in accordance with the approved details and implementation programme. If within a period of 5 years from the date of planting, any tree, shrub or hedgerow or any replacement planting is removed, uprooted or dies or becomes seriously damaged or diseased replacement planting of the same species and size shall be planted in the same location in the next planting season.

- 7) Prior to the First Export Date, a Landscape Management Plan including long term design objectives, maintenance schedules and a programme of management activities for landscape areas identified in the Landscaping Scheme, including the establishment and thereafter maintenance of hedgerows of a minimum of 3.5m high, shall be submitted to, and approved in writing by, the local planning authority. The landscape management plan shall cover all existing vegetation within the site as well as any new planting and grassland implemented as part of the development. All vegetation within the site shall be managed in accordance with the approved Landscape Management Plan for the full duration of the development hereby permitted.
- 8) During the operation of the development, in the event that existing hedgerows directly adjacent to the south of the development site, to the north of the A127, along the extent of the development site boundary are extensively removed and not replaced within 24 months of removal, a scheme for mitigation planting on the development site shall be submitted to, and agreed in writing by, the local planning authority and implemented thereafter in accordance with the approved details.

- 9) The development hereby permitted shall be undertaken in strict accordance with the Arboricultural Assessment Revision C (dated February 2023) and Tree Protection Plan coinciding with the revised access visibility splay details.
- 10) No development shall take place until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The plan shall include but not be limited to details of:
- traffic management including measures to enable vehicles to enter and leave the site in a forward gear;
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials to be used in constructing the development;
 - the height, construction and colour of any fences proposed to be erected around any site compounds;
 - Wheel and underbody washing facilities;
 - Routeing of vehicles; and
 - Measures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development.

The Construction Management Plan as so approved shall be adhered to throughout the construction period.

- 11) No external lighting, including lighting required for construction and decommissioning, shall be installed at the site until such time as a lighting strategy has been submitted to, and approved in writing by, the local planning authority. All external lighting shall be installed in accordance with the details agreed in the strategy and shall be maintained thereafter in accordance with the agreed details.
- 12) No development shall take place until a written scheme of investigation (WSI) has been submitted to, and approved in writing by, the local planning authority. The WSI shall include:
- the statement of significance and research objectives;
 - the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
 - the programme (including timescales) for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice. No development shall take place until the site investigations and post investigation assessment has been undertaken in accordance with the agreed programme and details.

- 13) No development shall take place (other than works directly required for the delivery of the access referenced by this condition) until the access point on the A127 Eastbound has been provided in accordance with details that have first been submitted to, and agreed in writing by, the local planning authority. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway with 10m radii into an 8m carriageway and associated clear to ground

visibility splays shall be provided before the access is first used by vehicular traffic and always maintained free of any obstruction thereafter and retained for that purpose at all times.

- 14) No unbound material shall be used in the surface treatment of the vehicular access within 20 metres of the highway boundary.
- 15) No development shall take place until details showing the means to prevent the discharge of surface water from the development onto the highway have been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained for the lifetime of the development hereby permitted.
- 16) Prior to the First Export Date, the access from the A127 (the details of which are as referenced at condition 13) shall be modified to remove the deceleration lane commensurate with the requirements of future servicing traffic in accordance with details that shall have been previously submitted to, and approved in writing by, the local planning authority. The access shall be retained as such for the lifetime of the development hereby permitted.
- 17) Gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 20 metres from the back edge of the carriageway.
- 18) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment, document KRS.0616.002.R.001.b by KRS Environmental, dated June 2022 and the provision of the following, the details of which shall previously have been submitted to, and approved in writing by, the local planning authority:
 - Shallow swales/bunds as shown on drawing entitled "Indicative Bund Location Plan" dated 17/04/23.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.All measures shall be fully implemented prior to the First Export Date.
- 19) No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run off and groundwater during construction works and to prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall include measures to maintain public highways in the vicinity of the scheme free of site generated detritus and a programme of implementation. The scheme shall subsequently be implemented in accordance with the approved details and programme of implementation.
- 20) Prior to the First Export Date a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies shall have been submitted to, and approved in writing by, the local planning authority. The maintenance plan shall include for the provision of yearly logs of maintenance, which must be

made available for inspection upon request by the local planning authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The development over the lifetime of its use shall be managed in accordance with this agreed maintenance plan.

- 21) The development hereby permitted shall not take place until a soil management plan has been submitted to, and approved in writing by, the local planning authority. This shall include, but not be limited to:
- protection of topsoil and mitigation of compaction during foundation construction and panel installation; and
 - explanation of the functioning of the proposed "mud mat".
- The scheme shall be implemented in accordance with the details as may be approved.
- 22) 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 development hereby permitted.
- 23) The development hereby permitted shall be carried out in accordance with the recommendations of the Breeding Bird Survey Report V2 by Avian Ecology dated 10 February 2022 and the Badger Survey Report V2 by Avian Ecology dated 10 February 2022.