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# Appeal Decision

Hearing held on 9 April 2024

Site visit made on 10 April 2024

**by Anne Jordan BA (Hons) MRTPI**

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

**Decision date: 23<sup>rd</sup> April 2024**

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## **Appeal Ref: APP/E2530/W/24/3337544**

### **Land associated with Washdyke Farm to the North of Billingborough Rd, Folkingham, Lincolnshire, NG34 0EZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by GS Ignis Ltd against the decision of South Kesteven District Council.
  - The application Ref is S23/0511.
  - The development proposed is installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of 27 megawatts (MW), including mounting system, inverters, underground cabling, stock proof fencing, CCTV, internal access tracks and associated infrastructure, landscaping and environmental enhancements for a temporary period of 40 years.
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### **Decision**

1. The appeal is allowed and planning permission is granted for installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of 27 megawatts (MW), including mounting system, inverters, underground cabling, stock proof fencing, CCTV, internal access tracks and associated infrastructure, landscaping and environmental enhancements, for a temporary period of 40 years at Land associated with Washdyke Farm to the North of Billingborough Road, Folkingham, NG34 0EZ in accordance with the terms of the application, Ref S23/0511, and the plans submitted with it, subject to the conditions in the attached schedule.

### **Applications for costs**

2. An application for costs was made by GS Ignis Ltd during the hearing against the decision of South Kesteven District Council. This application is the subject of a separate decision.

### **Preliminary Matters**

3. Prior to the hearing the Council confirmed that subject to the provision of an appropriate scheme to mitigate the impacts of development on skylarks, they were no longer defending reason for refusal 4. At the hearing, I was provided with a Memorandum of Understanding and supporting evidence of title in relation to the provision of an off-site skylark mitigation scheme. I have taken these into consideration in reaching a decision.

### **Main Issues**

4. Accordingly, the main issues for the appeal are:

- Whether the proposal would lead to an unacceptable loss of best and most versatile agricultural land (BMV);
- The effects of the proposal on the setting of heritage assets, in particular the site of the Anglo Saxon Nunnery and Medieval Chapel at Stow Green which is a Scheduled Monument;
- The visual effects of the proposal, in particular the effects of the proposal on users of public right of way PRoW Thre/2/1 and the character and appearance of the ;
- The effects of the proposal on protected species, in particular its effects on breeding habitat for ground nesting birds;
- Whether the proposal would conflict with the requirements of Local Plan policy in relation to a demonstration of public support for Solar PV proposals.

## **Reasons**

### *Policy*

5. The development plan for the area is the South Kesteven Local Plan (2020). Policy SP1 seeks to protect BMV in order to protect opportunities for food production and the agricultural economy. Development affecting BMV will only be permitted where there is insufficient lower grade land available at that settlement, and land is restored to its former agricultural use on at least equal quality post development.
6. Policy RE1 relates specifically to renewable energy development and seeks to support such development provided it does not negatively impact the District's agricultural land asset and can demonstrate the support of affected local communities. Appendix 3 of the Local Plan comprises a set of criteria against which renewables schemes, including solar proposals will be judged. Solar Energy Criteria 9 indicates that the use of BMV for a solar farm needs to be justified by a sequential type search that indicates that no site that has less of an impact on agricultural land is suitable.
7. Policy DE1 relates to promoting good quality design. It seeks development that makes a positive contribution to the character of an area including through retaining and incorporating important on-site features, such as trees and hedgerows and where possible, providing nature conservation and biodiversity enhancement as part of the development. Policy EN1 – Landscape Character, seeks development which is appropriate to the character of the landscape within which it is situated, and contributes to its conservation, enhancement or restoration. Policy EN3 seeks to maintain and improve the green infrastructure network in the District.
8. Policy EN2 seeks to conserve, enhance and promote the District's biodiversity. In line with national policy, where a detrimental impact on protected species cannot be avoided, the scheme will be required to provide appropriate mitigation. This requirement is reflected in Solar Energy Criteria 7 of the Local Plan Renewable Energy Appendix. Policy EN6 of the Local Plan seeks to protect and enhance heritage assets and their settings.

9. South Kesteven published a climate change strategy in 2023. This, amongst other things seeks to maximise opportunities for the District to become more self-sufficient for energy and to reverse biodiversity loss and expand existing habitats. It also recognises that the development of renewable energy at every level will be important to drive local energy generation and provide a tangible contribution to national Net Zero targets.
10. The Written Ministerial Statement (WMS) of the 18 June 2015 requires public support for wind turbine schemes to demonstrated but does not place a similar test on Solar PV. The WMS on solar energy (25 March 2015) indicates that the use of BMV for solar farms has to be justified by the most compelling evidence.
11. Policy in the Framework indicates that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. It also sets out that National Policy Statements may be material considerations in planning applications. National Policy Statement for Energy (EN-1) (Nov 2023) and National Policy Statement for Renewable Energy (EN-3) (Nov 2023) recognise Solar PV development as Critical National Priority Infrastructure. EN-3 indicates that land type should not be a pre-dominating factor in determining the suitability of the site location but nonetheless seeks to avoid the use of BMV land where possible.
12. Planning Practice Guidance (PPG) on renewable and low carbon energy, provides a list of planning considerations that relate to large scale ground mounted solar photovoltaic farms. These include locating Solar PV developments on previously developed and non-agricultural land provided it is not of high environmental value and where a proposal involves the use of any agricultural land, that it has been shown to be necessary and poorer quality land has been used in preference to higher quality land. Such developments should allow for continued agricultural use where applicable and implement biodiversity improvements around arrays. This guidance predates national policy set out in the Framework.

#### *Nature and Benefits of the Scheme*

13. The appeal site is made up of around 27 hectares of agricultural land, which makes up part of a wider agricultural holding of 60ha at Washdyke Farm. It is occupied by a tenant and is farmed in conjunction with other land in the wider area. It has historically been in arable use. It is edged in part by mature hedging with hedging partly defining a field boundary within the site.
14. The current application seeks full planning permission for the installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of 27 megawatts (MW) which would provide sufficient energy to power up to 8,710 homes per annum<sup>1</sup>. This would connect to the National Grid via the Sleaford Substation from a cable buried underneath Mareham Lane.
15. The development would be accessed via the existing field access on Mareham Lane and would comprise Photovoltaic (PV) panels to be arranged on a simple metal framework (table) aligned east-west across the site and facing south, including mounting system. Inverters would be located on the underside of the solar array and would be installed approximately 1m above the ground.

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<sup>1</sup> Appellant's planning statement.

16. Five transformer stations would be positioned around the site. These would be approximately 2.9m high by 6.1m in length and 2.45m in width. The panels would be connected by an internal network of access tracks which would be 3.5m wide and would be constructed of a permeable crushed stone. A District Network Operator (DNO) Substation would be located adjacent to the access from Mareham Lane measuring 2.6m in height, 3.6m in width and 3.1 metres in depth. A storage container and a customer control building which would measure 2.85m in height, 2.4m in width and 4.5m in length would be located alongside the DNO station.
17. The external works would also comprise stock proof fencing, CCTV, internal access tracks, landscaping and environmental enhancements including hedgerow planting, a series of swales, which would manage surface water runoff from the site and species rich grassland throughout the site. The supporting documentation indicates that it would provide Biodiversity Net Gain (BNG) throughout the lifetime of the scheme calculated at 192.56% in habitat units and 18.12% hedgerow units.
18. The proposed development would be operational for a 40-year period and at the end of this period, all solar modules and supporting infrastructure would be removed for the site, and the land returned to agricultural use.

#### *Agricultural Land*

19. The scheme is accompanied by an Agricultural Land Classification Report<sup>2</sup> which identifies that 11.23ha of the site comprises Grade 2, 2.77ha is Grade 3A and the remaining 13.87ha comprises Grade 3B. As such, the scheme would lead to the temporary loss of around 14 hectares of BMV agricultural land from arable production.
20. Taken together, the Appendix, Policy RE1 and Policy SP1 direct that, in order to protect the District's agricultural land resource, any development which involves agricultural land, including Solar PV schemes, must first be justified by a search which indicates no lower grade agricultural land is available. Although broadly consistent with the Framework, the absence of any threshold for such schemes goes much further than the Framework, which refers to significant loss.
21. The appellant has provided an Alternative Site Assessment (ASA) which I consider to be overly restrictive in its approach, in that it largely restricts the search to the Sleaford Sub-Station and adopts an extremely cautious approach to the potential constraints for other identified sites. I note the appellant's concerns regarding the difficulty in carrying out such an assessment when information on whether land is Grade 3a and therefore BMV or Grade 3b and therefore not BMV is not available at a District wide scale – however, the temporary loss of Grade 2 land in this case renders this point redundant. It was also put to me that a recent High Court Decision<sup>3</sup> is a relevant consideration in this case, but I do not consider that it adds anything that would alter my conclusions in relation to agricultural land.
22. I am therefore of the view that as the ASA has been applied over an insufficiently broad area and appears to show a number of sites with largely similar levels of constraints to the appeal site on solely Grade 3 land, it fails to

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<sup>2</sup> Wardell Armstrong dated November 2022

<sup>3</sup> Doc 3 – Lullington Solar Park Ltd – High Court Decision – [2004] EWHC 295 (Admin) AC-2023-LON-002550

satisfy the criteria set out in Appendix 3 and so, as a consequence, the scheme would be contrary to Policy RE1 and SP1 of the Local Plan. It would also conflict with Policy SP1 which also seeks to support the retention of agricultural land unless there is insufficient lower grade land available. This conflict weighs against the proposal in the planning balance.

23. The scheme would lead to 14 Hectares of agricultural land being put out of arable use for 40 years. It would not be permanently lost, and could still be used for grazing, although I acknowledge that this use would be unlikely to be as productive as a site not primarily in solar use. Having regard to the amount of BMV under consideration, its continued potential for agricultural use and the period of the project, I do not consider that the proposal would lead to a significant loss of agricultural land and find no conflict with the national policy in Framework.

### *Heritage Assets*

24. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Framework directs that Scheduled Monuments are heritage assets of the highest significance. Policy EN6 of the Local Plan reflects the statutory duty in the Act. This duty is also reflected in the Framework which categorises any harm to the significance of a heritage asset as either 'substantial harm to or total loss of significance of an asset' or 'less than substantial harm to the significance of an asset'.
25. The Council concluded that the proposal would result in less than substantial harm to the significance of the Anglo Saxon Nunnery and Medieval Chapel at Stow Green, which is a Scheduled Monument. This harm was identified as arising through erosion of the rural setting of the Nunnery, which was considered to contribute to its significance.
26. The Nunnery and adjoining church are buried assets and is likely to hold high archaeological interest because the buried remains have the potential to survive relatively undisturbed. These may provide significant information about monastic life in the early medieval period and the phases of occupation within the site and so the significance of the asset lies in the archaeological and historic interest of the remaining fabric.
27. Above ground the land at the Nunnery is in agricultural use, and lies some distance from the appeal site. When intact the setting of the asset would have been relatively limited being mostly defined by its position on a thoroughfare at an intersection of two roads, which also formed the locality of the historic fairground and was part of an established route for pilgrims. It is also likely that the Nunnery would have been relatively inward looking and enclosed. I noted on site that views across the wider agricultural landscape are available from the asset, but these are incidental and do not contribute to the assets significance. Accordingly, I conclude that the proposal would have a neutral effect on the significance of the Anglo-Saxon Nunnery and Medieval Chapel at Stowe Green.

28. I take into account the two heritage assessments provided by the appellant which reach different conclusions in relation to harm to the asset. I also take into account the comments from both Conservation Officers from the Council, who also reached opposing views in relation to the effects of the proposal on the significance of the Scheduled Monument. I note that none of these assessments identify any harm to the significance of other heritage assets, and I find no reason to dispute this view.
29. Accordingly, on the second matter, I find no conflict with Policy EN6 of the Local Plan which seeks to protect and enhance heritage assets, or with the Framework, which has similar aims.

#### *Visual Effects of the Proposal*

30. The Council concerns in relation to the visual effects of the proposal are limited to its effects in relation to users of the public footpath (PRoW Thre/2). In this regard the Council is broadly satisfied that the proposal would not lead to harm at a landscape scale, and that the long and medium range visual impacts of the proposal would be largely mitigated by the extensive boundary planting proposed as part of the scheme.
31. The public footpath crosses the site and continues to the east on slightly higher land. As the path is largely open, users have an expansive view of rolling fields. The scheme proposes to screen views to the north and south with high boundary hedges adjoining a wide walkway through the site. In this regard, at least when within the site, footpath users would have very limited views of the development, although some views of the site would be likely to be available as the footpath rises away from the site to the east. Nevertheless, the experience of the open landscape would be lost when within the site.
32. I also noted on site that the site rises to the north with land continuing to rise beyond the site on the approach to Stow Lane. To the south it reaches a low point south of Billingborough Road before rising again. The 3-metre high hedging would effectively screen the site when at close range and travelling alongside the site on Mareham Lane and Billingborough Road. However, in views further along Mareham Lane the central portion of the fieldscape would be prominently visible in the approach from higher land to the north. Furthermore, along Brickyard Lane to the south higher portions of the site would be likely to be visible above boundary planting. In these views due to the manmade appearance of the panels, and the extent to which they would cover the site, the proposal would have an intrusively harmful effect of the appearance of the site and detract from rural character of the area immediately surrounding it.
33. In longer-range views from the east and west some glimpsed views are likely to be available. However, as the development would form only part of the overall view, and available views would be broken up by hedgerow and boundary trees, its effects would be less intrusive and would have only a slightly harmful visual effect, reducing as distances from the site increase. The Council and the appellant agree that there are no other solar developments that may contribute to cumulative visual effect.
34. The proposed development is for a period of 40 years after which the panels would be dismantled and removed. Nevertheless, harm would occur to the rural character and appearance of the countryside, in short and midrange



views. There is some dispute between the Council and appellant as to whether policy EN1 is relevant, given that the Council have not identified wider harm to the landscape. As the harm identified would be relatively localised I concur that there would be no material harm at a landscape scale and so find no conflict with EN1. The proposal would, however, cause harm to the character of the area to the extent identified above and so would conflict with policy DE1 of the Local Plan. This weighs against the proposal in the planning balance.

35. The footpath would not be altered and so I find no harm to Green Infrastructure and no conflict with EN3. The Council have also referred to Solar Energy Criteria 2 of the Renewable Energy Appendix. This relates to residential visual amenity which is not an issue raised by the Council and so I find no conflict with it.

### *Protected Species*

36. The Council refused the scheme on the basis of potential impacts on ground nesting birds. Since then the appellant has provided a Skylark Mitigation Strategy. Lincolnshire Wildlife Trust have accepted that the mitigation process has been fully considered, and that the monitoring strategy is appropriate. They are therefore content that subject to these works the development would ensure no adverse effects on this protected species. This is supported by evidence<sup>4</sup> to demonstrate the scheme would be capable of being implemented and would therefore be effective.
37. As such, subject to an appropriately worded condition, the proposals would be in accordance with Policy EN2 of the Local Plan, Solar Energy Criteria 7 of the Renewable Energy Appendix, and national policy in the Framework, which seeks to protect and enhance biodiversity and requires that any significant effects on protected species, where they cannot be avoided, are adequately mitigated.

### *Public Support for the Scheme*

38. Policy RE1 of the Local Plan includes a number of criteria against which renewable energy schemes should be assessed, amongst which includes in RE1(b) a requirement that renewable energy proposals can demonstrate the support of local communities. Policy RE1 is also explicit that renewable energy proposals should meet the criteria set out in Appendix 3 of the Plan. The Appendix sets out in Wind Energy Criteria 29 that wind turbine schemes should be accompanied by evidence setting out how the community has been consulted on a proposal and how the submitted proposal has sought to address concerns. However, no equivalent requirement is set out for Solar PV schemes.
39. I note that the wording of policy RE1 does not make any distinction between types of renewables schemes. I also note that it specifically requires that proposals meet the requirements set out in the Appendix. So, as there is no community support test within the Appendix in relation to Solar PV, I find no firm basis for applying one. I also bear in mind that the national policy and guidance referred to in the Plan did not require a public support test for solar farms when the Plan was adopted and to require one would go much further than the current requirements of national policy in the Framework.

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<sup>4</sup> Memorandum of Understanding and evidence of title showing ownership of available sites for provision of alternative nesting locations.

40. I note that two Parish Councils objected to the scheme, along with a small number of local residents. I set out my reasoning in relation to the substance of these objections elsewhere in the report. However, in the absence of a requirement within Appendix 3 to demonstrate local support I do not consider that the existence of objections in itself weighs against the proposal and find no conflict with Policy RE1(b) in this regard.

### **Other Matters**

41. A number of other issues were raised by residents. Some local residents expressed concern that increased surface water run-off from the site had the potential to exacerbate existing localised flooding issues in nearby settlements. The scheme is accompanied by a drainage strategy which includes on-site attenuation measures as part of the landscaping scheme. I am satisfied that the scheme would limit peak flows from the site and would not lead to surface water flooding issues off site. This matter does not therefore weigh against the proposal.
42. During the construction phase the scheme would have the potential to cause highways and amenity issues in and around the site. whilst some inconvenience and disturbance is unavoidable, I am satisfied that most harmful and intrusive effects can be mitigated with an agreed construction management plan which could be secured by an appropriate condition. This matter does not therefore weigh against the proposal. I am also satisfied that the proposal would not lead to significant issues of glint or glare for either residential occupiers, or for users of the highway network.
43. I note the requests from local Parish Councils relating to funding from the community fund proposed by the developer. Such funding does not form part of the proposal before me and cannot in any case be taken into account in considering the merits or otherwise of the scheme. Such funding therefore carries no weight in my considerations.

### **The Planning Balance**

44. The proposal would have a significantly harmful impact on the appearance of the countryside in some very limited local views. It would have a more moderate impact in some mid-range views which could in part be mitigated. These effects would be temporary and reversible and the more severe aspects of this harm would be localised. I therefore attribute moderate weight to the harm arising to the character and appearance of the countryside and to conflict with Policy DE1 of the Local Plan. It would also lead to the temporary loss of the site from arable production, some of which would be "best and most versatile" agricultural land. The amount of BMV affected reduces the harm that would arise and I attribute only limited weight to it and to the conflict with Policies SP1 and RE1 of the Local Plan.
45. The proposal would provide up to 27 MW of power from a renewable source. The Framework identifies moving to a low carbon economy as being an important environmental objective in achieving sustainable development. I therefore attribute substantial weight to this benefit. It would also bring some ecological benefits to which I attribute moderate weight.



## **Conclusion and Conditions**

46. Taken together, the identified harm arising from the development would, on balance, be outweighed by the benefits of the scheme identified above the scheme can be said to be sustainable when assessed against the Framework as a whole. For the reasons given above, I conclude that the appeal should be allowed.
47. In addition to conditions relating to the period of implementation, the period of the permission and adherence with the approved plans, it is reasonable and necessary to require the site is decommissioned at the end of the period of permission. In the event that the development is brought out of use before that period a further condition is necessary to ensure its decommissioning in that instance.
48. In order to ensure an acceptable appearance for the development, and to ensure that the proposed ecological improvement measures are provided, it is necessary to impose conditions relating to landscaping including replacement planting and habitat improvement measures. A condition requiring a skylark mitigation strategy is necessary to ensure effective mitigation for protected species on site. Conditions are also necessary to ensure the protection of trees on site and the replacement of failed landscaping. In the interests of protecting the amenity of residential occupiers a condition requiring a Construction and Environmental Management Plan which shall include traffic management measures are also reasonable and necessary. Furthermore, to ensure that disruption is minimised during repair and maintenance works a condition requiring an agreed Operational Environmental Management Plan (OEMP) is reasonable and necessary.
49. In the interests of protecting any archaeological interest the site may have, it is necessary to impose a condition in relation to archaeological investigation and evaluation. As part of the site has been previously developed, conditions relating to site investigation, and if necessary remediation, are reasonable and necessary in the interests of environmental protection and public health. To ensure a satisfactory appearance for the scheme a condition is necessary to ensure the scheme is constructed in the approved materials. Finally, a condition relating to illumination on site is also necessary in the interests of limiting the visual impacts of the proposal outside daylight hours.

*Anne Jordan*

INSPECTOR

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Adam Murray MRTPI	Principal Planning Officer South Kesteven District Council
James Adams MA	Conservation Officer South Kesteven District Council
Phil Jordan MRTPI	Development Management Manager South Kesteven District Council

### **FOR THE APPELLANT:**

Odette Chalaby of Counsel  
Jonathan Storey BSc (Hons) MRTPI  
Tony Kernon BSc (Hons) MRICS FBIAC  
Andrew Cook BA (Hons) MLD CMLI MIEMA CEnv  
Laura Garcia BA (Hons) MCIfa  
Howard Fearn MSc MCIEEM  
Andrew Cowley MSc MEI

### **INTERESTED PERSONS:**

Mike Rudkin	Billingborough Resident
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## **APPEAL DOCUMENTS**

Doc 1a – Register of Title provided in relation to Skylark Mitigation Scheme

Doc 1b – Memorandum of Understanding provided in relation to Skylark Mitigation

Doc 2 Washdyke Solar – Technical Note

Doc 3 – Lullington Solar Park Ltd – High Court Decision – [2004] EWHC 295 (Admin) AC-2023-LON-002550

## CONDITIONS

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

2) Written confirmation of the first export date shall be provided to the Local Planning Authority no later than 20 days following the event. The development hereby permitted shall cease on or before the expiry of a 40 year period from the date of first export of electricity from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. The land shall thereafter be restored to its former condition in accordance with a scheme of decommissioning work ("Decommissioning Scheme") which shall make provision for the removal of the solar panels and all other associated equipment, and the subsequent restoration of the site. The scheme shall include details of:

- a. The extent of equipment and foundation removal, and the site restoration to be carried out.
- b. The management and timing of any works
- c. A Traffic Management Plan to address the likely traffic impacts arising during the decommissioning period.
- d. An Environmental Management Plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitat features and trees on the site.
- e. The location of any temporary compound and parking areas.
- f. Full details of the removal of the solar arrays, associated buildings and plant, any access tracks and sub-surface cabling and all associated works of ground restoration, including trench backfilling.
- g. Full details of all other works to the land to allow for renewed agricultural production following the removal of structures from the site.
- h. A programme of implementation.

The Decommissioning Scheme shall be submitted to and approved in writing by the Local Planning Authority, no later than 39 years from the date of first export of electricity, and subsequently implemented as approved.

3) The development hereby permitted shall be carried out in accordance with the following list of approved plans:

- a) Proposed Block Plan (Ref: GM11883-128)
- b) Proposed Landscape Strategy Plan (Ref: GM11883-127/Rev F)
- c) Proposed Solar PV Array Detail Plan (Ref: 1009-D01/Rev A)
- d) Proposed Fence and CCTV Plan (Ref: 1009-D02/Rev A)
- e) Proposed Internal Access Track Plan (Ref: 1009-D03/Rev A)
- f) Proposed Transformer Station Plan (Ref: 1009-D04/Rev A)
- g) Proposed DNO Substation Plan (Ref: 1009-D05/Rev A)
- h) Proposed Control Building Plan (Ref: 1009/D07/Rev A)
- i) Proposed Spares Container Plan (Ref: 1009/D08/Rev A)

Unless otherwise required by another condition of this permission.

4) Before the development hereby permitted is commenced, a Written Scheme of Archaeological Investigation shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the archaeological investigations shall

also have been completed in accordance with the approved Written Scheme of Investigation prior to the commencement of development.

5) No works pursuant to this permission shall commence until the Tree Protection measures indicated on the Tree Protection Plan (Wardell Armstrong) (Ref: GM11883- 009/Rev B) have been implemented in full. Thereafter, the development must be carried out in accordance with the approved details and the approved measures shall be retained until all construction activities have been completed.

6) No development shall take place until a detailed Construction and Environmental Management Plan, based on the details contained within the Construction and Environmental Management Plan (Wardell Armstrong) (March 2022) (GM11883/0012) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include measures to mitigate against the adverse impacts of vehicular movements; noise, dust and vibration during the construction stage of the proposed development. The submitted CEMP shall include:

- a. The phasing of the development, to include access construction
  - b. Hours of construction and deliveries
  - c. The parking of all vehicles and site operatives
  - d. The loading and unloading of all plant and materials
  - e. Wheel cleaning facilities
  - f. The routing of all vehicles associated with the construction stage of the development
  - g. A Method Statement for the installation for the proposed cable connection from the approved development to the point of connection at the Sleaford substation
  - h. Any temporary diversion of public rights of way during the construction period.
  - i. Measures of dust suppression during the construction period.
- Thereafter, the approved CEMP shall be strictly adhered to throughout the construction period.

7) No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing:

- a. A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate within the Phase I Ground Investigation Study (Wardell Armstrong) (March 2023) (GM11883/0008)
- b. A detailed scheme for remedial works (should such works be required) and measures to be undertaken to avoid risk from contaminants and / or gases when the site is developed, and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

8) No works pursuant to this permission shall commence, until a Skylark Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Skylark Mitigation Strategy shall be in broad accordance with the

draft Skylark Mitigation Strategy (Avian Ecology) (Ref: Renew-919-003599) and shall include the following:

- a. Purpose and conservation objectives for the proposed measures
- b. Detailed methodology for the measures to be delivered
- c. Location of the proposed measures by appropriate maps and / or plans; and
- d. Mechanism for implementation and monitoring of delivery.

Thereafter, the mitigation strategy shall be implemented in the first nesting season following the commencement of development, and in accordance with the approved details, and all features shall be retained for the lifetime of the development.

9) All works on site during the construction period shall be carried out in accordance with the recommendations contained within the Preliminary Ecological Appraisal (Wardell Armstrong) (March 2023) (GM11883/001), including reasonable avoidance measures for protected species.

10) Before the end of the first planting / seeding season following the date when electrical power is first exported ("first export date"), all landscape works shown on the approved Proposed Landscape Strategy Plan (Ref: GM11833-127/Rev F) shall have been carried out in full.

11) Before the development is operational, the external elevations of all built form on site shall have been completed in accordance with the materials listed in the application form and detailed on the approved plans listed under Condition 3.

12) The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall have been submitted by the agreed competent person and identify that the approved remedial works have been implemented. The report shall include, unless otherwise agreed in writing:

- a. A complete record of remediation activities, and data collected, as identified in the remediation scheme to support compliance with the agreed remediation objectives.
- b. As built drawings of the implemented scheme
- c. Photographs of the remediation works in progress; and
- d. Certificates demonstrating that imported and / or material left in situ is free from contamination.

Thereafter, the scheme shall be monitored and maintained in accordance with the approved remediation scheme.

13) No permanent illumination of the site shall be permitted unless otherwise agreed in writing by the Local Planning Authority. In such circumstances, prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.

14) The approved development must be carried out in accordance with the approved Landscape and Ecological Management Plan (Wardell Armstrong) (March 2023) GM11883/0016), unless otherwise agreed in writing by the Local Planning Authority.

15) Within a period of five years from the first export date, any trees or plants provided as part of the approved Landscaping Plan that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species, unless otherwise agreed by the Local Planning Authority.

16) In the event that the site ceases to generate electricity for a period of 12 months prior to the cessation of the 40 year period, a scheme of Decommissioning Works ("Early Decommissioning Scheme") shall be submitted no later than 6 months from the end of the 12 month non-electricity generating period to the Local Planning Authority for approval in writing. The early decommissioning scheme shall include the same details required under the Decommissioning Scheme set out in Condition 2 of this permission. Thereafter, the early decommissioning scheme shall be carried out in accordance with the approved details.

17) Prior to the date of first export of electricity from the development hereby permitted, an Operational Environmental Management Plan (OEMP) relating to any maintenance or repair works of the approved development, shall be submitted to, and approved in writing by the Local Planning Authority.