



Appeal Decision

Hearing held on 18 July 2023

Site visit made on 17 and 18 July 2023

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 30 August 2023

Appeal Ref: APP/V1505/W/23/3318171

Land at Crays Hall Farm, Church Lane, Crays Hill, Essex CM11 2UN

- 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 Boom Power Ltd against the decision of Basildon District Council.
- The application Ref 22/00296/FULL, dated 25 February 2022, was refused by notice dated 1 December 2022.
- The development proposed is installation of renewable energy generating station comprising ground mounted photovoltaic solar arrays together with substation, transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.

Decision

1. The appeal is allowed and planning permission is granted for installation of renewable energy generating station comprising ground mounted photovoltaic solar arrays together with substation, transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancement on Land at Crays Hall Farm, Church Lane, Crays Hill, Essex CM11 2UN in accordance with the terms of the application, 22/00296/FULL, dated 25 February 2022 and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Application for costs

2. An application for costs was made by Boom Energy Ltd against Basildon Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are as follows:
 - The effect of the proposed new solar farm and associated infrastructure on the openness of the Metropolitan Green Belt, taking into account the existing Outwood Solar Farm;
 - The effect on landscape character and visual amenity;

- Whether an undertaking or agreement is necessary to make the development acceptable in terms of the effects on farmland birds, healthcare, decommissioning and monitoring; and
- Whether the harm 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 development.

Reasons

Policy background

4. The Development Plan for the area includes the Basildon District Local Plan Saved Policies of 2007 (LP). No LP policies are referred to in the reasons for refusal, which relies on national guidance in the National Planning Policy Framework (NPPF).
5. A replacement Local Plan was withdrawn from examination in 2022 and this attracts no weight. However the evidence base for the emerging plan included the Green Belt Review of 2017 and The Landscape Character Assessment and Capacity Study of Basildon Borough of 2014 (LCABB). The former aimed to determine permanent Green Belt boundaries for the long term and assisting in identifying spatial opportunities where growth could take place to address the Borough's needs for housing and employment. It does not address renewable energy or solar power but provides useful background information on the character and openness of various parcels of land which encompass the appeal site. The LCABB carried out by the Landscape Partnership provides helpful advice on landscape character, sensitivity and capacity and attracts significant weight. It does not however directly address the sensitivity or capacity of the landscape for any specific type of renewable energy development. The Council confirmed that no work had been done on this.
6. Other relevant guidance now of some age include Basildon's Renewable and Low Carbon Energy Constraints and Opportunities Assessment of 2015 (RLCECOA) which showed that large scale solar arrays could provide the most electricity for the Borough followed by microgeneration and wind turbines; and a Renewable and Low Carbon Energy Options Topic Paper of 2017. The RLCECOA indicates at page 37 areas suitable for large scale solar arrays following analysis of the physical and policy constraints suggested in the 2011 East of England Renewable and Low Carbon Energy Capacity Study by Aecom (RLCECS). The potential sites are all designated as Green Belt.
7. As background, the Council intends to work towards net-zero carbon emissions from the Council's operations by 2030, and for the borough as a whole by 2050.
8. Paragraph 158 of the NPPF says that applicants for energy development should not have to demonstrate the overall need for renewable or low carbon energy. Applications should be approved if their impacts are (or can be made) acceptable. National policy as a whole supports and encourages the development of renewable energy sources. Photovoltaic development is a key technology in achieving this. Paragraph 5.10.12 of the Overarching National Policy Statement for Energy (EN-1) says that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites and (5.10.13) that a judgement has to be made on whether the visual effects on

sensitive receptors, such as local residents and visitors to the area, outweigh the benefits of the project.

9. National Planning Practice Guidance (PPG) advises that 'the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively'. Paragraph 151 of the NPPF advises that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development: in such cases developers will need to demonstrate very special circumstances if projects are to proceed. The paragraph goes on to say that such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

Openness

10. The area of Green Belt between Billericay, Wickford and Basildon consists in the most part of open arable countryside in the broad valley of the River Crouch, interspersed with farm buildings, industrial structures and isolated individual dwellings, some semi-detached or in loose clusters. The edges of the built settlements noted above are visible and sometimes abrupt on the higher ground to the west, south and east but the valley is approximately 2.4 kilometres wide at Crays Hall Farm and visibly extends further towards woodland on Kent Hill to the north beyond a railway line. Within the valley, the land is gently undulating. Irregular fields are mostly separated by mature native hedges with prominent trees. Some hedge lines are of considerable depth, especially where incorporating footpaths.
11. The introduction of the proposed solar panels would detract from the openness of a significant part of the central part of the valley and would be seen alongside existing panels comprising the extended Outwood solar farm. The essentially industrial, metallic and reflective repetitive nature of the panels along with associated structures and installations such as transformers, security fencing and CCTV poles would contrast starkly with the historic predominantly agricultural landscape. However, the existing Outwood solar farm to the north of the appeal site lies in similar sized fields and this provides a useful comparative reference point and indicates that the effect on openness would be mitigated by the limited field sizes and odd shapes, undulating ground, frequent hedges with mature trees and the proposed biodiversity enhancements. In considering this matter I have taken into account the Council's concerns that new mitigation planting would not be as effective as the appellant anticipates. However the submitted photomontages indicate that for the great majority of the time the panels are in place, there would be a good level of vegetation cover of a type already consistent with existing hedges and field boundaries.
12. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. PPG advises that the reversibility of a scheme is a relevant consideration to assessing the impact on the openness on the Green Belt. The harm to openness for 40 years nevertheless attracts substantial weight.

Landscape character

13. The site lies in an area designated as Landscape Character Area (LCA) 9 *Upper Crouch Valley Farmlands*. Key characteristics include the gently sloping landform, intact historic pattern of medium scale fields with good hedges and mixed arable and pasture to the centre of the area running north/south between Crays Hill and Barrenleys Wood. Physical influences include vegetation following the line of the river and good hedgerow structure and linear woods. This character is apparent seen from the surrounding higher ground. However industrial uses, farm buildings (some of significant size), dwellings and the surrounding urban edge indicate that the landscape supports a 'medium' level of sensitivity and I note that the parties agree on this assessment. The area is affected by farming activity and noise in the background from traffic on surrounding roads but is relatively tranquil at its centre. The proposed site is split into the 'northern' section north of the isolated St Mary's Church and the 'southern' fields west of the extensive farm complex at Crays Hall farm.
14. The existing Outwood solar farm is on the south facing (north) side of the valley and largely concealed by existing and reinforced boundary vegetation. It is of limited area and because of the overall scale of the valley only has a minor impact on landscape character, except in close views from footpath 164 which runs along its northern edge. The proposed new panels in the northern fields (parcel 1) would not be easily or frequently seen in conjunction with those at Outwood because of field boundary vegetation, topography and because of gaps and intervening fields remaining under cultivation. Enhancements to the stream corridor across the fields and new native tree and hedgerow planting adjacent to footpath 33 would be effective in reducing its visibility and landscape impact. New panels and equipment in the southern fields (parcels 2 and 3) would occupy a significant area of ground and would have a much more obvious and extensive impact. They would be on be seen in conjunction with Outwood panels in views from Church Lane and Crays Hill, albeit separated by trees and vegetation. However, overall, the degree of change in the character in the valley west of the farm would still be limited simply because the important components of the broad valley landscape which contribute most to its character would remain largely unaffected. Moreover, the proposed infilling of gaps and hedgerow planting along footpaths 34 and 36 which borders the northern edge and divides the southern fields would do much to reduce visibility of the development and would enable the landscape to absorb much of the negative impact of the panels.
15. Accordingly there would be a locally moderate adverse effect on landscape character. This would diminish with time as mitigation planting matures. I consider that with regular maintenance, the mitigating effect of field boundary planting and hedgerow reinforcement would increase beyond the 5 years shown in the submitted visualisations. The NPPF at paragraph 174 requires decision makers to contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside. The harm caused to landscape character, which would pertain for 40 years, needs to be considered in the balance.

Visual amenity

16. The area is popular with local residents, horse-riders, walkers and cyclists. The open undeveloped landscape is highly valued by local communities and

performs an important role in maintaining a sense of separation between the three main settlements in the Borough. Many public rights of way (PROWs) cross the site linking local communities and facilitating recreation. Following planting enhancements, the development would not be easily perceived from drivers on main roads such as the A129 but would be seen by pedestrians and from the rear gardens and windows of houses on the ridge of Crays Hill and glimpsed from some other properties. The views across the Crouch valley are highly valued by residents but for most these would be wide and would include other parts of the valley not affected by the development.

17. Walkers and residents are of high sensitivity. However it is common ground that the landscape is not a 'valued' landscape in the meaning expressed in the NPPF at paragraph 174 (a). Even if it were, the extent of the harm to visual amenity caused by Outwood and the appeal scheme together would not be so severe as to suggest it could not be made acceptable.
18. There is an isolated and remote feel to the centre of the area around St Mary's Crays Hill where public footpaths cross with links to wooded hills to the north. The existence of the solar farm and its equipment would be quickly apparent to users of PROWs passing the church and proceeding west or north. However any negative experiences caused by the development by these users would be brief. The countryside beyond the solar farm would retain its intrinsic beauty. The proposed mitigation planting would do a great deal to reinforce field boundaries and protect the experience of users, whilst increasing biodiversity interest¹. There would be no more than a moderate adverse effect on residential receptors. The effect on users of PROWs would be greater, but brief and mitigated to an extent by biodiversity enhancements including the planting of a meadow mix between the arrays, filtering views, and an increase in variety of species in the hedgerows.
19. The 'Ramsden Crays Circular Walk' would be most seriously affected, including views of solar arrays at Outwood together with the appeal scheme. There would remain plenty of views available outside and between solar installations, but it is accepted that the value of this suggested and promoted walk as a rural experience would be appreciably diminished. The long distance Essex Medieval Mingle route (which includes footpath 164) would not be affected to the extent that the appreciation of this rural route would be seriously compromised.
20. The development would conflict with several aims of the LCABB but this study, whilst providing helpful guidance and advice, was not focussed on the development of renewable energy. Having regard to the Council's Landscape and Visual Hearing Statement and the table of significance of effects I do not disagree with the conclusions therein. The harm is taken forward to consider in the final balance.

Whether an undertaking or agreement is necessary

21. The Council agreed at the hearing that the matters of concern, healthcare and decommissioning and monitoring had either fallen way or could be the subject of conditions. The protection of farmland birds is the subject of a 'Grampian' condition which has the effect of providing alternative nesting space which I am satisfied meets the requirements of PPG.

¹ Including in the Site of Importance for Nature Conservation crossing the site along the route of PROWs 34/158

Other matters

22. Turning to heritage considerations, the Grade II* listed St Mary's church lies near the eastern edge of the development. It has an extensive church yard which contributes to its setting. The solar arrays would not encroach near enough to the church or its curtilage to prevent appreciation of its heritage significance. Nor would visitors approaching the church find that their experience of this heritage asset would be significantly affected. The Saxon field pattern is not affected. Any walkers approaching the church along footpaths 8 and 33 would notice the arrays in the northern field and some views of the tower would include solar panels, but these would not cause anything other than a very low level of less than substantial harm in the terms used in the NPPF. The benefits of renewable energy together with the temporary nature of the effects, in the context of a 12-14th century building restored in the 19th century, indicate that the substantial public benefits outweigh the harm.
23. The proposed Barleylands solar farm² adjacent to the southern fields has been refused planning permission by the Council. It is unlikely to occur and in accordance with the recommendations in the Guidelines for Landscape and Visual Impact Assessment (3rd edition) Chapter 7, I do not consider the potential cumulative effects further.

Very special circumstances

24. The NPPF advises that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. A number of circumstances combine to indicate the proposed site may be suitable for solar renewable energy, including the proximate grid connection, the lack of any evidence of any 'best and most versatile' agricultural land on the site, the mixed nature of the area including industrial, farm and domestic buildings and not least, its identification as suitable, along with other areas of Green Belt countryside around Basildon, by the Council in the RLCECOA. No available sites providing anything approaching an equivalent contribution to renewable energy have become available in Basildon, and no comparable schemes on brownfield land or on commercial roofs. No other sites have come forward except that at Barleylands adjacent to the proposed Crays Hall Farm scheme and that has been rejected. The proposal allows for continued commercial use for sheep grazing and includes very significant biodiversity enhancements. The Council maintains that very special circumstances do not exist for any of these factors individually, but acknowledges that in combination some circumstances may collectively outweigh the harm to the Green Belt by reason of inappropriateness.
25. Economic benefits in terms of construction, employment and maintenance, any benefits attached to ceasing intensive agricultural use and increased business rates could apply to any site and would be unlikely to represent very special circumstances. However the provision of a renewable energy scheme with a generation capacity of 25.6MW, and annual generation output of 36,499.26 MWh, offsetting 13,300 tonnes of CO₂ emissions annually whilst potentially meeting the electrical needs of 12,585 homes attracts very significant weight. The intrinsic reversibility of the scheme and the longer term benefits to soil

² Ref 22/00411/FULL

structure add weight to the environmental benefits of the project overall. The biodiversity benefits (landscaping and land management proposals that would result in a 94% gain (area based habitats) 53% gain (linear habitats)) are very significant and would lead to noticeable and beneficial improvements for the area and those who use it and attract substantial weight.

26. A moderate level of harm would arise to landscape character diminishing with distance and reducing noticeably within 5 years and further within 10. The solar development at Outwood already partly defines the landscape locally. The additional impact of the appeal scheme would increase the level of harm but not to the extent that the broad open character of the majority of the Crouch valley would be seriously affected.
27. The effect on visual amenity would be moderate to major adverse, reducing to moderate with mitigation within a few years. However none of the PROWs would be affected for a significant distance except the Circular Walk.
28. The proposal allows for continued agricultural use for grazing where applicable and encourages biodiversity improvements around arrays. The Council does not dispute that the proposal goes beyond policy requirements in this regard and significant positive weight attaches to this.
29. The Council recognises the pressing need for renewable energy sources and the large amount of national legislation, guidance and policy which strongly supports the transition to a low carbon future. The potential energy generation together with the limited degree of harm to landscape character and visual amenity alone comprise the very special circumstances that outweigh the harm by reason of inappropriateness, and the other harm identified, that allow this project to proceed. The substantial environmental and biodiversity benefits and the lack of suitable sites in Basildon add weight to my conclusion that planning permission should be granted.

Conditions

30. Apart from the usual time limitation on development, conditions are necessary to ensure that the solar panels and associated infrastructure is removed and the land returned to agriculture after 40 years, or after a period during which no electricity is generated. The mitigation and enhancement works are an important part of the project which must be in place before any electricity is exported. The times during works can take place are limited in the interests of local residents, unless agreed in advance by the Council.
31. A Construction Environmental Management Plan, a Construction Environmental Management Plan (Biodiversity), a Landscape and Ecological Management Plan, a Biodiversity Enhancement Strategy for protected and priority species and a programme of archaeological investigation are all necessary to ensure that the development proceeds with all the proper safeguards for biodiversity, the environment and heritage interests. Other conditions ensure that flooding and external lighting is properly controlled. An Arboricultural Method Statement is required to ensure that existing trees are properly protected. A 'Grampian' condition has been agreed between the parties which facilitates a Farmland Bird Mitigation Strategy securing offsite compensation measures for nesting skylark, lapwing and yellow wagtail. Finally, the development needs to be constructed in accordance with the approved drawings and documents, for the avoidance of doubt and in the interests of proper planning.

Conclusion

32. National policy sets out the urgency for new energy infrastructure to contribute to a secure, diverse and affordable energy supply. The Council's 2020 Climate Change Strategy and Action Plan calls for and requires significant and urgent action. Increasing local renewable energy generation forms part of one of the three key pillars of the Action Plan.
33. There are no relevant up to date development plan policies. The presumption in favour of sustainable development at paragraph 11(d) of the NPPF in respect of decision-taking sets out that where there are no relevant development plan policies, or the policies which are most important for determining an application are out of date, planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development. This includes land designated as Green Belt. It has not been shown that national policy or guidance provides a clear reason to refuse this scheme and for all the above reasons the appeal should succeed.

Paul Jackson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jonathan Clay	Of Counsel
Chris COX BSc (Hons) MA MRTPI	Pegasus
Frances Horne BA BA (Hons) Dip LA Dip UED CMLI	Pegasus
Gail Stoten MCifA FSA	Pegasus
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Jack Spurway BSc (Hons)	Boom Power
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FOR THE LOCAL PLANNING AUTHORITY:

Louise Cook BA (Hons) MA MRTPI	Principal Planner, Basildon Council
Christine Lyons BSc (Hons) PGDipTP MRTPI	Head of Planning, Basildon Council
Robert Browne BA(Hons) MA CMLI	Place Services
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Charles Sweeney BSc(Hons) PGDipTP CertUD MRTPI	Development Team Manager, Basildon Council

DOCUMENTS

- 1 R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant); [2020]
- 2 Wychavon DC v Secretary of State for Communities and Local Government [2008] EWCA Civ 692; [2009]
- 3 Basildon Borough Council Planning Committee Officers Report 22/01486/FULL, 7 June 2023
- 4 Appellant's closing submission and costs application
- 5 Suggested agreed 'Grampian' condition to provide farmland bird mitigation

Schedule of conditions

- 1) The development hereby permitted shall begin not later than [3] years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, submitted reports and conditions listed on this decision notice:
 - A001 Rev 1.2 (Location Plan)
 - P21-3208.003 Rev B (Landscape Masterplan)

- B004 Rev 3.0 (Cable Route)
 - B104 Rev 1.0 (Compound Area Layout)
 - B105 Rev 1.0 (Education Board Elevations)
 - B008 Rev 1.0 (Education Board Location)
 - B107 Rev 1.0 (Internal Access Track Cross Section)
 - B001 Rev 2.1 (Overall Layout Planning)
 - B112 Rev 1.2 (Perimeter Deer Fence Elevations)
 - Proposed Advert (Unnumbered)
 - B005 Rev 1.0 (DNO 33kv Substations Foundations & Elevations)
 - B101 Rev 1.0 (CCTV Pole Elevations Fence)
 - B114 Rev 1.0 (Site Entrance Gates Elevation Wooden)
 - B115 Rev 1.0 (Solar Farm Cross Section)
 - B002 Rev 1.1 (Solar Panel Elevations)
 - B003 Rev 1.1 (Solar Panel Layout)
 - B116 Rev 1.0 (Storage Container Foundations & Elevations)
 - 36762IPLS-01 Sheets 1 to 21 (Topographical Survey)
 - B117 Rev 1.2 (Transformer Substations Foundations & Elevations)
 - B119 Rev 1.1 (Trenching Cross Section)
 - Arboricultural Survey, Impact Assessment and Protection Plan by Andrew Cunningham dated 28th January 2022
 - Drainage Operation and Maintenance Manual by Pegasus Group dated January 2022
 - Ecological Impact Assessment by Clarkson and Woods dated February 2022
 - Flood Risk Assessment & Surface Water Drainage Strategy by Pegasus Group dated January 2022
 - Construction Traffic Management Plan by Pegasus Group dated January 2022 and Figure 2.1 (Site Location and Construction Traffic Routing Plan)
- 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 Grid. The applicant/developer shall notify the Local Planning Authority in writing within 10 working days of electricity being generated from the development being first exported to the Grid.
- 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 farm, 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 (LPA). 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; (f) a method statement for the disposal/recycling of redundant equipment/structures; (g) soil management plan. 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) If the solar farm ceases to export electricity to the grid for a continuous period of twelve months, a scheme shall be submitted to the Local Planning Authority for its written approval within three months from the end of the twelve-month period for the removal of the solar farm and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall then be fully implemented within nine months of the written approval being given.
 - 6) No construction or decommissioning works shall take place except between the following hours: 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 Saturday, unless otherwise approved in advance in writing by the Local Planning Authority. No construction or decommissioning works shall take place at any time on Sunday or a Bank Holiday.
 - 7) Before any electricity is exported to the grid, all mitigation and enhancement measures and/or works shall have been carried out in accordance with the details contained in Ecological Impact Assessment (Clarkson and Woods Ltd, February 2022). This must include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall supervise all activities, and works shall be carried out, in accordance with the approved details.
 - 8) Prior to the commencement of development, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority following the recommendations made within the Ecological Impact Assessment (Clarkson and Woods Ltd, February 2022). The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

- 9) A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority, following the recommendations made by Clarkson and Woods Ltd, February 2022. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where applicable);
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) persons responsible for implementing the enhancement measures; and
 - f) details of initial aftercare and long-term maintenance (where relevant).
 - g) a timetable for the works.

The works shall be implemented in accordance with the approved details and timetable prior to occupation and shall be retained thereafter.

- 10) Before any works commence, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior to first exportation to the National Grid. The content of the LEMP shall include the following:
- (a) Description and evaluation of features to be managed;
 - (b) Ecological trends and constraints on site that might influence management;
 - (c) Aims and objectives of management;
 - (d) Appropriate management options for achieving aims and objectives;
 - (e) Prescriptions for management actions;
 - (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - (g) Details of the body or organisation responsible for implementation of the plan;
 - (h) Ongoing monitoring and remedial measures;
 - (i) a timetable for the works.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning

biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details and timetable.

- 11) No development or preliminary groundworks of any kind shall take place within the whole site until a programme of archaeological investigation has been secured and implemented, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the Local Planning Authority following the completion of the archaeological evaluation.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.

The applicant shall submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

- 12) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details for the control and management of noise and dust during the construction phase, and with respect to noise shall have due consideration of the guidance within BS 5228:2009+A1:2014. The CEMP will be adhered to by the contractor throughout the construction process. The CEMP shall include the following:

(a) the parking of vehicles of site operatives and visitors;

(b) details of access to the site;

(c) loading and unloading and the storage of plant and materials used in constructing the development;

(d) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;

(e) wheel washing facilities;

(f) measures to control the emission of noise, dust and dirt during construction;

(g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and

(h) details of a nominated developer/resident liaison representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

- 13) No development shall take place until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved before any power is exported to the grid.
- 14) No external lighting, including lighting required for construction and decommissioning, shall be installed at the site until such time as a lighting strategy for biodiversity 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, subject to any such variation that may be agreed with the Local Planning Authority. No additional external lighting shall be installed without prior written consent from the Local Planning Authority.
- 15) Prior to commencement of development, an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
 - (a) Measures for the protection of those trees and hedges on the application site that are to be retained, in accordance with the requirements of BS 5837: 2012 – Trees in Relation to Design, Demolition and Construction;
 - (b) Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstanding, roads and footpaths;
 - (c) A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings / structures, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

The development shall be carried out in accordance with the approved Method Statement. The protection measures as approved shall be undertaken at the site in accordance with the approved Method Statement before any work in connection with the development hereby permitted commences at the site, and shall be retained for the entire period of the duration of any work at the site.
- 16) Prior to the commencement of development, a Farmland Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Farmland Bird territories (including 11 skylark territories, 3 lapwing territories and 1 yellow wagtail territory) identified as lost or displaced. This shall include the provision of offsite compensation measures to be secured in nearby

agricultural land. The Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure eg. Skylark nest plots;
- b) detailed methodology for the compensation measures eg. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the compensation measures by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measure; and
- e) timescales.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved timescales and all features shall be retained for a minimum period of 10 years.