

Appeal Decision

Site visit made on 27 February 2024

by S R G Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2024

Appeal Ref: APP/W3520/W/23/3314063

**Land to the south of Sugghenall Farm, Church Lane, Rickinghall, Suffolk
IP22 1LL**

- 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 RNA Energy Limited against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/06825, dated 10 December 2021, was refused by notice dated 3 August 2022
 - The development proposed is a photovoltaic array, battery storage and ancillary infrastructure.
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Preliminary Matters

1. This full application for a 6.8MW solar farm is for a period of 40 years.
2. The local planning authority (lpa) determined the application having regard to policies in the Core Strategy (CS) Focussed Review 2012. Following the submission of the appeal, the Babergh and Mid-Suffolk Joint Local Plan Part 1 (JLP) was adopted in November 2023 and supersedes the CS. The lpa lists the relevant policies of the JLP as LP17 – Landscape, LP19 – The Historic Environment and LP25 – Energy Sources, Storage and Distribution.
3. The Planning Acts require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Whilst compliance with development plan policy will be dealt with under each main issue, I need to address the appellant's submissions on policy contained in the Overarching National Policy Statement for Energy (EN-1) (NPS) as material considerations.
4. The introduction to NPS EN-1 indicates that it has effect for decisions on applications for energy developments that are nationally significant under the Planning Act 2008¹. The submissions relate to the Government's identification of a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure² and the implications this has for the planning balance. Attention is drawn to the reference that this critical need will, in general, outweigh any residual impacts not capable of being mitigated, or where residual impacts remain after mitigation. The emphasis is that in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts.³

¹ The Planning Act 2008, Part 3 S15 (2) c.

² NPS EN1 paragraph 4.2.4.

³ NPS EN1 paragraph 4.2.15.

5. NPSs can be a material consideration in decision making on appeals made under the Town and Country Planning Act 1990 (as amended). However, whether the NPS policies are material and to what extent, is judged on a case-by-case basis depending on the extent to which the matters are already covered by applicable planning policy. Whilst electricity generation from solar energy is low carbon infrastructure, the key defining phrase repeated in the NPS is, "...nationally significant...". Moreover, the NPS makes it clear, that the identification of a CNP for nationally significant low carbon infrastructure does not extend beyond the definition of what counts as nationally significant infrastructure, the scope of which remains as set out in the Planning Act 2008 i.e., a solar farm with a generating capacity of 50MW or more⁴.
6. Here, given the proposed generating capacity of 6MW, the scope of relevant policy contained in, the JLP, the Botes Dale and Rickinghall Neighbourhood Plan January 2020 (NP), the National Planning Policy Framework (Framework), Planning Practice Guidance and Written Ministerial Statements (WMS), little weight is attached to the references made to NPS EN-1.
7. An application for costs was made by RNA Energy Limited against Mid Suffolk District Council. This application is the subject of a separate Decision.

Decision

8. The appeal is allowed, and planning permission is granted for a photovoltaic array, battery storage and ancillary infrastructure on land to the south of Suggenhall Farm, Church Lane, Rickinghall, Suffolk IP22 1LL in accordance with the terms of the application, Ref DC/21/06825, dated 10 December 2021, and the plans submitted with it, subject to the conditions set out in the attached Schedule of Conditions.

Main Issues

9. These are the landscape and visual impact of the scheme and the effect on heritage assets (HA).

Reasons

Landscape and Visual Impact

10. The site is not within a designated landscape, an area of landscape significance identified in the NP nor is it a valued landscape for the purposes of Framework paragraph 180a. JLP Policy LP17 and NP Policy B&R 15 seeks to conserve and enhance the landscape. NP Policy B&R 21 indicates that development that would adversely affect the character of a right of way will not be permitted.
11. The application was supported by a comprehensive Landscape and Visual Impact Assessment (LVIA). Of the various landscape character assessments highlighted in the LVIA, the most relevant is the District Character Assessment⁵ (DCA). Here, the site is located in Landscape Character Area (LCA) 3 Ancient Plateau Claylands. Relevant landscape characteristics include, predominantly arable farmland retaining much of the older field patterns with established hedgerows and narrow roads framed by hedgerows. As with the appeal site, some areas, as the result of modern farming practice, have experienced significant loss of hedgerow resulting in the creation of open arable "prairie"

⁴ The Planning Act 2008, Part 3 S15 (2) c.

⁵ Joint Babergh and Mid-Suffolk District Council Landscape Guidance.

landscapes. One of the key objectives for this LCA is to reinforce and enhance existing field boundaries.

12. The site comprises 2 fields, Field 1 a 3.2ha field in the north and Field 2 an inverted L-shaped 8.1ha field in the south. Field 1 is largely devoid of hedgerows and hedgerow trees and Field 2 is bounded intermittently with hedgerows and tree belts. A public right of way (PRoW) runs parallel to the site through the adjacent fields to the east. In general, due to topography and existing planting, views of the site are mostly localised.
13. The landscape strategy for the development comprises the creation of 2 substantial blocks of species rich grassland in the northern part of Field 1, in the southern part of Field 2 and around the field margins of the arrays. The area covered by the arrays would be low maintenance pasture. Woodland edge planting at around 10m deep would be located on the northern and western boundaries of Field 1 and along the western boundary of the toe of the L in Field 2. New hedgerows would be planted on the eastern and western boundaries of Field 1 and the frontage of Field 2 to Finningham Road. Gaps in existing hedgerows would be filled and hedgerow trees added. Hedgerows would be maintained to a minimum height of 3m. The plugging of hedgerow gaps and the introduction of new hedgerow and woodland planting would be consistent with one of the key objectives of this LCA. Relative to the lifetime of the solar farm, the hedgerows would bulk-up quickly and result in a Major Beneficial and Significant landscape character effect.
14. During the construction period and at Year 1, within the site, the scale of effect would be Major and have a Significant adverse effect on landscape character. Whilst the construction period for solar farms is relatively short, at a time when the mitigation planting would be young, such adverse impacts cannot be avoided. There would be no direct impacts on landscape character outside the boundaries of the site. Over the lifetime of the scheme, the planting would mature and increasingly mitigate the impact of the arrays and associated infrastructure development to a Minor Adverse and not Significant effect on the local landscape character.
15. Largely due to topography and existing planting, views of the site and proposed development are localised. In the short term, the scale of the visual effect would be Major and have a Significant adverse effect particularly from Church Lane, the PRoW and a short stretch of Finningham Road. However, with mitigation planting the development would be predominantly screened from view. Where there would be glimpsed views, the appearance of the development would be softened. In this context, there would be no material adverse effects on the amenity of users of the PRoW to the east.
16. Drawing the above together, it is inevitable that located in the countryside a solar farm of any scale would have some adverse landscape character and visual impact. However, through a combination of topography, existing screening and the introduction of landscape mitigation, any adverse effects would be limited and very localised. Moreover, as the existing and proposed planting matures, the adverse effects, would be acceptably mitigated. Whilst the 40-year lifetime of the scheme is significant, once the solar farm was decommissioned, there would be no residual adverse landscape effects. Rather the scheme would, through the mitigation planting, leave an enhanced landscape consistent with the objectives of the development plan and LCA.

Heritage Impacts

17. JLP Policy LP19 seeks to preserve, enhance or conserve heritage assets (HA) in accordance with statutory requirements and Framework policy. NP Policies B&R 14 and 15 NP seek to ensure the conservation and enhancement of HAs and their settings. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving listed buildings (LB), their settings, and any architectural features they may possess. The Framework recognises that (a) HAs are an irreplaceable resource and should be conserved in a manner appropriate to their significance, (b) great weight should be given to a HA's conservation and the more important a HA is, the greater that weight should be, and (c) where a development would lead to less than substantial harm to the significance of a HA, the harm should be weighed against the public benefits of the proposal⁶.
18. Here, the concern relates to the effect on the setting of 2 HAs. These are, the Grade 1 listed Church of St Mary and the Grade 2 listed Suggenhall Farmhouse. The application was supported by a comprehensive Heritage Impact Assessment (HIA), a Supplementary Cultural Heritage Assessment and an Archaeological Geophysical Survey.
19. The parties agree that the proposal would result in less than substantial harm to the significance of these HAs through development within their setting. I have no reason to disagree with those conclusions. Whilst historic and modern ploughing on the site may have had an adverse impact on underlying archaeological remains, the HIA identifies a medium potential for prehistoric remains, a high potential for Roman remains, a medium potential the Early Historic period remains, a high potential for agricultural remains and a low potential for non-agricultural remains from the Medieval, post-medieval and modern settlement or archaeology of this date to survive on the site. The identification, recording and protection of surviving archaeology could be dealt with by imposing a condition.
20. On this issue the proposal would conflict with the JLP and NP policies listed above. In this situation, what is required is to weigh that harm against the public benefits of the proposal.

Other Considerations

Agricultural Land

21. No reference is made to a specific JLP policy relating to development on agricultural land. However, JLP Policy LP25 relating to renewable energy proposals, indicates that the assessment of potential impacts is not limited to those areas listed at paragraph 1a. Accordingly, under this "catch-all phrase" the effect on the supply of agricultural land it is factor to be addressed.
22. A Written Ministerial Statement (WMS)⁷ on solar energy indicates that meeting our energy goals should not include the unnecessary use of high-quality agricultural land, that where a proposal involves agricultural land, being clear that this is necessary, and that poor quality land is to be used in preference to land of higher quality. Thus, whilst each application is to be determined on its

⁶ Framework paragraphs 195, 205 and 208.

⁷ 25 March 2015.

individual merits, any proposal for a solar farm involving the best and most versatile (B&MV) agricultural land⁸ would need to be justified by the most compelling evidence.

23. Relating to large scale solar farms, Planning Practice Guidance (PPG) on Renewable and Low Carbon Energy, sets out a list of planning considerations. These considerations refer to, amongst other things, focussing developments on previously developed and non-agricultural land and the proposal should allow for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. Framework paragraph 180b refers to planning decisions contributing to and enhancing the natural and local environment by, amongst other things, recognising the wider benefits from natural capital including the economic and other benefits of the B&MV agricultural land. Framework footnote 62 indicates that where significant development of agricultural land is shown to be necessary, areas of poorer quality land should be preferred to those of higher quality.
24. Here, the national ALC map, which covers an extensive area, shows the site as Grade 3 – Good to Moderate quality land. However, it is recognised that the national ALC map data has limitations in that it is indicative of the type of land over a wide area and is best suited to strategic planning rather than a detailed site assessment. Moreover, the ALC it does not differentiate between grades 3a or 3b. Here, the appellant, using the services of an appropriately qualified agricultural assessor undertook a site and soil assessment. The assessment shows that some 95% of the site comprises Grade 3b land and 5% comprises Grade 3a, B&MV agricultural land located in the south-east corner of the toe of the inverted L-shaped field.
25. I note the concerns raised regarding recent productivity of the land. However, that information is purely anecdotal and a snapshot of one particular harvest. For good reasons, yield data is excluded from the ALC methodology, because, unlike site and soil examination, it is not possible to make allowances for variables such as management skill, levels of input and short-term weather factors. Moreover, the specific way land is farmed is not the subject of the planning control. Accordingly, there is nothing in planning terms to prevent the landowner leaving the fields fallow. Attention is drawn to statements made to the Environmental Audit Committee⁹ in June 2022, which suggested that Grade 3b land constitutes B&MV agricultural land. Notwithstanding the answers given to the to the Select Committee, the most up-to-date expression of what constitutes Government policy is set out in the Framework (December 2023), as indicated above, and NPS EN- 3¹⁰ (November 2023) where B&MV agricultural land is defined as land in Grades 1, 2 and 3a of the ALC. Thus, for the purposes of applying national policy Grade 3b is regarded as poorer quality land. It is on this basis that the appeal has been determined.
26. The proposal would change the use of the land for a period of 40 years. Whilst this is a significant time-period, it is not permanent. Moreover, during the operational period, the land around the solar panels would be available for grazing. This is a common approach used on solar developments to manage

⁸ Framework Glossary B&MV agricultural land is defined as land in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC).

⁹ Commons Select Committee Oral Evidence: The environmental protection policies of the Department for Environment, Food and Rural Affairs HC 478.

¹⁰ Paragraph 2.10.29, National Policy Statement for Renewable Energy Infrastructure (EN-3)

the grassed areas around solar panels and represents a dual use of the land for both agriculture and the generation of renewable energy. Moreover, resting the land from intensive arable use has the potential to improve soil health by increasing organic matter in the soil, improving soil structure and drainage. Whilst the panels would need to be cleaned, this generally involves the use of water absent of chemicals such that there would be no impact on soil quality.

27. The proposal would not result in the temporary or permanent loss of agricultural as the land could continue to be used for some other agricultural purpose while being used to generate solar energy. Running through the objections is a thread relating to the consideration of alternatives. However, given the scale of the proposed solar farm, the need to identify a grid connection with capacity and a location close enough to a substation to mitigate the loss power during transmission, the appellant has demonstrated consistent with JLP Policy LP25 that the loss of agricultural land is necessary.

Biodiversity

28. The application was accompanied by an Ecological Assessment (EA) and a Breeding Bird Survey Report. The site does not form part of any statutory or non-statutory designated sites for nature conservation and comprises predominantly arable fields of low ecological value and this typology is widespread in the area. Where present, hedgerows most of which contain trees are a mixture of species rich and species poor. Habitats within the site are suitable to support a common assemblage of farmland birds including potentially skylarks, including providing nesting opportunities in hedgerows/trees. Whilst the field margins and hedgerows provide a more suitable habitat, the arable fields offer unsuitable habitats for foraging and dispersal for bats, reptiles and amphibians.
29. The proposal provides for 2 areas of species rich grassland north and south of the arrays. Hedgerows and trees bounding the site would be retained and protected, new hedgerows would be planted, and existing hedgerows infilled to enhance their value. These features would provide additional nesting habitat for breeding birds and increased foraging resource for breeding and non-breeding birds, bats, reptiles and amphibians.
30. Framework paragraph 186d seeks to ensure that opportunities to improve biodiversity in and around developments should be part of their design, especially where this can secure measurable biodiversity net gains (BNG). Using Metric 3, current at the time of the application, the development would result in material BNG of some 195% for area derived units and 59% for linear derived units. Thus, habitats within the site would be of greater ecological value as a result of the development. Moreover, the biodiversity benefits and improvements would survive and continue to provide benefit long after the solar arrays were removed. Achievement of the ecological gains and in particular the provision of skylark plots could be secured through the imposition of a comprehensive suite of conditions.

Benefits

31. Public benefits can be anything that delivers economic, social or environmental objectives (Framework paragraph 8). NPS EN-3¹¹ indicates there is an urgent

¹¹ National Policy Statement for Renewable Energy Infrastructure -

need for new electricity generating capacity and solar is a key part of the strategy for low-cost decarbonisation of the energy sector. Framework paragraph 163a indicates that small-scale renewable energy proposals can make a valuable contribution to the cutting greenhouse gases.

32. The lpa refer to the energy generated being delivered to the grid rather than being for the benefit of local residents and the absence of heritage benefits. Given that the balancing exercise contained in Framework paragraph 208 refers to harm and public benefits, the absence of heritage benefits does not weigh against a proposal. Supplying the power to the grid as opposed to directly supplying it to specific houses is a contribution to the overall energy supply and is a public benefit. In this context, the renewable and low-carbon power generated by this proposal delivers economic, social and environmental benefits that attract significant weight.
33. For the reasons set out in paragraph 28 above, the material and enduring biodiversity net gains would contribute as a public environmental benefit and attracts significant weight. Economic benefits associated with the construction of the proposal would be temporary and attract moderate weight.

Planning Balance and Conclusions

34. A material consideration is the time limited nature of the proposal. The 40-year lifetime of the development is a long time and significantly more than a generation. In concluding on this proposal, this factor has been borne in mind.
35. The proposal would result in less than substantial harm to the heritage significance of The Church of St Mary and Suggenhall Farmhouse albeit the harm would be temporary until the solar farm was decommissioned. I attach great wight and importance to these harms. That said, when judged against the public environmental, social and economic benefits associated with this proposal, these clearly and decisively outweigh the temporary and less than substantial harm.
36. Framework paragraph 11 sets out a presumption in favour of sustainable development. Renewable energy developments are central to achieving sustainable future and mitigating the effects of climate change. Although small scale, it is accepted that the proposal would make a valuable contribution to these objectives. Here, through a combination of topography, existing screening and landscape mitigation, the adverse effect on landscape character and visual impact would be limited and highly localised. Moreover, as the existing and proposed planting matures, any adverse effects, would be progressively mitigated and once decommissioned there would be no residual adverse landscape effects. Rather the scheme would leave an enhanced landscape consistent with the objectives of development plan policy and the LCA. Thus, whilst there would be some localised harm to landscape character and some visual harm in conflict with the relevant development plan policies, the very significant/moderate benefits of the scheme clearly and decisively outweigh the limited harm. Accordingly, and having taken all other matters into account, the appeal is allowed.

Conditions

37. A list of conditions, including pre-commencement conditions, were agreed by the parties. The solar farm is required for a period of 40 years with the DNO

Substation retained permanently. Conditions are necessary to confirm the extent of the temporary period and to provide for removal of the solar farm when the permission expires or if it ceases to operate. In the interests of certainty, conditions confirming the generating capacity of the solar farm and listing the approved plans are imposed. The site potentially contains archaeological remains and conditions to provide for appropriate site works and recording are reasonable and necessary.

38. In the interests of water management and flood mitigation, conditions relating to surface water management are reasonable and necessary. In the interest of safety, a condition to mitigate fire risk is necessary. In the interests of highway safety and neighbours' living conditions, conditions relating to the construction of the accesses, compliance with a Construction Management Plan, noise and external lighting are reasonable and necessary.
39. In the interests of the appearance of the area, conditions relating to the finish of ancillary structures and landscaping details are necessary. In the interests of enhancing and protecting biodiversity, conditions relating to the implementation of biodiversity works, Skylark mitigation, and a Landscape and Biodiversity Management Plan are all reasonable and necessary. Where necessary in the interests of precision and enforceability some conditions have been reworded.

George Baird

Inspector

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission.
2. The generating capacity of the development hereby permitted shall not exceed 7.3MW AC. Written confirmation of the generating capacity of the installed development shall be submitted in writing to the local planning authority within one calendar month of first commercial operation of the development.
3. The local planning authority shall be notified, in writing, of the date when the development hereby permitted is first commercially operated for the storage or supply of electricity, within one calendar month of that date. This permission shall expire 40 years and 6 calendar months after the date of first commercial operation, or within 12 months of the date the site was last operated (if the site does not supply electrical energy for a continuous period of 12 months), whichever is the sooner. All equipment, infrastructure, hard surfaces, and other parts of the development shall be removed from application land on the expiry of this permission and the land shall be reinstated in accordance with a scheme of reinstatement, which shall have previously been approved in writing by the local planning authority. The reinstatement scheme shall include:
 - a) Measures to return the land to a its former agricultural condition as far as is practicable.
 - b) Measures to ensure biodiversity net gain enhancements are retained.
 - c) Measures to ensure landscape and visual impact measures are retained.
 - d) Measures to demonstrate efficient decommissioning, removal, recycling, disposal of all equipment and works, and any to be retained.
 - e) Timetable for all measures of reinstatement.
4. The development hereby permitted shall be carried out in accordance with the following approved plans, 3044-01-01 Site Location Plan, 3044-01-02 Statutory Plan, 3044-01-03 General Arrangement Rev C, 3044-01-03 General Arrangement Rev D, 3044-01-04 Illustrative PV Panels and String Inverters, 3044-01-05 Indicative Transformer Station, 3044-01-06 Battery Storage Container, 3044-01-07 Typical Cable Trench, 3044-01-08 Indicative DNO Substation, 3044-01-09 Indicative Switch Room Building, 3044-01-10 Indicative Control Centre, 3044-01-11 Indicative Deer Stock Fencing and Access Track and CCTV, 3044-01-12 Landscape Proposals Rev C and documents submitted with the application and/or such other drawings/documents as may be approved by the local planning authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the local planning authority as a non-material amendment following an application in that regard.
5. No development shall take place until details for the implementation of a programme of archaeological work in accordance with a Written Scheme of

Investigation which has been submitted to and approved in writing by the local planning authority. The Written Scheme of Investigation shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording.
 - b) The programme for post investigation assessment.
 - c) Provision to be made for analysis of the site investigation and recording.
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g) Mitigation details for the preservation in situ of archaeological features within the development area during construction and a management plan for the ongoing protection of these features during operation and decommissioning of the development.
 - h) The site investigation shall be completed prior to development, or in such other phased arrangement, as may be agreed and approved in writing by the local planning authority.
6. The development hereby permitted shall not be brought into operation until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the local planning authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 5 and the provision made for analysis, publication and dissemination of results and archive deposition.
7. No development shall take place until a scheme for the provision, future management and maintenance of surface water drainage incorporating sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The drainage system shall be implemented, managed, and maintained in accordance with the approved scheme.
8. Within 28 days of the first operation of the development hereby permitted, a surface water drainage verification report shall be submitted to the local planning authority, detailing, and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
9. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include Method Statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include, (a) temporary drainage systems, (b)

measures for managing pollution/water quality and protecting controlled waters and watercourses, and (c) measures for managing any on or offsite flood risk associated with construction.

10. Prior to the development hereby permitted coming into beneficial use, a Fire Risk Management Plan (FRMP) shall be submitted to and approved in writing by the local planning authority. The FRMP should include details regarding the isolation of electrical sources to enable firefighting activities, measures to extinguish or cool equipment involved in fire, management of toxic or flammable gases, minimise the environmental impact of an incident, location and capacity of the supply, measures for access to the supply by emergency responders in the event of an incident, containment of fire water run-off, handling and responsibility for disposal of damaged equipment, establishment of regular onsite training exercises. The development shall be completed and operated in all respects in accordance with the approved FRMP.
11. No development shall take place until details of the vehicle accesses, including the position of any gates and visibility splays, indicatively shown on Drawing Nos. 3044-01-D01 and 3004-01-012 have been submitted to and approved in writing by the local planning authority. The approved accesses shall be laid out and constructed in their entirety prior to any other part of the development taking place. Thereafter, the accesses shall be retained in their approved form.
12. Before the access onto the B1113 is first used, visibility splays shall be provided as shown on Drawing No. 3044-01-D01 with an X dimension of 2.4m and Y dimensions of 155 and 164m [tangential to the nearside edge of the carriageway] and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted, or permitted to grow over 0.6m high within the areas of the visibility splays.
13. No development shall take place until details showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water have been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the accesses are first used and shall be retained thereafter.
14. No development shall take place, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall be undertaken in accordance with best practice guidelines and BS: 5228:2009 and A1:2014 (and any revisions thereof). The CMP shall include the following matters:
 - a. Parking and turning for vehicles of site personnel, operatives and visitors.

- b. Loading and unloading of plant and materials.
- c. Piling techniques (if applicable).
- d. Storage of plant and materials.
- e. Provision and use of wheel washing facilities.
- f. Programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works.
- g. Site working and delivery times.
- h. A communications plan to inform local residents of the program of works.
- i. Provision of boundary hoarding and lighting.
- j. Details of proposed means of dust suppression.
- k. Details of measures to prevent mud from vehicles leaving the site during construction.
- l. Haul routes for construction traffic on the highway network
- m. Monitoring and review mechanisms
- n. Details of deliveries times to the site during construction phase
- o. External lighting
- p. Waste/litter management during construction phases.

Development shall be carried out in accordance with the approved plan.

- 15. All Heavy Goods Vehicle (HGV) delivery traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan (DMP) which shall be submitted to the local planning authority for approval a minimum of 56 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the DMP. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the DMP throughout the period of occupation of the site.
- 16. Before the development is commenced, details of the areas and infrastructure to be provided for the loading, unloading, manoeuvring and parking of vehicles including powered two-wheeled vehicles and electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
- 17. Within one month of the permitted development running at full capacity or within 6 months of the site coming into beneficial use, a competent person shall have ensured that the rating level of noise emitted from all mechanical equipment and inverter sets on site, when running at full capacity does not exceed the sound levels predicted at facades of noise sensitive premises within the Noise and Vibration Consultants Ltd. Noise Impact Assessment report: R21.0906/DRK dated 10th December 2021. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to the local planning authority and agreed prior to the condition

being discharged. For any measured exceedances of the predicted LAeq15mins daytime and night-time noise levels measured, a scheme of mitigation shall be submitted to, and agreed in writing by, the local planning authority. The approved scheme shall be adhered to thereafter during the lifetime of the development being in beneficial use.

18. Any external lighting associated with the development shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation.
19. Prior to the development hereby permitted coming into beneficial use, a method for reporting glare complaints and a strategy for mitigation to reduce substantiated complaints of glare shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be in place prior to first operation and shall remain in place for the duration of the operational lifetime of the development.
20. All construction including groundwork activities shall be limited to, 0800-1800 hours Monday to Friday, 0900-1300 hours Saturday, with no working on Sundays or Public or Bank Holidays. These times include deliveries to and collections from site.
21. No materials produced as a result of the site development or clearance shall be burned on site. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.
22. No development shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include,
 - a) Details of all trees, hedgerows and other planting which are to be retained.
 - b) Details of all new fences and other boundary treatments.
 - c) A planting specification to include numbers, density, size, species and positions of all new trees, hedgerows, the location and treatment of grassed areas.
 - d) Details of paved or other hard surface treatment including the extent and specification of all tracks.
 - e) A programme of implementation and a Landscape Management and Maintenance Plan.

All hard and soft landscape works shall be carried out in accordance with the approved details and programme. Any trees or plants indicated on the approved scheme which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority.

23. Before any works commence on site, details of the materials, colours, and finishes of all associated buildings shall be submitted to and approved in writing by the local planning authority. Such details as shall be approved shall

be implemented in their entirety prior to first operation and retained as such thereafter.

24. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Avian Ecology Ltd, Nov 2021) and the Breeding Bird Survey Report (Avian Ecology Ltd, July 2022).
25. No development shall commence until a Skylark Mitigation Strategy has been submitted to approved in writing by the local planning authority. The Skylark Mitigation Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed measures.
 - b) Detailed Methodology for measures to be delivered.
 - c) Location of the proposed measures by appropriate maps and/or plans.
 - d) Mechanism for implementation and monitoring of delivery.

The Skylark Mitigation Strategy shall be implemented in the first nesting season following commencement of the development and in accordance with the approved details, and all features shall be delivered for a minimum period of 10 years.

26. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. 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 minimum 5-year period).
 - g. Details of the body or organisation responsible for implementation of the plan.
 - h. Ongoing monitoring and remedial measures.

The LEMP shall also 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.

27. A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. 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 relevant).
- d. Persons responsible for implementing the enhancement measures.
- e. Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to beneficial use of the development hereby permitted and shall be retained in that manner thereafter.