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## Appeal Decision

Inquiry held on 8-10 October 2024

Site visits made on 10 and 11 October 2024

**by J Woolcock BNatRes (Hons) MURP DipLaw MRTPI**

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

**Decision date: 7<sup>th</sup> January 2025**

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**Appeal Ref: APP/W3520/W/24/3345132**

**Land at Woodlands Farm, Stowmarket, Suffolk, IP24 2AH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) against a refusal to grant planning permission.
- The appeal is made by Elgin Energy EsCo Ltd against the decision of Mid Suffolk District Council (MSDC).
- The application Reference is DC/22/01530.
- The development proposed is the installation of a solar photovoltaic ('PV') array/solar farm with associated infrastructure.

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### Decision

1. The appeal is allowed and planning permission is granted for the installation of a solar photovoltaic ('PV') array/solar farm with associated infrastructure at land at Woodlands Farm, Stowmarket, Suffolk, IP24 2AH in accordance with the terms of the application, Ref DC/22/01530, and the plans submitted with it, as amended, subject to the conditions set out in the attached Schedule of Conditions.

### Preliminary matters

2. The appellant did not post site notices about the Inquiry prior to its opening. Site notices were posted on 8 October 2024. Anyone wishing to make submissions to the Inquiry was requested to contact the Planning Inspectorate. The Inquiry was held open for the 14 days that would have been required as advance notice of the opening of the Inquiry. One submission was received by 23 October 2024. Closing submissions in writing from MSDC and the appellant were made on 8 November 2024. The Inquiry was closed in writing on 11 November 2024.
3. Statements of Common Ground (SoCG) between the appellant and MSDC were submitted regarding matters agreed and in dispute, and specifically concerning heritage and noise matters.<sup>1</sup> Suggested planning conditions were discussed at the Inquiry.<sup>2</sup> The appellant submitted a Unilateral Undertaking, dated 22 October 2024, concerning a skylark mitigation scheme.<sup>3</sup>

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<sup>1</sup> CD7.5, CD7.6 and CD7.7.

<sup>2</sup> ID16.

<sup>3</sup> ID15.

4. Plans submitted with the application were stated to be indicative so as to allow flexibility for changes to be made to the scheme design to address any matters raised by consultees.<sup>4</sup> I asked at the Case Management Conference for clarification as to what details were to be determined and what material should be treated as indicative. The appellant subsequently submitted an updated Site Constraints and Layout Plan and updated Landscape Mitigation and Enhancement Plan for approval, with other submitted material remaining illustrative.<sup>5</sup> This clarified siting and on-site mitigation for the proposed solar arrays within the six fields annotated Fields A-F in the application drawings.<sup>6</sup> However, the appearance and design of the panels, substation, inverters and other elements of infrastructure is indicative. MSDC has no objection to this clarification, and I have determined the appeal on this basis.
5. In addition, it was clarified that the capacity of the scheme would be likely to be 47.28 MWp and not 49.9 MWp dc. With 8 inverters the scheme would provide for an export capacity of 35.12 MWac.<sup>7</sup> The proposal has secured a grid connection offer that would provide for a connection to the Stowmarket Substation located some 140 m to the north of the appeal site.<sup>8</sup> The appeal scheme would have an operational lifetime of 40 years after which the site would be returned to an agricultural use.
6. The 56.22 hectare (ha) appeal site is currently used for arable production and is surrounded to the east, south and west by agricultural land, with Stowmarket Business Park to the north.<sup>9</sup> Some 5 ha of the site is grade 3a agricultural land, which is Best and Most Versatile (BMV) agricultural land. Access to the proposed development would be from a new access off Stowmarket Road (B1113). The appeal site contains large pylons. Fields A, B, C, and E are crossed by powerlines that converge near the electricity substation located to the north of the appeal site.
7. There are several listed buildings in the vicinity of the site including the Grade I listed Church of St Mary and Grade II\* listed Badley Hall. Other buildings associated with Badley Hall are also listed; Barn (Grade II\*), Dovecote (Grade II\*) and Bakehouse (Grade II). Woodland Farmhouse, which is located outside the Badley Hall grouping, is Grade II listed. I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building. Badley Church Green Conservation Area, which encompasses Badley Walk, adjoins the south-eastern boundary of the appeal site. The Conservation Area, which contains all the above listed buildings with the exception of Woodland Farmhouse, also includes the site of the former Chantry, which is a Scheduled Monument. Land to the west of the Hall is a former 17<sup>th</sup> century Great Park that is now arable farmland.
8. There is an extensive Public Right of Way (PRoW) network in the locality. Footpaths 1 and 3 run along the western boundary of the appeal site. Footpath 3 extends between Fields C and A to join Footpath 5 which abuts

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<sup>4</sup> ID3.

<sup>5</sup> Paragraph 3.35 of Mr Holliday's Proof of Evidence (PoE). Planning Drawing 2 – Site Constraints Plan and Layout Plan Ref:3740\_DR\_P\_0001\_P4, dated 9 September 2024 and Planning Drawing 3 – Landscape Mitigation and Enhancement Plan Ref:3740\_DR\_P\_0004\_P2, dated 9 September 2024.

<sup>6</sup> Paragraphs 3.15 - 3.17 of Mr Holliday's PoE sets out the on-site mitigation that is included in the development.

<sup>7</sup> Appendix 4 of Mr Holliday's PoE.

<sup>8</sup> Appendix 1 of Mr Holliday's PoE.

<sup>9</sup> The site area is taken from the Planning Application Form.

the northern boundary of the appeal site. Footpath 5 intersects with Footpath 6 to the north of the site. The continuation of Footpath 6 joins Footpath 12, which crosses north/south through the middle of the site between Fields D and E. Footpaths 1 and 12 connect to Footpath 11 that runs east/west beyond the southern boundary of the appeal site. Footpath 11 traverses through Badley Walk, a 1.4 km long avenue connecting Badley Hall with Stowmarket Road. Keyfield Groves to the south of the appeal site are areas of ancient woodland that lie either side of Badley Walk. Combs Wood, which is located to the north-west of the appeal site and separated from it by an open field, is also ancient woodland and a designated Site of Special Scientific Interest (SSSI). Land to the south, west and east of the appeal site lies within a Special Landscape Area.<sup>10</sup>

9. The development plan for the locality includes the Babergh and Mid Suffolk Joint Local Plan – Part 1 (JLP), which was adopted in 2023. The imposition of an appropriate planning condition would ensure that the proposal was not a Nationally Significant Infrastructure Project (NSIP). Nevertheless, given the capacity of the proposed solar farm, I consider that Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Renewable Energy Infrastructure (EN-3) are material considerations in determining this appeal.<sup>11</sup> These identify the role of solar development as a key part of the Government’s strategy for low-cost decarbonisation of the energy sector.
10. A revised National Planning Policy Framework (NPPF) was published on 12 December 2024 and the parties were given time to submit written representations about any changes relevant to this appeal.<sup>12</sup> The PPG includes guidance about renewable and low carbon energy.<sup>13</sup>

### **Main issues**

11. The main issues in this appeal are the effects of the proposed development on heritage assets, the planning balance and the application of relevant local and national policy.

### **Reasons**

#### *Heritage assets*

12. The grouping of heritage assets at Badley is an illustrative example of a small self-contained manorial settlement with early medieval origins. This concentration of heritage assets within an historic landscape contributes to the significance of the individual assets within the group and to the communal value of the group as a whole. The appeal scheme would not impact on the physical presence of these assets and the issue in this case is the effect on their setting. The NPPF defines setting as the surroundings in which the asset is experienced. Its extent may change as the asset’s surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or

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<sup>10</sup> SoCG paragraph 1.10.

<sup>11</sup> EN-1 paragraphs 1.2.1 and 1.2.2.

<sup>12</sup> ID19 and ID20.

<sup>13</sup> The PPG includes reference to a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and written ministerial statement on Solar energy: protecting the local and global environment made on 25 March 2015. The latter notes that the use of BMV land would need to be justified by the most compelling evidence, but adds that proposals would need to be considered in the light of relevant material considerations.

may be neutral. Significance is defined as the value of a heritage asset because of its heritage interest and derives from the asset's physical presence and from its setting.

13. The appellant and MSDC agree that the level of harm to the significance of the designated heritage assets here would never be more than 'less than substantial' having regard to the NPPF. However, there is a disagreement about where on the hypothetical scale of 'less than substantial harm' the level of harm lies with regard to the Conservation Area, Church of St Mary, Badley Hall and Woodland Farmhouse. In assessing the level of harm to the significance of heritage assets I have taken into account that the appeal scheme includes reinstated historic on-site boundaries as shown on Planning Drawing 3. However, I consider later in this decision whether it would be necessary to impose a condition requiring the off-site conservation enhancements proposed by the appellant.
14. The designed avenue along Badley Walk is a key feature of Badley Church Green Conservation Area in understanding the significance of Badley Hall and the Church of St Mary. The settlement sits in a dip in the landform and strategic planting created a long vista to frame Badley Hall in views from the higher ground near Keyfield Groves. The local topography and trees/vegetation give the listed buildings within the Conservation Area an enclosed and secluded character. The Conservation Area Appraisal states that; "Badley Church Green is very much a part of the countryside and there are large rolling farmland views out of the area in most directions. Conversely views into the area are curiously well screened: its 'secret' nature not being visible from any main road."<sup>14</sup> Although it was apparent at my site visit that some views are possible in the approach from footpaths to the north and west.
15. The agricultural fields either side of the avenue would have formed part of the Badley Hall estate. Reference was made at the Inquiry to this being a 'relatively unchanged landscape'. However, modern agricultural practices have required larger fields than the historic small fields and paddocks of the manorial estate. MSDC acknowledges that the appeal scheme's proposed hedgerow planting would reintroduce just a fragment of the field pattern present in 1741.<sup>15</sup> Nevertheless, the Conservation Area's rural setting, in an open cultivated landscape, makes some contribution to how it is experienced and appreciated. However, this historical association does not make much of a contribution to the significance of the Conservation Area compared with the impressive scale of the designed avenue along Badley Walk. Furthermore, the agricultural fields within the appeal site make less of a contribution to the significance of the Conservation Area than does the land that comprised the former Great Park.
16. A small section of the solar array in Field E would abut the Conservation Area's northern boundary. However, this part of the Conservation Area up to the avenue along Badley Walk is land within the control of the appellant and could be included by a planning condition in a Landscape and Ecological Management Plan (LEMP). Subject to such a condition the arrays would be

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<sup>14</sup> CD8.6.

<sup>15</sup> ID17 paragraph 84.

set back from Badley Walk beyond grassland meadows varying in depth from 30 m in Field F and between 30-130 m in Field E. The grassland meadow to the south of Field A would extend some 170-210 m, beyond which there would be a further 70 m of open land to Badley Walk. This open land is within the Conservation Area but lies outside the lines edged red and blue on Planning Drawing 1. These grassland meadows would provide for significant separation between the arrays and Badley Walk. The proposed development would not significantly harm the tranquillity, remoteness or sense of isolation of the Conservation Area, particularly given the presence of the existing electricity infrastructure in the locality.

17. Trees and vegetation along the northern boundary of Badley Walk, along with the woodland at Keyfield Groves, would limit views of the arrays. This boundary has become overgrown and historically may have provided for more glimpses into the open fields to the north of Badley Walk, but the main focus would always have been along the avenue. The local topography would also mean that only parts of the scheme would be visible from any one vantage point. The solar arrays and some of the proposed tree/hedgerow planting would screen views towards the Conservation Area from parts of Footpath 12 between Fields D and E. But closer to the Conservation Area panels would be set back to allow views towards Keyfield Groves. The same would apply to views from Footpath 1. Intermittent views of solar panels would give an appreciation of the scale of the solar farm to those using the historic footpaths that lead to the Church of St Mary and Badley Hall. However, these views into the Conservation Area from more distant vantage points are not key to its significance, which is primarily derived from the appreciation of the avenue in focussing on the listed buildings within a secluded and confined landscape.
18. Taking all these considerations into account and having regard to what I saw at my site visit, I consider that the proposed development would lead to less than substantial harm, towards the lower end of the scale, to the significance of Badley Church Green Conservation Area.
19. The Grade I listed Church of St Mary is a well-preserved example of a late medieval church and of considerable architectural and historic interest. The wider setting of the church makes a contribution to its significance, particularly so given the historic footpaths that radiate out from the church. Although the church is located in a slight dip in the local landscape its tower is visible in views from parts of these footpaths. These historic footpaths retain an important relationship with the church because they are likely to have been used by the local congregation and they give an indication of the former importance of the settlement. The church is excluded from the Badley Walk designed vista, but Church Green provides glimpsed views towards the appeal site and towards the historic footpaths. I consider that the proposed development would lead to less than substantial harm, towards the lower/mid end of the scale, to the significance of the Church of St Mary.
20. The Grade II\* listed Badley Hall was at the heart of the Badley Estate and was associated with a number of local historic figures. The appeal site forms part of the wider agricultural setting for the Hall, but it is the remaining fabric of the building, along with its immediate setting, including

the configuration of the other buildings in the group, that is the key to appreciating the significance of this asset. There are some distant views of the upper parts of the Hall from Fields B and E. However, the nearest solar panels would be some 350 m to the north of the Hall. The open areas of the former Great Park provide for a greater appreciation of the significance of the Hall than does the open fields within the appeal site. This former parkland is on slightly higher ground and would not be directly affected by the appeal scheme. I consider that the proposed development would lead to less than substantial harm, towards the lower end of the scale, to the significance of Badley Hall.

21. In the Heritage SoCG the appellant and MSDC are agreed that the proposal would have a level of harm at the lower end of the scale for the Dovecote (Grade II\*), the Barn (Grade II\*), the Bakehouse (Grade II) and the Chantry Scheduled Monument. Each of these assets retains historic interest as part of the manorial estate and they have group value in combination with Badley Hall, the Church of St Mary and the Conservation Area. However, they are located within the farmyard of Badley Farm and the nearest solar panels would be some 360 m to the north. On the evidence adduced and from what I saw at my site visit I concur with the level of harm agreed by the parties to the significance of these designated assets.
22. Woodland Farmhouse, which is located outside the Badley Hall grouping, is Grade II listed. The farmhouse retains some associative connection with agricultural land to its south and east within the appeal site. Its setting has been eroded by modern development, including a nearby small industrial estate, but the appeal scheme would not sever the last link between the asset and its original setting. With the proposed improvement of the historic hedgerow and woodland planting along the northern section of Field E the appeal scheme would have a negligible effect on the significance of Woodland Farmhouse.
23. The Heritage SoCG states that no harm would arise to the significance of other listed buildings in the wider area. I find no reason to disagree. Archaeological interest within the appeal site could be safeguarded by the imposition of appropriate planning conditions.
24. The appeal site has a functional and visual relationship with the important heritage assets in the locality. However, this derives primarily from the agricultural land being within the ownership and control of Badley Hall, rather than any designed interaction. It is primarily the impressive linear axis focussing on the Hall, along with the former Great Park, that would have given expression to the wealth of the Estate. Taking into account the group value of the heritage assets here, the overall less than substantial harm I have identified to the significance of designated heritage assets should be weighed against the public benefits of the proposal in accordance with NPPF paragraph 215.

### *Character and appearance*

25. The appeal site lies within the Ancient Plateau Claylands (APC) and the Rolling Valley Claylands (RVC) Landscape Character Areas. The APC has a wooded feel with strong hedgerows and ancient woodland, whereas the RVC is more exposed.
26. The locality includes a modern industrial estate and highly visible electricity infrastructure. Nevertheless, the introduction of solar arrays and ancillary infrastructure would be out of keeping with the character of the area. The colour and texture of the panels would not be typical of its predominantly agricultural context, and so the proposed development would introduce a discordant element into the local landscape. But I disagree with its description as “industrial” and “semi-industrial” by Historic England and as “light industry” by MSDC.<sup>16</sup> In terms of visual impact, the existing and proposed tree and hedgerow planting would have a significant mitigating effect on how the proposed solar farm would be perceived in its local context. This vegetation, along with the local topography, would help to limit views of the proposed development from public vantage points. The arrays would be set back behind wide buffer areas of grass and wildflower meadows in views from the B1113 and Badley Walk. Glint and glare from the solar panels would not be intrusive given the local topography, vegetation and separation distance from the nearest dwellings.<sup>17</sup>
27. MSDC and the appellant agree that, overall, there would be a low magnitude of change to the character of the landscape, with a negligible adverse effect. There is agreement that the proposal could be made acceptable in relation to the landscape character of the area with the use of appropriate conditions.<sup>18</sup> Field patterns in the locality have been weakened through removal and remodelling of hedges and field boundaries.<sup>19</sup> The Landscape Mitigation and Enhancement Plans (Planning Drawings 3 and 3A) would assist in reinstating aspects of the previous landscape character of the area. I consider that the harm to landscape character and visual amenity for the duration of the solar farm would be balanced by the long-term benefits of the on-site tree and hedgerow planting. The proposed development would, therefore, have a neutral effect on the character and appearance of the area.
28. The appeal scheme is sensitive to the landscape and visual amenity impacts on the natural environment and integrates with the existing landscape character of the area. I find no conflict with JLP Policy LP17 or with paragraph 187 b) of the NPPF, which provides that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of BMV agricultural land (see paragraph 33 of this decision), and of trees and woodland.

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<sup>16</sup> Historic England consultation response dated September 2022 and ID17 paragraph 65.

<sup>17</sup> ID11.

<sup>18</sup> SoCG paragraph 6.1.5.

<sup>19</sup> ID13.

## Renewable energy

29. The NPPF states that the planning system should support the transition to net zero by 2050 and help to shape places in ways that, amongst other things, contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience and support renewable and low carbon energy and associated infrastructure. NPPF paragraph 168 provides that when determining proposals for all forms of renewable energy developments and their associated infrastructure significant weight should be given to the benefits associated with renewable energy generation and the proposal's contribution to a net zero future. Paragraph 163 adds that the need to mitigate climate change should be considered in assessing planning applications, taking into account the full range of potential climate change impacts.
30. There is no dispute that the proposal would deliver clean energy for some 13,500 residents of Stowmarket. The secured grid connection offer would enable the scheme to make a cumulative contribution towards meeting the UK's 2030 target.<sup>20</sup> This would assist in mitigating climate change and its adverse impacts. Prior to the publication of the revised NPPF the appellant and MSDC agreed at the Inquiry that substantial weight should be given to the contribution of the proposed development to the objective of increasing renewable energy generation to assist in the transition to a low carbon economy.<sup>21</sup> Given the benefits of the appeal scheme to the reduction of carbon emissions and towards energy security considerations, I consider that renewable energy generation from the proposed solar farm attracts significant weight in the planning balance.

## Other Matters

31. Inverters/transformers would be located some distance from noise sensitive receptors. I concur with the main parties that noise is a matter that could be satisfactorily addressed by the imposition of appropriate planning conditions.<sup>22</sup> I find no conflict with JLP Policy LP24 regarding noise.
32. The provisions in the Unilateral Undertaking would provide necessary mitigation for skylarks. Natural England raised no objection in respect of the likely effects on designated sites, which include Combs Wood SSSI. I am satisfied that the proposal, given the separation distance, along with the proposed native species hedgerow with trees along the north-western boundary of Field C, would not have an adverse impact on Combs Wood. Part e) of JLP Policy LP16 requires development to identify and pursue opportunities for securing measurable net gains, equivalent of a minimum 10% increase, for biodiversity. The unchallenged evidence here is that the appeal scheme would provide a 192.27% increase in biodiversity.
33. The appeal scheme would utilise some BMV agricultural land. However, this would be time limited and would not unduly hinder the ongoing agricultural operation for the rest of the holding.<sup>23</sup> Any harm to agricultural production here would not weigh significantly against the proposal. With appropriate soil management, and site restoration to at least grade 3b agricultural land, the

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<sup>20</sup> CD8.7.

<sup>21</sup> Paragraph 1 of ID17 and paragraph 165 of ID18.

<sup>22</sup> Noise SoCG.

<sup>23</sup> SoCG paragraph 6.1.2.



appeal scheme would, overall, benefit soil structure and biodiversity by precluding intensive agricultural production for 40 years.

34. Direct and indirect socio-economic benefits would result from the construction and decommissioning of the proposed solar farm. There would also be benefits to the local economy from the estimated two full-time equivalent jobs for the 40-year duration of the development.

### **Planning balance**

35. The appellant contends that JLP Policy LP25 is out of date because of EN-1, and so paragraph 11 (d) of the NPPF applies. I disagree. JLP Policy LP25 and EN-1 require a balancing of harmful impacts against the need for renewable energy generation. EN-1 does not rule out an alternative site assessment.<sup>24</sup> The so called 'tilted balance' does not apply here. In the balancing exercise that does apply in this case significant weight should be given to the generation of renewable energy. In addition, biodiversity, soil management and socio-economic benefits attract moderate weight.
36. The appellant considers that the harm to the designated heritage assets is outweighed by the public benefits of the appeal scheme. However, the appellant is also proposing on-site and off-site heritage enhancement measures to offset this harm still further, should this be considered necessary.<sup>25</sup> On-site measures are shown on Planning Drawing 3A.<sup>26</sup> The only differences between Planning Drawings 3 and 3A are for the hedgerows; (1) between Fields E and F, (2) the north-western boundary of Field E, and (3) between Fields B and D, where the historic boundary would be "improved" rather than the "existing tree/hedge retained". The reinstatement of the three intersecting hedgerows in Field E is common to both Planning Drawings 3 and 3A. Off-site works to the Conservation Area include replanting and management of Badley Walk and Keyfield Groves, the provision of signage and the implementation of a management plan. These off-site measures are listed in ID14 and are included in the requirements of suggested planning Condition 17.
37. NPPF paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). I have taken this into account in awarding weight to the harm I have identified to the important assets within the Badley Hall grouping, and I have given greater weight to the harm to the highly graded assets. The harm I have identified to the heritage assets must be given considerable importance and weight in the balancing exercise required by NPPF paragraph 215. Taking all the above into account, I consider that the overall less than substantial harm to the significance of designated heritage assets is outweighed by the public benefits of the proposed development that are attributable to the generation of renewable energy, along with the biodiversity, soil management and socio-economic benefits.
38. It would be necessary to include the on-site enhancements shown on Planning Drawing 3A for landscape reasons. The benefits of the appeal scheme would be sufficient to outweigh the overall harm from the proposed solar farm

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<sup>24</sup> EN-1 paragraph 4.3.24.

<sup>25</sup> Paragraphs 152 and 153 of ID18.

<sup>26</sup> ID14 Ref:3740\_DR\_P\_0021\_P1, dated 15 October 2024.

without the need for off-site enhancement works to Badley Church Green Conservation Area. It would not, therefore, be necessary to impose suggested Condition 17. I find that the planning balance falls in favour of the proposal.

### **Planning policy**

39. To give JLP Policy LP25 Part 3 the meaning intended by MSDC it is necessary to read into it that the 'impact on...the setting of heritage assets' would be an adverse impact. It would also be necessary to infer that the reference to 'no alternative sites available within the District' meant that there would be no suitable alternative sites that would result in a less harmful impact. Even allowing for such an interpretation, I am not convinced that the proposal would be at odds with Policy LP25.
40. The policy is supportive of renewable energy generation subject to, amongst other things, full consideration of relevant matters, and where impact can be effectively mitigated. Mitigation here has its normal meaning of making less severe. So, it seems to me that compliance with this part of the policy could be achieved by effective measures that demonstrably lessened the severity of the impact. For the reasons set out in the sections of this decision on the character and appearance of the area and heritage assets, I am satisfied that the proposed on-site landscaping and additional tree/hedgerow planting would comply with Parts 1 and 3 of Policy LP25 concerning effective mitigation.
41. If Part 3 of the policy requires an alternative site assessment, then the appellant has complied insofar as Appendix 17 of Mr Holliday's PoE was submitted to and discussed at the Inquiry. None of the possible alternative sites currently has a grid connection offer. Given the current queue for grid connections there would be likely to be a significant time delay before any of these sites could connect to the grid.<sup>27</sup> That is an important consideration in assessing the availability of alternative sites for a solar farm scheme given the urgent need for new electricity infrastructure and solar being a key part of the Government's strategy for low-cost decarbonisation of the energy sector.<sup>28</sup>
42. I find no conflict with JLP Policy LP25. JLP Policy SP03 concerning sustainable locations for new development permits development that is compliant with Policy LP25.
43. JLP Policy LP19 is consistent with national heritage policy and statutory requirements. There would be clear and convincing justification for the harm to the significance of designated heritage assets if the public benefits of the proposed development would outweigh the heritage harm in a balancing exercise that gave considerable importance and weight to the harm to those assets. I have found this to be so in the balancing exercise that applies in this case and so find no conflict with Policy LP19 or the NPPF in this regard.
44. The harm I have identified to heritage assets is not sufficient to bring the proposal into overall conflict with JLP Policy SP09, which requires development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure, including: landscape, biodiversity and the historic environment.

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<sup>27</sup> Appendix 16 Mr Holliday's PoE.

<sup>28</sup> EN-1 paragraph 3.3.58 and EN-3 paragraph 2.10.9.

45. I consider that the proposed development accords with the development plan taken as a whole. There are no other material considerations to indicate that the appeal should be determined other than in accordance with the development plan.

### **Conditions and obligations**

46. The provisions in the Unilateral Undertaking concerning mitigation works for skylarks satisfy the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

47. Suggested planning conditions were discussed at the Inquiry. The wording of some of the suggested conditions would need to be amended for reasons of enforceability and precision. In addition to the standard commencement condition, it would be necessary to define the permission and ensure that the development was carried out in accordance with the approved plans (Conditions 1 and 2). For landscape character reasons this would need to include Planning Drawing 3A. It would be necessary, in the interests of the appearance of the area, to approve the details of infrastructure shown as indicative on the drawings (Condition 3).

48. The duration of the development would need to be specified for a temporary planning permission (Condition 4). Schemes for decommissioning would be required when the permission expired or when all or part of the site ceased to be operational (Condition 5). JLP Policy LP25 Part 2 provides that normally restoration would be required if the scheme becomes non-functioning for a period of six months. However, I concur with the parties' suggestion here for a period of 12 months given the 40-year duration of the proposed solar farm.

49. Information boards would be necessary for educational purposes (Condition 6). An archaeological investigation and management plan would be necessary to ensure that any archaeological items or features would be safeguarded according to their significance (Conditions 7, 8 and 9). Provision would need to be made for soil management in the interests of amenity, landscape and biodiversity (Condition 10). For biodiversity and landscape reasons, conditions would be necessary to mitigate effects on skylarks and to implement approved plans for construction and environmental management (Conditions 11, 12, 13 and 14). Fencing details would be required in the interests of the amenity of the area (Condition 15). A hard and soft landscaping scheme would be necessary for similar reasons (Condition 16).

50. The off-site measures included in ID14 would not be necessary for the development to proceed and so it would not be necessary to impose suggested Condition 17. The PPG provides that any proposed condition that fails to meet one of the 6 tests should not be used and that this applies even if the appellant suggests or agrees to it.<sup>29</sup>

51. A construction management plan would be necessary to safeguard those using the on-site PRoW and to minimise the impact on local highways in the interests of the amenity of the area (Condition 18). A surface water strategy to provide sustainable drainage would be required (Condition 19). For highway safety reasons the proposed access and visibility splays would need to be completed in accordance with the approved details and thereafter retained for the lifetime

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<sup>29</sup> Paragraph:005 Reference ID:21a-005-20190723.

of the development, and surface water would need to be prevented from discharging onto the highway (Conditions 20, 21 and 22). Burning of materials or waste should be prevented in the interests of the amenity of the area (Condition 23). Lighting would need to be controlled for amenity and wildlife reasons (Condition 24). For similar reasons, so too would noise (Conditions 25 and 26). A specific condition to limit the capacity of the scheme below the NSIP threshold would be necessary (Condition 27).

### **Conclusion**

52. The planning balance here falls in favour of the proposal. The proposed solar farm accords with the development plan taken as a whole. For the reasons given above the appeal should be allowed.

*J Woolcock*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Ben Du Feu Counsel	Instructed by Christine Flittner West Suffolk Legal
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He called

Georgia Foy BA (Hons) MA MAUD IHBC	Associate Director Built Heritage and Townscape Iceni Projects
Steven Stroud BA (Hons) LLB (Hons) MA MRes MSc MRTPI	Strategic and Professional Lead for the Development Management and Heritage Teams Babergh and Mid Suffolk District Councils

### FOR THE APPELLANT:

Philippa Jackson Counsel	Instructed by DLA Piper LLP
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She called

Christopher Morley BA (Hons) MPhil MCIfA	Head of Cultural Heritage for the EMEA region Environmental Resources Management Ltd (ERM)
Christian Holliday BSc (Econ) MA MSc MRTPI	Lead Planning Consultant Environmental Resources Management Ltd (ERM)

### INTERESTED PERSONS:

Tony Kitson	Chair Combs Parish Council
Tony Bamber	Vice Chair Combs Parish Council
Margaret Scott	Local resident
Fenella Blyth	Local resident

## DOCUMENTS SUBMITTED AT THE INQUIRY (ID)

ID	1	Opening Submissions on behalf of the Appellant
ID	2	Local Planning Authority Opening Submissions
ID	3	Appellant's note – Evolution of Indicative Site Layout
ID	4	Statement by Combs Parish Council
ID	5	Statement by Fenella Blyth
ID	6	Appeal Ref:APP/W3520/W/18/3214324
ID	7	Written Statement from Margaret Scott
ID	8	Inquiry site notice displayed on 8 October 2024
ID	9	Heritage consultee responses before the Planning Committee when the application was determined
ID	10	Written representation by Mike Mallett dated 9 October 2024
ID	11	Joint Note on Glint and Glare 18 October 2024
ID	12	Email from Principal Ecological Consultant to Mid Suffolk District Council dated 16 October 2024 re Skylark mitigation measures

ID	13	Joint Note on Suffolk Historic Landscape Characterisation 22 October 2024
ID	14	Joint Note on Heritage Mitigation & Enhancement 22 October 2024
ID	15	Unilateral Undertaking dated 22 October 2024 pursuant to section 106 of the 1990 Act
ID	16	Suggested planning conditions dated 22 October 2024
ID	17	LPA Closing Submissions
ID	18	Closing Submission on behalf of the Appellant
ID	19	LPA's written response to the revised NPPF
ID	20	The revised NPPF: Post-Inquiry submissions on behalf of the Appellant

## CORE DOCUMENTS

### CD1 - Application Documents and Plans:

- 1.1 Skylark Mitigation Plan, Document Reference: 3740-REP-021, Date: 01/03/2022.
- 1.2 Site Location Plan, Document Ref: 3740-REP-018, Date: 14/03/2022.
- 1.3 Indicative Site Location Plan, Document Ref: 3740\_DR\_P\_0001, Date: 16/03/2022.
- 1.4 Typical Solar Farm Details, Document Reference: 3740\_DR\_P\_0005, Date: 16/03/2022.
- 1.5 Landscape Mitigation Plan, Document Reference: 3740\_DR\_P\_0004, Date: 16/03/2022.
- 1.6 Indicative Temporary Construction Compound Location, Document Reference: 3740\_DR\_P\_0006, Date: 16/03/2022.
- 1.7 Indicative Substation and Elevations, Document Reference: 3740\_DR\_P\_0007, Date: 17/03/2022.
- 1.8 Planning, Design and Access Statement, Date: March 2022.
- 1.9 Arboricultural Report and Impact Assessment, Document Reference: AWA4067, Date: December 2021.
- 1.10 Agricultural Land Classification, Document Reference: SES/AC/WF/#1, Date: 25 February 2021.
- 1.11 Statement of Community Involvement, Date: February 2022.
- 1.12 Heritage Statement, Date March 2022.
- 1.13 Flood Risk Assessment, Date: February 2022.
- 1.14 Transport Statement, Date: March 2022.

- 1.15 Biodiversity Metric Assessment, Date March 2022.
  - 1.16 Ecological Impact Assessment, Date: March 2022.
  - 1.17 Landscape and Visual Appraisal Part 1, Date: February 2022.
  - 1.18 Landscape and Visual Appraisal Part 2, Date: February 2022.
- CD2 - Additional/Amended Reports and/or Plans Submitted after Validation:
- 2.1 Landscape Mitigation Plan, Document Reference: 37 40\_DR\_LAN\_101, Date: 28/07/2022.
  - 2.2 Public Rights of Way Cross Sections, Document Reference: 3740\_DR\_LAN\_102, Date: 12/08/2022.
  - 2.3 Indicative Site Layout Plan, Document Reference: 3740\_DR\_P\_0004, Date: 29/07/2022.
  - 2.4 Skylark Mitigation Plan, Date: March 2023.
  - 2.5 Heritage Memorandum Report, Date: 12 October 2023.
  - 2.6 Archaeology Evaluation, Document Reference: 271830.3, Date: June 2023.
  - 2.7 Arboricultural Report, Document Reference: AWA5062, Date: February 2023.
  - 2.8 Landscape and Visual Appraisal Part 1, Date: February 2022.
  - 2.9 Landscape and Visual Appraisal Part 2, Date: February 2022 (upload date: August 2022).
  - 2.10 Archaeological Geophysical Survey, Document Reference: 40142, Date: May 2022.
  - 2.11 Planning Drawing 2 – Site Constraints and Layout Plan, Document Reference: 3470\_DR\_P\_0001\_P4, Date: Sep 2024.
  - 2.12 Planning Drawing 3 – Landscape Mitigation and Enhancement Plan, Document Reference: 3470\_DR\_P\_0004\_P2, Date: Sep 2024.
  - 2.13 Planning Drawing 4 – Typical Solar Farm Details, Document Reference: 3470\_DR\_P\_0005\_P1, Date: Sep 2024.
  - 2.14 Planning Drawing 7 – Indicative Rights of Way Cross-sections, Document Reference: 3470\_DR\_P\_0008\_P2, Date: Sep 2024.
- CD3 - Committee Report and Decision Notice.
- 3.1 Committee Report, Date: 6 December 2023.
  - 3.2 Committee Action Sheet, Date 6 December 2023.
  - 3.3 Decision Notice, 8 December 2023.
- CD4 - The Development Plan:
- 4.1 National Planning Policy Framework (NPPF) (December 2023).

- 4.2 Planning Policy Guidance (PPG) Climate Change.
- 4.3 Planning Policy Guidance (PPG) Historic Environment.
- 4.4 Planning Policy Guidance (PPG) Noise.
- 4.5 Planning Policy Guidance (PPG) Renewable and Low Carbon Energy.
- 4.6 Babergh and Mid Suffolk Joint Local Plan – Part 1, (November 2023).
- 4.7 Overarching National Policy Statement for Energy (EN-1).
- 4.8 National Policy Statement for Renewable Energy Infrastructure (EN-3).
- 4.9 Written Ministerial Statement “Building the Homes We Need”, 30 July 2024.
- 4.10 Written Ministerial Statement “Solar and protecting our Food Security and Best and Most Versatile (BMV) Land”, 15 May 2024.

CD5 - Emerging Development Plan:

- 5.1 Draft National Planning Policy Framework (NPPF) (2024) (Consultation).
- 5.2 Babergh and Mid Suffolk Draft Supplementary Planning Documents (May 2024) – Biodiversity and Trees.

CD6 - Relevant Judgements:

- 6.1 Land East of Mursley Road, Little Horwood, Buckinghamshire MK17 0PG (Appeal Ref: APP/J0405/W/22/3302716).
- 6.2 Land North of Halloughton, Southwell, Nottinghamshire (Appeal Ref: APP/B3030/W/21/3279533).
- 6.3 Bedford BC Ruling (Bedford Borough Council v Secretary of State for Communities and Local Government (First Defendant) Nuon Uk Ltd (Second Defendant)).
- 6.4 The Forge Field Society & Ors, R (On the Application Of) v Sevenoaks District Council [2014] EWHC 1895 (Admin) (12 June 2014).
- 6.5 Pagham Parish Council v Arun District Council [2019] EWHC 1721 (Admin) (04 July 2019).
- 6.6 Recovered appeal: land east of Langford Mill and Tye Farm, Langford, Devon (ref: 3293104 - 5 December 2022).
- 6.7 City & Country Bramshill Ltd v Secretary of State for Housing, Communities And Local Government & Ors [2021] EWCA Civ 320.
- 6.8 Catesby Estates Ltd v Peter Steer [2018] 1 P&CR 5.
- 6.9 London Historic Parks And Gardens Trust v Minister of State for Housing & Anor [2022] EWHC 829 (Admin).



- 6.10 Called-In Application: Erection of a 20 storey tower (plus plant) with single storey basement and ground floor mezzanine for residential use, ancillary community use at ground floor level, hard and soft landscaping and associated works (Appeal Ref: APP/H5390/V/21/3277137).
- 6.11 Wavendon Properties Limited v SSCLG and Milton Keynes Council [2019] EWHC 1524 (Admin), since approved in Paul Newman Homes v SSHCLG and Aylesbury Vale DC [2021] EWCA Civ 15.
- 6.12 Paul Newman New Homes Ltd v Secretary of State for Housing, Communities and Local Government [2021] EWCA Civ 15 (12 January 2021).
- 6.13 Barnwell Manor Wind Energy v East Norths DC [2014] EWCA Civ 137.
- 6.14 Peel Investments (North) Limited v Secretary of State for Housing Communities and local Government [2020] EWCA Civ 1175).

CD7 – Public Inquiry Submissions:

- 7.1 Appellant’s Planning Proof.
- 7.2 Appellant’s Heritage Proof.
- 7.3 Appellant’s Heritage Proof Appendix A Site Inspection Photographs.
- 7.4 Appellant’s Heritage Proof Appendix B Historic Mapping.
- 7.5 General Statement of Common Ground.
- 7.6 Heritage Statement of Common Ground.
- 7.7 Noise Statement of Common Ground.
- 7.8 LPA’s Planning Proof.
- 7.9 LPA’s Heritage Proof.
- 7.10 LPA’s Planning Rebuttal.
- 7.11 LPA’s Heritage Rebuttal.

CD8 - Other:

- 8.1 Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2017).
- 8.2 Planning Practice Guide 'Historic Environment' section.
- 8.3 Statements of Heritage Significance (Historic England 2019).
- 8.4 Good Practice Advice in Planning Note 2: Managing Significance in decision-taking (Historic England 2015).
- 8.5 Advice Note 2: Making Changes to Heritage Assets (Historic England 2016).
- 8.6 Badley Church Green Conservation Area Appraisal (MSC 2012).
- 8.7 Climate Change Committee 2024 Progress Report to Parliament.

## SCHEDULE OF CONDITIONS (1-27)

1. The development hereby permitted shall commence no later than the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following drawings and such other drawings/documents as may be approved in writing by the local planning authority pursuant to other Conditions of this permission:

Planning Drawing 1 – Site Location and Land Under Applicant’s Control  
Ref:3740-REP-018, dated 14 March 2022.

Planning Drawing 2 – Site Constraints Plan and Layout Plan  
Ref:3740\_DR\_P\_0001\_P4, dated 9 September 2024.

Planning Drawing 3 – Landscape Mitigation and Enhancement Plan  
Ref:3740\_DR\_P\_0004\_P2, dated 9 September 2024.

Planning Drawing 3A – Additional Heritage Enhancement measures  
Ref:3740\_DR\_P\_0021\_P1, dated 15 October 2024.

3. Prior to commencement of development, full details of the design and appearance of the development shall be submitted to the local planning authority and have been approved in writing. The details shall include the following:
  - (a) Solar arrays with a maximum height of 3.2 metres and a minimum clearance of 0.8 metres below them.
  - (b) Specification and colours of suitably non-reflective external materials.
  - (c) Inverters.
  - (d) DNO substation.
  - (e) Access tracks and temporary construction compound.
  - (f) CCTV cameras and fencing.
  - (g) Other associated infrastructure, including grid connection.

The development shall then be built out in accordance with the approved details and thereafter retained.

4. Within one month from the date the development is first commercially operated for the supply of electricity, the local planning authority shall be notified in writing that commercial operations have begun. This permission shall expire 40 years from 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.
5. Prior to the expiration/cessation of operations on all or part of the site and prior to the 40-year expiration date, a Reinstatement Strategy, including a timetable for reinstatement works, shall be submitted to the local planning

authority and have been approved in writing. The Reinstatement Strategy shall also include a biodiversity assessment, biodiversity mitigation measures, landscaping scheme and measures to return the land to an agricultural land classification no less than grade 3b. Following the 40-year expiration date, or following a continuous period of 12 months of the date the site was last operated, whichever is sooner, all equipment, infrastructure, hard surfaces and other parts of the development shall be removed, and the land shall be reinstated in accordance with the approved Reinstatement Strategy and its timetable.

6. Prior to first commercial operation of the development, details of an Information Board Scheme shall be submitted to the local planning authority and have been approved in writing. The scheme shall include:
  - (a) Details of the information to be included on the boards which will include the principles of renewable energy generation and nature conservation that relate to the development.
  - (b) The number, appearance, layout and size of the boards.
  - (c) Site plan showing the locations of the boards, which shall be in publicly accessible locations.
  - (d) Maintenance provisions to ensure the boards remain legible and in good condition.

The approved information boards shall then be installed in the approved locations prior to first operation of the development and shall then be retained.

7. Prior to commencement of development, a Written Scheme of Investigation including a programme of archaeological work shall be submitted to the local planning authority and have been approved in writing. The 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) The site investigation shall be completed prior to the commencement of development, or in such other phased arrangement, as approved in writing by the local planning authority.
8. Prior to first commercial operation, the site investigation and post investigation assessments shall have been completed in accordance with the

programme set out in the Written Scheme of Investigation and provision made for analysis, publication and dissemination of results and archive deposition shall be submitted to the local planning authority and have been approved in writing.

9. Prior to commencement of development, a Management Plan for any archaeological areas to be preserved in situ shall be submitted to the local planning authority and have been approved in writing. The Management Plan shall set out the methodology to secure the ongoing protection of these areas both during construction, operation and decommissioning of the solar array and associated infrastructure. A detailed site plan showing Archaeological Exclusion Zones shall be included, defining areas within which development will be excluded or provide sufficient design mitigation to avoid any impact to below ground archaeological deposits. Full details of the final construction methods to be implemented for any works in these areas must also be provided for approval in writing. The development shall then be carried out in accordance with the approved Management Plan.
10. Prior to commencement of development, a Land and Soil Management Plan shall be submitted to the local planning authority and have been approved in writing. The plan shall include details of the following:
  - (a) Details of the soil stripping, handling and storage of soils during the construction, operational and decommissioning phases, with a limit on operations when weather and soil conditions are inappropriate for works to be undertaken.
  - (b) Sheep grazing.
  - (c) Soil improvement plan to control use of herbicides and pesticides.
  - (d) Timetable for implementation.
  - (e) Arrangements for management, maintenance, monitoring and reporting.
  - (f) Arrangements for an expert to review the site and make recommendations prior to decommissioning to ensure reinstatement occurs effectively, taking into account any updates in statutory or policy requirements.

The approved Land and Soil Management Plan shall be then implemented in full in accordance with the approved timetable.

11. All avoidance and enhancement measures and/or works shall be carried out in accordance with the details contained in the Skylark Mitigation Plan (Arcus Consultancy Services, March 2023), Skylark Territories Figure 1 (Arcus Consultancy Services, March 2022), Ecological Impact Assessment (Arcus Consultancy Services, March 2022) and the Biodiversity Metric Assessment (Arcus Consultancy Services, March 2022). This shall include the appointment of an appropriately competent person as an ecological clerk of works to provide on-site ecological expertise during construction. The appointed person shall ensure that all activities and works are undertaken in accordance with the details specified in the documents cited in this condition.

12. Prior to commencement of development, a Construction Environmental Management Plan for Biodiversity (CEMP (Biodiversity)) shall be submitted to the local planning authority and have been approved in writing. The CEMP (Biodiversity) shall include the following:

- (a) Risk assessment of potentially damaging construction activities.
- (b) Identification of biodiversity protection zones.
- (c) Practical measures, which may be provided as a set of method statements, for both physical measures and sensitive working practices to avoid or reduce impacts during construction.
- (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.
- (h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be implemented in full and adhered to throughout the construction period.

13. Prior to commencement of development, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures as contained within the Ecological Impact Assessment (Arcus Consultancy Services, March 2022) and a timetable for their implementation shall be submitted to the local planning authority and have been approved in writing. The enhancement measures shall be implemented in accordance with the approved details and timetable.

14. Prior to commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the local planning authority and have been approved in writing. The LEMP shall apply within the 'site boundary' edged in red on Planning Drawing 1 and to that part of the 'land under the applicant's control' edged in blue on Planning Drawing 1 which lies within Badley Church Green Conservation Area. 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) to be reviewed and updated on the first anniversary of approval.
- (g) Details of the body or organisation responsible for implementation of the LEMP.

- (h) Ongoing monitoring and remedial measures and details of the administrative and funding mechanism(s) by which the long-term implementation of the plan will be secured with the management body(ies) responsible for its delivery.
- (i) Where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, the plan shall set out how contingencies and/or remedial action will be identified, approved in writing by the local planning authority, and implemented, so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- (j) Timetable for delivery of objectives.

The latest approved LEMP shall be implemented in full in accordance with the approved timetable.

15. Prior to the commencement of development, fencing details, including a timetable for erection, shall be submitted to the local planning authority and have been approved in writing. Deer friendly fencing comprising timber posts and mesh shall be used and the fencing details shall include manufacturer's information and the locations and maximum height of fencing around the site. Fencing shall then be erected in accordance with the approved details and thereafter retained.

16. Prior to commencement of development, a Hard and Soft Landscaping Scheme to provide the landscape mitigation and enhancement as shown on Planning Drawings 3 and 3A shall be submitted to the local planning authority and have been approved in writing. The scheme shall include details of:

- (a) Advance planting.
- (b) Detailed landscape plan and specification of soft landscape work including a schedule of species, size, density and spacing of all trees, shrubs and hedgerows to be planted.
- (c) Areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment.
- (d) Paved or otherwise hard surfaced areas including the extent and specification for tracks and paths, together with the type and specification of any permeable paving and asphalt surfaces.
- (e) Existing and finished levels shown as contours with cross-sections.
- (f) Details relating to the protection and enhancement of the existing woodland and its ongoing management over the lifetime of the development.
- (g) Timetable for implementation and planting to be carried out.

All hard and soft landscaping shall then be installed/planted in accordance with the approved details and timetable. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of

development, shall be replaced in the next planting season with others of similar size and species.

17. [Not used]

18. Prior to commencement of development, a Construction Management Plan (CMP) shall be submitted to the local planning authority and have been approved in writing. The CMP shall include the following:

- (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 and to safeguard users of Public Rights of Way.
- (g) Site working and delivery times.
- (h) Communications plan to inform local residents of the programme 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 delivery routing to the site during the construction phase.

All construction and deliveries shall be carried out in accordance with the approved CMP.

19. The strategy for the disposal of surface water (Arcus Letter/email to LLFA dated 17 June 2022) and the Flood Risk Assessment (dated March 2022, ref: Planning, Design and Access Statement Woodlands Solar Farm Elgin Energy ESCO Ltd) shall be implemented in full in accordance with the timetable in that strategy. The strategy shall thereafter be managed and maintained in accordance with the approved details.

20. Prior to any other development commencing on site, the new access shall be laid out and completed in all respects in accordance with Drawing No. 3740-DR-P-0004 Rev 1. It shall then be retained in its approved form for the lifetime of the development.

21. Prior to commencement of development 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 shall be submitted to the local planning authority and have been approved in writing. The approved scheme

shall be carried out in full prior to first use of the access and shall then be retained in its approved form for the lifetime of the development.

22. Prior to first use of the access, visibility splays shall be provided as shown on Drawing No. 3740-DR-P-0001 Rev 2 with an X dimension of 4.5 metres and a Y dimension of 215 metres, measured tangential to the nearside edge of the carriageway, and thereafter retained in the specified form.
23. No materials or waste produced as a result of the site's development or clearance shall be burned on site.
24. Prior to the installation of any external temporary or permanent lighting on site, details of such lighting, including a timetable for installation, shall be formally submitted to the local planning authority and have been approved in writing. Lighting shall be installed in accordance with the approved details and thereafter retained.
25. Noise from the operation of the development hereby permitted shall not exceed a limit value of 38 dB  $L_{Leq,15min}$  in the 100Hz third octave band, at any time between 2300 and 0700 hours, and 43 dB  $L_{Leq,15min}$  between 0700 and 2300 hours, at a free field location immediately adjacent to any existing nearby occupied dwelling. Where noise does not fluctuate noise levels 5 dB in excess of those stated in this condition would apply.
26. Noise from the operation of the development hereby permitted shall not exceed a rating level of equal to 49 dB  $L_{Ar,1hr}$  at any time between 0700 and 2300 hours and 43 dB  $L_{Ar,15min}$  between 2300 and 0700 hours at any free field location adjacent to residential properties within 100 m of Stowmarket Road, and 36 dB  $L_{Ar,1hr}$  Between 0700 and 2300 hours and 35 dB  $L_{Ar,15min}$  between 2300 and 0700 hours at other residential locations. Rating levels are to be determined in accordance with the methodology set out in British Standard (BS) 4142: 2014+A1: 2019 'Methods for rating and assessing industrial and commercial sound'.
27. The installed export capacity for the development hereby permitted shall not exceed 49.9 MWac. No development shall take place until there has been submitted to and approved in writing by the local planning authority details about inverters for the development. The maximum combined capacity of the inverters for the development shall not exceed 49.9 MWac. Inverters shall be installed in accordance with the approved details and shall be retained for the duration of the development.