



Appeal Decision

Hearing Held on 12 December 2023

Site visits made on 30 November and 12 December 2023

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 December 2023

Appeal Ref: APP/Z1510/W/23/3325681

Land West of Park Road, Rivenhall, Essex

Easting 582286 Northing 218522

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Novus Renewable Services Limited against Braintree District Council.
 - The application Ref 21/03735/FUL, is dated 16 December 2021.
 - The development proposed is described on the application form as '*Installation of solar farm and associated development*'.
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Decision

1. The appeal is allowed and planning permission is granted for the Installation of solar farm and associated development at Land West Of Park Road, Rivenhall, CM8 3PG in accordance with the terms of the application, Ref 21/03735/FUL, dated 23 December 2021, subject to the conditions set out in Appendix A.

Procedural Matters

2. The address used in the above header is used by the Appellant and the Council on the Appeal form and Decision Notice respectively. It is clear as to the location of the proposal from the submitted drawings. I have therefore adopted the address as stated above.

Background and Main Issues

3. The Local Planning Authority (LPA) did not issue a decision within the normal timeframes. The Appellant exercised their right to appeal this failure in July 2023. In September 2023 the proposal was taken to the LPA's Planning Committee who resolved that, were they in a position to determine the proposal, they would have refused it on two grounds. Put simply, the effect on nearby heritage assets and the effect on rural character and appearance of the area.
4. Taking into account the evidence before me, I consider that the main issues in this case are:
 - i) Whether or not the proposal would preserve the setting of nearby listed buildings, and;

- ii) The effect of the proposed development on the character and appearance of the area, and;
- iii) The overall planning balance.

Reasons

Heritage Assets

5. The proposal seeks the erection of a solar energy development located principally within two fields. This would be for an operational period of 40 years. The proposal would generate approximately 22.5MW of electricity, which could power roughly 5,768 dwellings and save approximately 5,333 tonnes of carbon dioxide each year. The proposed development would connect to existing overhead wires in order to integrate into the wider electricity grid network. The solar panels themselves would be no greater than 3.1 metres as a top height. They would be laid out in arrays from east to west. The site would be enclosed by 2 metre high deer fencing, together with existing and new planting.
6. Rivenhall Place is a Grade II* listed building and lies to the north of the appeal site. Located within its grounds is the Grade II listed building Bridge to Rivenhall Place. The settlement of Rivenhall is to the east and not readily visible from the appeal site, although the church tower of St Mary & All Saints Church, which is a Grade I Listed Building, is visible from parts of the appeal site. Whilst I note that there are some other heritage assets in the vicinity of the appeal site the principal concerns of the main parties (and interested parties where raised) relate to these listed buildings¹. Moreover, neither main party has identified any harm to any other heritage asset. I therefore see no reason not to concur and have focussed on these listed buildings.
7. Put simply, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, sets out that special regard should be had to the desirability of preserving listed buildings including their settings. Chapter 16 : Conserving and enhancing the historic environment of the *National Planning Policy Framework* (the Framework) sets out 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. This is irrespective of the level of potential harm to its significance.
8. The main parties agree that the proposal would result in 'less than substantial harm' to Rivenhall Place, the Bridge to Rivenhall Place, and The Church of St Mary and All Saints² in terms of the Framework. The Appellant says this harm is 'low' and the Local Planning Authority says it is 'towards the lower end of the scale' in the agreed *Statement of Common Ground*. At the Hearing, the Council explained that in their view the harm to Rivenhall would be 'low-moderate' and to St Mary and All Saints as 'low'.
9. The national *Planning Practice Guidance* indicates that within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.³ In this case, the significance

¹ Agreed *Statement of Common Ground* dated 24 November 2023, page 13 of 17, paragraph 5.25

² Agreed *Statement of Common Ground* dated 24 November 2023, page 13 of 17, paragraph 5.24

³ <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment> Paragraph: 018 Reference ID: 18a-018-20190723 Revision date: 23 07 2019

of these heritage assets derives, in part, from their situation within an agrarian context. This enables viewers of all three assets to understand the linkage between them and the local rural landscape. However, this linkage is more readily understood by looking at maps and having knowledge of the former occupants of the Wiseman or Wyseman family who resided at Rivenhall Place in its earlier period and the connection with the local church. Put another way, the historical connection between the assets is predominantly based upon the written record rather than a direct visual link between them.

10. With regard to St Mary and All Saints at the settlement of Rivenhall, this is located within its own graveyard, with an attractive low wall surround. It is located to the northern edge of the Rivenhall settlement, which the Council confirmed mainly grew in the mid to late 20th Century. I saw that the church, rather than being 'isolated' as suggested by the Council, was in fact to the northern edge of the settlement and is read as an important landmark feature defining the countryside behind you as you travel south on Church Road and the settlement in front of you to the south. Views of the church and back to the appeal site would be possible from a few vantage points within the appeal site. However, large tracts of open countryside would continue to remain in and around the church even with the implementation of the proposal.
11. Whilst I concur with the main parties that the proposal would result in less than substantial harm to the significance of this designated heritage asset, the extent of this harm would be almost negligible. This is because future visitors to the church are unlikely to have their experience of the church and its peaceful grounds affected in any significant way; whether for historical and architectural interest or indeed for spiritual purposes. Moreover, with a large field to the west of Church Road retained the agricultural context and relationship would be maintained and future visitors will continue to experience the agricultural context of church.
12. In terms of Rivenhall Place, the grounds are not a Registered Park and Garden, nor are they subject to any designated heritage status such as being a Conservation Area. I heard at the Hearing that the landscaping around Rivenhall Place, which is a Grade II* listed building, was likely to have been the work of the landscape designer Humphry Repton in the late 1700s. However, since then the gardens and landscape have changed. The appeal site makes a small contribution to the significance of Rivenhall Place and the Bridge through the contribution it makes as a contextual agrarian landscape. However, it is not possible to ascertain how much of this is a 'borrowed' landscape or indeed how much the area of the appeal site has changed over the intervening years with changes in agricultural technology and farming practices.
13. Similar to the main parties, I concur that the proposal would result in less than substantial harm to the significance of these heritage assets. This is because the proposal would result in changes to the setting of the designated heritage assets at Rivenhall Place and the Bridge through the loss of some of the contextualising landscape area. This would be especially so when viewed from Rivenhall Place to towards the south. Whilst this is a private residence and it has not been possible for the heritage experts at the Hearing to gain access to this building to ascertain the magnitude of any change, the objection raised by occupiers indicate that there are views of the appeal site possible from the ground and upper floors of the building.

14. At the same time, a large field area has been retained as farmland between the two main components of the proposal, to ensure that future visitors to these heritage assets can see the link between the more formal garden and grounds of the listed building and the more informal rural landscape beyond.
15. There was much debate at the Hearing between the main parties as to whether 'towards the lower end of the scale' meant low or low-moderate. In this case, I find that the level of harm to significance of Rivenhall Place and Bridge would be low when clearly articulated. This is because the historical and structural integrity of both assets would remain undiminished. Whilst there would be some changes in their context, there would remain large parts of it unaffected and consequently their settings would only be minimally impacted.
16. Less than substantial harm does not equate to less than substantial planning objection. Great weight needs to be given to the asset's conservation. Paragraph 202 of the Framework indicates that where less than substantial harm is found, this needs to be weighed against the benefits of the proposal. I consider this matter in greater detail in the planning balance section of this decision.

Character and appearance

17. The appeal site is not within any international, national or regional landscape designations. The proposal would, undoubtedly, result in changes to the character and appearance of the area. This would be through the introduction of arrays of solar panels in two fields, together with associated infrastructure. Furthermore, the proposal would see the introduction of hedgerows into the landscape, in places reinforcing those already present, and in other places introducing them as a new feature. From the evidence before me, and my site inspections, I note that the surrounding area is characterised by open fields which are typically bounded by trees and hedges.
18. The submitted *Landscape and Visual Impact Assessment* (LVIA) contains photomontages showing the proposal with and without planting⁴. From these montages, which are not disputed by the LPA in terms of accuracy, it is possible to see that once planting is established receptors (that is people) will be unlikely to see much of the proposal from either viewpoint 7 (public footpath 105/11) or viewpoint 4 (Church Road). Instead, they would, in the main, see established hedgerows which would not be dissimilar to those in the surrounding area. Indeed, whilst I note that the LVIA found that the proposal would minor-to-moderate in terms of the potential effects on Rivenhall Place, the views would be entirely screened within a period of 8-10 years. Whilst users of the nearby Public Rights of Way (PROW) would have some of their views affected by the proposal, once the planting is established this effect would diminish and they would continue to be able to use, enjoy and appreciate the PROWs and the countryside location they are set in.
19. Furthermore, the solar development would be reversible and removeable from the site and this can be secured by means of a planning condition at the end of a 40 year operating period. After its removal, the land would still be Best and Most Versatile Agricultural Land (BMVAL) and could thereafter be used again for more intensive agricultural purposes (rather than sheep grazing as its use whilst solar panels are present). The hedgerows, and associated biodiversity

⁴ See pages 73 to 78 of pdf, and in particular photomontage 1, 1a, 2 and 2a.

gains and habitats that these would provide over the 40 year life of the proposal would likely continue once the permitted use has expired. Whilst I note the point made by the Council that if permission was granted here this might make the site more attractive for future allocation for renewable energy use, I consider that there is a strong likelihood that with the use of the suggested soil management plan and biodiversity improvements conditions, the land would be equally attractive for farming at the end of the solar farm use of the land.

20. As found in the submitted LVIA, the landscape and visual impacts are contained to the site and its immediate local landscape and that outside the site and its immediate environs, the scheme would be visually contained and would be barely discernible. Given the evidence before me, and visiting the site and local area, I am inclined to agree with that summary. Taken in the round, whilst I acknowledge the proposal would result in a change to the character and appearance of the appeal site, this would not equate to a negative impact on it.

Other Matters

21. Other matters have been raised by interested parties, which I now consider before coming to an overall conclusion. With regard to ecological matters I acknowledge the concerns raised in respect of the potential impact on animals such as badgers, foxes and farm birds including skylarks. However, the potential impacts on such creatures and their habitats have been considered and assessed by suitably qualified persons. Furthermore, it is reasonable to use planning conditions to ensure that the biodiversity gains and benefits of the proposal are secured.
22. I note concerns have been raised over the loss of views from nearby residential dwellings. However, it is generally acknowledged that views are not typically 'protected' in the planning system. Moreover, I have assessed the impact of the proposal on the character and appearance of the area; including on users of PROWs, and found that the proposal would not have a negative impact.
23. With regard to the use of BMVAL, this was highlighted as a concern of the Council at the Committee Report stage but not given as a putative reason for refusal. Given the proposal would be time limited to 40 years, that it would not involve a 'significant' loss of agricultural – nor indeed a loss at all as it would still be farmed with sheep grazing – that the soil has the potential to be improved at the end of the solar farm use, and lastly the removal of the solar farm can be secured by condition, I find that the proposal would not result in the loss of BMVAL nor would it result in harm to it.
24. Taken in the round, I do not find that these matters nor any others raised, whether considered individually or cumulatively, indicate the dismissal of the appeal scheme.

The Planning Balance

25. The Appellant has put forward a number of benefits which they consider weigh in favour of the proposal. These are set out in the table provided at page 15, paragraph 6.13 of the agreed Statement of Common Ground.
26. I find that the provision of renewable energy, albeit limited to 22.5MW, and the associated potential to reduce carbon emissions, should be afforded very

- substantial weight in favour of the proposal as a public benefit. This includes the benefits of addressing the negative impacts of climate change and addressing UK energy security. This is because it aligns with both local and national strategy and policies of moving Britain and the Braintree area to low carbon energy generation⁵.
27. The provision biodiversity net gains would enable invertebrates and the larger creatures that rely on them for food to flourish. Through the use of indigenous hedgerows and wildflower planting, together with sheep dung, the habitats created would be attractive to a variety of creatures. Accordingly, I attribute this public benefit very significant weight. I note the Council suggested at the Hearing this should only be attributed moderate weight as Biodiversity Net Gain is a national requirement. However, even if a national requirement it would provide a public benefit which should not be automatically discounted or lessened just because it is not optional.
 28. The economic benefits of the proposal relate to construction jobs during the erection of the solar panels and associated infrastructure such as the deer fencing and planting of hedgerows. During its operational life, it is likely to directly employ a small number of people – a shepherd for the grazing sheep and a handful of site operatives for maintenance. It would also provide in the region of £6.5 million of business rates, and support a number of indirect jobs over its lifetime. It would also create energy equivalent to 5,000+ homes, which could be used to power homes or indeed schools, hospitals, and businesses. I therefore afford this benefit moderate weight in favour of the proposal.
 29. As indicated earlier, the less than substantial harm to designated heritage assets needs to be weighed against the public benefits of the proposal under Paragraph 202 of the Framework. In this case, whilst giving considerable importance and weight to the desirability of preserving heritage assets, I find that the public benefits of the proposal in this case outweigh the less than substantial harm identified.
 30. Accordingly, I find that the proposal would accord with Policies LPP1, LPP47, LPP52, LPP57 and LPP73 of the *Braintree Local Plan 2013-2033* (Adopted February 2021)⁶ (herein LP) in respect of heritage matters, which, amongst other aims, seek to encourage renewable energy schemes where the benefit in terms of low carbon energy generating potential outweighs harm to heritage assets, including the setting of heritage assets. The proposal would also accord with the heritage related policies of the Framework.
 31. Turning to character and appearance, I have found that the proposal would not result in a negative impact on this. Accordingly, I find that the proposal would accord with Policies SP1, LPP42, LPP52, LPP67 and LPP73 of the LP, which, amongst other aims, seek that proposals for renewable energy schemes are encouraged where the benefits in terms of low carbon energy generating potential outweighs harm to or loss of landscape character, BMVAL, Public rights of way and nature conservation. The proposal would also accord with Paragraph 174 of the Framework which seeks that planning decision should recognise the intrinsic character and beauty of the countryside.

⁵ See Local Plan Policy LPP73

⁶ References to the Local Plan include that of both Section 1 and Section 2

32. Whilst noting that the proposal would result in some harm to the setting of listed buildings, I find that the public benefits would outweigh this harm. I also find that the proposal would accord with various policies of the adopted LP and the Framework.

Conditions

33. A list of suggested conditions agreed between the main parties was submitted prior to the Hearing. In considering suggested conditions I have taken into account Paragraph 56 of the Framework and guidance provided in the national *Planning Practice Guidance* and the use of planning conditions. The Appellant confirmed verbally at the Hearing (and subsequently in writing), that the use of the pre-commencement conditions suggested are accepted.
34. Conditions requiring the proposal to be carried out in accordance with the submitted plans, the submission of material samples, and commencement within three years are necessary and reasonable to provide certainty. Similarly conditions causing the permission to expire in 40 years, decommissioning activities and the submission of a soil management plan, are necessary and reasonable in order to provide certainty and for the avoidance of doubt.
35. Conditions relating to flood risk, site access, a construction management plan, hours of construction works, a noise report, and the submission of a construction environmental management plan are reasonable and precise in order to protect the amenity of local residents and of visitors to the area more generally.
36. A condition pertaining to Natural England licences, and conditions relating to a skylark mitigation strategy, the submission of a Landscape and Ecological Management Plan, landscaping details, tree protection plan and no external lighting are necessary and reasonable in order to protect the ecology of the area. Lastly, six conditions have been suggested in relation to archaeological matters. However, these could be integrated into one condition whilst retaining their content. The use of such a condition is necessary in this case to ensure that any archaeological remains on the appeal site are identified and properly recorded.

Conclusion

37. With regard to s38(6) of the *Planning and Compulsory Purchase Act 2004*, as amended, the proposed development would accord with the adopted development plan when considered as a whole. Furthermore, there are no material considerations that indicate a decision otherwise than in accordance with it.
38. Accordingly, for the reasons given above, I conclude that the appeal should be allowed.

C Parker

INSPECTOR

Appendix A – List of conditions imposed

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

Location Plan	343/PG/19	N/A
Location Plan	343/PG/2	E
Proposed Plans	PG-343-20-1	N/A
Proposed Plans	PG-343-20-2	N/A
Proposed Plans	PG-343-20-4	N/A
Proposed Plans	PG-343-20-5	N/A
Proposed Plans	PG-343-20-6	N/A
Proposed Plans	PG01	N/A
Flood Risk Assessment	343/SP08	2
Flood Risk Assessment	Addendum 25.04.2022	
Site Plan	343-PG-12	E
Other	343-PG-21	B
Arboricultural Report	UTC-0466-03-AIA	18.10.21
Other	Biodiversity Net Gain Metric	28.07.2022
Other	Biodiversity Net Gain Report	2
Management plan	343/BNG	
Other	2107-082/CTMP/01	C
	Ecological Impact Assessment	1
	343/EcIA	
Flood Risk Assessment	343/PG/24	N/A
Transport Technical Note	2107-82/TN/01A	N/A

2. The development hereby permitted shall begin not later than three years from the date of this decision.
3. The permission hereby granted shall expire 40 years from the date when electrical power is first exported ('first export date') from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the local planning authority no later than one calendar month after the event.
4. Not later than 12 months before the expiry of the permission hereby granted, a decommissioning and site restoration scheme shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented within 12 months of the expiry of the permission hereby granted.

Within 12 months of the solar farm hereby permitted ceasing to be used for the generation of electricity, it shall be permanently removed from the land and the site restored in accordance with a decommissioning and site restoration scheme which has been submitted to and approved in writing by the local planning authority.

5. Prior to commencement of development, details of colours to be used in the construction of the solar arrays, transformers, spares container store and CCTV poles hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials.
6. No development shall commence until such time as a soil management plan which provides measures to improve soil quality and ensure that there will be no loss of soil quality within the operational lifetime of the site, has been submitted to, and approved in writing by, the Local Planning Authority. The soil management plan shall be implemented as approved throughout the life of the development.
7. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment Ref: 343/SP08 (v2) dated March 2022 and Addendum to Flood Risk Assessment dated 25.04.2022.
8. No development shall commence until the site access as shown in principle on planning application drawings 2107-082 SK02 and 2107-082 SK03 has been completed. The visibility splays shall be retained free of obstruction at all times.
9. No unbound material shall be used in the surface treatment of the access within 15 metres of highway.
10. No development shall commence until the 'Construction Traffic Management Plan' is revised and submitted to and approved in writing by the Local Planning Authority and the highway works within the Construction Traffic Management Plan have been completed.

The Construction Traffic Management Plan must include the following:

- A) A package of signage and safety measures to protect the users of the PROW network within the site during the construction phase;
- B) A Temporary Traffic Regulation Order to reduce the speed limit of Church Road in the vicinity of the access for the entire duration of construction and to comply with the works required by the TRO.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

11.a) No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-

Monday to Friday 0800 hours –1800 hours

Saturday 0800 hours –1300 hours

Bank or Public Holidays & Sundays –no work

- a) A dust and mud control management scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be adhered to throughout the construction process. (Particular reference shall be made to the control of dust at the time of removal).
- b) No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.
- c) No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.

12. Prior to commencement of development, an updated noise report with confirmation of details of plant design, noise mitigation and resultant noise levels at noise sensitive premises. Noise levels (L_{aeq},15min) from the typical operation of the plant shall be at least 10 dB(A) below the background noise level (L_{A90},15min) at noise sensitive dwellings so as to not give rise to an increase in the background noise level at those locations. The noise shall have no prominent tone at 100Hz at any residential property when assessed in accordance with Annex C of BS4142:2014+A1:2019.

13. Prior to commencement of development or any site clearance, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in general accordance with the Landscape and Ecological Mitigation Plan – Rev B (Corylus Planning & Environmental Ltd, July 2022). The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (EcoW) or similarly competent person.

- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- i) Details of any lighting during construction.

Thereafter the CEMP shall be implemented as approved during the construction phase of the development.

14. No development shall commence unless the Local Planning Authority has been provided with either:

- a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or;
- b) A GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or;
- c) A statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

15. Prior to commencement of development a Skylark Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority, to compensate the loss of the evidenced Skylark territories within the site. The content of 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) A legally secure Mechanism for implementation & Monitoring of delivery.

The measures contained in the Skylark Mitigation Strategy shall be implemented in the first nesting season following commencement of the development and in accordance with the approved details, or any amendment as may be approved in writing pursuant to this condition, and all features shall be delivered for the lifetime of the Solar Farm.

16. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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.

17. No development shall commence until a detailed Landscape Scheme and Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority which provides details of the following:
- a) Demonstrates how the Landscape Scheme follows the principles contained within the Landscape and Ecological Mitigation Plan 343/PG/21
 - b) Details of soft landscaping to include the plant type, size, planting numbers and distances, and a programme detailing the timing of the landscaping works in relation to the phasing of construction together with express confirmation that any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with plants of the same size and species.
 - c) Details of a long term landscape management plan which includes details for the watering of the new hedgerow plants and trees which will be managed and maintained at a minimum height of 3m when established and confirmation of the maintenance regime to ensure that all the identified landscaping on the site is continually managed for the lifetime of the development; to the objective of ensuring that the visual impact of the development is minimised from both close range views and those available from the wider surrounding landscape. Once approved the watering and maintenance of the landscaping scheme shall be carried out in accordance with the approved details.

Development shall only commence in strict accordance with the Landscape Scheme and Landscape Management Scheme, which shall subsequently be implemented only in accordance with the approved details for the lifetime of the use hereby approved.

18. The development hereby approved shall only be carried out in accordance with the recommendations and tree protection plan contained with the Tree Survey and Arboricultural Impact Assessment UTC-0466-03-AIA dated 18/10/21. The approved means of protection shall remain in place for the duration of construction and no machinery, materials, goods or articles of any description shall be operated stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

19. There shall be no external lighting at the site for the entire operational lifespan of the Solar Farm hereby approved.

- 20.
- a) No development or preliminary groundworks shall take place until a Written Scheme of Investigation (WSI) for a programme of archaeological evaluation has been submitted to and approved in writing by the Local Planning Authority.
 - b) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation, identified in the WSI, is confirmed in writing by the Local Planning Authority.
 - c) Following the completion of the archaeological evaluation, a mitigation strategy detailing the excavation / preservation strategy shall be submitted to and approved in writing by the Local Planning Authority.
 - d) No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in part c), is confirmed in writing by the Local Planning Authority.
 - e) Within 6 months of the completion of fieldwork, the applicant shall submit a post excavation assessment to be approved in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.
 - f) All works carried out within the archaeological areas (1 to 3) identified in the approved document (TJC2022.106 -Jessop Consultancy, 2022) shall be carried out under supervision by a suitably qualified archaeologist.

***** END OF CONDITIONS *****

APPEARANCES

FOR THE APPELLANT:

Chris Cox, BSc(Hons) MA MRTPI
Frances M Horne, BA(Hons) DipLA, DipUED,
CMLI
Dan Slatcher, BA(Hons) MA FSA MCIfA

Associate Planner, Pegasus Group
Director, Pegasus Group
Heritage Consultant, The JESSOP
Consultancy (TJC Heritage Ltd)

FOR THE LOCAL PLANNING AUTHORITY:

Alison Rugg	Principal Planner
David Sorapure	Heritage Consultant, Place Services
Peter Radmall, MA BPhil CMLI	Independent Landscape Architect

INTERESTED PERSONS:

Robert Turner	Local Resident
Michael McNamara	Local Resident