



Appeal Decision

Hearing held on 16 June 2025

Site visit made on 15 June 2025

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 July 2025

Appeal Ref: APP/K2610/W/25/3359225

Land northeast of Reepham Road, Horsford, Norfolk NR10 3AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Pathfinder Clean Energy (PACE) UKDev Ltd against the decision of Broadland District Council.
 - The application Ref is 2023/2395.
 - The development proposed is for a temporary ground mounted solar photovoltaic (PV) farm along with continued agricultural use, ancillary infrastructure, security fencing, landscaping provision, ecological enhancements and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for a temporary ground mounted solar photovoltaic (PV) farm along with continued agricultural use, ancillary infrastructure, security fencing, landscaping provision, ecological enhancements and associated works at land northeast of Reepham Road, Horsford NR10 3AJ in accordance with the terms of the application, Ref 2023/2395, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. A screening opinion, undertaken by the Council in accordance with the Town and Country Planning (Environmental Impact Assessment (EIA)) Regulations 2017, concluded that the proposal was not deemed to be EIA development. I see no reason, within the evidence, to disagree with this view.
3. During the notification period for the appeal an objection letter was received from the tenant farmer Mr Waller-Bennett (senior). In response to this the appellant wrote to Mr Waller-Barret seeking clarification to some of the matters raised and this generated a further response letter providing answers to these questions. Although this correspondence took place after the final date to receive evidence, I decided to accept them as they provide useful further commentary as to the effect of the proposal upon the farm business. I have paid regard to this evidence where relevant within this decision.
4. The Reason for Refusal included reference to policy EN1 (Biodiversity and Habitats) of the Broadland Development Management DPD [2015] (DPD). The Council has agreed within the Statement of Common Ground that reference to this policy was an error, and the Council instead finds no conflict with this policy.
5. The operational life of the proposed solar photovoltaic farm is 40 years.

Main Issue

6. The main issue is the effect of the proposed solar photovoltaic farm on, and the potential loss of, best and most versatile agricultural land.

Policy Background

7. This application is not an energy development which is a nationally significant infrastructure project (NSIP) under the Planning Act 2008. Nonetheless, the Overarching National Policy Statement for energy (EN-1) may be a material consideration for applications under the Town and Country Planning Act 1990 (as amended). This sets out the national policy for energy infrastructure and establishes the Government's approach to meeting its net zero objectives. It recognises that to meet the Government's objectives and targets for net zero by 2050, significant large and small-scale energy infrastructure will be required. Furthermore, the National Policy Statement for Renewable Energy Infrastructure (EN-3) sets out national policy in respect of renewable energy and identifies '*an urgent need for new electricity generating capacity to meet our energy objectives.*'
8. Whether policies in EN-1 and EN-3 are material, and to what extent, should be judged on a case-by-case basis. In this case the proposal is for a solar farm creating up to 18 megawatts of energy. The site benefits from a connection to the grid by way of a short underground connection to an existing pylon. It therefore falls below the threshold for NSIP but due to its scale, EN-1 and EN-3 are deemed to be policy documents of substantial weight.
9. The UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050, and this is also a material consideration. Since the declaration, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change has indicated that there is a greater than 50% chance that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels. The report indicates that delay in global action to address climate change will miss a rapidly narrowing window of opportunity to secure a liveable and sustainable future for all¹.
10. The UK Energy White Paper, 'Powering our Net Zero Future' [2020], describes the costs of inaction as follows:

"We can expect to see severe impacts under 3°C of warming. Globally, the chances of there being a major heatwave in any given year would increase to about 79 per cent, compared to a five per cent chance now. Many regions of the world would see what is now considered a 1-in-100-year drought happening every two to five years".
11. The National Planning Policy Framework (the Framework) explains that the planning system should support the transition to a low carbon future in a changing climate. It states that when dealing with planning applications, planning authorities should not require a developer to demonstrate a need for low carbon or renewable energy projects and should recognise that even small-scale projects can help reduce greenhouse gas emissions. This also explains that such schemes should be approved if its impacts are, or can be made, acceptable.

¹ IPCC Sixth Assessment Report - Summary for Policymakers, paragraph D.5.3

12. DPD policy GC5, with respect to renewable energy, seeks to encourage development for renewable energy technology. In 2023, Broadland District Council declared a climate emergency that recognises the dangerous accelerating effects of climate change.
13. To achieve the Government's ambitious targets, it is clear that considerable growth in large scale solar farms will be necessary and this cannot be achieved solely by the use of brownfield land or roof top installations. The proposed development would make a valuable contribution to achieving these local and national goals. The policy context, in supporting the delivery of a substantial level of renewable energy projects, provides compelling evidence for the need for solar schemes, such as proposed, and conveys significant weight in favour of the proposal.

Reasons

14. Policy 2, of the Greater Norwich Local Plan [2024] (LP), relates to the creation of sustainable communities. Section 10 seeks to ensure a low level of energy consumption. This states that proposals for free standing decentralised, renewable and/or low carbon energy, networks will be supported subject to it causing acceptable effects on wider impacts. DPD policy GC2 requires new development to be focussed within settlement limits. The policy states that development proposed outside of these limits will be permitted where it accords with a policy of the development plan and provided it would not result in a significant adverse impact. Policy GC5 states that proposals for renewable energy will be encouraged where its impacts are, or can be made, acceptable.
15. Paragraph 187(b), of the Framework, places value on recognising the intrinsic character and beauty of the countryside including the economic benefits of best and most versatile (BMV) agricultural land. The Framework's Glossary defines BMV land as being land of Grades 1, 2 and 3a of the Agricultural Land Classification. Footnote 65 of the Framework states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
16. The appellant's Agricultural Statement² identifies that the appeal site consists of five fields currently used for arable purposes. This consists of around 80% Grade 3a (good quality) and 20% Grade 3b (moderate quality) agricultural land. As a result, 80% of the site is deemed to be BMV land. Accordingly, the site has significant arable value and if it became used as a solar farm it would no longer be capable of providing such a function. Consequently, the site would be precluded from arable farming for the duration of the proposed use. Nonetheless, due to the height of the proposed solar panels, providing reasonable clearance beneath, the land would be capable of being used for the grazing of livestock.
17. Written Ministerial Statement (WMS)[15 May 2024] is concerned with Solar and protecting our Food security and BMV land. This states that where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land to avoid using BMV land where possible. It also states that the starting position for solar developers, in taking forward Nationally Significant Infrastructure Projects, is that applicants should seek to minimise impacts on BMV land and preferably use areas of poorer quality. Clearly this is a material consideration of lesser relevance for development subject to the

² Agricultural Statement, by Tony Kernon, January 2025

1990 Town and Country Planning Act, but nonetheless demonstrates an effort to steer renewable energy projects away from higher quality farmland. This also states that the biggest threat to nature and food security and our rural communities is not solar panels but the climate crisis which threatens our best farmland, food production and the livelihoods of our farmers.

18. In terms of food security, the UK produces around 75% of what we consume, and this has been broadly stable for the past 20 years³. The Government does not seek to increase food production and the remaining 25% of food is addressed through imported foods required to meet food choices for those out of season in the UK. This has allowed Defra to conclude that the UK has a large and highly resilient food supply chain⁴. Moreover, the 2024 WMS identifies that the total area used for solar is very small and even the most ambitious scenarios would still occupy less than 1% of the UK's agricultural land. This would therefore have a minimal total affect on food security concerns.
19. The appellant's Site Justification Report⁵ identifies that the proposal would connect to the 33kV line connecting to the Horsford Primary Circuit, where the distribution network has capacity to connect additional electricity input. The appellant demonstrates that it has undertaken an extensive search for alternative sites in the area taking into account access to the grid and planning policy requirements. The Report explains that a viable grid connection requires the site to be within a reasonable distance of the substation and if this is exceeded the connection would not be viable.
20. Also, the appellant has demonstrated that a 1970's Agricultural Land Classification survey shows that the site and its surrounding area is qualified as Grade 3 land (undifferentiated between 3a and 3b). Furthermore, maps published by Natural England of the 'likelihood of BMV' maps in 2017 illustrates that the site and its surroundings fell within a 'low' category of land quality⁶ and therefore generally consist of lower quality agricultural land. Furthermore, the appellant's Agricultural Statement demonstrates an abundance of BMV land at equivalent or higher grades within the local area. This suggests to me that higher quality BMV land is not scarce within the area and the proportion of BMV land on site is not exceptional.
21. Furthermore, given the height and angle of the proposed panels I consider grass will be able to grow under the panels to a sufficient extent to allow grazing to take place. As a result, most of the land will be able to be used for some agricultural purposes and it could be returned to arable farming at the expiry of the temporary period. Also, the specific way agricultural land is used is not a matter that is subject to planning controls. As such, there would be nothing in planning terms to prevent the farmer using the fields that form the appeal site for the grazing of sheep at present or even leaving them fallow. At the hearing, the appellant stated that around 50% of solar farms included sheep grazing. Given this, the fact that the proposal would limit the ability to carry out any arable farming does not, in my opinion, mean that it would result in the total loss of agricultural land when it can still be used for other agricultural uses.

³ Appellant's Agricultural Statement, by Tony Kernon, January 2025- para 5.14

⁴ Appellant's Agricultural Statement, by Tony Kernon, January 2025- para 5.17

⁵ Site Justification Report, Third Revolution Projects, 16 January 2025

⁶ Appellant's Agricultural Statement, by Tony Kernon, January 2025- insert 4

22. As a result, the loss of arable land for the temporary duration of the use would result in a limited impact, and thus the effect on food production would be minimal. The affected land would not be lost but instead used for both the purpose of pastoral and solar farming for the duration of the life of the proposal. I do not, therefore, find that the proposal would result in the permanent loss of BMV land.
23. A solar farm requires access to a viable connection to the electricity network to function. The Assessment found that the suitable alternative sites considered were either Grade 2 agricultural land or less suitable due to planning, environmental and other technical reasons and therefore eliminated for reasonable reasons. The appellant has demonstrated that the site is well located to access the nearby Horsford Primary Circuit to the immediate southwest of the site. Access to the Circuit would be achieved via a short underground cable under Reepham Road. Although a sequential approach to the siting of a solar energy development is not required by local or national policy, the appellant has demonstrated that local alternative sites were considered, that capacity exists on this line and that a Grid Connection Offer is in place. These factors weigh in favour of the proposal.
24. The proposal would result in the temporary loss of BMV land. Although, the use of BMV agricultural land is discouraged by the Framework, the proposal is for a temporary period of forty years. In such circumstances, the agricultural land would not be permanently or irreversibly lost, particularly as pasture grazing would occur between the solar panels. This would also allow the land to recover from intensive use, and the soil condition and structure to improve. Consequently, the overall impact on the BMV land would be modest, where lower quality land has been favoured over higher quality land. Moreover, the 'loss' would not be total as agricultural use could still be undertaken, albeit to a lesser extent, and the proposed activity would be temporary in nature.
25. The proposal would not result in the permanent loss of BMV land, the temporary loss has been shown to be necessary based on the reasonable elimination of alternative sites and therefore the proposed development would have acceptable impacts and would not create any significant adverse impacts. Accordingly, the proposal would comply with LP policies 2 and 3 and DPD policies GC2 and GC5 whose objectives have been set out above.

Other Matters

The effect on the tenant farmer

26. Several judgements have been drawn to my attention that consider the effect of a proposal on the personal circumstances of an individual. In summary, these demonstrate that such circumstances can be regarded as a material consideration of such magnitude as to outweigh compliance with policy, in exceptional cases.
27. The site is currently part of a land holding farmed by a tenant, Mr Waller-Barrett, from Glebe Farm north of the A1270. Glebe Farm operates with a healthy financial position, delivering food yield, and employs 9 people, including two members of the family who operate the business. The appeal site represents around 50% of the land Mr Waller-Barrett farms. The business includes the growing, harvesting and packing of potatoes. In terms of potatoes, the farmland affected is farmed on a rotatory basis with around 8 ha used any one year to produce 500t potatoes. The packing and selling of potatoes take place from the Chipeez factory at the farm, which sells principally to commercial markets such as local restaurants. The farm

also grows a range of other crops and provides some cattle grazing. At the hearing Mr Waller-Barret explained that by operating several elements together, the hay grown on site helps to feed the cattle and its manure is used to help fertilise the crops.

28. Mr Waller-Barret has explained that it would cost the farm considerably more revenue to grow potatoes further away from the potatoes processing plant. This would result in increased travel costs, greater impact on machinery that would have to travel further, fuel costs and additional travelling time for employees causing additional wage costs. In having to travel further, and farm a wider area, the business would experience substantially greater costs and would create increased carbon emissions. Furthermore, the land affected is irrigated as set out in Mr Waller-Barrett's complementary evidence⁷. This explains that irrigation delivers a range of benefits to the soil including improved quality, crop rotation, improved yields and improved crop quality. At the hearing it was explained that irrigated farmland in the area is not common. This places a heightened importance on the existing land and would make finding alternative land more problematic. I also understand that an extraction license is required to irrigate land, and these are currently less easily obtained due to a greater demand for water supply in the area.
29. The submitted financial information demonstrates that the business would see a reduction of profit if the proposal were implemented. However, it also shows that the business would still make a substantial profit after costs⁸. Furthermore, Mr Waller-Barrett has compared the existing business to the additional costs of farming from alternative (hypothetical) fields from both a 10 and 15 mile distance from Glebe Farm. Nonetheless, these figures could be substantially less if nearer fields are found or if the growing and harvesting of potatoes were undertaken by a third party for the Chipeze business.
30. Moreover, during consideration of the application, the Council's Economic Development officer visited the farm. He assessed the farm's financial budgets, which forecast the financial impact of the scheme and the reduction in land to grow potatoes, finding a 43% reduction in crop yield. The officer identified that the cost of using alternative irrigated land would materially increase costs, but found a profitable business could still potentially operate using suitable local land. The Council has not retracted these views or provided alternative expert advice to refute these comments.
31. Based on the evidence submitted, it appears that the proposal would have an adverse impact on the operation of the farm. This would principally manifest as a financial impact both in terms of loss of annual revenue and in a potential reduction of employees. Nonetheless, I calibrate this impact as being of moderate harm only, rather than substantial as the business would remain viable, albeit with a reduced profit. Therefore, I find that the effect on Mr Waller-Barrett would not qualify as an exceptional circumstance. Accordingly, the impact of the proposal on the operational and financial matters of the business are largely issues to be considered by the tenant and landowner and fall beyond the scope of this appeal.

⁷ Letter by Arnold Keys dated 2/4/25

⁸ Cruso and Wilkin Budget and Cash Flow data for year ending March 2025

Other issues raised by interested parties

32. Thorpe Marriot (an estate of around 1,500 homes) and Broadway Enterprise Park developments include improvements to cycleways and footway either side of the appeal site. I therefore see the strategic logic of a request for these sites to be joined using land within and alongside the appeal site. However, such provision is not made by the proposal, it is not sought by any policy brought to my attention and has not been requested by the Highway Authority. Furthermore, the proposed development would not generate pedestrian or cycling demand for such a provision. Consequently, a condition requiring the provision of such a link would be unnecessary and unreasonable.
33. The proposal would result in landscape and visual effects. The appellant's Landscape and Visual Appraisal⁹ and update report¹⁰, in considering key viewpoints, found that the visual effects would largely be minor or negligible. Whilst from two viewpoints (No.s 4 and 6) the visual impact was found to be 'major adverse', these provided local views only of parts of the site, being adjacent to the boundary and having a limited visual effect on the wider area. The Appraisal also considered the visual effects from nearby residential properties including Borderlands to the south of the site, finding existing screening and proposed planting would enable only limited views of parts of the proposed development.
34. Furthermore, the Appraisal found that the proposal would not change the existing undulating topography of the site and would retain its existing field pattern, maintaining its landscape features. It would therefore have a minor effect on the area's landscape character. I concur with the findings of the Appraisal and its update, in finding the proposal would result in a limited visual effect, a conclusion shared with the Council. Furthermore, the proposal would meet the requirements of the Horsford Neighbourhood Plan (NP) where NP policy HBE3 requires development to respect the local character. NP policy ENV4 relates to creating views and vistas along streets and in open space and thus weighs neither for nor against the proposal.
35. An interested party has raised a concern that the proposal may be overplanted and would fail to make efficient use of land. However, at the hearing the appellant explained that it is common practice to overplant to address poor weather days and the gradual degradation of panel efficiency. Overplanting ensures that the site can meet its agreed output rate of 18 MW, and this would maximise the contribution the site makes to renewable energy objectives.
36. During the hearing, evidence was given with respect to compaction of soils and the reversible nature of the development. Although, it is recognised that the construction process and setting of equipment could result in some compaction, the appellant demonstrated that such compaction was unlikely to be severe and saw no reason why the site would be unable to return to its former use when the temporary use ceases. I concur with these points and find that a condition could be imposed to require the management of soil to ensure it would not degrade during the construction, operational and decommissioning phases of the development.

⁹ Landscape and Visual Appraisal, Briarwood, December 2022

¹⁰ Landscape and Visual Appraisal, additional viewpoint March 2024

37. The appellant's glint and glare assessment¹¹, upon taking into account concerns raised by Norwich Airport and the Council during the planning application process, identifies no significant impacts. This assessment included consideration of the impact on road users, aircraft and neighbouring residential occupiers. The layout of the panels has been designed with these considerations accommodated and has resulted in a Glare Management Plan. I am also cognisant that Norwich Airport raised no objection to the proposal subject to the imposition of two conditions which can be imposed with some minor adjustment. Accordingly, the proposal would not affect the safety of air traffic approaching the airport or cause inconvenience or safety impacts to local road users or residents.
38. Concerns have been raised that the proposed facility could affect the health of local residents through electro-magnetic radiation associated with the inverters. However, there is no evidence that the facility would emit anything other than minimal levels of radiation that would be unlikely to be above background levels.

Planning balance

39. I have concluded that the proposal would not result in a loss of agricultural land and its food production capability through the temporary development of Grade 3a BMV agricultural land, complying with the development plan in finding no significant adverse impacts. Also, whilst the impact on the farmer is a material consideration, the impact on that business would be moderate and therefore not sufficient to outweigh the compliance with the development plan. Therefore, the proposal is in accordance with the development plan as a whole.
40. Matters identified in opposition to the proposal raise issues that either result in no harm or raise technical matters that could be adequately addressed through the imposition of appropriate conditions to negate the harm.
41. Consequently, I have considered the personal circumstances of the farmer and find they only weigh moderately against the proposal. These effects would be insufficient to outweigh the proposal's compliance with the development plan which would also garner support through the significant renewable energy benefits of the proposal.

Conditions

42. I have considered the use of conditions in line with the guidance set out in Planning Policy Guidance. I shall take the conditions within the Council's Statement of Case into consideration and impose these with some amendments and adjustments for clarity as discussed and agreed at the hearing.
43. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty [1 and 2]. A condition is also required to limit the temporary nature of the development for a 42-year period [3]. This would cover the operational 40 years and two additional years for construction and decommissioning. This would ensure that BMV land is not lost from arable farming on a permanent basis.
44. A number of conditions are necessary that relate to the submission of details prior to the commencement of development. These seek details relating to on-site construction vehicle parking, a landscape scheme, archaeological investigation,

¹¹ Solar Photovoltaic Glint and Glare Study, Pager Power, May 2024

ecological design strategy, ecological method statement for during construction, a soil management plan, and a construction traffic management plan [conditions 4, 5, 6, 7, 8, 9 and 10]. These are required to address highway safety issues, archaeology and ecology interests and to protect the soil quality of the site. These pre-commencement conditions are so fundamental to the development that it would have been otherwise necessary to refuse permission. These details are required at a pre-commencement stage as they relate to matters that may influence the configuration of equipment on site and relate to its initial setting out.

45. It is necessary to attach conditions for the submission of a landscape and ecological management plan and a landscape management plan and to comply with the agreed ecological mitigation and management plan, to protect ecological interests on site [11, 14 and 16]. Furthermore, it is required for the site access to be installed as per agreed details and to provide and maintain the agreed visibility splays in the interests of highway safety [12 and 15]. In the interests of the character and the appearance of the area, conditions are required for the colours of equipment installed on site to be agreed and for the operator to provide details of the decommissioning of the site [13, 18 and 19].
46. Conditions are required to ensure that the installed solar panels do not cause a hazard to approaching aircraft through glint and glare and to ensure that birds are discouraged from feeding on the site to minimise the risk of bird strike in the interests of aircraft safety [17 and 5]. I have made minor adjustments to the condition suggested by the Council to ensure that the local planning authority is involved in any mitigatory works to the panels once installed.

Conclusion

47. The proposed development would accord with the development plan, and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should be allowed, and planning permission granted subject to conditions.

B Plenty

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Gill Eaton - Director, Third Revolution Projects

Ben Murphy - Senior Planner, Third Revolution Projects

Tony Kernon - Director at Kernon Countryside Consultants

Mark Kelly - Director, Pathfinder Clean Energy

Callum Wright - Planning Manager, Pathfinder Clean Energy

Luke Shackleton – Land Associate, Pathfinder Clean Energy

FOR THE LOCAL PLANNING AUTHORITY:

Chris Rickman - Principal Planning Officer, Broadland District Council

Holly Holden - Planning Officer, Broadland District Council

INTERESTED PARTIES:

Barney McCay – Council, Landmark Chambers

Nicholas Waller-Barrett – tenant farmer, Glebe Farm

Carl Waller-Barrett – tenant farmer, Glebe Farm

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the application form, plans and drawings and other documents and details received as listed below: UKZ047 01 Rev V0 CCTV, UKZ047 02 Rev V0 Storage Building, UKZ047 03 PV Rev V0 Panel Elevation (Fixed), UKZ047 04 Rev V0 Inverter Cabin, UKZ047 05 Rev V0 Double Gate, UKZ047 06 Rev V1 Deer Fence Typical Arrangement, UKZ047 07 Rev V0 Substation Elevation Drawing, UKZ047 08 Location Plan, UKZ047 09 Layout Plan, UKZ047 10 Rev V6 Mitigation and Enhancements Plan, UKZ047 11 Rev V0 Access Track Elevation, 10282I Issue 6 Solar Photovoltaic Glint and Glare Study, UKZ047 Arboricultural Desktop Study, 10584 Version V4.1 Ecological Impact Assessment, 157433 Doc No 03-01 Drainage Strategy Technical Note, UKZ047 Grid Connection Plan, C23117-ATP-DR-TP-001 Rev P01 Existing Site Access with Minor Widening, C23117-ATP-DR-TP-002 Rev P01 Existing Site Access with Minor Widening, Swept Path Analysis, and UKZ047 Visibility Splay.
- 3) The development hereby permitted is only for a temporary period of 42 years and shall cease on or before 42 years from the date of this decision. At the end of this period the development hereby permitted shall cease and all buildings, materials and equipment brought on to the land in connection with the development shall be removed. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the power is first exported to the grid.
- 4) Prior to the commencement of development, a scheme detailing provision for on-site parking for construction workers for the duration of the construction period shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 5) Prior to the commencement of development, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate: 1) the species, number, size and position of new trees and shrubs at the time of their planting; 2) all existing trees and hedgerows on the land, with details of any to be retained (which shall include details of species and canopy spread, root protection areas); 3) specification, position and colour of materials for fences, walls and hard surfaces; 4) details of any proposed alterations in existing ground levels and of the position of any proposed excavation or deposited materials including cable alignment; and 5) details of the location of all service trenches.

Landscaping proposals included within this development shall be arranged to ensure that hazardous species of birds are not attracted to the site, as this may create an unacceptable increase in the bird strike risk to aircraft. Should bird activity increase to levels that create a flight safety hazard, appropriate action shall be taken by the solar farm operator to reduce the risk.

The scheme as approved shall be carried out not later than the next available planting season following the commencement of development or such further

period as the Local Planning Authority may allow in writing. If within a period of TEN YEARS from the date of planting any tree or plant or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, [or becomes in the opinion of the Local Planning Authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 6) Prior to the commencement of development, an archaeological written scheme of investigation (WSI) shall be submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation, 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.

No demolition/development shall take place other than in accordance with the written scheme of investigation approved under this condition and any additions to that WSI covering subsequent phases of mitigation. The development shall not be occupied or put into first use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological WSI and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- 7) Prior to commencement of development an ecological design strategy (EDS) addressing mitigation/ compensation and/or enhancements outlined in the Ecological Impact Assessment shall be submitted to and approved in writing by the local planning authority. The EDS shall include the following: a. Review of site potential and constraints (informed by any additional surveys, and badger walkover, as required), b. Detailed design(s) and/or working method(s) to achieve stated objectives, c. Extent and location/area of proposed works on appropriate scale maps and plans (update to drawing UKz)47_10 Mitigation and Enhancement Plan), d. Type and source of materials to be used where appropriate (including native species, wildflower see mixes), e. Timetable for implementation, f. Persons responsible for implementing the works, g. Details of initial aftercare if not covered in the Landscape and Ecological Management Plan (LEMP) (and coppicing if not included in LEMP), h. Habitat creation and enhancement measures, i. Provision of wildlife corridors (details for installation of badger access points (not gated) to maintain connectivity across the site), j. Species rescue and/or translocation, and k. Creation of new wildlife features including log piles and breeding bird plots (management to be included in LEMP). The EDS shall be implemented in accordance with the approved details and all features will be retained in that manner thereafter.

- 8) Prior to commencement of development including site preparation (including ground investigations and site clearance), a Construction Ecology Method Statement in accordance with the reasonable avoidance methodology detailed in the Ecological Impact Assessment (10584 Version V4.1 Ecological Impact Assessment - date received 1st May 2024) shall be submitted to and approved in writing by the Local Planning Authority. This must also identify a suitably qualified Ecological Clerk of Works (ECoW) who will oversee the construction works in relation to ecology with particular emphasis on:
 - o Update of surveys as required prior to start of works, especially for badgers,
 - o Erection of the perimeter fence,
 - o Erection of buffer fence around setts and ponds to prevent access to vehicles and machinery,
 - o Location of the site compound to avoid all sensitive retained habitat areas,
 - o Removal of hedgerows where agreed,
 - o Root protection zones for trees,
 - o Protection zones around trees supporting bat roosts,
 - o Regular documented inspections of all buffer zones to check protective fencing and that these areas are kept clear of all construction vehicles, machinery and materials,
 - o Closure of badger setts where necessary,
 - o The CEMP will identify all timing constraints on works e.g. in relation to breeding birds, hedgerow removal,
 - o If construction lighting is required, a strategy must be included in the CEMP which clearly demonstrates no impacts on sensitive, retained habitat features,
 - o The CEMP will make provision for protection of all wildlife identified as present or likely to be present within a zone of influence and will implement the precautionary principle at all times,
 - o The ECoW will prepare a CEMP statement of completion and submit this to the LPA within four weeks of the completion of construction. Upon completion of the above works, a statement will be submitted to the local planning authority (LPA) by the ECoW confirming that works were undertaken in accordance with good practice upon which the planning consent was granted. The statement should also identify if protected species were encountered and what was done.
- 9) Prior to the commencement of development, a Soil Management Plan (SMP) shall be submitted to and approved in writing by the Local Planning Authority. The SMP shall include proposals to safeguard soil resources and agricultural land at the commissioning stage, together with a commitment for the preparation of reinstatement, restoration and aftercare plans for the decommissioning phase; including plans to return the land to the predevelopment land quality (ALC grade). The SMP shall reference the Defra guidance Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. The development shall proceed in accordance with the agreed details.
- 10) Prior to the commencement of development a Construction Traffic Management Plan (and Access Route) which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority (together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic). For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.

- 11) Prior to development above ground level, a landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. The LEMP shall include the following:
- Description and evaluation of features to be managed,
 - Ecological trends and constraints on site that might influence management,
 - Aims and objectives of management to maximise ecological value of habitats,
 - Appropriate management options for achieving aims and objectives,
 - Prescriptions for management actions,
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period),
 - Details of the body or organization responsible for implementation of the plan, and
 - 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 LEMP will be implemented in accordance with the approved details.

- 12) Prior to the commencement of the use hereby permitted the vehicular access indicated for improvement on Drawing No's. C23117-ATP-DR-TP-001 Rev P01 and C23117-ATP-DR-TP-002 Rev P01 shall be constructed in accordance with the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 13) Development shall not progress above ground level until details, including colours where required, of the materials used in the construction of the external surfaces of the solar development (storage, substation and cabin buildings) hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall then be constructed in accordance with the approved details.
- 14) The development shall not become operational or otherwise to a timetable agreed with the Local Planning Authority in writing, until a long-term landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the details as agreed and the management of the landscaping shall commence immediately after planting in accordance with the agreed details.
- 15) Prior to the first use of the development hereby permitted access visibility splays shall be provided in full accordance with the details indicated on the approved plan, reference UKZO47 'Visibility Splay'. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 16) Subject to any additional ecological measures being identified through further survey work upon completion of the Ecological Design Strategy, the application shall comply at all times with the provisions set out in the

Mitigation and Enhancement Plan (drawing UKZ047_10 Rev V6 Mitigation and Enhancements Plan - date received 20th June 2024) through development of the site and throughout its temporary period thereafter.

- 17) Photovoltaic solar panels shall be designed and mounted to avoid producing visible glare towards the ATC Tower and glare with a potential for temporary after-image (yellow glare) for approach paths and circuits at Norwich Airport. These criteria are in accordance with the results of the agreed glint and glare assessment (reference: 102821) for the proposed solar panel layout. If any glare is formally reported by a pilot or Air Traffic Controller that is deemed to be a flight safety hazard, the relevant glint and glare formal report sheet (ref: Glebe Solar Farm Glint and Glare Formal Report Sheet) will be completed and submitted to the local planning authority. The reflecting panels will be covered with a non-reflective material within 24 hours of the completed form being received by the operator. An investigation process will follow, whereby the reflecting panels will be uncovered if the glare is found to be in line with the criteria agreed with Norwich Airport as set out in the agreed glint and glare assessment (reference: 102821) upon the written agreement of the local planning authority. Otherwise, the reflecting panels will remain covered until a solution to mitigate the glare has been established.
- 18) Not less than 12 months prior to the expiry of the temporary (42 year) permission or within 6 months of the cessation of electricity production from the solar panels (whichever is sooner) a scheme of works for the decommissioning of the solar farm and associated equipment which shall include; a timetable for works, decommissioning traffic management plan, access, access route including provision for addressing any abnormal wear and tear to the highway, a decommissioning plan to address noise and dust and details for the retention of ecological features / habitat as established at the site upon cessation of the use, shall be submitted and agreed in writing with the local planning authority. The subsequent decommissioning of the site shall be carried out in accordance with the agreed details within 12 months of the expiry of this permission or within 12 months of the cessation of the production of electricity production (whichever is sooner).
- 19) If the development hereby permitted fails to produce electricity for supply to the grid for a continuous period of two years and there is no realistic prospect of the development becoming operational again without repairs, a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 2 year period for the remedy, repair or removal of the development. Where repairs or replacements are required, the scheme shall include a proposed programme of remedial works. Where removal of the development is required, the scheme shall include the same details required under Condition 4 of this permission, for the decommissioning of the site. The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.

End of Conditions