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## Appeal Decisions

Hearing Held on 1 April 2025

Site visit made on 31 March 2025

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

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

**Decision date: 16 April 2025**

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### **Appeal A Ref: APP/B3410/W/24/3352967**

#### **Bramble Cottage, Greensmiths Lane, Upper Leigh, Staffordshire, ST10 4NY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Lightrock Power Ltd against the decision of East Staffordshire Borough Council.
  - The application Ref P/2023/00217, dated 15 February 2023, was refused by notice dated 24 April 2024.
  - The development proposed is described as: *'Installation of a 49.9MW solar photovoltaic array/solar farm with associated infrastructure'*.
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### **Appeal B Ref: APP/B3438/W/24/3352966**

#### **Lower Tean Leys, Tean Leys, Lower Tean, Staffordshire, ST10 4NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Lightrock Power Ltd against the decision of Staffordshire Moorlands District Council.
  - The application Ref SMD/2023/0059, dated 23 January 2023, was refused by notice dated 2 April 2024.
  - The development proposed is described as: *'Installation of a 49.9MW solar photovoltaic array/solar farm with associated infrastructure'*.
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## Decisions

### *Appeal A*

1. The appeal is allowed and planning permission is granted for the installation of a solar photovoltaic array/solar farm with associated infrastructure at Bramble Cottage, Greensmiths Lane, Upper Leigh, Staffordshire, ST10 4NY in accordance with the terms of the application, Ref P/2023/00217, dated 15 February 2023, subject to the conditions set out in Appendix A.

### *Appeal B*

2. The appeal is allowed and planning permission is granted for the installation of a solar photovoltaic array/solar farm with associated infrastructure at Lower Tean Leys, Tean Leys, Lower Tean, Staffordshire, ST10 4NS in accordance with the terms of the application, Ref SMD/2023/0059, dated 23 January 2023, subject to the conditions set out in Appendix B.

## **Preliminary Matters**

3. This decision letter deals with two planning appeals that seek one scheme that crosses the administrative boundary between East Staffordshire Borough Council (ESBC) and Staffordshire Moorlands District Council (SMDC). The evidence was heard at the same Hearing, and both Councils sought to work in union to present their evidence and respective cases.
4. Appeal A relates to the appeal for the ESBC area, and Appeal B relates to the appeal for the SMDC area. The issues arising are not dissimilar and the scheme is for one site in total. I have, therefore, considered them in this single decision letter. Though, where appropriate; for example in considering suggested conditions, there may be minor differences between the final decisions.
5. During the pre-hearing stage, the Council's representative confirmed that concerns relating to highway safety (reason for refusal three for ESBC) had been adequately addressed by the Appellant. It was, therefore, was no longer a point of contention between ESBC and the Appellant. I have proceeded on this basis. Although I note the concerns raised by interested parties on this matter, which I consider under the Other Matters section of this letter.
6. To provide clarity, although the descriptions for both schemes seek to create a solar farm with generating capacity of 49.9MW, it is one single 'solar farm'. That is, the scheme will only generate up to 49.9MW of renewable energy if both appeals are implemented, and **not** 99.9MW. To provide certainty, I have excluded the reference to '49.9MW' from what the planning permissions have been granted for.
7. An agreed Statement of Common Ground (SOCG) was submitted prior to the Hearing. This was agreed on the 4 March 2025, by both Councils and the Appellant.
8. In terms of Environmental Impact Assessment; it is agreed that following a Screening by the relevant authority at the application stage, the proposal was not EIA Development requiring an Environmental Statement to be submitted. I see no reason to disagree with that evaluation.

## **Application for costs**

9. Prior to the Hearing, the Appellant made an application for partial costs against ESBC. The Council provided a rebuttal in writing prior to the Hearing opening on this application.
10. At the Hearing, a further application for costs was made by the Appellant against both ESBC and SMDC. These applications are the subject of separate Decisions.

## **Background and Main Issues**

11. It is agreed, between the main parties in the SOCG, that the matters that remain in dispute concern the first and second reasons for refusal as stated on the respective Decision Notices<sup>1</sup>.

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<sup>1</sup> See SOCG, Page 36, Paragraphs 9.1 and 9.2

12. Having considered the totality of the evidence before me, including that heard at the Hearing, I consider that the main issues are:
- i) The effect of the proposed development on the character and appearance of the area, including on the landscape, and;
  - ii) The effect of the proposal on the living conditions of nearby occupiers.

## **Reasons**

### ***The scheme and context***

13. The proposal seeks planning permission for the construction of a solar farm with an export capacity of not more than 49.9MW in total, for a period of 40 years from the date of the first exportation of electricity from the site.
14. The proposal is anticipated to generate renewable electricity which, as a comparator, would offset the annual electricity usage of more than 11,500 homes. It is anticipated that approximately 7,300 tonnes of CO<sub>2</sub> will be saved each year by generating energy this way.
15. The site is approximately 93 hectares (ha) in area, with the development area covering approximately 49.2ha of the site. The northern and western part of the site (which includes nine fields totalling around 38 hectares) is located in the SMDC area. The central and eastern part (which includes eleven fields totalling roughly 56 hectares) is located in the ESBC area. It is located in a rural area around 16km southeast of Stoke-on-Trent and 8.5km from Uttoxeter.
16. The land is gently undulating, sloping mainly to the south-west, towards the River Blithe and the railway line. There is a ridgeline to the north close to the position of the A50. The fields within the site are separated by hedgerows and trees, and are currently pasture.
17. The proposed solar panels would measure approximately 0.8m above ground level rising up to approximately up to 2.4m high at the highest point. They would be mounted on a fixed, metal frame with metal supports to be screwed or pile-driven into the ground. Between each frame there would be a distance of approximately between two and six metres to avoid inter-panel shading and provide suitable access. The panels would be tilted at typically 15 to 25 degrees from the horizontal, orientated east to west, and facing southwards.
18. There would be 19 centralised inverters installed at various points across the site close to the solar panels. The inverters convert the Direct Current (DC) electricity generated by the panels to low voltage Alternating Current (AC). Underground cables would be installed to connect the inverters to the client side switching stations (located in the substation compound) which converts the low voltage electricity to high voltage suitable for export to the grid.
19. The proposed inverters would be housed in Glass Reinforce Plastic (GRP) or container enclosure/kiosk measuring approximately 6.1m x 2.5m x 2.6m (LxWxH). The transformers would be located next to the inverters and inside the containerised solution alongside the switchgear. A 132kV transformer (typically wires and busbars up to approximately 6.8m high and other

- structures typically up to three metres high) and a 23.3m 132kV substation connection tower.
20. There would a substation compound (approximately 63.3m x 45m) located within the site to include the Distribution Network Operator (DNO) and Client switch rooms typically measuring 7.5m x 5m x 3.4m (LxWxH) and a 15m high communication tower which would be surrounded by a 2.4m high palisade security fence.
  21. It is proposed that 2.4m high post and wire deer fencing would be installed around the perimeter of the site, with a 2.35m high and 5m wide security gate to the site on Leigh Lane. In addition to fencing, it is proposed that the perimeter of the site would be protected by a system of CCTV and/or infra-red cameras, which would provide full 24-hour surveillance around the internal perimeter. Cameras would be inward facing on poles of up to approximately 4m high, spaced at regular intervals along the perimeter fence.
  22. The proposal would be accessed from Leigh Lane via the existing access junction into the Lower Tean Leys Farm, which is currently used by large agricultural vehicles. A number of proposed access tracks approximately 4m wide would be located within the site, with a connection to the public highway of Leigh Lane. The internal access tracks/roads would allow for the movement of construction and maintenance vehicles around the site.
  23. At the Hearing, the Appellant confirmed that they have an anticipated grid connection date for the proposed development of 2027; although this is dependent on planned upgrades to the local substations provided by other parties responsible for such infrastructure.
  24. At the end of the operational lifespan of the proposed development, the complete decommissioning of the development and restoration of the land would occur; which can be reasonably secured by condition. All electricity generating equipment and associated infrastructure with the proposal would be removed from the site and the land would revert back an agricultural only use. All existing and proposed planting would remain except proposed grassland which would revert back to agriculture.

### ***Planning Policy and guidance***

25. The SOCG and Decision Notices set out the policies which the Councils consider the proposal do not accord with. The Councils confirmed at the Hearing that it was these policies only which they relied upon to support their justifications for refusing planning permission.
26. The adopted development plans applicable to the appeal scheme<sup>2</sup> are:
  - *East Staffordshire Borough Council Local Plan (2015); (ESBCLP) and,*
  - *Staffordshire Moorlands District Council Local Plan (2020) (SMDCLP).*
27. My attention has been drawn to the *East Staffordshire Design Guide (June 2008)* and *East Staffordshire Climate Change and Sustainable Development SPD (August 2022)*.

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<sup>2</sup> I have used the term 'appeal scheme' in the singular rather than the term appeals scheme, as there is one site and one proposal, albeit two appeals due to the cross boundary nature of the proposal.

28. Also of relevance is the *National Planning Policy Framework* (the Framework) and the national *Planning Practice Guidance* (the Guidance) which set out national planning policy and guidance.
29. Although of specific relevance to infrastructure schemes under the Development Consent Order process, *Overarching National Policy Statement for Energy (EN-1)* (November 2023) and *National Policy Statement for Renewable Energy Infrastructure (EN-3)* (November 2023), are agreed to be material by the main parties. I see no reason to not concur with that position.
30. I have also been directed to a number of national and local strategies, legislation, or context documents. These are set out in the agreed SOCG at Page 25, Paragraph 7.24. This includes that both Councils declared a Climate Emergency in 2019 (SMDC) and 2020 (ESBC) respectively.

### ***Character and appearance, including Landscape***

31. The appeal site is not located within a nationally designated landscape (such as a National Park or National Landscape (the latter formerly Areas of Outstanding Natural Beauty)). Nor is the site located within the Green Belt. The main parties agree within the SOCG<sup>3</sup>, that the site is not within any defined settlement boundary. It is, therefore, in open countryside in planning policy terms. For similar reasons, I see no reason to dispute that agreed position.
32. Put simply, both Councils refused permission on the basis that the effects of the proposal would significantly harm the rural character of the area. This was on the basis of the scheme both individually and in combination with other nearby schemes which have either been implemented or have extant planning permission.
33. At the Hearing, the Councils reaffirmed that they considered their reason for refusal on this issue remained. In their Statement of Case, at page 36, the Councils confirmed that *'By virtue of its scale, form, materials and siting, the proposed development would result in unacceptable harm to the character and appearance of the area and the landscape, particularly when considered cumulatively with other solar farm developments in the area'*.
34. The Appellant submitted a number of documents supporting their analysis on character and appearance, including on landscape matters. There is no dispute between the main parties that the methodology used is appropriate for the purposes of assessing the scheme. No other methodology been put before me as an alternative. The Councils Landscape expert made it clear at the Hearing that they had not sought to replicate the assessments contained in the Appellant's written evidence as the methodology was agreed: it was the results of its application that were disputed. In this respect, I find that the methodology and general approach in these documents is sound for the purposes of these appeals.
35. Following discussions at the Hearing from the Landscape experts for each main party, I understood that the dispute between the parties mainly revolved around how the terminology used for the magnitude of change and the effect (at years 1 and 15) differed between the parties. This can be seen in the document *FFC Appendix 4 – Receptor schedule 1.6 annotated* of the Councils

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<sup>3</sup> See Statement of Common Ground, page 29, paragraph 8.5

- landscape witness<sup>4</sup>. Indeed, at the Hearing Mr Colella, for the Councils, directed me to his *Landscape and Visual Statement* prepared for and submitted in support of the Councils cases at the Hearing.
36. In particular, my attention was drawn to pages 5 to 9<sup>5</sup> where the Council's Landscape expert explained that this demonstrated their assessment of the Appellant's Landscape evidence. It was indicated by their expert that this needed to be read in conjunction with their Appendix 4 document, in order to understand how the Councils had exercised their professional judgement to inform their decisions that the proposal resulted in significant or unacceptable harm in landscape terms.
37. There are, however, a number of issues arising from this matter. For example, I asked the Councils Landscape expert where their VPF4 Railway was to be found in their Appendix 4 comparison table. The closest point was suggested to be *Viewpoint Number 3 River Blithe and Railway* in that table. However, it was pointed out by Mr Cook, the Appellant's Landscape expert, that Viewpoint Number 3 did not correlate with VPF4 on the drawings. Put another way, the analysis, such as it is, undertaken by the Councils and its associated commentary, were not the same as those used in the Appellant's Landscape evidence. This was a methodology and general approach the Councils endorsed and it was confirmed at the Hearing that this was still agreed.
38. In such situation, I cannot be certain that the Councils have assessed the scheme like-for-like in terms of assessing the locations of where impacts may occur on receptors (human beings). This is further compounded by the fact that the Councils have not provided any detail of why it considered that, in that example, the magnitude for route users should be 'large' rather than 'medium' and the effect should be 'moderate' rather than 'moderate and minor' as suggested by the Appellant. All there was before the Hearing is the overlaid information in Appendix 4 of the Councils Landscape expert statement.
39. The Councils approach and analysis as to why it found different outcomes to those of its original landscape expert and the Appellant's landscape expert is not explained within the evidence before the Hearing. This underlying reasoning was specifically sought by me at the Hearing. In response, the Councils Landscape expert explained that even using the same methodology two experts on landscape can come to different conclusions. That may be so, but underpinning such conclusions is, in essence, showing the 'workings out' so that a decision-maker is able to appreciate and understand why those outcomes differ.
40. In this case, there is a paucity of information provided by the Councils that offers the decision-maker any appreciable understanding of why the Appellant has erred in their landscape analysis, or which demonstrates that they have been over-generous in their approach so as to minimise the magnitude and/or effects arising from the development. I am reinforced in this view not only by the oral answers provided at the Hearing by the respective parties, but also by the fact that the Councils own independent external landscape consultant at the application stage did not object to the proposal.

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<sup>4</sup> Also referred to as the 'Red box' document owing to the Council's suggested magnitude and effects being framed in red boxes.

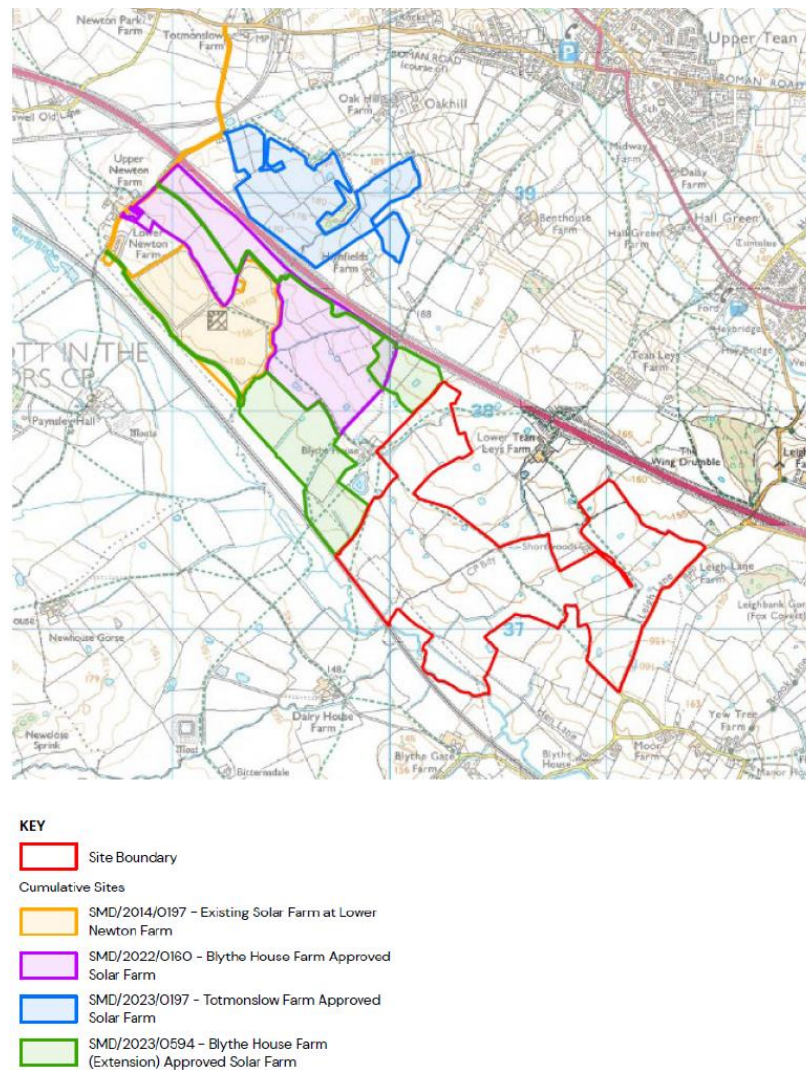
<sup>5</sup> Unhelpfully, the statement did not contain paragraph numbers, which would allow me to assist the reader more precisely.

41. Accordingly, I find that the Appellant’s Landscape evidence, which also considers character and appearance, to be more authoritative due to its use of an agreed methodology and an explanation as to why it drew the conclusions it did.

**Cumulative impacts**

42. With regard to the cumulative impacts, near to the appeal site are located four other solar schemes. These have either been built out or have extant planning permission.

43. They comprise Lower Newton Farm, Blythe House Farm, Totmonslow Farm, and Blythe House Farm (extension). As shown on the plan, Figure 1:



**Figure 1:** Extract from SOCG, Page 20, Paragraph 6.4.

Alt picture text: Map shows four nearby solar farm developments which are either built or have permission to be built, and their location in relation to the appeal site.

44. The Councils Landscape evidence suggests that *'it is only when one graphically puts all the application and appeal site together on one plan that the true extent of cumulative effects becomes apparent'* and that this equates to a total

- of 209 ha of arrays. It is indicated that this is bigger than Hyde Park of 142 ha= 12 Wembley stadiums<sup>6</sup>.
45. Whilst the two-dimensional or birds eye view of the extent of the combined sites may be of assistance to the cartographer, it does not necessarily demonstrate the cumulative effects or impacts to those who are most likely to actually see it. For example walkers, drivers, passengers, cyclists, and horse riders are likely to see and experience any cumulative impacts from ground level, and at a human scale, rather than as seen from above as a pilot of an aeroplane might.
  46. In this respect, I heard evidence from both main parties as to what cumulative impacts might occur to visitors using nearby public highways and/or Public Rights of Way (PROW) including those that traverse across or through the site. The five PROW which traverse the site include; Checkley 13 which enters the site from the northwest and connects with Leigh 77 providing a continuous route across the full length of the site from northwest to southeast. (PROW Checkley 6 and 14 cross the west and northwest corners of The Site and Leigh 78 crosses the northeast portion).
  47. I heard that the longest length of PROW that users of could be affected would be about 1.5 miles / 2.4 kms in length. I also heard from Mr Cook that this would be landscaped, for many parts, with hedges planted along its edges. He indicated that this was not at odds with the character of such lanes in the local area. From what I observed and saw at my site inspection, which included narrow lanes with hedgerows on either side, I concur that landscaping used in this way is consistent with the character of the area. Furthermore, Mr Cook pointed out that the PROWs are not long, flat, and straight paths, but rather ones which have gentle curves left or right and which rise and fall within the undulations of the landscape.
  48. Indeed, I consider that these are factors and features which cannot be readily appreciated from looking at the two-dimensional drawing at Figure 1 above, but instead require consideration of Ordnance Survey maps (showing contours of the land) and, particularly important, actually viewing the site. When considered and informed by the facts on the ground, and taking into account the use of appropriate landscaping which accords with that found locally, I do not find that the proposal would result in a 'canyoning' effect. Nor would the proposal result in users of the PROWs, who are seeking to exercise their right to traverse along the paths and appreciate the scenic beauty of the countryside on their journey, being unacceptably harmed; whether individually from the proposed development or when considered cumulatively with other nearby schemes.
  49. I am reinforced in this view by the fact that the Ramblers Association, who have a particular interest in such matters in respect of PROWs and access to the countryside, did not raise an objection to the appeal scheme on this matter. My view is further reinforced by the fact that the Councils own independent landscape expert at the application stage did not raise objections on this matter.
  50. The Council's landscape evidence on cumulative impacts essentially comes down to an assertion that when looking from a bird's eye view, the proposal

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<sup>6</sup> Councils *Statement of Landscape and Visual Matters*, Page 20

and those which are built out or have permission, would cover a large area. This appears to be an assertion that is unsupported by any objective analysis or justified by the use of any guidance or methodology. In doing so, I am inclined to favour the Appellant's evidence on this matter; which is supported by an agreed methodology and a detailed analysis of the potential cumulative impact(s), and where such impacts or adverse effects arise, how these can be mitigated or minimised.

### ***Landscape mitigation***

51. Turning to the matter of landscape mitigation suggested, that the character and appearance of the area, and by extension the landscape, would change is not disputed between the main parties. The introduction of vast arrays of solar panels over what are currently regarded as pastoral agricultural fields would result in some change the character and appearance of the area over the 40 years of the proposed development. The Councils consider that these changes and effects would amount to very substantial negative weight against the proposal<sup>7</sup>.
52. The key features of the proposed landscaping scheme are set out in the Landscape Mitigation Plan (drawing ref: LRP007-LMP-01 Rev 15) submitted. These include; the retention and protection of almost all existing trees and hedgerows; new hedgerow, tree and scrub planting to be located either on or close to existing field boundaries; native, predominantly deciduous species, planted and maintained as clipped or over-grown hedges on the application boundary, maintained at a height of 3m in order to provide screening; planting of new trees and hedgerows as appropriate within gaps in the existing field margins to strengthen screening and provide enhanced habitat links; hedgerows supplemented in places with hedge trees; areas of native woodland; and the creation of wildflower meadow areas, native species wet meadow mix, and bird cover crop adjacent to the River Blithe along with Newt Habitat Management Areas across the Proposed Development to create a variety of habitats to benefit a range of species including wintering birds, reptiles and amphibians.
53. The proposed landscaping can be reasonably secured by planning conditions. This is not an odd or unusual way in order to secure specific details at the implementation stage. Indeed, many of the points raised by the Councils regarding landscaping mitigation were focused on whether or not the landscape information submitted was detailed enough.
54. The Councils Landscape expert indicated at the Hearing that they would seek the full details of a landscaping scheme so as to be satisfied that any mitigation the proposed landscaping provides can be demonstrated. However, such a requirement would be onerous at the application stage in this instance, and such details can be reasonably secured by planning condition.
55. In any case, I find that the details before the Hearing were sufficiently detailed in order that a decision-maker could make an informed decision. These are details that demonstrate that the site could be adequately landscaped so as to provide mitigation and/or enhancements to the character, appearance and landscape of the area.

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<sup>7</sup> Councils Statement of Case, page 35.

### ***Conclusion on the character and appearance of the area***

56. In terms of the effect of the proposed development on the character and appearance of the area, including on the landscape (whether individually and/or cumulatively), I find that, at worst, the proposal would result in some limited and localised harm. However, due to the generally visual containment of the site, the topography and surrounding vegetation, the sensitive use of landscaping which can be secured by condition, and the lack of being able to appreciate the entirety of the site in combination with other permitted schemes, I find that the proposal would result in no greater than limited harm.
57. As such, I find that the proposal would broadly accord with Policies SP1, SP8, SP24 and SP30 of the ESBCLP, which, amongst other aims, seek to ensure that development decisions across the Borough will be informed by the relevant sections of the Landscape Character Assessment for Staffordshire, and that the Council will expect applicants to demonstrate that they have taken full account of the LCA and its guidelines to produce a scheme which reflects existing landscape character and where possible seeks to enhance landscape quality, and that development will not be permitted in the countryside (that is land outside settlement boundaries) unless it is infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated.
58. For similar reasons, I find that the proposal would broadly accord with Policies SD2, SS10, DC1 and DC3 of the SMDCLP which, amongst other aims, seek to consider the degree to which the scale and nature of a proposal impacts on the landscape, sustain the rural economy by supporting the diversification of existing farm enterprises and enhance and conserve the quality of the countryside by requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape, and ensuring renewable energy schemes are of an appropriate scale, type and location.
59. It would also accord with the Policies of the Framework including those in Chapter 12 and 14. For example, Paragraph 135 in that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the life of the development, and which are sympathetic to the local character and history, including the landscape setting. Paragraphs 168 of the Framework indicates that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not require applicant to demonstrate the overall need for renewable or low carbon energy.

### ***Living conditions***

60. At the determination stage, only SMDC identified a building for which the residential amenities of occupiers were considered to be harmed. This is Blythe House which is located to the northwest of the appeal site.
61. The reason for refusal given by ESBC refer to the proposal being visually intrusive to occupants of nearby residential properties. However, at that stage, no further articulation was given as to which buildings or occupiers were considered to be adversely affected by the proposal.

62. At the Hearing, the Councils Planning expert, Mr Wedderburn, directed me to their Statement of Case on Planning<sup>8</sup>, where at pages 28 to 30 and paragraphs 6.93 to 6.99, and 6.1 to 6.7 the indicate concerns relating to the properties known as Blythe House, Leigh Lane Farm, Shortwoods, and Dairy House Farm. I was also able to hear from local residents at the Hearing, who conveyed their concerns in terms of outlook, and how the proposal would change views from nearby residential buildings from currently open farmland to a solar farm.
63. I note that looking at the drawing on page 2 of the agreed SOCG, under paragraph 2.1, Blythe House and Dairy House Farm appear to lie within the SMDC area. Leigh Lane Farm and Shortwoods appear to lie within the administrative area of ESBC.
64. In response to these concerns, the Appellant submitted a *Residential Visual Amenity Assessment (RVAA)* dated September 2024, in Appendix 9 of their Landscape Proof Appendices. The Councils confirmed at the Hearing that the RVAA was 'very thorough'. I see no reason to disagree with that position; especially as that document appears to have followed a relevant methodology that is logical for assessing the potential impacts arising on this issue.
65. The Councils representatives also confirmed that they had not visited internally any of the dwellings listed to view the proposal from first floor windows or openings. Nonetheless, the Councils reaffirmed that they considered there would be unacceptable harm to the occupiers of all four dwellings.
66. I asked the Councils at the Hearing to identify which openings or windows occupiers would need to look out of in order to feel visually intruded. The Councils were only able to draw the Hearings attention to Leigh Lane Farm, where they indicated it would be windows in the northeast and southwest elevations that would be affected. In particular, although not in the reason for refusal cited by ESBC, I heard that the concerns revolved around glint and glare for occupiers of this dwelling.
67. Looking at the various photos contained in Appendix 9<sup>9</sup>, including those of the windows externally and outlook from them, it appears as though the impacts, if any, would arise to users of ground floor and first floor windows. The views from the ground floor windows would be screened; by hedges both outside of the appeal site and those on the edges of Leigh Lane. Views from the first floor rooms would be interrupted by existing landscaping such as trees and hedges – this includes those already present which would be reinforced by the landscape planting secured via condition.
68. For completeness, when looking at the RVAA for Dairy House Farm<sup>10</sup>, Blythe House<sup>11</sup> and Shortwoods<sup>12</sup>, in all cases whilst the proposal would result in a change in the outlook from various openings, these range from a distance of 380 metres to 20 metres from the edge of the appeal site. When considered in light of the topography of the area and intervening existing and proposed landscaping or planting, most occupiers would see little more than glimpses of

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<sup>8</sup> *Statement of Case* by Knights on behalf of East Staffordshire Borough Council and Staffordshire Moorlands District Council, February 2025

<sup>9</sup> Appendix 9: Residential Visual Amenity Assessment (RVAA) dated September 2024, pages 44 to 48 of 116 in pdf version.

<sup>10</sup> Ibid, pages 58 to 62 of 116 in pdf version.

<sup>11</sup> Ibid, pages 64 to 67 of 116 in pdf version.

<sup>12</sup> Ibid, pages 68 to 69 of 116 in pdf version.

the proposal when looking at the site from the upper floors bedrooms from the three dwellings that have first floor living space.

69. On the basis of the evidence submitted, the only conclusion I can draw on this matter is that the proposal – including its landscaping - would not result in overshadowing or visually overbearing effects on the living conditions of nearby occupiers. Furthermore, the concerns of the Councils appear to derive from the impact of the proposal on the outlook or view from bedroom windows, and that this would have a materially harmful impact on the living conditions of occupiers. Notwithstanding the fact that ‘views’ are not typically attributed any degree of formal ‘protection’, given the distances involved and the intervening topography and vegetation, I do not find that the proposal would have an adverse effect on the living conditions of nearby occupiers that would justify the dismissal of the appeal.
70. In such circumstances, I find that the proposal would accord with Policies SP1, SP8, SP24 and DP1 of the ESBCLP, which, amongst other aims seek to ensure that proposals are designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping.
71. In such circumstances, I find that the proposal would accord with Policies SD2 and DC1 of the SMDCLP, which, amongst other aims, seek to ensure that all development protect the amenity of the area, and The Council will strive to meet part of the District's future energy demand through renewable or low-carbon energy sources subject to considering the impact on the amenity of residents.
72. The proposal would also accord with the Policies of the Framework set out in Chapter 12, including Paragraph 135 in that planning decisions should ensure that developments are visually attractive as a result of good layout and appropriate and effective landscaping.

## Heritage

73. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended, sets out that in considering whether to grant planning permission which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting.
74. It is a matter of common ground between the main parties that the appeal scheme would result in no more than less than substantial harm to the setting of the Grade II Listed Buildings of Blythe House, Moor Farmhouse, and Moor House Farmhouse. This would be harm to these listed buildings through changes to their settings arising from the proposed development. It is also common ground between the Councils and the Appellant that there would be no alterations to the Grade II Listed Building of Hey Bridge and that the site is not in a conservation area.<sup>13</sup>
75. I heard from the Appellant's Heritage expert at the Hearing and have taken into account the written information before me on this matter including the Heritage Assessment within the Core Documents at CD6.6. There are also comments from the Councils Conservation Officers, who do not object on the grounds of heritage, that I have taken into account.

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<sup>13</sup> SOCG, page 31, paragraphs 8.20 to 8.25

76. Put simply, the significance of these listed buildings appears to derive from their intrinsic association with the rural and agricultural history of the area, and the various architectural features the buildings have. The proposed development would erode some of the rural setting of these buildings, and in doing so would fail to preserve their special interest as derived from their settings.
77. The historic heart of these listed buildings would remain unaffected and their proximity in relation to the proposed development would mean that their immediate setting would remain unaffected. As such, I concur with the agreed position between the main parties in that the proposal would result in no greater than less than substantial harm. To articulate this further, I find that the proposal would be in the low part of the less than substantial harm categorisation for the aforesaid reasons.
78. Nonetheless, less than substantial harm does not equate to less than substantial planning objection. I give great weight to the asset's conservation, as required by Paragraph 212 of the Framework. In finding less than substantial harm, I am required to weigh this against the public benefits of the proposal, as set out in Paragraph 215 of the Framework. In this respect the benefits arising, these include that the scheme here is for the generation of renewable and low carbon energy and their associated infrastructure, which Paragraph 168 of the Framework indicates should be given significant weight to the benefits of. I find that these public benefits outweigh the less than substantial harm identified in this instance.

## **Other Matters**

79. A number of concerns have been raised by interested parties; both in writing before the Hearing opened and orally at the Hearing. I have taken these all into account in considering the planning merits of the proposal. The significant concerns raised are included below together with my consideration of them.
80. With regard to the loss of agricultural fields, both Councils and the Appellant agree that the site comprises Grade 3b (moderate) and 4 (poor) agricultural land<sup>14</sup>. Accordingly, the land is not considered as Best and Most Versatile Agricultural Land (BMVAL). Indeed, it would logically fall into the category of poorer quality land, which footnote 65 of the Framework indicates should be preferred to those of a higher quality. Furthermore, the Councils and Appellant agree that the site can remain in agricultural use for grazing<sup>15</sup>.
81. Moreover, there is a realistic prospect that, at the end of the use of the land as a solar farm, it can be reverted easily and quickly back to agriculture. This can be reasonably secured by planning condition. As such, I do not find that the proposal would result in the loss of agricultural fields – albeit I acknowledge for a period of 40 years the intensity of farming taking place on the land may decrease.
82. With regard to food security, I have not been provided with any substantive evidence which indicates that the appeal site, which comprises land that is not BMVAL, would result in the loss of land specifically needed for food security purposes. Moreover, there would remain some agricultural activities on the

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<sup>14</sup> SOCG, page 35, paragraphs 8.54 and 8.55

<sup>15</sup> Ibid.

site and it would be possible to return the land to more intensive food production at the end of the developments operational life as considered above. As such I do not find that this matter justifies dismissal of the appeal scheme.

83. In terms of traffic on local roads and poor local road infrastructure, I heard the concerns of local residents both in writing and at the Hearing. A representative from Leigh Parish Council provided a number of videos which the main parties and myself were able to watch during the Hearing. These included an event where a red flat-backed lorry and blue tractor met on Leigh Lane and sought to pass each other. Another event showed where a grey-coloured lorry sought to pass cars. It was clear watching the videos, that both incidences resulted in considerable inconvenience to other highway users – including motorists and a cyclist – during these events.
84. I saw during my site visit that Leigh Lane is a narrow and winding road – with a short and steep winding climb from the A522 towards where the A50 passes overhead. Passing places, where present, tend to be informal ones on the edge of the road where it widens created by vehicles over time rather than specifically formed cut outs on the road edge. I also note that there is a narrow and low humped bridge, Hey Bridge, which is Grade II listed, along the road indicated to be used to construct the proposal.
85. In response to the reason for refusal by ESBC in its decision notice, and the concerns raised by local residents, the Appellant brought a highways expert, Mr Nock, to the Hearing. He was able to answer a number of questions on this matter at the Hearing. In addition, I have read the comments from the Local Highways Authority, Staffordshire County Council, who ultimately did not object to the proposal subject to certain planning conditions being imposed. I have also read the correspondence from ESBC where in early 2025 they instructed an independent traffic consultant, who advised that the highway safety matters could be addressed, leading to ESBC no longer contesting this reason for refusal.
86. I note the concerns raised in terms of when large vehicles meet other vehicles on Leigh Lane. Such a situation is not ideal in terms of highway safety, and results in disruption to local residents, farmers, and other users of the road when it occurs. It is highly likely that during the months of construction and decommissioning the appeal site there would be additional traffic movements on Leigh Lane which would disrupt and inconvenience local residents and other road users including pedestrians, cyclists, and/or horse riders.
87. The Appellant has sought to mitigate the impact through the assessment of traffic impacts (such as on Hey Bridge), the use of a Construction Traffic Management Plan (which could reasonably be secured by condition), and the use of suggested conditions over access and highway surveys. The main parties also agree to the imposition of a 'Grampian' style condition requiring the provision of passing bays before any construction works take place on site<sup>16</sup>.
88. When considered in combination, I consider that these measures will mitigate the impact in terms of traffic and highway safety matters arising from the proposal. Whilst there would be an increase in traffic movements for a limited

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<sup>16</sup> Ibid, page 34, paragraph 8.45

time at the start and end of the development and decommissioning phases, the effects arising would be mitigated through the measures above. Furthermore, the passing bays could be provided for continued use for all road users during the life of the proposal and this would assist in enhancing road safety for the life of the development. I do not, therefore, consider that this matter provides justification for the dismissal of the appeal scheme.

89. Concerns have been raised in terms of the potential for a battery explosion. However, a Battery Energy Storage System (BESS) element was removed from the proposed scheme at an earlier stage. As such, if permission was granted it does not include a BESS. Accordingly, there is minimal risk in terms of battery fires arising from the development.
90. In terms of Biodiversity Net Gain, this would comprise an approximate net gain of +155% for habitats and +47% for hedgerows. There is no substantive evidence before me which indicates that it would not be possible for the appeal site to secure such benefits and net gain. In the absence of evidence to the contrary, I find that this does not constitute justification for the dismissal of the appeal scheme.
91. With regard to flood risk to local roads, I heard and saw at the Hearing various photographs showing where flooding had occurred in the local area. I also heard from the Appellant, who directed me to documents such as their *Flood Risk Assessment* undertaken by Arcus, dated November 2022, which took into account factors such as drainage and flood risk. I heard that assessments were undertaken in order to assess whether the proposal would result in unacceptable impacts in relation to drainage and flooding; including arising from the concentration of water run-off (on the drip-line). This concludes that the proposal would not make flood risk and/or drainage matters any worse than they currently are. There is very little evidence that demonstrates that the existing situation regarding flooding would be worsened by the proposed development. As such, I do not find that this provides a reason for dismissing the appeal scheme.
92. With regard to the risk of crime, the site would be secure and protected by mechanisms such as CCTV. This is a typical approach used on such developments. I am reinforced in this approach given that no objections were raised by the local Police Liaison Officer<sup>17</sup>.
93. In terms of the potential reduction in local house prices of circa 10%, this is a private matter between the parties concerned. The increase or decrease in property values is not typically a matter that concerns the planning process, where the objective is to act in the wider public interest.
94. I note the concerns raised in terms of there being no direct benefit to villagers. However, there would be some benefits to the local community such as the provision of passing bays on Leigh Lane, the provision of biodiversity net gain areas which are likely to help support and increase biodiversity in the area more generally, and the creation of renewable energy which would help the wider community and the country as a whole by reducing dependency on fossil fuels and provide better energy security.

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<sup>17</sup> Ibid, Pages 28 and 29

95. I have taken into account all the comments received by interested parties. Having considered all of these, I do not find, whether individually or in combination, they provide justification for the dismissal of the appeal scheme.

### Conditions

96. Paragraph 57 of the Framework and the Guidance set out that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
97. A list of 36 suggested conditions were broadly agreed by the main parties before the Hearing opened. At the Hearing, there was a roundtable session where these suggested conditions formed the basis of discussions.
98. I have not imposed suggested conditions [8] Solar Panel Positions, [10] Boundary Treatments, [20] Construction Noise, [22] Air Quality, [24] Construction Methodology (waste and dust), [27] Grazing Management Plan, [28] Construction Environmental Plan (CEMP), and [36] Battery Energy Storage System.
99. These suggested conditions do not meet the 'test' set out in Paragraph 57 of the Framework. That is because they can either be merged into a single condition as is achieved by merging suggested conditions [20], [22], [24], and [28]. Or they are already included within another suggested condition; for example [10] which is incorporated in condition 2 Plans and drawings. Or they are a suggested condition which is not reasonable [27] as there are a number of ways in which the land could be farmed and grazed once the development becomes operational and the imposition of this condition would be onerous. As such, these suggested conditions are either not necessary or unreasonable.
100. As a result, the conditions imposed have been renumbered to reflect my reasoning below. Where the considerations apply to the conditions imposed on the Appeal A for ESBC, these are shown in brackets (). Those conditions applied to SMDC are shown in more than / less than brackets <>.
101. At the Hearing, concerns raised by the Councils over the drawing numbered: *Planning Drawing 2 – Indicative Site Layout LRP007-PL-01 Rev 14*. This was principally as the scheme is not made in outline and therefore the word 'indicative' should be removed from the description. Whilst I do not consider that there is any ambiguity as to what permission is sought for, in order to assist the Hearing, the Appellant submitted a drawing Rev 15 which omits the word 'indicative'. I see no reason to not accept this drawing, which remains the same except for the omission of the term indicative, nor do I consider any interested party would be prejudiced by this very minor alteration.
102. Conditions relating to a time limit for implementation (1)<1> and in accordance with the submitted drawings (2)<2> are necessary and reasonable to provide certainty. A time period of five years to implement permission is uncommon, but is justified in this instance as there are planned grid upgrades which may necessitate a short delay in implementation.
103. Conditions relating to time-limiting the use of the site for 40-years (3)<3>, and its decommissioning at the end of this period (4)<4>, or earlier (5)<5>, and notification of first electricity export (6)<6> are necessary and reasonable in order to provide certainty.

104. Conditions requiring details of external materials (7)<7>, scheme of landscaping (8)<8>, and approval of a Materials Management Plan (10) <10> are reasonable in order to ensure that the materials (including colour) and landscaping used are in keeping with the area, insofar as possible.
105. A condition requiring the submission and approval of a Landscape and Biodiversity Management Plan (9)<9> is reasonable in order to ensure that the biodiversity benefits cited are achieved. However, I have amended the time frame required from 30 years to 40 years as that would cover the period for which permission is sought.
106. Conditions in terms of access off Leigh Lane (11), visibility splays (12), the provision of a gate across the access (13), passing bays scheme (14), submission of a Construction Traffic Management Plan (16)<13> and construction operating times (17)<14>, are necessary and reasonable in order to minimise traffic and construction impacts on the local community and to ensure that any risks to highway safety are minimised. However, as the access to the site is located within the ESBC area, I have amended wording of conditions (11) and (12) to require SMDC to be consulted.
107. In terms of the passing bays (14) <11> condition, given that parts of Leigh Lane lie within both Councils areas, I have retained this condition on the decision for both local planning authorities.
108. Furthermore, conditions relating to a survey and protection measures to Hey Bridge (15)<12>, which is a Grade II listed building, is necessary in order to protect this heritage asset from any construction traffic vehicles, and should any inadvertent damage be caused to this heritage asset there would be a baseline state for the damage to be repaired to. As this lies within the SMDC area, the condition imposed on ESBC should not require details to be approved by them. Rather, such a condition should just require the approved details to be submitted to ESBC as it is closely associated with the construction traffic accessing the site, the route of which mainly falls within the ESBC area. For precision and clarity, I have also separated the construction and decommissioning phases in order that a survey report is carried out at both phases given changes that may occur over the intervening 40 year period.
109. A condition relating to controls over operational noise (18)<15> is necessary in order to protect the living conditions of nearby occupiers.
110. There is a railway line to the west of the appeal site. There is the potential risk to operations arising from the construction phase and/or the operational phase from construction traffic and/or glint glare or other distractions from the proposed development. In such circumstances, in order to minimise risk to the operation of the railway and in the interests of its safe operation, conditions relating to construction methodology (19)<16> and network rail safety monitoring, including dealing with complaints relating to signal sighting safety or driver distraction (20)<17> are necessary and reasonable.
111. The submission of a Soil Management Plan (21)<18> is necessary in order to ensure that soil resources and quality are maintained so that upon decommissioning the soil quality would be no worse than its current state.

112. A condition requiring a Construction Environmental Management Plan (CEMP) (22)<19> is necessary in order to control activities during the construction phase so as to minimise any effects or impacts on protected species and their habitats, including areas used for foraging, and on nearby occupiers of dwellings.
113. A condition requiring an archaeological Written Scheme of Investigation (WSI) (23)<20> is necessary to ensure that any unknown or unidentified archaeological remains on the appeal site are properly recorded.
114. A condition in terms of a scheme detailing measures to protect public footpaths (24)<21> is necessary to ensure that these remain open for public access during the construction phase as far as is possible (temporary closure is a matter which would still likely require the relevant permissions from the body responsible for the Public Rights Of Way). A condition requiring mitigation measures submitted as part of the applications in relation to flood risk to be implemented before the site is brought into operational use is necessary to ensure that the development does not result contribute to existing flooding issues (25)<22>.
115. A condition requiring the submission of a lighting scheme to be submitted and approved is necessary in order to minimise the introduction of night time lighting into the area that could be for existing residents and/or local wildlife (26)<23>. Conditions relating to the development being carried out in accordance with the Arboricultural Impact Assessment (27)<24> and measures relating to tree protection (28)<25> are necessary and reasonable in order to ensure that existing trees are retained and protected.
116. A condition relating to contaminated land and how this would be dealt with were it found on the site (29)<26> is necessary in order to minimise the risk to human health.

## **Planning Balance**

117. The proposed development would result in some harms. This includes localised and limited harm arising from the effect of the proposed development on the character and appearance of the area; including on the landscape. It also includes the less than substantial harm identified in respect of heritage assets<sup>18</sup>.
118. Set against these harms are a number of benefits. This includes: the creation of renewable energy (the general thrust of which is supported by the Climate Change Act 2008, the declaration of a 'climate emergency' by Parliament and both SMDC and ESBC, the National Policy Statements: *Overarching National Policy Statement for Energy (EN-1)* (November 2023) and *National Policy Statement for Renewable Energy Infrastructure (EN-3)* (November 2023), and national strategies such as the *Clean Growth Strategy 2017*, the *Energy White Paper: Powering our Net Zero Future 2020*, and the *Net Zero Strategy: Build Back Greener 2021*).

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<sup>18</sup> It is noted that the public benefits arising from the proposal would outweigh this identified less than substantial harm to heritage assets, as set out in the relevant section of this decision letter. For completeness, and given that many of the benefits arising in the planning balance apply to public benefits outweighing the harm to heritage assets, I have included it here. It should not be read that this harm, nor the public benefits arising from that balance, have been double-counted.

119. This benefit is the generation of renewable energy which could power the equivalent of 11,500 dwellings (or facilities such as schools, hospitals, or shops for example), and save in the region of 7,300 tonnes of CO<sub>2</sub> each year<sup>19</sup>. This is a benefit which I consider in this instance should be afforded substantial weight in its favour.
120. The benefits also include the enhancement of the biodiversity of the site; demonstrated through the biodiversity net gain calculation which confirms that the biodiversity would be improved with an approximate net gain of +155% for habitats and +47% for hedgerows which would be delivered through the implementation of the proposal. There is also an ability for soil to regenerate over the life of the development in terms of structure and resource, which can be secured by condition.
121. Benefits also include the ability to diversify farming activity on the site and also the economic benefits arising not only from this, but also jobs created during the construction, operational and decommissioning phases.
122. When considered together, I find that the benefits arising would amount to substantial benefits in favour of granting planning permission. Moreover, whilst there is some harm arising on character and appearance and on the setting of designated heritage assets (the latter to which I afford great weight to the conservation of them), I find that the benefits in this case outweigh these harms. Furthermore, the harms arising are either outweighed by the public benefits (in the case of heritage assets) or are able to be mitigated and/or ameliorated, and such outcomes can be reasonably secured through the use of planning conditions.
123. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* as amended, sets out that '*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*'
124. In this instance I have considered the scheme put forward to both Councils with regard to their respective adopted development plan. When the proposal is considered having regard to the ESBCLP and the SMDCLP, respectively, as a whole, I find that the proposed development would accord with the relevant development plan for each part of the scheme.
125. Furthermore, even if this assessment is flawed, I find that the material considerations in this case, including the policies of the Framework and others cited above, indicate a decision otherwise than in accordance with the relevant development plan for each Council. As such, the logical conclusion is that the proposed scheme should be granted planning permission.

## **Conclusion**

126. For the reasons given above, and having taken into account all the evidence before me, I conclude that Appeal A and Appeal B should both be allowed.

*C Parker*

INSPECTOR

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<sup>19</sup> SOCG, page 6, paragraph 3.5

## APPEARANCES

### FOR THE APPELLANT:

Odette Chalaby, Counsel

instructed by Nigel Cussen

### *She called:*

Nigel Cussen, BSc (Hons) DipTRP MRTPI

*Planning*

Andrew Cook, BA (Hons) MLD CMLI

Pegasus Group – Senior Director

MIEMA CEnv

*Landscape*

Michael Sutton, BSc (Hons)

Pegasus Group – Executive Director

Laura Garcia, BA (Hons) MCIfA

*Glint and Glare*

Pager Power – Operations Manager

Rob Riding, BSc (Hons) MA MRTPI

*Heritage*

Pegasus Group – Senior Director

Andrew Nock, BSc, CIHT

*Conditions*

Pegasus Group – Associate Planner

Motion - Senior Transport Planner

*Transport/Highways*

### FOR BOTH LOCAL PLANNING AUTHORITIES:

Matthew Wedderburn BSc MA MRTPI

Senior Associate at Knights

Francis Colella Dip.LA CMLI

FFC Landscape Architects

### INTERESTED PERSONS:

Toby Collins

Leigh Parish Council

Richard Groves

Local Resident

Darren Smith\*

Local Resident

Jessica Smith\*

Local Resident

Councillor Colin Whittaker

ESBC Councillor

Gerald Warburton

Local Resident

Charlotte Warburton

Local Resident

Ryszard Kwak, FRICS

Local Resident

Andrew Raby

Local Resident

Iona Raby

Local Resident

\*Representation read out by Council Officer.

It is noted that videos provided as evidence by interested parties at the Hearing, watched at different times by all parties, and taken into account in determining the appeals, have been retained and stored by the Councils in accordance with their relevant retention and/or privacy policies.

## Appendix A

### Appeal A – 3352967 – List of conditions imposed

Related reasoning provided where (number) are shown in the decision letter.

Condition																													
<b>1</b>	<p><b>Time Limit</b></p> <p>The development hereby permitted shall be begun before the expiration of five years from the date of this permission.</p>																												
<b>2</b>	<p><b>Approved Plans</b></p> <p>The development hereby approved shall be carried out in accordance with the following approved plans:</p> <table border="1"> <thead> <tr> <th>Drawing Title</th> <th>Drawing Reference</th> </tr> </thead> <tbody> <tr> <td>Planning Drawing 1 – Site Location Plan</td> <td>LRP007-SP-01 Rev 01</td> </tr> <tr> <td>Planning Drawing 2 – Site Layout</td> <td>LRP007-PL-01 Rev 15</td> </tr> <tr> <td>Planning Drawing 3 – Landscape Mitigation Plan</td> <td>LRP007-LMP-01 Rev 15</td> </tr> <tr> <td>Planning Drawing 4 – Typical PV Panel Station</td> <td>4158_DR_P_0003</td> </tr> <tr> <td>Planning Drawing 5 – Inverter / Transformer</td> <td>4158_DR_P_0004</td> </tr> <tr> <td>Planning Drawing 6 – Security Fencing and CCTV</td> <td>4158_DR_P_0005</td> </tr> <tr> <td>Planning Drawing 7 – Security Gate</td> <td>4158_DR_P_0006</td> </tr> <tr> <td>Planning Drawing 8 – Access Track Cross Section</td> <td>4158_DR_P_0007</td> </tr> <tr> <td>Planning Drawing 9 – Container Storage Units</td> <td>4158_DR_P_0008</td> </tr> <tr> <td>Planning Drawing 10 – Substation Compound</td> <td>4158_DR_P_0009</td> </tr> <tr> <td>Planning Drawing 11 – Indicative Temporary Construction Compound</td> <td>4157_DR_P_0010</td> </tr> <tr> <td>Planning Drawing 12 –Compound Component Elevations</td> <td>4158_DR_P_0011 Rev 2</td> </tr> <tr> <td>Planning Drawing 13 – Public Rights of Way Plan Sections through Field 16 and 20</td> <td>4158-REP-036 LRP007-EL-01 Rev 04</td> </tr> </tbody> </table>	Drawing Title	Drawing Reference	Planning Drawing 1 – Site Location Plan	LRP007-SP-01 Rev 01	Planning Drawing 2 – Site Layout	LRP007-PL-01 Rev 15	Planning Drawing 3 – Landscape Mitigation Plan	LRP007-LMP-01 Rev 15	Planning Drawing 4 – Typical PV Panel Station	4158_DR_P_0003	Planning Drawing 5 – Inverter / Transformer	4158_DR_P_0004	Planning Drawing 6 – Security Fencing and CCTV	4158_DR_P_0005	Planning Drawing 7 – Security Gate	4158_DR_P_0006	Planning Drawing 8 – Access Track Cross Section	4158_DR_P_0007	Planning Drawing 9 – Container Storage Units	4158_DR_P_0008	Planning Drawing 10 – Substation Compound	4158_DR_P_0009	Planning Drawing 11 – Indicative Temporary Construction Compound	4157_DR_P_0010	Planning Drawing 12 –Compound Component Elevations	4158_DR_P_0011 Rev 2	Planning Drawing 13 – Public Rights of Way Plan Sections through Field 16 and 20	4158-REP-036 LRP007-EL-01 Rev 04
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<b>3</b>	<p><b>Time limit for operation of site</b></p> <p>The planning permission hereby granted shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first commercially exported to the electricity network. At the end of this 40-year period, the development shall be removed, and the land restored to its previous agricultural use pursuant to the Decommissioning Method Statement approved under Condition 4 of this permission.</p>																												
<b>4</b>	<p><b>Decommissioning (end of lifetime)</b></p> <p>No later than 6 months prior to the expiry of the planning permission, a Decommissioning Method Statement setting out a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall be submitted to and approved in writing by the Local Planning Authority. The scheme of works shall include the following:</p> <ol style="list-style-type: none"> <li>a) A programme of works;</li> <li>b) A method statement for the decommissioning and dismantling of all equipment and surfacing of the site;</li> <li>c) Details of items to be retained on site (if any);</li> <li>d) A method statement for restoring the land to agriculture to at least its former land quality as indicated in Section 6 of the Agricultural Land Classification survey dated May 2023;</li> <li>e) Timescales for the decommissioning, removal and reinstatement of the land;</li> <li>f) Measures to address traffic management during the process;</li> </ol>																												

<b>Condition</b>	
	<p>g) Measures to protect wildlife and habitats; and h) A method statement for the disposal/recycling of redundant equipment/structures.</p> <p>The decommissioning of the site shall be undertaken in accordance with the approved Decommissioning Method Statement.</p>
<b>5</b>	<p><b>Decommissioning (early cessation)</b></p> <p>In the event that the development hereby permitted ceases to export electricity to the grid for a continuous period of 6 months at any point after the date of first export (other than for reasons outside of the operator's control) the operator shall notify the Local Planning Authority in writing within 10 working days and a scheme of early decommissioning works (the Early Decommissioning Scheme) shall be submitted no later than 3 months after the end of the 6 month non-electricity generating period to the Local Planning Authority for its approval in writing. The scheme of works shall include the following:</p> <p>a) A programme of works; b) A method statement for the decommissioning and dismantling of all equipment and surfacing of the site; c) Details of items to be retained on site (if any); d) A method statement for restoring the land to agriculture to at least its former land quality as indicated in Section 6 of the Agricultural Land Classification survey dated May 2023; e) Timescales for the decommissioning, removal and reinstatement of the land; f) Measures to address traffic management during the process; g) Measures to protect wildlife and habitats; and h) A method statement for the disposal/recycling of redundant equipment and / or structures.</p> <p>The approved early decommissioning scheme shall be implemented in full in accordance with a timetable that shall be set out in the Early Decommissioning Scheme.</p>
<b>6</b>	<p><b>Notification of First Electricity Export</b></p> <p>The operator shall notify the Local Planning Authority in writing within 10 working days of electricity generated from the development being first commercially exported to the electricity network.</p>
<b>7</b>	<p><b>External Materials</b></p> <p>Prior to the commencement of the development hereby approved full details of the materials for the solar panels (to include anti reflective coatings on the panels where necessary), frames, all ancillary buildings and equipment, and other built development including access tracks, transformers, substation compound, communication tower and CCTV to include external finish and colour shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the approved details.</p>
<b>8</b>	<p><b>Scheme of Landscaping</b></p> <p>Prior to the commencement of the development hereby approved a scheme of landscaping together with a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The landscaping scheme should take into consideration the requirements of the approved Landscape Mitigation Plan (drawing ref: LRP007-LMP-01 Rev 15), and shall include planting</p>

<b>Condition</b>	
	<p>plans, including specifications of species, sizes, planting centres, number and percentage mix and details of seeding or turfing.</p> <p>The landscaping scheme shall ensure that there is generally no planting within 3 metres of a Public Right of Way (PRoW).</p> <p>The development shall be carried out in accordance with the approved details.</p> <p>Any trees or plants which within a period of 10 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p>
<b>9</b>	<p><b>Landscape and Biodiversity Management Plan</b></p> <p>Prior to the first operation of the solar farm hereby approved a Landscape and Biodiversity Management Plan (LBMP) should be submitted for approval in writing of the Local Planning Authority. The Management Plan shall provide for 40 years of management and maintenance of habitats, for monitoring of habitats and species, and for remediation of any failures during the establishment phase and shall include the following:</p> <ol style="list-style-type: none"> <li>a. Description and evaluation of features to be managed (including the landscaping provisions approved under Condition 9 of this permission above).</li> <li>b. Ecological trends and constraints on site that might influence management.</li> <li>c. Aims and objectives of management.</li> <li>d. Appropriate management options for achieving aims and objectives.</li> <li>e. Prescriptions for management actions.</li> <li>f. Preparation of a work schedule (including an annual work plan capable of being rolled forward).</li> <li>g. Ongoing monitoring and remedial measures;</li> </ol> <p>The approved LBMP shall be implemented in accordance with the approved details and thereafter adhered to for the lifetime of the development.</p>
<b>10</b>	<p><b>Materials Management Plan (MMP)</b></p> <p>Prior to the commencement of the development hereby approved (including site stripping and clearance) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall define the excavation and bund formation processes for the transformer and substation area and any other proposed areas of bunding and provide detailed drawings of these proposed raised earthworks.</p> <p>The development shall be carried out in accordance with the approved details.</p>
<b>11</b>	<p><b>Access off Leigh Lane</b></p> <p>Prior to the commencement of development, details of the access off Leigh Lane (identified in Planning Drawing 2 Ref: LRP007-PL-01 Rev 15, Indicative Site Layout) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Staffordshire Moorlands District Council, or any replacement body). The access shall be laid out, constructed, and surfaced in a bound material in accordance with the approved details prior to any other works commencing on site. The approved access arrangements shall thereafter be maintained for the lifetime of the development.</p>
<b>12</b>	<p><b>Visibility Splays</b></p> <p>Prior to the commencement of development, details of the maximum achievable visibility splays in both directions at the site access onto Leigh Lane shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Staffordshire Moorlands District Council, or any replacement body). No other works shall take place until the approved visibility splays have been provided and thereafter retained. The visibility splays</p>

<b>Condition</b>	
	shall at all times be kept free of all obstructions to visibility over a height of 900mm above the adjacent carriageway level.
<b>13</b>	<p><b>Gate across the access</b></p> <p>Any gate to be erected to the approved vehicular access off Leigh Lane shall be a minimum distance of 10 metres back from the carriageway edge.</p>
<b>14</b>	<p><b>Passing bays (Grampian)</b></p> <p>The commencement of construction works on site shall not take place until a scheme for the provision of passing spaces on Leigh Lane and Leigh Bank has been completed under the provisions of the Highways Acts in accordance with a technical scheme first submitted to and approved in writing by the Local Planning Authority. The passing bay scheme shall be provided generally in accordance with the scheme detailed in Highways Technical Note 03 dated 29th September 2023.</p>
<b>15</b>	<p><b>Hey Bridge – Condition Survey</b></p> <p>A. Before the commencement of development, a Condition Survey Report of Grade II Listed Hey Bridge on Leigh Lane shall be submitted to the Local Planning Authority. The report should include details of any remedial works required and protection measures for the bridge during the construction phase.</p> <p>B. At least three months before the decommissioning of the development, and before any associated decommissioning works are undertaken, a Condition Survey Report of Grade II Listed Hey Bridge on Leigh Lane, shall be submitted to the Local Planning Authority. The report should include details of any remedial works required and protection measures for the bridge during the decommissioning phase.</p>
<b>16</b>	<p><b>Construction Traffic Management Plan</b></p> <p>No development shall take place, until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by the Local Planning Authority. The Plan shall provide for:</p> <ul style="list-style-type: none"> <li>a) a site compound with associated temporary buildings;</li> <li>b) the parking of vehicles of site operatives and visitors;</li> <li>c) loading and unloading of plant and materials;</li> <li>d) storage of plant and materials used in constructing the development;</li> <li>e) wheel wash facilities;</li> <li>f) mechanical road sweeper for existing carriageway;</li> <li>g) details of any temporary lighting proposed;</li> <li>h) a highway dilapidation survey to be undertaken.</li> </ul> <p>The approved CTMP shall be adhered to throughout the construction period of the development.</p>
<b>17</b>	<p><b>Construction Operating Times</b></p> <p>No construction or decommissioning works or deliveries of plant or construction materials shall take place except between the following hours: 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 Saturday. No construction or decommissioning works or deliveries of plant or construction materials shall take place at any time on Sundays or Public or Bank Holidays.</p>

<b>Condition</b>	
<b>18</b>	<p><b>Operational Noise</b></p> <p>The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5 dB(A) between the hours of 07.00-23.00 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 23.00-07.00 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.</p> <p>Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location, which shall first be agreed in writing with the Local Planning Authority, and corrected to establish the noise levels at the nearest sound-sensitive property.</p> <p>The noise sensitive properties subject of this condition are those listed in Table 6 of the Noise Impact Assessment dated 2023.</p>
<b>19</b>	<p><b>Construction methodology (in relation to Local Railway network)</b></p> <p>Prior to the commencement of the development hereby approved a construction methodology in relation to the impact of the scheme on the railway network shall be submitted to and approved in writing by the Local Planning Authority. The construction methodology shall demonstrate that the operator has consulted with the Asset Protection Project Manager at Network Rail (or any subsequent replacement body / person). The development shall thereafter be carried out in accordance with the approved construction methodology.</p>
<b>20</b>	<p><b>Network Rail Safety Monitoring</b></p> <p>In the event of any complaint to the Local Planning Authority from: Network Rail, and / or train operators using the nearby railway network, in relation to the development permitted within 24 months of the first commercial export of electricity to the electricity network relating to signal sighting safety or driver distraction, the operator shall, within three calendar months of receipt of full details of the incident leading to the complaint, submit for approval to the Local Planning Authority details of a scheme of remedial measures, where necessary, to address the concerns raised including a timescale for the implementation of the works. The works shall be carried out in accordance with the approved details and retained thereafter.</p>
<b>21</b>	<p><b>Soil Management Plan</b></p> <p>Prior to the commencement of each phase of development (construction, operation and decommissioning), a Soil Management Plan (SMP) shall be submitted to and approved in writing by the Local Planning Authority. The SMP shall include the methodology for soil stripping, including how and where soils are to be stored, consideration of the appropriate time of year for soil handling, planting beneath the panels, and return to at least the former land quality as indicated in Section 6 of the Agricultural Land Classification survey dated May 2023. The development shall be carried out in accordance with the approved SMP.</p>
<b>22</b>	<p><b>Construction Environmental Management Plan (CEMP)</b></p> <p>No development shall take place (including vegetation clearance or any ground works) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:</p> <ol style="list-style-type: none"> <li>a) Risk assessment of potentially damaging construction activities;</li> <li>b) Identification of relevant biodiversity protection zones;</li> <li>c) Practical measures to avoid, reduce or mitigate the impacts to identified protected species and/or habitats during construction (which may be provided as a set of method statements);</li> <li>d) The location and timing of sensitive works to avoid harm to biodiversity features;</li> </ol>

<b>Condition</b>	
	<p>e) The times during construction when specialist ecologists need to be present on site to oversee works and that access will be afforded to the Local Planning Authority's appointed ecologist at all times with five days written notice;</p> <p>f) Responsible persons and lines of communication;</p> <p>g) Use of protective fences, exclusion barriers and warning signs;</p> <p>h) Protected species licencing requirements (if any);</p> <p>i) Details of any lighting to be used during the construction phase, including its control and management;</p> <p>j) Details for the control and management of noise and dust during the construction phase; and,</p> <p>k) Shall have due consideration of noise guidance contained within BS 5228:2009+A1:2014 (or any subsequent replacement or equivalent standard).</p> <p>The development shall be carried out in accordance with the approved CEMP throughout the construction of the development.</p>
<b>23</b>	<p><b>Archaeology</b></p> <p>Prior to the commencement of the development, a Written Scheme of Investigation (WSI) shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication, and also the date when archaeological works are to start on the site.</p> <p>The archaeological site work shall thereafter be implemented in full in accordance with the approved WSI. Access shall be afforded to the Local Planning Authority's appointed Archaeologist to view any archaeological site work.</p> <p>The development shall not be brought into operation until the site investigation and post-excavation assessment has been completed in accordance with the approved WSI and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.</p>
<b>24</b>	<p><b>Footpaths</b></p> <p>No development shall take place (including ground works and vegetation clearance) until a scheme detailing measures to protect the public footpaths which cross the site during construction has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the approved details.</p>
<b>25</b>	<p><b>Flood Risk Assessment</b></p> <p>The development hereby permitted shall not be brought into use until the mitigation measures set out in the Flood Risk Assessment (dated (November 2022) have been implemented, including the installation of PV arrays located within 1:100 year pluvial flood depths being raised 0.8m above ground level and therefore above the maximum flood depths (0.3m).</p>
<b>26</b>	<p><b>Lighting</b></p> <p>No lighting shall be erected and / or installed at the site to serve the development hereby permitted unless a Lighting scheme - including details of the types of lights to be installed, their proposed locations and operating parameters - has first been submitted to and approved in writing by the Local Planning Authority. Any lighting scheme shall be designed in accordance with Paragraph 5.4.2.3 of the Ecological Impact Assessment dated November 2022, and shall include a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as hedges, ponds and created habitats.</p> <p>The development shall only be implemented in accordance with any approved lighting scheme and no other lighting shall be installed at the site.</p>

<b>Condition</b>	
<b>27</b>	<p><b>Arboricultural Impact Assessment</b></p> <p>The development permitted shall only be carried out in accordance with BS.3873.2012 (tree work) (or any subsequent replacement or equivalent standard) and the Tree Protection Plan and Outline Arboricultural Method Statement by Arcus Consultancy Services (dated as received on 22nd February 2023).</p>
<b>28</b>	<p><b>Tree protection</b></p> <p>Prior to the commencement of any works on the site in relation to the development hereby approved the tree protection scheme shall be implemented as detailed in the Tree Protection Plan and Outline Arboricultural Method Statement by Arcus Consultancy Services (dated as received on 22nd February 2023). The approved tree protection scheme shall be retained in situ throughout the construction phase.</p>
<b>29</b>	<p><b>Contaminated Land</b></p> <p>In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not continue until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site.</p> <p>If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not continue until a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing and/or preventing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and approved in writing by the Local Planning Authority. Thereafter, the detailed remediation scheme shall be implemented as approved.</p>

**\*\*\* END OF CONDITIONS IMPOSED ON 3352967 \*\*\***

**Appendix B****Appeal B – 3352966 – List of conditions imposed**

Related reasoning provided where <number> are shown in the decision letter.

<b>Condition</b>																															
<b>1</b>	<p><b>Time Limit</b></p> <p>The development hereby permitted shall be begun before the expiration of five years from the date of this permission.</p>																														
<b>2</b>	<p><b>Approved Plans</b></p> <p>The development hereby approved shall be carried out in accordance with the following approved plans:</p> <table border="1"> <thead> <tr> <th><b>Drawing Title</b></th> <th><b>Drawing Reference</b></th> </tr> </thead> <tbody> <tr> <td>Planning Drawing 1 – Site Location Plan</td> <td>LRP007-SP-01 Rev 01</td> </tr> <tr> <td>Planning Drawing 2 – Site Layout</td> <td>LRP007-PL-01 Rev 15</td> </tr> <tr> <td>Planning Drawing 3 – Landscape Mitigation Plan</td> <td>LRP007-LMP-01 Rev 15</td> </tr> <tr> <td>Planning Drawing 4 – Typical PV Panel Station</td> <td>4158_DR_P_0003</td> </tr> <tr> <td>Planning Drawing 5 – Inverter / Transformer</td> <td>4158_DR_P_0004</td> </tr> <tr> <td>Planning Drawing 6 – Security Fencing and CCTV</td> <td>4158_DR_P_0005</td> </tr> <tr> <td>Planning Drawing 7 – Security Gate</td> <td>4158_DR_P_0006</td> </tr> <tr> <td>Planning Drawing 8 – Access Track Cross Section</td> <td>4158_DR_P_0007</td> </tr> <tr> <td>Planning Drawing 9 – Container Storage Units</td> <td>4158_DR_P_0008</td> </tr> <tr> <td>Planning Drawing 10 – Substation Compound</td> <td>4158_DR_P_0009</td> </tr> <tr> <td>Planning Drawing 11 – Indicative Temporary Construction Compound</td> <td>4157_DR_P_0010</td> </tr> <tr> <td>Planning Drawing 12 –Compound Component Elevations</td> <td>4158_DR_P_0011 Rev 2</td> </tr> <tr> <td>Planning Drawing 13 – Public Rights of Way Plan</td> <td>4158-REP-036</td> </tr> <tr> <td>Sections through Field 16 and 20</td> <td>LRP007-EL-01 Rev 04</td> </tr> </tbody> </table>	<b>Drawing Title</b>	<b>Drawing Reference</b>	Planning Drawing 1 – Site Location Plan	LRP007-SP-01 Rev 01	Planning Drawing 2 – Site Layout	LRP007-PL-01 Rev 15	Planning Drawing 3 – Landscape Mitigation Plan	LRP007-LMP-01 Rev 15	Planning Drawing 4 – Typical PV Panel Station	4158_DR_P_0003	Planning Drawing 5 – Inverter / Transformer	4158_DR_P_0004	Planning Drawing 6 – Security Fencing and CCTV	4158_DR_P_0005	Planning Drawing 7 – Security Gate	4158_DR_P_0006	Planning Drawing 8 – Access Track Cross Section	4158_DR_P_0007	Planning Drawing 9 – Container Storage Units	4158_DR_P_0008	Planning Drawing 10 – Substation Compound	4158_DR_P_0009	Planning Drawing 11 – Indicative Temporary Construction Compound	4157_DR_P_0010	Planning Drawing 12 –Compound Component Elevations	4158_DR_P_0011 Rev 2	Planning Drawing 13 – Public Rights of Way Plan	4158-REP-036	Sections through Field 16 and 20	LRP007-EL-01 Rev 04
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<b>3</b>	<p><b>Time limit for operation of site</b></p> <p>The planning permission hereby granted shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first commercially exported to the electricity network. At the end of this 40-year period, the development shall be removed, and the land restored to its previous agricultural use pursuant to the Decommissioning Method Statement approved under Condition 4 of this permission.</p>																														
<b>4</b>	<p><b>Decommissioning (end of lifetime)</b></p> <p>No later than 6 months prior to the expiry of the planning permission, a Decommissioning Method Statement setting out a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall be submitted to and approved in writing by the Local Planning Authority. The scheme of works shall include the following:</p> <ul style="list-style-type: none"> <li>i) A programme of works;</li> <li>j) A method statement for the decommissioning and dismantling of all equipment and surfacing of the site;</li> <li>k) Details of items to be retained on site (if any);</li> <li>l) A method statement for restoring the land to agriculture to at least its former land quality as indicated in Section 6 of the Agricultural Land Classification survey dated May 2023;</li> <li>m) Timescales for the decommissioning, removal and reinstatement of the land;</li> <li>n) Measures to address traffic management during the process;</li> </ul>																														

<b>Condition</b>	
	<ul style="list-style-type: none"> <li>o) Measures to protect wildlife and habitats; and</li> <li>p) A method statement for the disposal/recycling of redundant equipment/structures.</li> </ul> <p>The decommissioning of the site shall be undertaken in accordance with the approved Decommissioning Method Statement.</p>
<b>5</b>	<p><b>Decommissioning (early cessation)</b></p> <p>In the event that the development hereby permitted ceases to export electricity to the grid for a continuous period of 6 months at any point after the date of first export (other than for reasons outside of the operator's control) the operator shall notify the Local Planning Authority in writing within 10 working days and a scheme of early decommissioning works (the Early Decommissioning Scheme) shall be submitted no later than 3 months after the end of the 6 month non-electricity generating period to the Local Planning Authority for its approval in writing. The scheme of works shall include the following:</p> <ul style="list-style-type: none"> <li>i) A programme of works;</li> <li>j) A method statement for the decommissioning and dismantling of all equipment and surfacing of the site;</li> <li>k) Details of items to be retained on site (if any);</li> <li>l) A method statement for restoring the land to agriculture to at least its former land quality as indicated in Section 6 of the Agricultural Land Classification survey dated May 2023;</li> <li>m) Timescales for the decommissioning, removal and reinstatement of the land;</li> <li>n) Measures to address traffic management during the process;</li> <li>o) Measures to protect wildlife and habitats; and</li> <li>p) A method statement for the disposal/recycling of redundant equipment/structures.</li> </ul> <p>The approved early decommissioning scheme shall be implemented in full in accordance with a timetable that shall be set out in the approved Early Decommissioning Scheme.</p>
<b>6</b>	<p><b>Notification of First Electricity Export</b></p> <p>The operator shall notify the Local Planning Authority in writing within 10 working days of electricity generated from the development being first commercially exported to the electricity network.</p>
<b>7</b>	<p><b>External Materials</b></p> <p>Prior to the commencement of the development hereby approved full details of the materials for the solar panels (to include anti reflective coatings on the panels where necessary), frames, all ancillary buildings and equipment, and other built development including access tracks, transformers, substation compound, communication tower and CCTV to include external finish and colour shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the approved details.</p>
<b>8</b>	<p><b>Scheme of Landscaping</b></p> <p>Prior to the commencement of the development hereby approved a scheme of landscaping together with a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The landscaping scheme should take into consideration the requirements of the approved Landscape Mitigation Plan (drawing ref: LRP007-LMP-01 Rev 15), and shall include planting plans, including specifications of species, sizes, planting centres, number and percentage mix and details of seeding or turfing.</p>

<b>Condition</b>	
	<p>The landscaping scheme shall ensure that there is generally no planting within 3 metres of a Public Right of Way (PRoW).</p> <p>The development shall be carried out in accordance with the approved details.</p> <p>Any trees or plants which within a period of 10 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.</p>
<b>9</b>	<p><b>Landscape and Biodiversity Management Plan</b></p> <p>Prior to the first operation of the solar farm hereby approved a Landscape and Biodiversity Management Plan (LBMP) should be submitted for approval in writing of the Local Planning Authority. The Management Plan shall provide for 40 years of management and maintenance of habitats, for monitoring of habitats and species, and for remediation of any failures during the establishment phase and shall include the following:</p> <ul style="list-style-type: none"> <li>h. Description and evaluation of features to be managed (including the landscaping provisions approved under Condition 9 of this permission above).</li> <li>i. Ecological trends and constraints on site that might influence management.</li> <li>j. Aims and objectives of management.</li> <li>k. Appropriate management options for achieving aims and objectives.</li> <li>l. Prescriptions for management actions.</li> <li>m. Preparation of a work schedule (including an annual work plan capable of being rolled forward).</li> <li>n. Ongoing monitoring and remedial measures;</li> </ul> <p>The approved LBMP shall be implemented in accordance with the approved details and thereafter adhered to for the lifetime of the development.</p>
<b>10</b>	<p><b>Materials Management Plan (MMP)</b></p> <p>Prior to the commencement of the development hereby approved (including site stripping and clearance) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall define the excavation and bund formation processes for the transformer and substation area and any other proposed areas of bunding and provide detailed drawings of these proposed raised earthworks.</p> <p>The development shall be carried out in accordance with the approved details.</p>
<b>11</b>	<p><b>Passing bays (Grampian)</b></p> <p>The commencement of construction works on site shall not take place until a scheme for the provision of passing spaces on Leigh Lane and Leigh Bank has been completed under the provisions of the Highways Acts in accordance with a technical scheme first submitted to and approved in writing by the Local Planning Authority. The passing bay scheme shall be provided generally in accordance with the scheme detailed in Highways Technical Note 03 dated 29th September 2023.</p>
<b>12</b>	<p><b>Hey Bridge – Condition Survey</b></p> <p>A. Before the commencement of development, a Condition Survey Report of Grade II Listed Hey Bridge on Leigh Lane shall be submitted to and approved in writing by the Local Planning Authority. The report should include details of any remedial works required and protection measures for the bridge during the construction phase. Any works and measures in the approved report shall be undertaken throughout the construction phase of the development.</p>

<b>Condition</b>	
	<p>B. At least three months before the decommissioning of the development, and before any associated decommissioning works are undertaken, a Condition Survey Report of Grade II listed Hey Bridge on Leigh Lane, shall be submitted to and approved in writing by the Local Planning Authority. The report should include details of any remedial works required and protection measures for the bridge during the decommissioning phase. Any works and measures in the approved report shall be undertaken throughout the decommissioning phase of the development.</p>
<b>13</b>	<p><b>Construction Traffic Management Plan</b></p> <p>No development shall take place, until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by the Local Planning Authority. The Plan shall provide for:</p> <ul style="list-style-type: none"> <li>i) a site compound with associated temporary buildings;</li> <li>j) the parking of vehicles of site operatives and visitors;</li> <li>k) loading and unloading of plant and materials;</li> <li>l) storage of plant and materials used in constructing the development;</li> <li>m) wheel wash facilities;</li> <li>n) mechanical road sweeper for existing carriageway;</li> <li>o) details of any temporary lighting proposed;</li> <li>p) a highway dilapidation survey to be undertaken.</li> </ul> <p>The approved CTMP shall be adhered to throughout the construction period of the development.</p>
<b>14</b>	<p><b>Construction Operating Times</b></p> <p>No construction or decommissioning works or deliveries of plant or construction materials shall take place except between the following hours: 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 Saturday. No construction or decommissioning works or deliveries of plant or construction materials shall take place at any time on Sundays or Public or Bank Holidays.</p>
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<b>16</b>	<p><b>Construction methodology (in relation to Local Railway network)</b></p> <p>Prior to the commencement of the development hereby approved a construction methodology in relation to the impact of the scheme on the railway network shall be submitted to and approved in writing by the Local Planning Authority. The construction methodology shall demonstrate that the operator has consulted with the Asset Protection Project Manager at</p>

<b>Condition</b>	
	Network Rail (or any subsequent replacement body / persons). The development shall thereafter be carried out in accordance with the approved construction methodology.
<b>17</b>	<p><b>Network Rail Safety Monitoring</b></p> <p>In the event of any complaint to the Local Planning Authority from; Network Rail, and/or train operators using the nearby railway network, in relation to the development permitted within 24 months of the first commercial export of electricity to the electricity network relating to signal sighting safety or driver distraction, the operator shall, within three calendar months of receipt of full details of the incident leading to the complaint, submit for approval to the Local Planning Authority details of a scheme of remedial measures, where necessary, to address the concerns raised including a timescale for the implementation of the works. The works shall be carried out in accordance with the approved details and retained thereafter.</p>
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<b>Condition</b>	
	<p>The archaeological site work shall thereafter be implemented in full in accordance with the approved WSI. Access shall be afforded to the Local Planning Authority's appointed Archaeologist to view any archaeological site work.</p> <p>The development shall not be brought into operation until the site investigation and post-excavation assessment has been completed in accordance with the approved WSI and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.</p>
<b>21</b>	<p><b>Footpaths</b></p> <p>No development shall take place (including ground works and vegetation clearance) until a scheme detailing measures to protect the public footpaths which cross the site during construction has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the approved details.</p>
<b>22</b>	<p><b>Flood Risk Assessment</b></p> <p>The development hereby permitted shall not be brought into use until the mitigation measures set out in the Flood Risk Assessment (dated (November 2022) have been implemented, including the installation of PV arrays located within 1:100 year pluvial flood depths being raised 0.8m above ground level and therefore above the maximum flood depths (0.3m).</p>
<b>23</b>	<p><b>Lighting</b></p> <p>No lighting shall be erected/installed at the site to serve the development hereby permitted unless a Lighting scheme - including details of the types of lights to be installed, their proposed locations and operating parameters - has first been submitted to and approved in writing by the Local Planning Authority. Any lighting scheme shall be designed in accordance with Paragraph 5.4.2.3 of the Ecological Impact Assessment dated November 2022, and shall include a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as hedges, ponds and created habitats.</p> <p>The development shall only be implemented in accordance with any approved lighting scheme and no other lighting shall be installed at the site.</p>
<b>24</b>	<p><b>Arboricultural Impact Assessment</b></p> <p>The development permitted by this planning permission shall only be carried out in accordance with BS.3873.2012 (tree work) (or any subsequent replacement or equivalent standard) and the Tree Protection Plan and Outline Arboricultural Method Statement by Arcus Consultancy Services (dated as received on 22nd February 2023).</p>
<b>25</b>	<p><b>Tree protection</b></p> <p>Prior to the commencement of any works on the site in relation to the development hereby approved the tree protection scheme shall be implemented as detailed in the Tree Protection Plan and Outline Arboricultural Method Statement by Arcus Consultancy Services (dated as received on 22nd February 2023). The approved tree protection scheme shall be retained in situ throughout the construction phase.</p>
<b>26</b>	<p><b>Contaminated Land</b></p> <p>In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not continue until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site.</p>

<b>Condition</b>	
	<p>If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not continue until a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing and/or preventing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and approved in writing by the Local Planning Authority. Thereafter, the detailed remediation scheme shall be implemented as approved.</p>

**\*\*\* END OF CONDITIONS IMPOSED ON 3352966 \*\*\***