



Appeal Decision

Site visit made on 17 June 2025

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2025

Appeal Ref: APP/F1040/W/25/3362049

Land South of Walton Road, Drakelow DE15 9UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Harmony DL Limited against the decision of South Derbyshire District Council.
 - The application Ref is DMPA/2023/1665.
 - The development proposed is Battery Energy Storage System with associated access, landscaping and ancillary works.
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Decision

1. The appeal is allowed, and planning permission is granted for Battery Energy Storage System with associated access, landscaping and ancillary works at land south of Walton Road, Drakelow DE15 9UA in accordance with the terms of the application DMPA/2023/1665, subject to the conditions set out in the schedule to this decision notice.

Applications for costs

2. An application for costs was made by Richard Roberts Ltd against South Derbyshire District Council. This application is the subject of a separate Decision

Preliminary Matters

3. Although not a reason for refusal the Council raises the issue of the effect of the proposal on the character and appearance of the area in its statement of case. The appellant has had opportunity to comment on this and therefore is not prejudiced due to my consideration of the issue in this decision.
4. The appellant submitted two CGI images of the proposal as part of the appeal. I have only considered image aerial7_1302 which, according to the Council, was the only one before it in its determination of the planning application.

Main Issues

5. The main issues are:
 - The effect of the proposal on Best and Most Versatile Agricultural Land; and
 - The effect of the proposal on the character and appearance of the area

Reasons

Best and Most Versatile Agricultural Land (BMVAL)

6. Policy BNE5 of the LPP 2 states that outside of settlement boundaries planning permission will be granted where development would not unduly impact on, amongst other things, landscape character and BMVAL.
7. The appeal site comprises 11.8 hectares of land which the appellant's Agricultural Land Classification Soil Resource Assessment rates as Grade 3a soil. The National Planning Policy Framework (the Framework) defines BMVAL as land in grades 1,2 and 3a of the Agricultural Land Classification. There is no dispute therefore that the land is BMVAL. I have also been provided with evidence which provides further detail of the quality of the soil, which is well drained and Potato Cyst Nematode free, as well as receiving heavy applications of cattle manure making it particularly fertile, and this has not been disputed by the appellant.
8. The Council suggest that this is a significant loss with reference to an appeal decision¹. However the Inspector in that case was dealing with a solar farm covering 35.67 ha of which 76% was BMVAL. Similarly the Inspector in another appeal² brought to my attention was dealing with a loss of 34Ha of BMVAL. Both would therefore involve losses of a much higher order than the scheme before me and therefore are not comparable.
9. The land is in active production as I witnessed at my site visit. It is apparent from the evidence that the land is used to grow feed for cattle used for human consumption. It is therefore actively associated with food production. Nevertheless, the extent of the land amounts to just 0.08% of the available agricultural land in the wider South Derbyshire region. I note that the CPRE find that the East Midlands is one of the regions to have experienced the highest loss of BMVAL from development between 2010-2022. I am also mindful that although this proposal represents a very small percentage of total BMVAL, cumulatively the situation in the district may mean that there is a gradual erosion of BMVAL at a larger scale.
10. In that respect, at my request, the Council submitted a plan showing other schemes in the area some of which have received planning permission, some have been refused and some await determination. Those with planning permission include Drakelow South (1.49 Ha) and Royle Farm Business Park. Furthermore, a Nationally Significant Project at Oaklands Farm for a Solar Park and associated Battery Energy Storage System (BESS), also connecting to the Drakelow substation, received a consent order earlier this year, a large proportion of which is on BMVAL.
11. I have also been provided with figures which show that the most advanced planning applications, together with BESS facilities under construction and already granted consent amount to 50.3GW nationally which would meet the UK battery storage requirement to 2050³.

¹ APP/K2610/W/21/3278065

² APP/F1040/W/22/3313316

³ Renewable UK

12. Nevertheless, just because something has planning permission, or a consent order does not mean to say that it will be built out or be able to connect to the grid. Consequently, caution needs to be applied in the consideration of other schemes and the perceived total loss of agricultural land.
13. The Written Ministerial Statement 2024⁴ states that the total area of agricultural land used for solar is very small, and even in the most ambitious scenario would still occupy less than 1% of the UK's agricultural land. However, clustering of solar developments is happening in certain parts of the country. While I am aware that this is not a solar development, it is linked to energy generation and the local area is experiencing a potential cluster of development due to the proximity of the substation. Cumulative impacts are therefore important. Furthermore, the Framework requires that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality.
14. Although they do not need to, the appellant has carried out an Alternative Site Assessment within which they assess several sites within a viable distance from the point of connection to the grid concluding with good reason that there are no preferred locations either brown or greenfield which are available. There is no substantive challenge to the report. The clustering in the area is due to the proximity to the Drakelow transmission substation. Indeed, Policy BNE12 of the LPP2 allocates land for energy purposes at the former Drakelow Power Station. Furthermore, in its allocation Drakelow BNE12 in the emerging Local Plan (eLP) it is the principal location for energy related development in the District with an allocation of some 68 Ha. However, the eLP is at an early stage and therefore attracts limited weight in this appeal. Moreover, the land currently allocated in the LPP2 is not in the ownership of the appellant and they advise that the owner is pursuing a scheme of their own and therefore it is not available.
15. Even if I were to consider this a significant amount of agricultural land, I am satisfied that the appellant has demonstrated that there are no viable and available areas of lower quality land that could be used. Cumulatively, on the evidence before me only three sites have planning permission or a consent order. Together the total amount of land would still be just a very small percentage of local, regional and national BMVAL.
16. Consequently, for the reasons above I conclude that the proposal would not, either individually or cumulatively, unduly impact on BMVL and therefore there would be no conflict with Policy BNE5 of the Local Plan part 2 or the requirements of the Framework.

Character and appearance

17. The appeal site is within the National Character Area 72: Mease/Sence lowlands and Derbyshire County Council Local Character Area 10 Mease/Sence Lowlands. NCA72 is described as 'a gently rolling landscape with rounded clay ridges and shallow valleys, with a more undulating landform in the north-west. This is a well-ordered agricultural landscape of open views, with a relatively tranquil character. LCA10 is described as medium scale, gently rolling, agricultural landscape, with a simple composition, open in places with localised enclosure created by the woodlands, shelterbelts and roadside vegetation. It is a managed landscape with

⁴ Solar and protecting our Food Security and Best and Most Versatile Land May 2024

linear patterns and limited access via the road and Public Right Of Way (PROW) network, with a rural character and pleasant scenic quality that is interrupted by the lines of pylons and new development.

18. From my observations on site the appeal site forms a large open field on the eastern side of Walton Road. It is contained by hedgerow with some trees and there are large trees within the field. It is sited within the wider gently undulating agricultural landscape together with woodlands, shelterbelts and roadside vegetation giving enclosure. Woodlands are becoming more established in the area due to the National Forest initiative. The appeal site and its surroundings are representative of the character and appearance described in LCA10 and it contributes positively. While it has some characteristics of NCA72 I would not describe it as a landscape of open views with the woodland and vegetation providing enclosure. In addition, the western side of the road is developed with a new housing estate directly opposite the appeal site and a mixed use development on Drakelow Park the former power station together with a large substation with associated infrastructure and overhead power lines. Nevertheless, the development does not diminish the largely rural character and appearance of the area due to its set back and surrounding vegetation maintaining a verdant character and appearance.
19. The development would inevitably change the character of the field. The proposed parameters plan sets out that a small part of the development would be between 7 and 10 metres in height with the remainder, including the storage buildings, being 4 metres in height. In addition an acoustic screen comprising of a 3 metre bund with a 2.1 metre fence on top would be required along the northern side of the BESS to protect the living conditions of neighbouring residents.
20. The height of some of the equipment and the acoustic fencing would be obtrusive features in what is essentially an agricultural landscape. Even though there is housing opposite, the development proposed has an industrial, utilitarian character which in this location would be particularly visible. Furthermore, the large earth bund would not be characteristic of the gently undulating landform in LCA10.
21. Although electricity infrastructure is nearby, it is not particularly visible in the landscape other than electricity pylons and powerlines – not unusual in an agrarian landscape. There would therefore be harm to the landscape character and appearance on construction. However, the visual envelope of the development would be relatively limited due to vegetation, development and local landform. Consequently, the harm caused would be very localised rather than to the wider landscape.
22. The developed area would be 3.5ha leaving a large area to be landscaped, to all sides of the BESS. A landscaping scheme has been designed in association with ecologists and the National Forest Company and will result in a considerable amount of tree planting in the form of woodlands and trees in wildflower glades. Existing hedgerows would also be retained and enhanced except for a small area removed to facilitate access into the appeal site. This would especially benefit the boundary along Walton Road where the existing hedgerow is sparse and intermittent. This would enhance the local landscape character.
23. I appreciate that the proposed planting would take some time to establish and therefore there would be harm caused to the character and appearance in the

short term from the development I describe above. Views of the development would be available to nearby receptors including residents, motorists and walkers in the first instance and for a few years while the planting establishes.

24. However, over time, as demonstrated in the appellant's LVIA the proposed planting would become substantial. This would allow the BESS, associated infrastructure and the acoustic screen to integrate satisfactorily into the verdant character and appearance of the local area and would be representative of the woodlands and local landscape character as described in LCA10. Furthermore, it would be densely planted, and the planting belts be of such a thickness that even when the trees lose their leaf there would still be effective screening for nearby receptors or at worst filtered views.
25. Although the BESS schemes with planning permission at Drakelow South and Royle Farm Business Park have not been built out, scenario 2 of the appellant's LVIA considers the landscape and visual effects if both had been constructed. The BESS at Royle Farm Park is situated some distance from the appeal site and would be very well screened by existing vegetation and would be built within the context of a business park and industrial landscape. Therefore, this one would not be particularly visible within the wider landscape. The one at Drakelow South would be more visible. However, it is a much smaller site, of only 1.49 ha, sited away from residential areas and again well screened by existing and proposed vegetation. Therefore, there would be no materially harmful landscape impact. Furthermore, the limited extent and the degree of screening means that neither scheme would significantly alter the existing character and appearance of the area.
26. Any future schemes to be considered either through the planning application or appeal process would need to take account of this proposal if the appeal is allowed.
27. For the reasons above, I conclude that there would be short term localised harm to the character and appearance of the area which would conflict with Policy BNE5 of the Local Plan Part 2 and the Framework which seeks to recognise the intrinsic character and beauty of the countryside.

Other Matters

28. Both the Lead Local Flood Authority and Derbyshire Fire and Rescue Service raise no objection to the proposal. Although the Environment Agency has commented regarding the potential for areas to flood, the appellant confirms that the site can be safely reached by a fire engine without having to use those areas including bridges referred to by the Council. I see no reason to disagree.
29. The appellant has also submitted a Fire Water Management Plan and an Independent Report on the proposed fire measures. Together these outline measures required to ensure that no potentially contaminated firewater escapes to ground or water courses. The Council refer to an appeal decision⁵ where this was an issue, and I agree it should be carefully considered in any proposal. However, I am satisfied that the measures that would be put in place would be acceptable. I also note that the proposed mitigation here is different to that on the scheme

⁵ APP/U1105/W/23/3319803

referred to by the Council which together with locational difference means that the schemes are not comparable.

30. The appellant has confirmed that weather conditions were acceptable, and, as a result, the noise surveys were carried out in accordance with BS4142. While there was elevated wind speeds for certain periods, those when the lowest measured median values were taken were relatively calm and considered acceptable. I have no compelling reason to believe that the acoustic consultants would carry out a survey that was not in accordance with the relevant standards.
31. A condition could reasonably be imposed to ensure that the quality of the soil to be reinstated on site is sufficient to ensure that the site would be BMVAL when the development is decommissioned and the site restored.

Conditions

32. I have had regard to the suggested conditions supplied by the Council. I have made some amendments to ensure that the conditions comply with the requirements of the Framework and the Planning Practice Guidance
33. Conditions regarding the timescale for development (1) and the adherence to plans (2) are necessary to provide certainty.
34. Conditions limiting the life of the permission (3) and a decommissioning scheme, including a soil composition scheme (4 & 5) are necessary in the event that battery storage ceases on the site and to ensure the soil is reinstated to an acceptable quality.
35. I have not included the Council's suggested condition regarding materials as it requires details to be implemented in accordance with approved plans which is covered by condition No 2.
36. A condition requiring the submission of a detailed layout in accordance with the parameters plan is necessary in the interests of the character and appearance of the area (6) as is one requiring further details of the bund, acoustic fence and palisade fencing (7).
37. Conditions regarding the provision of a visibility splay (8), the control of access gates (9) and a construction management plan (10) are necessary in the interests of highway safety and in the latter case the protection of the living conditions of surrounding residents.
38. Conditions regarding drainage are required to ensure that surface water is managed appropriately throughout the development (11 & 12).
39. Conditions regarding archaeology detail to be submitted prior to any work occurs are necessary to protect and record findings prior to any construction works (13 & 14).
40. A landscape management plan and the implementation of the landscaping scheme are necessary to protect the landscape character and appearance of the area (15 & 16). The Council suggested that the implementation of the landscaping scheme should take place in the first planting season following the commencement of development. I have some sympathy with this view as the sooner the landscaping is in, the sooner it will be able to mitigate the harmful effects. However, the

appellant suggests that the construction period would be between 18 and 24 months, during which some of the landscaping may be harmed. I have therefore imposed the appellant's suggested condition, and the parties can seek a solution to ensure appropriate mitigation from as early stage as possible.

41. A condition to secure the control of the removal of vegetation is necessary to protect wildlife (17). Conditions regarding a suitable noise limit (18 & 19), external lighting (20), hours of construction (21) and dust and noise during construction (22) are necessary to protect the living conditions of surrounding residents.
42. I have incorporated the appellant's comments regarding the noise condition into the Council's suggested condition. I have not imposed the appellant's suggestion regarding the hours of operation. While this would allow flexibility, the residents have a reasonable expectation to know the hours of operation. Any agreement reached between the operator and the Council if this condition were as suggested would not be subject to consultation.
43. A Construction Environmental Management Plan, Landscape and Biodiversity Management and Enhancement Plan and a Species Enhancement Plan are all necessary to ensure the protection of ecology and enhancement of biodiversity at the site during the construction phase and the course of the development (23, 24 & 25).

Conclusion

44. The proposal would cause harm to the character and appearance of the area drawing into conflict with the development plan as a whole although the harm would be mitigated in the long term.
45. Paragraph 168 of the Framework states that significant weight should be given to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. Although this proposal does not comprise infrastructure for energy generation, it very much supports that generation though the storage of energy in times of excess generation and redistribution to the grid when required. It would therefore enable the maximisation of the usable output for intermittent low carbon generation and helps to balance existing grid systems.
46. The Government is committed to ensuring the supply of energy always remains secure, reliable, affordable, and consistent with meeting the target to cut greenhouse gas emissions to net zero by 2050. Meeting these objectives necessitates a significant amount of new energy infrastructure, both large nationally significant developments and small-scale developments determined at a local level.
47. South Derbyshire declared a climate emergency in 2019, and its Climate and Environment Strategy 2021 sets out the Council's aim to be Carbon Neutral by 2030. The Climate and Environment Action Plan 2021-30 confirms that the Council will work with partners to deliver carbon neutrality across the area before 2050.
48. It is clear therefore that the achievement of carbon neutrality is an important and significant target for local and national Government. The role of energy storage

plays a key role in that achievement, given the intermittent nature of renewable energy sources.

49. This proposal has a secured grid connection date of June 2028 meaning it would be able to be brought forward by 2030 and therefore contribute to the timely achievement of net zero targets. Figures supplied by the appellant outline the significant contribution the proposal would make towards reducing carbon emissions which have not been disputed and should be given significant weight.
50. There would also be considerable biodiversity net gain through the planting which would be achieved on the site. The Council suggest this could be achieved at any time; however it is unlikely that such an extent of planting would occur without the associated development proposal. I therefore give this significant weight.
51. The proposal will also deliver economic benefits during the construction phase to which I give moderate weight,
52. Consequently together there are significant considerations which outweigh the conflict with the development plan. For these reasons, the appeal is allowed.

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby approved shall be begun before the expiration of five years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DW_LP_Rev A, DW_PA_27 PPP_IR3, DW-EL-BAT-01, DW-EL-BTR-01, DW-EL-CSR-01, Equipment Drawing – CCTV, Equipment Drawing - Palisade Fence Panel, EW-001, LVA Figure 5_Rev F, LTP/5602/V1/02.01 Rev C.
- 3) The development hereby approved is granted for a limited period only expiring 40 years after the date on which the scheme first comes into use.
- 4) Decommissioning of the Battery Energy Storage System, comprising discontinuance and removal of all buildings, works, uses of land and other development hereby permitted and the restoration of the land and soil to its former condition shall take place within 12 months of the expiry of this permission. At least 6 months before the planning permission is due to expire, a Decommissioning Method Statement (to include a timetable for implementation and a scheme to restore the land and soil to its former condition) shall be submitted to and approved in writing by the Local Planning Authority. The site shall be decommissioned and restored in accordance with the approved statement.
- 5) In the event of the Battery Energy Storage System ceasing to import and export electricity to the grid for a continuous period of 6 months, it will be deemed to have ceased to be required. The Battery Energy Storage System and all ancillary equipment and structures shall be removed from the site within 1 year of the deemed cessation date and the site restored, in accordance with a Decommissioning Method Statement (to include a timetable for implementation and a scheme to restore the land and soil to its former condition) that shall first have been submitted to and approved in writing by the local planning authority within 6 months of the deemed cessation date.
- 6) Before the development hereby approved is commenced, detailed specifications and layouts for all the proposed equipment, in accordance with the Proposed Parameters Plan (Ref: PA_27_PPP_IR3 - Dated: 28/10/2024), shall be submitted to and approved in writing by the Local Planning Authority. The specifications shall also include details of noise levels as predicted at the boundary of the site with any sensitive receptors and include mitigation measures to reduce noise levels at those receptors to acceptable levels. The development shall thereafter be implemented in full accordance with the approved details and retained as such for the life of the development.
- 7) Notwithstanding the submitted details, before the development hereby approved is commenced, a full and comprehensive scheme for the palisade fencing, acoustic fencing, and bund shall be submitted to and approved in writing by the Local Planning Authority. The scheme of development shall thereafter be undertaken in full accordance with the details approved.
- 8) The development hereby approved shall not be commenced until the means of access for vehicles has been constructed and completed as shown on drawing reference LTP/5602/V1/02.01 Rev C. These sprints shall thereafter

be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

- 9) The development hereby approved shall not be brought into use until any access gates have been set back a minimum of 15 metres from the adjoining carriageway edge and made to open inwards only.
- 10) Prior to commencement of the development hereby permitted details of a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:
 - i) Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - ii) Advisory routes for construction traffic; -Any temporary access to the site;
 - iii) Locations for loading/unloading and storage of plant, waste and construction materials;
 - iv) Method of preventing mud and dust being carried onto the highway;
 - v) Arrangements for turning vehicles;
 - vi) Arrangements to receive abnormal loads or unusually large vehicles;
 - vii) Highway Condition survey;
 - viii) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- 11) No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
 - i) Gondolin Land and Water. (18/12/2023). Flood Risk and Drainage Assessment Report. Project Number: GON.0171.0152 'including any subsequent amendments or updated to those documents as approved by the Flood Risk Management Team'
 - ii) And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2025),have been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented on site prior to the first operation of the BESS.
- 12) Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

- 13) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
- i) The programme and methodology of site investigation and recording
 - ii) The programme for post investigation assessment
 - iii) Provision to be made for analysis of the site investigation and recording
 - iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v) Provision to be made for archive deposition of the analysis and records of the site investigation
 - vi) Nomination of a competent person or persons/organisation to undertake the works set out within the
- 14) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 13. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 13 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 15) Before the development hereby approved is commenced, as identified in the Landscape and Visual Appraisal, a Landscape Management Plan, to ensure that the management of all the landscaping elements is explicit, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and retained as such for the life of the development.
- 16) Prior to the commencement of development, a scheme for the implementation of the tree planting and landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be undertaken in full accordance with the details approved in writing. Any planting which within a period of five years (ten years in the case of trees) 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 and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.
- 17) No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

- 18) The development hereby permitted should be installed and maintained in full accordance with the recommendations of noise impact assessment reference 50-933-R1-6, issued 16 August 2024. Prior to first operation a post-installation acoustic validation report shall be submitted to and approved in writing by the Local Planning Authority.
- 19) Prior to the first use of the installation hereby permitted, a scheme of noise monitoring should be submitted for the approval of the Local Planning Authority to ensure that the installation remains compliant with the predicted rating limits referred to in the assessment. The approved scheme should be implemented thereafter. Exceedances shall trigger remedial action within 28 days
- 20) Prior to the installation of lighting fixtures, a detailed lighting strategy, including lux-contour plans shall be submitted to and approved in writing by the Local Planning Authority. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers.

Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

- 21) During the period of construction, no ground, construction or fitting out works shall take place, and no deliveries shall be taken at or dispatched from the site other than between 0800 and 1800 hours Monday to Friday and 0800 and 1300 hours on Saturdays. There shall be no construction works (except for works to address an emergency) or deliveries on Sundays or Bank Holidays.
- 22) No development shall take place until a scheme of dust mitigation measures and the control of noise emanating from the site during the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented throughout the construction period.
- 23) No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - i) Risk assessment of potentially damaging construction activities.
 - ii) Identification of “biodiversity protection zones.”
 - iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on species and retained habitats during construction.
 - iv) The location and timing of sensitive works to avoid harm to biodiversity features.
 - v) The times during construction when specialist ecologists need to be present on site to oversee works.
 - vi) Responsible persons and lines of communication.
 - vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

viii) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

24) A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the submitted Biodiversity Metric Report (14th June 2024, E3P / Harmony Energy Ltd). The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:

- i) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- ii) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- iii) Appropriate management methods and practices to achieve aims and objectives.
- iv) Prescriptions for management actions.
- v) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- vi) Details of the body or organization responsible for implementation of the plan.
- vii) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 15, 20 and 30 years.
- viii) Monitoring reports to be sent to the Council at each of the intervals above
- ix) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- x) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

25) Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following: bird nest boxes, external bat boxes, and hedgehog enhancements.

*****CONDITIONS END*****