



Appeal Decision

Hearing held on 16 September 2025

Site visit made on 15, 16 and 17 September 2025

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2025

Appeal Ref: APP/D0840/W/25/3365652

**Land adjacent Trewaters Bungalow, south of Carland Cross, Trispen, Cornwall
Grid Ref Easting: 186096 Grid Ref Northing: 52981**

- 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 Downing Renewable Developments LLP against the decision of Cornwall Council.
 - The application Ref is PA23/02629 .
 - The development proposed is installation of a solar photovoltaic ('PV') array/solar farm with a battery energy storage system and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for installation of a solar photovoltaic ('PV') array/solar farm with a battery energy storage system and associated infrastructure at land adjacent Trewaters Bungalow, south of Carland Cross, Trispen, Cornwall Grid Ref Easting: 186096 Grid Ref Northing: 52981 in accordance with the terms of application Ref PA23/02629, subject to the 20 conditions in the attached schedule.

Preliminary Matters

2. The site address has been taken from the appeal form however I have deleted the postcode with the agreement of the main parties as this was advised at the Hearing to be incorrect.
3. Unaccompanied site visits were undertaken on 15 and 17 September, and an accompanied site visit took place on 16 September 2025.
4. During the course of the appeal the appellant submitted an amended Landscape Mitigation Plan, requesting that I consider it as part of the proposal. It is suggested that this drawing relates to landscaping only so that it reflects the layout of the scheme that the Council considered when it took its decision on the planning application. The Council has raised no concern by my consideration of this drawing.
5. Having regard to the principles established in the Courts, and in particular the Holborn Studios Ltd judgment¹ I consider that the amendments do not involve a substantial difference or a fundamental change to the proposed development and that no party would suffer procedural unfairness by my acceptance of the drawing. I have thus taken this drawing into account in my consideration of this appeal and have not considered Landscape Mitigation Plan drawings 4888-DR-LAN-101-

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

REVC, 101-1 Rev C and 101-2 Rev C, which show a different layout of solar arrays upon the site to that before me.

6. At the Hearing the Council confirmed that the access to the site lay within St Erme Parish, but the part of the site upon which the solar arrays and other equipment would be located was within Ladock Parish. It confirmed that its reference to the St Erme Neighbourhood Development Plan (NDP) was made in error, because it had no concerns in respect of the proposed access to the site. On the basis of my observations, I have no reason to find differently in this regard. The part of the appeal site within the boundary of the NDP accords with Policy 9 of the St Erme NDP which seeks to protect the landscape, heritage and local environment. Policy 11 of the NDP is not relevant on this case because the siting of the renewable energy development is outside of the Neighbourhood Development Plan area.
7. The appeal site lies within the candidate Area of Great Landscape Value (AGLV) known as St Erme River Valleys. This designation will not come into force until the Local Plan is revised under the new plan making system, which the Council anticipate being between 18 and 24 months from the date of the Hearing. As such, for the purposes of this appeal the appeal site is not located within a locally designated landscape. I have assessed the proposal accordingly.
8. The Hearing was adjourned to allow the submission of amended conditions arising from the discussion on conditions and to allow for copies of 2 appeal decisions referred to in submissions to be submitted, along with the Council's Climate Emergency DPD Topic Paper: Renewable Energy (October 2021). The Hearing was closed in writing on Monday 22 September 2025.

Main Issue

9. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

10. The proposal includes solar photovoltaic panels mounted on a metal framework at a height of between 2.8 metres and 3 metres with an intended export capacity of up to 49.9MW, a battery energy storage system (BESS) with 10 no battery storage containers, switchgear, transformers, substation, security and deer fencing, CCTV, security lighting, access routes, construction compound and landscaping. Planning permission is being sought for an operational lifespan of the proposal for 30 years, after which the site would be decommissioned and the development removed from the site.

Planning Policy Context

11. Amongst other matters Cornwall Local Plan (CLP) Policy 23 requires development proposals to sustain local distinctiveness and character and protect and where possible enhance Cornwall's natural environment and assets according to their international, national and local significance. It establishes that guidance from the Cornwall Landscape Character Assessment and supported by the descriptions of Areas of Great Landscape Value will be used to ensure that development takes account of, and respects the sensitivity and capacity of the landscape impact, considering cumulative impact and the wish to maintain dark skies and tranquillity in areas that are relatively undisturbed. The policy also establishes that where

adverse impacts are unavoidable, they must be adequately and proportionately mitigated.

12. CLP Policy 2 requires new development to provide a sustainable approach to accommodating growth, provide a well balanced mix of economic, social and environmental benefits. It requires development, amongst other matters to maintain and respect the special character of Cornwall, recognising that all urban and rural landscapes, designated and undesignated are important by ensuring that design is of a high quality by protecting, conserving and enhancing the natural and historic landscape in recognition of their international, national and local status, delivering renewable and low carbon energies and creating landscapes and biodiversity that are resilient.
13. Policy RE1 of the Climate Emergency Development Plan Document (DPD) provides support for renewable and low carbon energy-generating and distribution networks where they contribute to meeting Cornwall's target of 100% renewable electricity supply by 2030, and that the wider environmental, social and economic benefits of renewable electricity are balanced, and where it will not result in significant adverse impacts on the local environment that cannot be satisfactorily mitigated, including cumulative landscape and visual impact. It also establishes that the use should allow for some form of agricultural activity where the current use is agricultural and that 10% biodiversity net gain is provided. Specifically in terms of solar energy development the policy supports standalone ground mounted installations where they are focussed on previously developed land and away from best and most versatile agricultural land unless exceptionally justified. In terms of energy storage the policy applies a presumption in favour of this where it meets one or more of the following criteria: a) that it is co-located with an existing or proposed renewable energy development; b) it can be shown to alleviate grid constraints or contributes to Cornwall's renewable energy supply target and c) it allows further renewable developments to be deployed.
14. These policies are consistent with the National Planning Policy Framework (Framework) in respect of the natural environment and meeting the challenge of climate change. Of particular relevance is paragraph 187 which requires planning policies and decisions to contribute to and enhance the natural and local environment and recognise the intrinsic character and beauty of the countryside; paragraph 135 which requires that development is sympathetic to local character and history; paragraph 161 which requires the planning system to support the transition to net zero by 2050 and paragraph 165 which requires that adverse impacts of renewable and low carbon energy and heat development is addressed appropriately (including cumulative landscape and visual impacts).
15. The Council has also produced informal planning advice entitled Cornwall Renewable Energy Planning Advice which includes guidelines for ground mounted solar PV.
16. Planning Practice Guidance (PPG) on renewable and low carbon energy states that the need for renewable or low carbon energy does not automatically override environmental protections, that cumulative impacts require particular attention, that local topography is an important factor in assessing whether large scale solar farms could have a damaging effect on landscapes and that renewable energy developments should be acceptable for their proposed location.

17. In terms of ground mounted solar photovoltaic farms, the PPG recognises that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, it sets out that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Character and Appearance

18. The appeal site comprises approximately 80 hectares of agricultural land in arable use with some pasture. It is located on the southern side of a valley with gently sloping land. The site wraps around woodland and a group of buildings, including Hendra Barns to the east, south and west. The southern and western boundaries are bordered by woodland and the northern and eastern boundaries are bordered by the C0755 and U6093 roads. Field boundaries are marked largely by Cornish hedgerows and trees, including adjacent the road side, with the road along and close to the northern boundary being less enclosed than the one along the eastern boundary.
19. Two public rights of way (PROW) cross the site; the CN/321/9/1 Bridleway and CN/310/6/1 footpath. There are also nearby PROW, including on the opposite side of the valley to the appeal site. On the site's northern boundary of Field 1A are 2 transformers containing a 132kV distribution overhead line.
20. The area surrounding the site is agricultural in character with Cornish hedgerows and areas of woodland characteristic of the area. The area is sparsely settled with scattered farms and dwellings with the small settlements of Mitchell, Trispen and St Erme nearby. The A30 and A39 run close to the appeal site and the commercial development at Carland Cross is apparent from parts of it.
21. The site is located within the Newlyn Downs Cornwall Character Area (CCA 18) and the Upper Fal Valleys Cornwall Character Area (CCA 19).
22. CCA 18 is described as having an open and exposed character with expansive views across the surrounding landscape. Wind turbines are visible on the skyline in long distance views from surrounding CCAs and the area is described as not particularly tranquil with the noise and traffic of the A30, whilst recognising that there are some areas of relative tranquillity.
23. CCA 19's valued attributes, which are described as being most sensitive to change include the rolling landform of the valleys with a mixed pastoral and arable character divided by a network of intact Cornish hedges. Linear tracts of broadleaved woodland are a further feature, along with intact medieval field patterns and traditional buildings with hamlets and farmsteads contributing to the sense of time-depth. The area is described as being generally intact, having a strong rural character with high levels of tranquillity, but recognising that this has been impacted in places by renewable energy schemes, major roads and overhead lines/pylons. Turbines and pylons are recognised as forming distinct built features on skylines.
24. Pressures and forces for change in both CCA 18 and CCA 19 include amalgamation of fields and field boundary removal in the past. Current and future pressures including changes to field boundaries and patterns, further wind and solar development, resulting in cumulative impact, and potential changes in

- woodland extent, including new woodland creation in response to tree planting targets.
25. Landscape guidance in CCA 18 is to protect/conserv e current landscape character, by amongst other matters protecting the open skylines, sense of space and expansive views, conserve remnant medieval field patterns and protect traditional field boundaries and manage pressure for future renewable schemes in the area. Guidance to enhance, restore and create landscape character includes restoring lengths of damaged or degraded hedges and plan to create new ones where they have been lost, using traditional techniques and local materials.
26. Managing and maintaining traditional Cornish hedgerow field boundaries to preserve medieval field patterns and the important ecological features the hedges provide is identified as guidance to manage landscape character in CCA 19. To enhance, restore and create landscape character, plans for future renewable energy infrastructure should consider landscape and visual effects (including cumulative effects), be sited in appropriate locations with their impacts mitigated through careful design and planting where appropriate.
27. Many of these landscape qualities and landscape guidelines are contained within the 2023 review of the Cornwall Landscape Character Assessment Landscape Character Types and Areas of Great Landscape Value Review in respect of the candidate St Erme River Valleys AGLV. These include the open, rolling landscape allowing for scenic views, it being a well-kept landscape with intact medieval field patterns, with strong hedgerows and frequent hedgerow trees. Specifically, in terms of renewable energy, the guidance to plan (enhance, restore, create) landscape character is to ensure that such development considers landscape and visual effects (including cumulative effects), and that they are sited in appropriate locations with their impacts mitigated through careful design and planting where appropriate. The Council's Chief Planning Officer's Advice Note² indicates that the new landscape character descriptions for the candidate AGLVs may be given increased weight in decision making as enhanced descriptions of landscape character and appearance in conjunction with Policy 23 of the Cornwall Local Plan (CLP).
28. The appeal site is not covered by an international, national or local landscape designation. Whilst displaying key characteristics of the landscape areas within which it is located and whilst an attractive area of countryside, there is nothing which sets it apart from other land within the character areas. I acknowledge that the area is clearly of value to local people, but it is not a valued landscape for the purposes of Framework paragraph 187 a). At the Hearing the Council conceded this point.
29. From what I have seen, heard and read I consider that the landscape within which the proposal would be developed is largely intact and well-kept, despite alterations to field boundaries. The southern and eastern parts of the site are tranquil and I have no doubt that dark skies are a characteristic. The western part of the site is less tranquil, being affected to a degree by the proximity to the A30 and A39 and associated traffic noise. The dark skies from this location are likely to be affected by the service station and other commercial development at Carland Cross. Panoramic views across the valley from the higher ground of the surrounding

² Chief Planning Officer's Advice Note 'Use of new Landscape Character Assessments and Areas of Great Landscape Value Descriptions

countryside are obtained from parts of the site, and from parts of the highway surrounding the site from gaps in the hedgerows and field entrances, including from the public rights of way that cross it. There are few detractors to the landscape, however the skyline is broken by electricity pylons and wind turbines, and they are visible traversing the valley sides in proximity to the appeal site.

30. There is dispute in respect of the value of the landscape. Given the above it is my judgement that the appeal site and its surroundings have a medium value, with a medium sensitivity and susceptibility to change. This differs from the medium to high sensitivity to change identified in the Council's siting guidance for RLU 10 for Newlyn Downs, on account that less than half of the site area is located within the RLU for Newlyn Downs. Whilst 30 years is a considerable time for the development to be on the site, the built form and equipment would be removed after decommissioning and the land restored to agricultural use. I have borne this in mind in assessing the landscape and visual impacts of the proposal.
31. As the arrays would be placed on top of the land there would be little change to the topography of the landscape. The new access tracks would be limited in terms of their construction, and the battery storage would be placed on foundations of a limited height. The other associated infrastructure, apart from the construction compound would also have a negligible impact on the topography of the site.
32. The construction compound would be located on a part of the site where land levels have been raised. Reference is made to an increase in height of 12 metres for which it is understood that no planning permission has been granted. The Council also indicated that at the time of the Hearing that there was no enforcement investigation in respect of this matter. The lawfulness or otherwise of the engineering operations that have taken place are not before me as part of this S78 planning appeal. However, the appellant has indicated that the operations that have been undertaken could be rectified as part of a planning condition in the event that the appeal was allowed. I concur, and a condition requiring further details of the design of the construction compound, including levels would allow to Council to consider this matter further, in the first instance.
33. Despite the new landscaping, including trees and hedgerows the proposal would change the farmed landscape and replace it with uniform, linear rows of solar arrays, fencing, security lighting, battery storage and substations. The largely single colour of the fields that would result, which would not change with the seasons would not reflect the tapestry of field colours that is characteristic of the locality. During construction the operation of plant, machinery and use of the site compound would affect the tranquillity of the area to a harmful degree. The existing field pattern would be altered with the planting of new hedgerows which would in some areas be angular, which would be at odds with the otherwise largely sinuous character of field boundaries in the locality.
34. From the appellant's Landscape and Visual Appraisal (LVA) Viewpoints 4 and 5 users of the PROW would experience moderate-major adverse visual effects from the proposal, even after 15 years when the proposed landscaping had matured, with the solar panels, deer fencing and BESS facility replacing open agricultural fields and obscuring open views across the surrounding landscape.
35. From Viewpoint 9, the extent of the proposal and its proximity to the skyline, whilst at a distance would be apparent on the valley side, changing the patchwork of

fields and woodland which change colour over the year, into a large expanse of utilitarian structures of the same colour, at odds with the prevailing character and appearance of the area. The level of visual effect would in my judgement be moderate-major adverse because within the wider panorama, the proposal would amount to a small area of a much wider landscape vista. In reaching this judgement I am mindful that even after 15 years the proposed landscaping would have no benefits because of the raised and panoramic viewpoint here.

36. From the other viewpoints set out in the LVA there is a low probability that the development in its entirety would be visible and given the distances involved between the respective Viewpoints and it, along with intervening landform and vegetation, the visual effects of the scheme would not be as high as from the aforementioned viewpoints. That said there would be minor adverse impacts from the proposal at year 15 from Viewpoints 2, 10, 11 and 12, albeit such views would be at a distance, glimpsed and transient from the narrow roads within the vicinity of the site. From Viewpoint 3, the maturing of landscape would by year 15 provide only filtered views of the proposal to the extent that the visual effect would be negligible adverse with only a small part of the development being visible from here. Filtered views of the appeal site are obtained between buildings at Viewpoint 7 and from here localised views of the north western part of the site would be likely, with the resultant visual effect being negligible adverse.
37. I note that horse riders and those in high sided vehicles would be likely to see more of the proposal above the existing and proposed landscaping, but the visual effects of the proposal would be likely to be transient and would unlikely elevate the effects above those identified.
38. From a number of the appellant's viewpoints there would no change from the viewpoint caused by the proposal. There are however likely to be other viewpoints that the proposal would be visible from including those drawn to my attention by the Carland Action Group and from the elevated stretch of the dualled A30. This is to be expected given the undulating landform and size of the appeal site and the development proposed.
39. Of particular note is the Action Group's viewpoint 007 along the PROW from where the new substation and parts of the north western array of panels and BESS facility would be visible. Even with the hedge planting as proposed the upper part of the solar arrays, BESS facility and substation would be visible, altering the open agricultural land to one that is more utilitarian in appearance, this being so notwithstanding the presence of pylons and wind turbines nearby. However, by year 15 the proposed landscaping would have matured, including that along the track such that the visual impact of the scheme from this viewpoint would be minor adverse.
40. There are a number of renewable energy schemes within approximately 5 kilometres of the appeal site including the Carland Cross wind farm, Carland Cross solar scheme, Summercourt solar, Tregulock solar, Burthy solar, Hewas solar, Carnemough Farm solar and Tregassow Farm solar scheme.
41. On the evidence before me and from my observations there was no intervisibility from the viewpoints identified in the LVA or drawn to my attention. I do however recognise that there are sequential cumulative effects of solar schemes and wind energy schemes when travelling along the A30 and A39. Notwithstanding this,

it is my judgement that the proposed development, taken with these other schemes, would not result in harmful cumulative effects upon the landscape within which it, and the other schemes are located, because of distance between them and the appeal site's largely well contained nature.

42. It is clear that the proposal would result in harm to the character and appearance of the area for the reasons set out above as a result of visual intrusion. That said, agricultural use on the site could continue, with sheep grazing at certain times of the year as explained at the Hearing. Whilst this would be different to the largely arable use of the site, such pastoral use is not uncharacteristic of the landscape character types within which the appeal site is located. Meadow planting, trees and hedgerows would be planted and whilst the new hedgerows would not be as sinuous as the existing, established Cornish hedgerows, or follow the medieval field pattern, their establishment, where there are no hedgerows at present would be a positive benefit of the scheme and would to a degree comply with the guidance to plan (enhance, restore, create) landscape character for the landscape character areas, along with the candidate AGLV landscape character. The appellant indicated that they would be prepared to plant new Cornish hedgerows as opposed to those suggested and this matter could be controlled by a landscaping planning condition.
43. During construction and operation the public rights of way across the site would remain. External lighting would be limited to security lighting and the dark skies characteristic of the area would be likely to remain. Whilst noise during construction and decommissioning would affect the tranquillity of the area, this would be for a temporary period, and once operational, the site would be unlikely to result in harm to this characteristic.
44. Whilst I have found that the proposal would not result in cumulative harm, it would cause varying degrees of harm to the character and appearance of the appeal site and the landscapes within which it is located. Whilst the harmful effects would be temporary for 30 years and could be mitigated to a degree through landscape buffers, new hedgerow and tree planting, the proposal would not protect, conserve or enhance the natural landscape within which it is located in conflict with CLP Policies 2 and 23.

Other Matters

Heritage Assets

45. There are two Bowl Barrows Scheduled Monument located within the north western part of the appeal site, and five Bowl Barrows located 6 metres to the north of the site. A further Bowl Barrow is located 250 metres to the north. The high concentration of Barrows demonstrates the importance of the Carland Cross ridge as a prehistoric funerary landscape.
46. The significance of the Scheduled Monuments is their age, social and historic associations, prominence in the landscape and remains. The appeal site, and particularly the western part of it is located within the open, undeveloped setting of these designated heritage assets and makes an important contribution to their significance.
47. The siting of the solar panels and associated development is designed to allow the archaeological remains to be undisturbed. However given the proximity of the proposal to these designated heritage assets, a condition relating to archaeological

- surveys is necessary to record and protect any archaeology upon the site, as well as one controlling the method of installing the panels.
48. In reaching this view I note that HEP Archaeology consider that a geophysical survey should be carried out on the whole site and evaluation trenching over a selection of identified sites at predetermination stage. The appellant's Heritage Impact Assessment covered the appeal site and an adjacent 1km area to assess the potential for direct impacts to archaeology, including identification of previous archaeological events within the 1km study area.
49. The geophysical survey undertaken identifies several areas of archaeological features and planning conditions could control additional surveys. Given the above and mindful of PPG advice that the level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on its significance³, I am satisfied that sufficient information has been submitted for me to understand the significance of the heritage assets upon the site and in the locality.
50. Concern was raised about the track being widened to the west of Hendra Barns but the submitted drawings indicate that the existing track will be retained. It is noteworthy that Historic England considered that the proposal would not cause undue harm to the significance of the Scheduled Monument upon the appeal site through visual intrusion in salient views. It however recommended a condition in respect of the treatment of the Barrow and its management. No development is proposed within the proximity of the Barrow and any works to it would be covered by separate legislation. A condition in this regard would not comply with the tests for conditions set out in the Framework.
51. I acknowledge that a track may be required to provide access to the proposed substation, but I have no details of that before me so am unable to make a judgement of the effect of this on the Scheduled Monument. This would be a matter for a decision maker at a later stage.
52. Given the above, it is my judgement that the proposal would cause harm to the setting of the Scheduled Monuments through development of the fields upon the appeal site where there is no development at present. This would result in harm to the significance of the designated heritage assets and in terms of the Framework this would be less than substantial, and at the lower end of the scale.
53. Landrine Farmhouse is a grade II listed building dating from the 18th century with 20th century alterations. The significance of the building is derived from its historic and architectural value, its historical use and connections with associated farmsteads and remaining historic fabric and layout. The open fields around the listed building contribute to its historical and cultural significance. Being located to the west of the farmhouse and forming agricultural fields, the appeal site contributes to the significance of the listed building. The proposed development would change part of the setting of the listed building and would harmfully erode part of the agricultural setting of it. In terms of the Framework, there would be less than substantial harm caused to the significance of the listed building, at the lower end of the scale which is not disputed by the main parties.

³ PPG Paragraph: 009 Reference ID: 18a-009-20190723

54. Trelassick Cottage and Lower Trelassick are grade II listed buildings. Forming part of the hamlet of Trelassick these 2 properties date from the early and mid 19th century respectively. Their significance is derived from their historic, architectural and cultural value, their surviving historic fabric, form and layout. The agricultural landscape within which they are located forms part of their setting and in that the agricultural landscape would be changed by the appeal proposal, albeit at a distance of over 950 metres distant, there would be change to the setting of these heritage assets. This slight change to setting would result in less than substantial harm, at the low end, to the significance of the designated heritage assets.
55. Whilst I have found that less than substantial harm would be caused by the proposal to designated heritage assets, at the lower and low end of the scale, this does not equate to less than substantial importance and weight. Indeed, I attach considerable importance and weight to these harms. In accordance with the Framework, the identified harms need to be weighed against the public benefits of the proposal. This is considered later in my decision.
56. The appeal site also forms the open, agricultural landscape setting of a number of non-designated heritage assets. The Framework requires that in weighing applications that directly or indirectly affect non-designated heritage assets that a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
57. Nantillo – Post Medieval Signpost is likely constructed of cast iron with a round pillar and rectangular arms, with Cornwall embossed on the pillar. This is a non-designated heritage asset and the heritage value of the signpost is its architectural and historic value which enhances understanding of the road network in the locality in the 18th and 19th century, along with travel and historic routes. Located close to the north eastern boundary of the site, the provision of solar panels, even with additional landscaping would likely be visible from, and alter the setting of the signpost beyond the road upon which it is located.
58. Hendra Barns comprise a number of buildings, formerly a farmstead which are identified as non-designated heritage assets. Their significance is derived from their age, historical associations, surviving historic fabric, architectural and historical value. Located to the east, north and west of the appeal site, the appeal site largely encloses the area where they are located, and the proposal would change the open agricultural setting of these buildings, through development upon part of it. The scheme was amended during the course of the planning application removing solar arrays from the areas closest to these buildings, including on the approach to them, such that the change to their setting would be slight, having a minor effect upon their significance. The appreciation of the historical association between the buildings would remain.

Effect on Nearby Business at Hendra Barns

59. Hendra Barns comprises holiday accommodation and an event venue, including weddings, which operates all year round. The business provides employment for 5 cleaners and 2 grounds persons and indirectly provides employment to catering companies, bar staff, entertainers, bands and marquee hire, amongst others.
60. There is no doubt that the premises are located in an attractive location and the facilities that the business provides are of a high quality. I heard that the number of enquiries for weddings had significantly reduced and was told that this was down to

the situation with the appeal proposal. I do not doubt that uncertainty around what could occur on land near a wedding venue may well affect a couple's choice on whether to hold their wedding there, but in the absence of evidence to substantiate this concern it is difficult for me to quantify any harm that may be caused.

61. I also note the suggestion that in the event that planning permission is granted that people may be put off holidaying or booking an event at the premises once they do an internet search and see solar development close to the premises. However, this point has not been substantiated either.
62. From my observations on the accompanied site visit access to the venue is along the track leading from the road to the north of the appeal site. This track serves a house, what appears to be a storage depot, as well as accommodation associated with the business at Hendra Barns. From this access the solar panels would be set back from it, with landscape planting between them and the new hedge enclosing the panels. In this regard, particularly as the landscaping establishes, the panels in Field 1b and the BESS equipment would not be unduly prominent when viewed from the track. Moreover, as the track turns left towards Hendra Barns, mature landscaping between the appeal site and it would provide for filtered views, over what would be an undeveloped field at a lower level than the track, even in the winter months. With the existing mature vegetation, it is unlikely that the solar panels to the south of the access track beyond the undeveloped field at this point would be visible to guests visiting the premises.
63. Once in the gardens of Hendra Barns, which are largely enclosed by mature landscaping, the open aspect beyond the boundary landscaping to the south of the lakes would remain. There would be little intervisibility from the premises to the developed part of the appeal site. The tranquillity of this venue would be unlikely to be harmfully affected by the proposal, other than for the temporary period that it was being constructed (6 months) and decommissioned.
64. In this respect at the Hearing the appellant agreed that where practical that the working hours during construction could be altered so that it would not coincide with events at Hendra Barns. Such measures could form part of the Construction Environmental Management Plan which could be controlled by planning condition.
65. Thus, whilst understanding and appreciating the concerns of the business owners and noting that uncertainty over the development of the appeal site has likely impacted their business, I am satisfied on the evidence before me that the proposal would be unlikely to result in a level of harm to the viability of the business to a degree that would be materially harmful.

Effect on Agricultural Land and Food Security

66. The Statement of Common Ground identifies that 1.4 hectares of the appeal site is grade 2 agricultural land, 28.5 hectares is grade 3a and 47.7 hectares is grade 3b. Of the developed part of the site, 1.4 hectares would be on grade 2 land, 13.5 hectares on grade 3a and 32.78 hectares on grade 3b. Grades 1, 2 and 3a of the Agricultural Land Classification are identified as best and most versatile (BMV) agricultural land.
67. National planning policy in respect of BMV agricultural land does not prevent the development of it, rather it requires that its economic and other benefits are recognised. At footnote 65, the Framework states that where significant

development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. CLP Policy 21 is consistent with this.

68. The PPG sets out that where a proposal involves greenfield land, consideration should be given to whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays⁴.
69. The National Policy Statement for Renewable Energy Infrastructure (EN-3) sets out that whilst land type should not be a pre-dominating factor in determining the suitability of the site location, where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of “Best and Most Versatile” agricultural land where possible. The recent WMS (May 2024) echoes this advice.
70. The cropping breakdown for the site shows that it is primarily used for growing bulbs with maize and cabbages also grown. The proposal would take the land out of arable food production for a long period of time, but this would not be permanent. After the 30 year operational period of the proposal, the development would be removed from the site, and although the landscaping would remain, it would not prevent future agricultural use of the fields. The agricultural land including the BMV agricultural land would not be permanently lost through the development of the site.
71. The appellant undertook a Site Selection and Alternative Site Assessment, the findings of which are not disputed. It demonstrated that within the viable area around the grid connection that there were no sites that would avoid BMV agricultural land entirely. No other suitable location with a lower agricultural classification was available for the proposed development.
72. I note the concerns of interested parties about food security and that the site may be suitable for other food crops, and that non BMV land may be suitable for food production. Reference was made to the United Kingdom and Cornwall being 55% food secure, and the ability of Cornwall to be 100% food secure.
73. The United Kingdom’s Food Security Report from 2021 shows that the UK is largely self sufficient with regard to grains with a relatively stable production of wheat, barley and oats over the last 30 years, and milling wheat averaging over 80% of consumption. Potato production in the UK is also indicated to have been relatively stable over the last 30 years.
74. I am also mindful of the concerns raised in respect of soil health as a result of the development of the site. The majority of the solar panels would be fixed via ground spikes or above ground anchors thereby limiting the impact on the quality of the soil and its drainage. Where concrete is to be used, this would be mixed off site and would be removed from the land after decommissioning. The appellant has advised that the earth removed for foundations for the BESS and other equipment would be stored on the site and reused. A planning condition could control this matter.
75. An alternative way to farm the land would be unlikely to have a significant effect on the quality of the land value to the degree that would negatively affect the existing

⁴ PPG Paragraph: 013 Reference ID: 5-013-20150327

situation. Indeed, by taking the land out of intensive crop production allowing grass to grow and grazed by animals is likely to be a benefit to the overall soil quality, similar to the effects of leaving land fallow. The planting of wildflowers and grassland would also be a benefit in terms of improving biodiversity on the site.

76. Neither national nor local planning policies prevent the use of BMV agricultural land for development. In this case, the majority of the land to be developed would not be BMV land. The proposal is temporary and after the 30 year operational period the site would be decommissioned and the solar panels and ancillary infrastructure would be removed from the site. Planning conditions would control this.
77. Given the above I consider that the proposal would not result in the loss of BMV agricultural land or have an unacceptable impact on it. The land could still be used for agricultural purposes alongside the production of renewable energy and could be fully returned to arable or other agricultural purposes at the end of the operational period for the development. Taking the appeal site out of arable food production, which amounts to 0.15% of the arable land in Cornwall, calculated by the appellant, would be unlikely to have a material effect on the production of food and food security within either Cornwall or the United Kingdom. There are no policies requiring that land is farmed in a certain way and the proposal would allow for sheep grazing and for biodiversity improvements in accordance with the PPG and DPD Policy RE1.

Safety and Fire Risk

78. Paragraph 198 of the Framework requires that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. It further states at paragraph 201 that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
79. I note the concern of interested parties about the risk of the BESS facility catching fire, along with associated pollution. Reference was made at the Hearing to fires of BESS facilities in America, but it was unclear whether similar designed equipment was involved in these cases. The Council's Officer report refers to one BESS fire in the UK in 2020, but it is unclear whether the design of the equipment in this case was the same as that which would be utilised in this case.
80. The Officer report also advises that BESS is a distinct subset of generation within the Electricity Act 1989, thus is regulated by Ofgem. It also drew attention to a House of Commons report titled 'Battery Energy Storage Systems' (April 2024) which stated that 'Grid-scale lithium-ion battery energy storage systems are covered by robust regulatory framework, which requires manufacturers to ensure that products are safe before they are placed on the market and installed correctly'. Therefore whilst noting the concerns that systems are unregulated, the evidence before me indicates that this is not the case.
81. Cornwall Fire and Rescue Service considered that the proposal was acceptable subject to there being access for fire appliances and adequate water supply for firefighting purposes in accordance with the relevant parts of the Building Regulations. In this regard the BESS facility would be located reasonably close to

the track between Hendra Woods and the appeal site. This track is used by large vehicles as evidenced on my site visit, including lorries and maintenance vehicles using the nearby depot. In the absence of evidence to demonstrate otherwise, there would be a high probability that a fire appliance could get within proximity to the BESS facility in a fire event. I have not been provided with evidence that there is no suitable water supply that the fire services could use.

82. The applicant has advised that a key consideration of a BESS project⁵ is fire safety and ensuring that suitable measures are in place to identify potential for a fire to occur and prevent this where possible. In this regard it is submitted that the battery technology will be designed, selected and installed in accordance with legislation, international guidance, industry good practice, and related standards at the time of detailed design; that risk assessments will be carried out for the entire system and elements across the project lifecycle, with particular attention given to the operational phase; separation distances between components will be selected to minimise the chance of fire spread based on best practice and that the design would include several layers of protection to minimise the chances of fire, including gas detection and monitoring, ventilation systems and suitable fire suppression systems.
83. Furthermore, the equipment would be monitored remotely 24 hours a day; it would be maintained and there would be automatic notification to the fire and rescue service in the event of a fire. The applicant has also indicated that the local fire and rescue service would be notified when the project becomes operational and would be provided with an on-site familiarisation meeting to make them aware of the key practical considerations of fire safety. It is also suggested that a drainage strategy would ensure that pollution from any contaminated water would not occur. Such matters, in part, could be included in an Emergency Response Plan which could be controlled by a suitably worded planning condition, as well as one relating to drainage.
84. Whilst attaching considerable importance and weight to public concerns about safety, the evidence before me indicates that the proposal would be unlikely to pose a hazard to health or safety, or result in pollution. It is noteworthy that the Council found similar in this regard.

Effect on Carrick Heaths Site of Special Scientific Interest (SSSI)

85. The appeal site is adjacent to the Carrick Heaths SSSI and solar panels and the BESS facility would be sited in proximity to the boundary of it. The proposal would include a 15-20 metre buffer between the development on the site and the boundary with the SSSI.
86. The Carrick Heaths SSSI comprise of ten sites, all situated within a 12km radius of Truro. The underlying soils at each site are largely derived from slatey mudstones, siltstones and shales which have given rise to clay soils with variable drainage regimes. These conditions have led to the development of mosaics of wet and dry heathland vegetation types, characterised by populations of Dorset heath *Erica ciliaris*, a nationally rare plant species and a prime constituent of Southern Atlantic Wet Heath.

⁵ Fair Park Solar Farm Battery Energy Storage Technical Statement December 2023

87. Interested parties have expressed concern that in the event of a fire, contaminated water may flow into the SSSI and result in harm to its significance. Natural England were consulted on the proposal and raised no objections, advising that the proposed development did not trigger any relevant thresholds within its designated sites Impact Risk Zones. It also recommended that conditions could be attached to the grant of planning permission requiring a Construction Environment Management Plan be complied with to protect the SSSI.
88. Given the advice of the statutory consultee and on the evidence before me, I am satisfied that harm to the significance of the SSSI would not occur from the development proposal.

Effect on Biodiversity

89. Adjacent to the site is the Carland Moor County Wildlife Site which follows the course of the Kestle Stream which links to the Boswiddle County Wildlife Site to the south east. The County Wildlife Site contains wet woodland which is a priority habitat.
90. The appellant submitted a Preliminary Ecological Appraisal⁶ (PEA) which, amongst other matters, identified that surveys were required in respect of a number of species along with a number of mitigation measures. A Breeding Bird Survey Report (BBSR) dated July 2022 was undertaken, along with a Wintering Bird Survey Report dated February 2023 and a Bat Report dated November 2023 were subsequently submitted. These reports included survey results, along with the identification of impact pathways and suggested mitigation and enhancements, including new hedgerows, grassland meadows and other features included in the biodiversity net gain proposed.
91. Concern has been expressed by interested parties about the absence of reptiles surveys. This matter was considered in the PEA which found that the appeal site was unsuitable for reptiles because of the large areas of monoculture arable land. No substantive evidence has been provided to the contrary. The PEA however identified that hedgerow bases, woodland, rubble piles, embankments and scrub could support low numbers of common reptiles and suggested that a precautionary approach to any clearance of vegetation.
92. The recommendations of the ecological survey works would ensure that biodiversity is safeguarded. It is however necessary to control these matters by planning condition to ensure that harm to biodiversity does not result, in accordance with CLP Policy 23 which requires development to conserve, protect and (where possible) enhance biodiversity, priority species and habitats.
93. Given the above, I consider that the proposal would not result in harm to protected species or their habitats, and that measures could be put in place to ensure that species and their habitats would be protected, preserved and enhanced. It is noteworthy that the Council found similarly in this regard.

European Protected Sites

94. I have carefully considered the representations made about the effect of the proposal on protected sites. The appeal site lies within the Zone of Influence of The Penhale Dunes Special Area of Conservation (SAC) and the Fal and Helford

⁶ RSK biocensus experts in ecology (November 2022)

- SAC. Policy 22 of the CLP requires that for residential development, student and tourist accommodation that mitigation measures for recreational impacts on European Sites is required.
95. The qualifying features of the Penhale Dunes SAC are shifting and fixed dunes with herbaceous vegetation and humid dune slacks, petalwort (*Petalophyllum ralfsii*), shore dock and early gentian (*Gentianella anglica*). The SAC is located approximately 7,355m northwest of the appeal site. Its conservation objectives are to ensure that the integrity of the site is maintained or restored and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features.
96. The Fal and Helford SAC is located approximately 6,485 metres to the south of the appeal site. Its qualifying features include sandbanks, sand flats and mud flats, estuaries, reefs, inlets and bays and Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*), Shore dock and *Rumex rupestris*. Conservation objectives are to ensure that the integrity of the site is maintained or restored and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features.
97. The evidence indicates that the principal pathway of impact on the above SACs is disturbance from recreational activities arising from new residents and tourists. The proposal would not result in an increase in population or recreational pressure on the protected sites, either alone or in combination with other plans or projects. It would therefore not have a likely significant effect upon or undermine the conservation objectives of the SACs. I have not been presented with compelling substantive evidence to demonstrate otherwise. Accordingly, Appropriate Assessments are not required in this case.
98. The appellant has also made reference to Breney Common and Goss and Tregoss Moors SAC. Its qualifying features are its Northern Atlantic wet heaths with *Erica tetralix*, European dry heaths, transition mires and quaking bogs and Marsh fritillary butterfly (*Euphydryas aurinia*). This SAC is located 7,620 metres north east of the appeal site. Conservation objectives are to ensure that the integrity of the site is maintained or restored and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features.
99. Reference is also made to the Bristol Channel Approaches/ Dynesfeydd Mor Hafren SAC which is located approximately 9.5 kilometres to the north of the appeal site. Its qualifying features are harbour porpoise (*Phocoena Phocoena*) and the conservation objectives are to maintain the site's integrity by causing no significant disturbance to the species and supporting habitats and processes so that the availability of prey is maintained.
100. The St Austell Clay Pits SAC is located approximately 8 kilometres from the appeal site and its qualifying feature is the presence of Western rustwort (*Marsipella profunda*). The conservation objectives are to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features.
101. In respect of the Breney Common and Goss and Tregoss Moors SAC, the Bristol Channel Approaches/ Dynesfeydd Mor Hafren SAC and the St Austell Clay Pits SAC I have not been directed to evidence to demonstrate that these sites are

covered by a Zone of Influence or that the proposal would result in pathways impacting the conservation status of them. Given the nature of the qualifying features, the conservation objectives and on the evidence before me, the proposal would not have a likely significant effect upon the integrity of these protected sites, and consequently Appropriate Assessments are not required for any of them.

Effect on Highway and Pedestrian Safety

102. The main access to the appeal site would be from the A39 to the west via a series of minor roads, that also serve as a PRow. A secondary access to the site would be from the C0755 road to the north-east of the site, via an existing field access junction which would be formalised to include an access gate.
103. Construction is anticipated to last approximately 6 months with materials and equipment being delivered to the site on HGVs of which there would be 8 deliveries a week. Construction personnel vehicles would also visit the site daily during construction with reference being made to approximately 15 workers on the site each day, some of whom would travel to and from the site in minibuses.
104. Subject to the measures set out in the appellant's Outline Construction Traffic Management Plan ⁷ including warning signs, use of a banksman, and control of delivery times I am satisfied that vehicles associated with the proposal would be unlikely to result in conflict with pedestrians or other users of the PROWs.
105. Whilst some of the roads to access the site are narrow, I have no evidence before me that they are unable to accommodate vehicles associated with the development. The new access points would have suitable visibility, and it is noteworthy that the Highway Authority considers that the highway safety implications of the proposal are acceptable.
106. The orientation of the appeal site relative to the A30 and A39 is such that any glint or glare from the solar panels would not be within the direct line of sight for drivers and would therefore be unlikely to result in distraction which could impede highway safety.
107. On the evidence before me and from my observations I consider that the proposal would not have an unacceptable impact on highway or pedestrian safety or that the residual cumulative impacts on the road network would be severe.

Flood Risk

108. The majority of the site is in Flood Zone 1. However, the area of the site adjacent to Kestle Stream is located in Flood Zone 3, which has a high probability of flooding. No development is proposed within this area, with it being identified as an area for biodiversity net gain. In this regard the Environment Agency considers that subject to there being no raising of levels within Flood Zone 3 that the proposal is acceptable.
109. I have carefully considered the concern that the proposal would result in flooding on nearby land from the run off of water from the panels, hardsurfacing and from other equipment. However, subject to a suitable drainage strategy which would ensure that the run off rates were no greater than the greenfield run off, the statutory consultees have no concern in this regard. In the absence of compelling

⁷ Arcus March 2023

substantive evidence to demonstrate otherwise I have no reason to find differently in this regard. A planning condition would ensure that the site would be suitably drained.

Grid Connection

110. The applicant has indicated that they have a grid connection offer which was given in 2022 which indicates that the offer would remain so long as planning permission was granted within 4 years.
111. Even if a grid connection had not been agreed, there is no requirement in national policy requiring that this must be demonstrated. The proposal does not fall on this matter.

Living Conditions

112. The proposed development on the site would be separated from nearby residential properties, by vegetation, terrain or distance. A total of 22 dwellings were identified as having potential views of the proposal in the submitted Glint and Glare Study⁸, with solar reflections geometrically possible towards 21 of these receptors. Vegetation and terrain would however obscure views of the panels from 15 of the dwellings with 6 dwellings identified as being able to observe a low level of reflection from the panels for less than 60 minutes a day. Given the short time period that the effects of the panels would be observed, and given that the study covered a larger area upon which the solar arrays would be located, it is my judgement that the proposal would not be harmful to the living conditions of nearby occupiers.
113. I note the concern raised in respect of noise from the BESS facility. The nearest residential property has been noted as being approximately 270 metres distant from it according to the Council. A planning condition is recommended by the main parties in respect of noise output and subject to compliance with this the Council's Public Protection team have raised no objection. On the evidence before me I have no reason to reach a different view. The living conditions of nearby occupiers would not be harmed by the proposal.

Planning and Heritage Balance and Conclusion

114. The proposal would result in harm to the character and appearance of the area in conflict with some development plan policies. That harm however, would reduce over time as landscaping matures from most of the viewpoints identified, but a degree of harm would remain which would endure for the operational lifetime of the development of 30 years. Harm would also be caused during construction and decommissioning. This harm should be given moderate weight.
115. Great weight is given to the harm to the significance of designated heritage assets through harmful development within their setting, despite the harm being at the lower end of the less than substantial scale.
116. The benefits of the scheme include its contribution to the Framework's presumption in favour of sustainable development by mitigating and adapting to climate change and moving to a low carbon economy. The proposal would contribute to Cornwall's objective of being carbon neutral by 2030 and addressing

⁸ Solar Photovoltaic Glint and Glare Study, January 2023, Pager Power Urban and Renewables

the local climate emergency declaration of 2019. It would also contribute to the Framework's target of achieving net zero by 2050. The delivery of up to 49.9MW of solar energy attracts significant weight in accordance with the Framework⁹. The BESS facility would allow energy to be stored at periods of low demand and exported during periods of high demand. The ability to provide flexible input to the grid when needed is a major benefit of the proposal. Taken as a whole, the proposal would make a positive contribution to the Clean Power 2030 Action Plan objective, including assisting in improving energy security and resilience.

117. The statement of common ground sets out that the proposal would deliver biodiversity net gain of over 120% in area habitat units, over 23% in hedgerow units and over 58% in river units. Whilst these figures are questioned by interested parties, the proposal would exceed the mandatory 10% biodiversity net-gain, which is not applicable in this case given the date of the submission of the planning application. Such enhancements would make a considerable contribution to the Council's targets of protecting, conserving and growing Cornwall's eco systems, even taking account that hedgerow was removed from the site. It would go some way to address the Council's Ecological Emergency which was declared in 2021 and would exceed the 10% threshold for biodiversity net gain set out in DPD Policy RE1. I concur with the main parties that this matter attracts substantial positive weight.
118. The economic benefits of the proposal, particularly during construction are noted and these carry moderate positive weight in favour of the proposal.
119. Given the above, I am persuaded that there would be wider public benefits of the scheme of sufficient magnitude to outweigh the less than substantial harm that would be caused to each of the identified designated heritage assets and the considerable importance that this carries. Accordingly, the proposal accords with the protecting, conserving and enhancing of heritage assets of Cornwall in accordance with national legislation and policy objectives. It also accords with the historic environment policies of the Framework and the expectations of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
120. I conclude that the harm that would be caused to the character and appearance of the area and the conflict with the development plan is outweighed by the benefits of the proposal. Accordingly other material considerations, as set out above indicate that the proposal should be granted planning permission despite the conflict with the development plan.
121. For the reasons set out above, the appeal should be allowed.

Conditions

122. The Council and the appellant agreed a set of conditions that were discussed at the Hearing and amended some of the wording before it was closed in writing. I have considered these in light of the advice in paragraph 57 of the Framework and have amended some of them for conciseness and precision. I have also amended some of the conditions and added additional ones, which whilst not included by the parties were suggested by statutory and other consultees and the appellant. As such these conditions should not be a surprise to either of the main parties or result in prejudice or unfairness. Some of the agreed conditions set out criteria that the

⁹ Framework paragraph 168. a)

Council would consider to discharge conditions. This is not necessary, and I have deleted such reference.

123. In addition to the standard time limit condition (condition 1), it is necessary to define the permission and reference the plans upon which the decision is made (condition 2). Condition 3 is reasonable and necessary limiting the development to a temporary 30 year period along with details for decommissioning, to define the permission and to ensure that the land is restored to its former condition. At the Hearing the Council indicated that in the interests of biodiversity that the mitigation hedgerows should be retained and I have amended the wording of the condition to reflect this to support the aims of CLP Policy 23.
124. To protect the character and appearance of the area a condition controlling the design of the development and ancillary equipment is necessary, including the design and levels of the construction compound (condition 4) to accord with CLP Policy 23. This needs to be a pre-commencement condition because the final details of the design of the equipment may change. Conditions relating to landscaping, including protection, maintenance and management (condition 5, 6, 8 and 9) are necessary in the interests of the character and appearance of the area and biodiversity and to accord with CLP Policies 12 and 23. Condition 5 needs to be a pre-commencement condition because it requires that details are provided in respect of existing trees and other natural features.
125. Condition 7 is necessary to ensure that that biodiversity is protected and enhanced, as is condition 8, in accordance with CLP Policy 23 and DPD Policies C1(5) and G2. Conditions 8 and 9 need to be pre-commencement conditions because they include works that needs to be controlled prior to construction taking place.
126. To protect the living conditions of nearby occupiers and to accord with CLP Policy 16, a condition controlling construction times and deliveries is necessary (condition 10), as is one controlling the noise levels of the equipment (condition 16). A condition requiring the submission of, and adherence to a Construction Environmental Management Plan is reasonable and necessary to protect the interests of the owners of Hendra Barns, the living conditions of nearby occupiers and to ensure that pollution from construction activities does not affect watercourses or protected sites, including the Carrick Heaths SSSI, in accordance with CLP Policy 16. I have amended the agreed wording to take account of the suggestion from Natural England (condition 11). This condition needs to be a pre-commencement one because it relates to works during the construction period.
127. To ensure that the site is suitably drained in accordance with CLP Policies 16 and 23, a condition controlling surface water drainage is reasonable and necessary (condition 12). This needs to be a pre-commencement condition to ensure that any drainage during construction does not result in flooding or pollution. To ensure that any pollution on the site is suitably dealt with, in the interests of health and the natural environment a condition is reasonable and necessary to accord with the policy 16 of the CLP (condition 15).
128. In the interests of highway safety and to accord with CLP Policy 27 conditions requiring the submission, approval and adherence to a Construction Method Statement is necessary, as is access provision to the site prior to deliveries of the panels and infrastructure taking place (conditions 13 and 14). Condition 13 needs

to be a pre-commencement condition because it relates to how the construction process will be carried out.

129. Conditions are necessary to ensure that archaeology is protected and recorded in accordance with Policy 24 of the CLP (conditions 17, 18, 19). These need to be pre-commencement conditions as they relate to work which needs to be undertaken before construction works disturb the site.

130. A condition requiring the submission of an Emergency Response Plan as set out in the Battery Energy Storage Technical Statement is necessary in the interests of health and safety and to accord with CLP Policy 16 (condition 20).

RC Kirby

INSPECTOR

APPEARANCES

For the Appellant

Tony Gannon	Downing Renewables
Ameet Juttla	Downing Renewables
Mark Westmoreland Smith KC	
Gareth Roberts	Pegasus Planning Group Ltd
Susanne Anderson	Planning
Jonathan Evans	Landscape
Dafydd Gwilym	Senior Planner

For the Council

James Holman	Principal Development Officer
Belinda Edwards	Landscape Officer

Interested Parties

Karen Glasson	District Councillor
Nick Dymond	Local resident
Andrew Stanners	Local resident
Marie Wills	Local resident
David Cooper	Ramblers Association
Rose Barnecut	Local resident
Natasha Haslam Hopwood	Local resident
Monic Waitz	Local resident
Nicholas Waitz	Local resident
Ian Wimberley	Local resident
Teresa Howes	Local resident
Graham Howes	Local resident
John Fitter	Local resident
Julie Floyd	Local resident

Documents Submitted at the Hearing

- H1 Cornwall and Isles of Scilly Local Area Energy Plan Summary Report
- H2 Appellant's Summary

Documents Submitted after the Hearing

- PH1 Appeal decision Ref: APP/X4725/W/24/3354032
- PH2 Appeal decision Ref: APP/D0840/W/23/3334658
- PH 3 Costs decision Ref: APP/D0840/W/23/3334658
- PH4 Cornwall Council Climate Emergency Development Plan Document Topic Paper: Renewable Energy October 2021
- PH5 Agreed Planning Conditions

Schedule

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans:
 - Site Location Plan (Plan 06)
 - Proposed Outline Design (DOWN-FP-001 Rev L.)
 - Typical Switchgear Detail (Plan 04 Design Number 1)
 - Typical Switchgear and Transformer Housing (Plan 03 Design Number 1)
 - Typical Substation and Battery Storage Detail (Plan 02 Design Number 1)
 - Typical Battery Storage Detail (Plan 05 Design Number 1)
 - Generic Typical Equipment & Materials (DOWN-FP-002 Rev A)
 - Typical Screening Distances (DOWN-FP-03 Rev A)
 - National Grid Proposed Site Layout & WPD Control Room Details (GCS0020-1 Rev 4)
 - National Grid Proposed Site Layout & WPD Control Room Details (GCS0020-2 Rev 4)
 - National Grid Proposed Site Layout & WPD Control Room Details (GCS0019-1 Rev 4)
 - National Grid Proposed Site Layout & WPD Control Room Details (GCS0019-2 Rev 4)
 - AC Protection for 154kV Free Standing Metering Circuit Breaker (SPC145M1-AC Rev 13)
 - DC Protection for 154kV Free Standing Metering Circuit Breaker (SPC145M1-DC Rev 12)
 - General Arrangements of Control / Relay Panel for 145kV Free Standing Metering Circuit Breaker (SPC145M1-GA Rev 11)
- 3) The development hereby approved is for a period of no more than 30 years electricity generation, after which electricity generation is to cease, the solar panels and all ancillary infrastructure are to be removed from the site and the land is to be restored to its former condition.

No later than 12 months before the end of the 30 year operating period (or within 12 months of the permanent cessation of electricity production if earlier) a Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The Statement shall include the timescales for decommissioning of all, or part of the solar farm if it ceases to be operational, along with the measures, and a timetable for their completion, to secure the removal of panels and any foundations or anchor systems, plant, fencing and equipment (excluding the approved landscaping). In addition, a decommissioning traffic management plan and access route including provision for addressing any abnormal wear and tear to the highway and a decommissioning plan to address noise and dust shall be submitted and agreed in writing with the local planning authority.

The decommissioning of the site shall be carried out in accordance with the agreed details and timescales.

- 4) No development shall commence until full details (which must be within the parameters set out in the submitted Design and Access Statement (dated March 2023) of the final layout, locations and dimensions, design, materials and colour (where appropriate) to be used for the panel arrays, batteries, inverters, DNO substation, Customer Switchgear, CCTV cameras, fencing, above-ground anchors or other means of fixing and any other components of the scheme, including the construction compound and ground levels have first been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the use.
- 5) Notwithstanding the submitted Landscape Strategy, no development shall commence until a detailed Landscaping Scheme and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The detailed Landscape Scheme shall be in accordance with Landscape Mitigation Plan (Drawing No P24-2905_EN_06A) and shall include:
 - a) An accurate survey of all existing trees and other natural features, including Cornish Hedges, showing those to be retained and those to be removed;
 - b) Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow;
 - c) A schedule of the new trees and shrubs (using their botanical/Latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees);
 - d) Details of all proposed hard surfaces areas and any other hard landscaping features.

The Landscape Scheme shall be in accordance with the approved details and timetable for implementation.

- 6) If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscape Scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of

the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

- 7) The development shall be undertaken in accordance with the mitigation and enhancement measures and/or works as contained in the Preliminary Ecological Appraisal (November 2022) completed by RSK Biocensus, the details contained within the Breeding Bird Survey Report (July 2022), Wintering Bird Survey Report (February 2023) and Bat Report (November 2023) by RSK Biocensus.
- 8) No development or site clearance shall take place until a Landscape and Ecological Management Plan ('LEMP') has been submitted to and approved in writing by the LPA. The LEMP shall provide details of:
 - i. All landscape and ecological objectives and management, protection, maintenance and monitoring proposals to deliver the objectives;
 - ii. Schedules and timescales for delivery of the LEMP;
 - iii. Reporting and monitoring responsibilities and delivery mechanisms for all elements of the LEMP.
 - iv. Description and evaluation of features to be managed.
 - v. Ecological trends and constraints on site that might influence management.
 - vi. Prescriptions for management actions, which must include reference to management of Cornish Hedges.
 - vii. At years 2, 5, 10, 20 and 25 from energisation, reports confirming the condition and maintenance of the Biodiversity Net Gain proposals shall be submitted in writing to the local planning authority.
 - viii. Agricultural land management including details of sheep grazing, stocking levels and times of grazing.

The LEMP shall be implemented in accordance with the approved details.

- 9) Prior to the commencement of any site works or operations relating to the development (including site clearance) hereby permitted, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority to ensure the satisfactory protection of retained trees during the construction period. The matters to be encompassed within the Arboricultural Method Statement shall include:
 - a) A specification for the pruning of, or tree surgery to, trees to be retained in order to prevent accidental damage by construction activities.
 - b) The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees and, where relevant Cornish Hedges to be retained, in accordance with the recommendations of BS 5837 "Trees in relation to construction", and details of the timing and duration of its erection.
 - c) The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete and fuel storage.
 - d) The details of the materials and/ or method of construction of any roadway, parking, pathway or other surfacing within the root protection

area (RPA), which is to be of a 'no dig' construction method in accordance with the principles of Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of roadway required in relation to its usage.

- e) The details of the method of construction of any cable within the RPA.
- f) Provision for the supervision of any works within the RPAs of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant and notified to the Local Planning Authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority.

The approved Arboricultural Method Statement shall be adhered to at all times for the lifetime of the development.

10) Construction times (including deliveries) shall be limited to the following hours:

08:00 - 18:00 Monday to Friday and 08:00 - 13:00 Saturday.
There shall be no work or deliveries on Sundays or Bank Holidays.

11) The development hereby permitted must not commence, including any enabling works, until a Construction Environmental Management Plan (CEMP) has first been submitted to, and approved in writing by, the local planning authority. The approved CEMP shall be adhered to throughout the construction period, and should include:

- a) the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting;
- b) measures to control the emission of smoke, dust and dirt during the construction/installation of solar panels and for the life of the development.
- c) measures for the storage/recycling/disposal of waste resulting from the construction works;
- d) measures to advise contractors of the proximity of the Carrick Heaths Site of Special Scientific Interest (SSSI);
- e) measures to protect the SSSI from contaminated run-off during construction and in the event of a fire;
- f) any hoarding to be erected/ security fencing;
- g) details of the ecological watching brief,
- h) measures to store removed soils and/or their use elsewhere on the site, and
- h) contact details for the use of personnel associated with the business of Hendra Barns should they wish to inform the construction management team of upcoming events at Hendra Barns and any reasonable requests of alterations to construction working hours at a specific time/date.

The approved CEMP must be adhered to at all times throughout the construction period for the development.

- 12) The proposed surface water drainage systems shall be in accordance with the principles set out in Ramboll Drainage Strategy Report Ref 1620015993 (dated 09/02/2024).

No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved by the Local Planning Authority. The details shall include:

- a) A description of the surface water drainage systems operation.
- b) Details of the final drainage schemes including ground investigation and testing results, calculations and layout.
- c) A Construction Phase Surface Water Management Plan.
- d) A Construction Quality Control Plan.
- e) A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features.
- f) A timetable of construction.
- g) A plan for the future management and maintenance of the drainage systems and overland flow routes. The plan must include a drawing which clearly indicates the management responsibility for each drainage element, and a schedule of maintenance.

The Developer must inform the Local Planning Authority of any variation from the details provided and agree these in writing before such variations are undertaken.

The surface water drainage systems shall fully manage surface water flows resulting from the developed site up to the 1 in 100-year peak rainfall event plus a minimum allowance of 50% for the impacts of climate change. Flows discharged from the site will be no greater than 33 l/sec for all rainfall events.

The approved scheme shall be implemented in accordance with the timetable so agreed and the scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development.

- 13) Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall address the following:

- a) The routing of deliveries and construction vehicles to site.
- b) Details of arrangements for co-ordinating and controlling delivery vehicles.
- c) Site set-up and layout plans.
- d) Parking arrangements for site operatives and visitors.
- e) Loading and unloading of plant and materials .
- f) Storage of plant and materials used in constructing the development.
- g) On-site turning facilities for all vehicles.
- h) Wheel washing facilities.
- i) Details of warning signs along the delivery/public right of way route.

- 14) Deliveries of PV Modules and associated infrastructure must not take place until the site access has been constructed in accordance with details first submitted to and approved in writing by the Local Planning Authority.
- 15) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development, or relevant phase of development is resumed or continued.
- 16) The development hereby approved shall not become operational until a noise report has been submitted to and approved in writing by the local planning authority, demonstrating that the rating level L_{Ar,Tr} of sound from the proposed development at the curtilage of amenity areas at Noise Sensitive Receptors is no greater than the LA₉₀ background sound level. The rating level is to be determined in accordance with the methodology prescribed in BS 4142:2014 (or any future amendments).
- 17) No development shall take place, including site clearance, until a programme of archaeological evaluation trenching has been undertaken to assess the validity of the geophysical survey results, the importance of the buried archaeological features and the depth of the overburden protecting them. This evaluation shall be based upon a trench plan and a Written Scheme of Investigation (which shall include site works, analysis, reporting and archive work) which shall be submitted to, and approved by, the Local Planning Authority.
- 18)(A). No development shall take place until a programme of archaeological recording work including a Written Scheme of Investigation (informed by the results of archaeological evaluation) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and include:
- a) The programme and methodology of site investigation and recording
 - b) The programme for post investigation assessment
 - c) Provision to be made for analysis of the site investigation and recording
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- (B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- (C) The solar farm should not be energised until the site investigation and post investigation assessment has been completed in accordance with the

programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 19) No development shall take place until an archaeological management plan is submitted to and approved in writing by the Local Planning Authority. The plan should be based upon the results of the archaeological evaluation and shall include the mitigation strategy to reduce or remove any negative effects on significant buried archaeological features. It shall be adhered to for the lifetime of the development, including decommissioning.
- 20) The development shall not be brought into use until an Emergency Response Plan (ERP) has been submitted to and approved in writing by the Local Planning Authority. The ERP shall include, but not be limited to:
- a) A full description and site plans identifying all of the relevant features required in an emergency such as layout, rendezvous point and staging area, e-stop locations and firefighting equipment.
 - b) Design drawings and schematics of the proposal.
 - c) Procedures for the isolation of equipment/enclosures in the case of failure. Location of electrical isolation switchgear.
 - d) Battery data including: Material Safety Data Sheets, Control of Substances Hazardous to Health Assessment, details of fire detection and suppression systems.
 - e) Fire fighting strategy including conservative plume and explosion impact assessments, review of local risk points including the Carrick Heaths SSSI, review of fire water provisions.
 - f) Location of alarm panels, details and location of signage.
 - g) Details of chain of command and phone numbers of control room and 24/7 monitoring.
 - h) Details of the explosion prevention venting system including discharge locations and orientation.
 - i) Evacuation routes.
 - j) Medical emergency procedures.
 - k) Maintenance records.
 - l) Decommissioning procedure for damaged BESS batteries and equipment.
 - m) Protocols and schedules for conducting safety and emergency response drills.

END OF SCHEDULE