
Appeal Decision

Site visit made on 22 October 2025

by **D M Love BA(Hons) PGCert MRTPI PISEP**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/F1040/W/25/3369340

Fairfields Farm, Rosliston Road, Walton-On-Trent, Swadlincote DE12 8LR

- 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 Innova Renewables Developments Ltd against the decision of South Derbyshire District Council.
 - The application Ref is DMPA/2024/0789.
 - The development proposed is Installation and operation of a 1.025 GW Energy Storage System (ESS), including energy storage units, substation, site access, cable connection, landscaping and ancillary infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for Installation and operation of a 1.025 GW Energy Storage System (ESS), including energy storage units, substation, site access, cable connection, landscaping and ancillary infrastructure at Fairfields Farm, Rosliston Road, Walton-on-Trent, Swadlincote DE12 8LR in accordance with the terms of the application, Ref DMPA/2024/0789, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council had two reasons for refusal detailed in their decision notice. During this appeal they have withdrawn the second reason relating to landscape and visual effects. No explanation has been provided as to why this is no longer being contested but the officer report provides a detailed assessment on landscape and I concur with its findings.
 3. The appellant has submitted a site plan revision E which does not match the associated Site Location Plan. Having reviewed the list of documents before the planning authority and those they list in their conditions I have opted to accept those site plans and details consistent with the Site Location Plan revision 'E', but it should be noted that those discrepancies are covered by the blue ownership boundary. There are no concerns with respect to prejudice and/ or neighbour notification.
 4. Finally, the appellant's documents that were before the Council referenced a loss of 8.39ha of Best and Most Versatile Agricultural Land (BMVAL), whereas the appeal statement refers to 4.99ha. I have taken a pre-cautionary approach to this decision and based it on the former figure that was before the Council at the time when they made their decision.
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Main Issue

5. The main issue is the effect of the proposed development on Best and Most Versatile Agricultural Land (BMVAL).

Reasons

6. The site measures some 23ha, as per the application form, and lies within an area of farmland within the National Forest in south Derbyshire. It is currently arable farmland accessed from Fairfields Farm and surrounded by a mix of farmland and associated boundary treatments such as post and wire fencing, hedgerows and trees. Further afield there is a conservation area in Walton-on-Trent.
7. The proposal is an Energy Storage System (ESS) compound with substation and associated infrastructure, landscaping and drainage features, access, and a cable route to the Willington National Grid Substation. The proposal seeks a 50-year permission, a very considerable length of time spanning more than a generation. However, appropriate conditions would ensure that decommissioning would occur at the end of the permission, to remove equipment and reinstate the site to an acceptable condition. It would therefore not be irreversible, and my reasoning below is made on this basis.
8. The Agricultural Land Classification (ALC) rates Best and Most Versatile Agricultural Land (BMVAL) as Grades 1, 2 and 3a. The evidence details that the proposal would take away the agricultural use of 8.39ha of ALC Grade 2 and Grade 3a land, which is therefore BMVAL. The Council considers that the loss of the extent of BMVAL would not be outweighed by the proposal's renewable energy benefits.
9. The South Derbyshire Local Plan Part 1 (LP1) Policy BNE4 requires the protection and enhancement of the quality of the soil-scape (criterion A), and protection of BMVAL soils and wherever possible directing development to areas with lower quality soils (criterion E). Policy SD6(A)(i) supports renewable and other energy developments and ancillary buildings or infrastructure subject to several considerations, with 'environmental effects' being the only potentially relevant BMVAL aspect. The South Derbyshire Local Plan Part 2 (LP2) Policy BNE5(v) also requires for development in rural areas to not unduly impact on BMVAL.
10. The Planning Practice Guidance (PPG) lists particular considerations for large scale solar farms, which also has relevance to ESS schemes. This includes whether the use of any agricultural land has been shown to be necessary, and poorer quality land has been used in preference to higher quality land. The PPG also identifies that soil is an essential natural capital asset providing important ecosystem services. The National Planning Policy Framework ('the Framework') (2024) paragraph 187 also requires protection of soil quality. Paragraph 188 and its footnote 65 further identify 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. Natural England guidance also supports this approach.

11. Natural England are the only statutory consultee for BMVAL. The appellant suggests the best proxy for the Framework paragraph 188 definition of 'significant development', is the 20ha loss of BMVAL size threshold above which Natural England consultation is required. I note that Natural England were consulted despite the site falling below this threshold, with no objection raised.
12. Both parties refer to various appeal decisions including land west of Caldwell Road, Drakelow, land east of Stenson Lane, Stenson and the Oaklands Solar Park Nationally Significant Infrastructure Project (NSIP) to support their relevant positions. Although BMVAL is an issue involving percentages and calculations, and which therefore appears capable of comparison with other decisions, such aspects are inevitably site and context specific.
13. The Council argues that the cumulative loss of BMVAL in South Derbyshire has become increasingly significant over time, as evidenced by the scale of consented renewable energy schemes, including the Oaklands Farm Solar Park NSIP on 115ha of BMVAL. However, the Stenson Lane appeal decision references that the Oaklands Farm Consent Order had already been received. The Council's Statement of Case also references the Swadlincote Resource Recovery Park⁷ in the context of cumulative loss, but there is no information before me as to the extent of its use of BMVAL. I can, therefore, only afford this limited weight in this case.
14. Importantly, the Stenson Lane Inspector identified that on the evidence before them, and even accounting for Oaklands Farm and the other two sites with planning permission at Drakelow South, and Royle Farm Business Park (references not provided), cumulatively the total amount of land used would still be just a very small percentage of local, regional and national BMVAL. There is no similar detailed assessment and/ or analysis by the Inspector in the Caldwell Road decision.
15. If I were to allow this appeal, that BMVAL percentage loss figure would increase. At some point, a cumulative tipping point may be reached, and it is clearly important to consider any adverse cumulative impacts. However, no convincing material circumstances have been put before me to suggest that such a tipping point has been reached less than 6 months since the Walton Road decision, despite that decision at Stenson. I also take into account the size comparison of the 11.8ha of BMVAL at Walton Road, compared to the 8.39ha currently before me. Even were I to discount the Walton Road detailed conclusions, the appellant identifies that the whole appeal site of approximately 23ha would account for approximately 14.65% of the overall agricultural holding. The appellant also details that there is some 1.172 million ha of agricultural land in the East Midlands. The ALC mapping does not differentiate between Grade 3a and Grade 3b, but to my mind this further reinforces that a loss of 8.39ha of BMVAL against this wider backdrop would be not significant.
16. Furthermore, the BMVAL would not be lost in perpetuity because a condition to require soil restoration would be imposed. At the current time and on the evidence before me, I do not consider there to be a significant impact from the long-term loss of BMVAL on the appeal site, either individually or cumulatively when considered.

17. I note that evidence has been submitted relating to potential alternative sites on land which may not be BMVAL. The Framework and PPG do not mandate this in any form of formal sequential test, but the Written Ministerial Statement (WMS) dated 15 May 2024 states that due weight needs to be given to the proposed use of BMVAL when considering whether planning consent should be granted for solar development. In this instance the appellant has detailed that there no other suitable available sites that use less BMVAL for a development of this scale whilst meeting the technical and environmental requirements of the proposal. I agree with their findings.
18. A search radius around the proposed point of connection is a commonly accepted approach for this scale of ESS. The 2km radius used by the appellant is less than used elsewhere but I find it acceptable nonetheless given the specific circumstances of the appeal and the wider area. Within this area, multiple site constraints have been identified, such as a large area of high flood risk, cable routing issues across physical barriers, landscape, visual, ecology and heritage. No previously developed land was identified as suitable and available for the proposed scheme. ALC mapping indicates that the remaining potential sites have a higher BMVAL classification than that of the appeal site, or that the distinction between Grade 3a and 3b cannot be ascertained without physical sampling. Overall, I am content with the extent of information provided, and its demonstration of the low possibility of other viable and available sites with lower quality soils on which to site the appeal proposal.
19. The Council declared a Climate Change Emergency in June 2019 and announced a target to be carbon neutral as a Council by 2030. The significant benefits of ESS schemes are well rehearsed nationally, and support included from the Framework Paragraphs 161 and 168(a). The proposal would contribute in excess of 1GW providing a significant benefit to the aspirations of balancing the grid.
20. In conclusion, I find the proposal would not involve the undue and permanent loss of a significant amount of BMVAL. In accordance with the LP1 Policies SD6(A)(i) and BNE4(A), the soilscape would thus be protected. I am also content that it is not possible in this instance to direct development to areas with lower quality agricultural land or lower quality soils, and thus there is no conflict with Policy BNE4(E). Overall, there would be no undue impact on BMVAL, individually or cumulatively, in accordance with LP2 Policy BNE5(E) which seeks to not unduly impact BMVAL. There would also be no conflict with the Framework requirements.

Other Matters

21. The Council has withdrawn their reason for refusal relating to landscape and visual effects, but this has been raised by interested parties. However, I note that existing landscape features are largely being retained and added to thus increasing the landscape value of the site and reducing the visual impact. An element of urbanisation is inevitable when considering the necessary form and function of an ESS, and the substation would be most apparent due to its height and bulk, but the proposal overall would not have an overwhelming impact on the wider area or on any key receptors.
22. Concerns have been raised regarding the impact on local roads and users, specifically horses. From the evidence the construction route has been designed

to avoid key villages and connect to the site from the A444 Burton Road/ Castle Road roundabout via Burton Road, Linton Road, Hillside Road, Coton Park, Cadley Lane, Caldwell Road, and Walton Road/ Main Street. During my site visit I observed that this was already a busy route frequented by HGVs and a range of other road users. I find that the proposal will not materially add to the frequency of vehicles during the construction and decommissioning periods.

23. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to preserving or enhancing the character or appearance of conservation areas. In addition, the National Planning Policy Framework (the Framework) requires great weight to be given to the conservation of heritage assets. The proposal would be modest, and in the terminology of the Framework it would result in less than substantial harm to the significance of the Walton-on-Trent Conservation Area (CA) as a designated heritage asset. Paragraph 196 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of heritage assets, that harm should be weighed against the public benefits of the proposal. According to the Council's evidence the CA's distinctive characteristics can be summarised as follows:
- a linear river frontage settlement, formed by Main Street, located within a gently undulating landscape
 - a small rural village with agricultural roots
 - a wealth of mature and impressive trees defining boundaries to fields, forming plantations and soft, broad, planted edges to the roadside, and standing as individual specimens or clumps within the larger fields
 - common use of privet and mixed native hedges and an unusually high degree of 19th century conifer planting (particularly yew)
 - prominent brick buildings of the 18th and 19th centuries, characterised by highly decorative details
 - true timber-framed houses of the 17th century and "Old English" style timber-framed houses of the 19th century
 - a long uninterrupted history of development from the medieval period up until the present day in a gradual progression, with a building surviving from almost every decade of the 19th and 20th centuries
24. The site is some distance to the east of the CA in a natural depression in established farmland. It is well screened by existing landscape features and topography. Having undertaken a site inspection I am satisfied that there is highly unlikely to be any views into, or out of, the CA that would be impacted by the proposal.
25. Considering the above I am satisfied that the proposal would have a neutral effect on the setting of the CA.
26. Under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to consider the potential impact of the proposal on the setting of

designated heritage assets. Both the appellant and the LPA were requested to provide details of those assets they considered in their assessment. I have determined that the proposal is within the setting of the following listed buildings:

- Gate Piers, Adjoining Walls and Attached Piers at Drakelow Lodge Entrance to Drakelow Power Station, Grade II Listed
- Grove Farmhouse, Grade II Listed
- Barr Hall and Attached Farm Buildings, Grade II Listed

Gate Piers

27. This asset lies to the north west of the site separated by agricultural fields, mature vegetation and Walton Road. According to the Council's evidence the gate piers are associated with Drakelow Lodge and initially formed the entrance to Drakelow House, which was demolished in 1934. The gate piers are set back from the main road and are mostly readily appreciated in their immediate setting.
28. The appeal site lies to the south east. The new access point from the main road is to the east and may impact on the appreciation of the asset by virtue of a further built element within the wider setting. However, the Council and the Appellant both agree that the appeal proposal will have less than substantial harm to the heritage asset.

Grove Farmhouse

29. The farmhouse lies within a wider grouping of buildings to the north of the appeal site and south of Walton Road. The appeal site lies to the south of the farmhouse on a lower lying land. There will be views from the wider steading and immediately surrounding land down into the site, but these are likely to be limited and experienced intermittently by farm workers. The listed farmhouse itself is in amongst the steading buildings and is unlikely to be directly affected.
30. Both the Council and the appellant agree that there will be less than substantial harm to the heritage asset. I find no reason to disagree.

Barr Hall and Attached Farm Buildings

31. The heritage asset lies to the west of the appeal site and north of Walton-on-Trent. The asset consists of a large house with associated farm buildings. It is well screened from Walton Road. There are a number of agricultural fields between it and the appeal site as well as mature vegetation, which will be enhanced as part of the appeal proposals. Given the distance, topography and vegetation the Council and Appellant agree that there will be less than substantial harm.

Heritage Assets Conclusion

32. Both the Council and the Appellant agree that the above assets will experience less than substantial harm. This harm will be outweighed by the public benefits of the appeal proposal, i.e. balancing the electricity grid and contribution the proposal would make to achieving net zero emissions. I have no reason to disagree with their findings.

33. I have considered comments made by interested parties in relation flood risk, and fire safety. However, there are no technical objections from relevant statutory consultees or from the Council on these matters. I find no reason to find otherwise.

Conditions

34. Several conditions are required pre-commencement, in order to provide essential protection or mitigation from the effects of construction. I have imposed the Council's suggested conditions, subject to amendments to reflect the tests in the Framework paragraph 57 and the PPG. In particular, it would be a duplication to impose the proposed condition for materials to match those in the approved plans. It is not reasonable or necessary to restrict additional development which may otherwise be allowed through permitted development measures, because this is either already accounted for through the imposition of other conditions, or would be very minor in the context of the proposal as a whole.
35. A range of biodiversity and landscape protection and enhancement measures need to be ensured, which will be achieved through the imposition of numerous conditions (11, 12, 13, 14, 20, 21, 22, 23, 24, 25, 26). The statutory condition will limit the lifespan of the planning permission (1), and specifying approved plans (2) will provide clarity for the terms of the permission. Limiting the operational period to 50 years will bind the proposal to that on which my determination was based (3), and similarly requiring decommissioning and site restoration will protect the agricultural land from permanent change and reinforce the timeframe or an earlier timeframe if the development ceases to export electricity for more than 12 months. I have added the requirement for a scheme to restore the land and soil to its former condition, into the Construction Environmental Management Plan (27), and the decommissioning condition (30).
36. A Construction Management Plan (7) is necessary to protect the amenity of neighbouring residents, to avoid undue disruption to the function of the highway network, and to protect biodiversity. There is also a requirement to limit construction working hours for the benefit of residents (17). Conditions are also required to ensure highway safety with respect to the access and associated visibility splays (4, 5, 6). An Archaeological Written Scheme of Investigation (8) is necessary to protect archaeological remains, and a scheme for surface water drainage will ensure sustainable drainage and no increase in runoff or flood risk (9, 10).
37. A Detailed Battery Safety Management Plan and Emergency Response Plan (28, 29) are required prior to the installation of the battery equipment and then its first use, to ensure that safety matters are fully considered for the lifetime of the permission once the final equipment specification is known. Conditions relating to noise (15, 16), dust (18) and lighting (19) are necessary to protect nearby properties.

Conclusion

38. For the reasons given above, and having regard to all other matters raised, I conclude that the development accords with the development plan taken as a whole, and therefore the appeal is allowed.

D M Love

INSPECTOR

*****Schedule of Conditions*****

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documentation:

Reports

- Fairfield Energy Centre AIA Report May 2024
- Fairfield Energy Centre Archaeological Preservation Strategy May 2024
- Fairfield Energy Centre CEMP May 2024
- Fairfield Energy Centre Design and Access Statement
- Fairfield Energy Centre EclA May 2024
- EclA Appendix 1 Preliminary Ecological Appraisal
- EclA Appendix 2 Otter and WV Report
- EclA Appendix 3 Breeding Birds Report
- EclA Appendix 4 Bat Survey Report
- EclA Appendix 5 Reptile PWMS
- EclA Appendix 6 Hedgerow Regulations Assessment
- EclA Appendix 7 Biodiversity Net Gain Assessment
- ST19583 - 0011 - Drakelow - BNG - May 2024
- ST19583 Statutory_Biodiversity_Metric_Condition_Assessments-March24.xlsx
- ST19583_The_Statutory_Biodiversity_Metric_Calculation_Tool_180324.xlsm
- EclA Appendix 8 Badger Report CONFIDENTIAL
- EclA Appendix 9 Barn Owl Survey Report
- Fairfield Energy Centre Flood Risk Assessment May 2024
- Fairfield Energy Centre LVIA May 2024
- Fairfield Energy Centre Planning Statement May 2024
- Fairfield Energy Centre Site Selection Assessment and Appendices May 24
- Fairfield Energy Centre Statement of Community Involvement
- Fairfield Energy Centre Transport Statement May 2024
- 22-516 Fairfield Energy Centre ESS - Noise Assessment for Planning ISSUE V3 ISSUE
- Economic Impact Assessment dated 24th January 2025 (Lichfields)

Drawings

- 2 Palisade Fence
- 7 Security Gate v2
- 8 Spares Container v3
- 14 NG MV Skid v2
- 15 V1 ESS Unit
- 16 ESS Access Tracks
- 18 Office Container v2
- 20 CCTV Post
- 21 Water Container
- 24 Floodlight Column

- 25 400kV Substation Layout
- 26 400kV Substation Elevation A and B
- 27 400kV Substation Elevation C and D
- 28 132kV ESS Substation Layout and Elevations
- 29 Car Parking Details
- ST19583-600-G_ Indicative Isopachytes
- ST19583-601-A - Sections-601-SEC A-A and B-B
- ST19583-602-B - Sections-602-SEC C-C _ D-D and E-E
- ST19583-605-D Site Location Plan-A4P
- ST19583-606-G Site Layout Plan
- ST19583-607-P3 Landscape Plan_National Forest
- ST19583-607-P4 Landscape Plan Sheets

unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

3. The development hereby approved is granted for a limited period only expiring 50 years after the date on which the scheme first comes into use, on or before this date all associated buildings, structures, tracks and fencing shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, permission has been granted for an extended period pursuant to an application made to the Local Planning Authority in that regard. The operator shall inform the Local Planning Authority within 10 working days of the development first coming into use.
4. No works shall commence on the approved development until the means of access has been constructed and completed as shown on Drawing No. ST19583-034 Rev A with visibility splays provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 160m in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.
5. The development hereby permitted shall not be brought into use until such time as the access has been surfaced with tarmacadam, or similar hard bound controlled material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and, once provided, shall be so maintained for the lifetime of the development.
6. The development hereby approved shall not be brought into use until any proposed access gates have been set back a minimum of 15 metres from the adjoining carriageway edge and made to open inwards only.
7. Prior to commencement of the development hereby permitted details of a Construction Management Plan (CMP), including construction traffic management, 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:

- a) 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);
 - b) Advisory routes for construction traffic;
 - c) Any temporary access to the site;
 - d) Locations for loading/unloading and storage of plant, waste and construction materials;
 - e) Method of preventing mud and dust being carried onto the highway;
 - f) Arrangements for turning vehicles;
 - g) Arrangements to receive abnormal loads or unusually large vehicles;
 - h) Highway Condition survey;
 - i) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
8. No development shall take place until a Written Scheme of Investigation for archaeological works 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:
- a) An assessment of significance and research questions
 - b) The programme and methodology of site investigation and recording
 - c) The programme for post investigation assessment
 - d) Provision to be made for analysis of the site investigation and recording
 - e) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - f) Provision to be made for archive deposition of the analysis and records of the site investigation
 - g) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the archaeological Written Scheme of Investigation.

The development shall not be brought into use 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 (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

9. 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:
- a) Flood Risk Assessment, Doc Ref: ST1983/0013, Version: V1.0, prepared by Wardell Armstrong LLP, dated May 2024 and including any subsequent

- amendments or updates to those documents as approved by the Flood Risk Management Team; and
- b) 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.
10. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority 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 Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.
 11. Notwithstanding the submitted details, no development shall commence until an arboriculture management plan, together with full and comprehensive details of an increased provision of tree planting (including species mix, size, and density), including an increase in standard tree numbers where possible in open grassland areas, together with an increase of tree species in the woodland mix and more tree variety in the parkland, is submitted to and approved in writing by the Local Planning Authority in conjunction with the National Forest Company, whereafter the approved details shall be implemented in full and maintained in perpetuity.
 12. Notwithstanding the submitted details, no development shall commence until a full and comprehensive scheme of landscaping and boundary treatments, has been 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. Any alternative details shall be first submitted to and approved in writing by the Local Planning Authority, whereafter the approved alternative details shall be incorporated into the development.
 13. In the first planting season following the commencement of the development the scheme of tree planting and landscaping as approved shall be implemented. Any planting which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.
 14. 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 must be submitted to the Local Planning Authority.
 15. The development hereby permitted shall be installed and maintained in full accordance with the recommendations of noise impact assessment by In Acoustic

dated November 2023. Prior to the development being brought into first use, the applicant shall demonstrate that the scheme does not exceed the predicted post-mitigation rating limits quoted in the assessment.

16. Prior to the first use of the installation hereby permitted, a scheme of noise monitoring shall 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 must be implemented thereafter.
17. 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 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays. There shall be no construction works (except for works to address an emergency) or deliveries on Sundays or Bank Holidays.
18. 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.
19. No development shall take place until a detailed lighting strategy (designed in accordance with the guidelines issued by the Institute of Lighting Engineers, or any equivalent guidelines which may supersede such guidelines) which shall include precise details of the position, height, intensity, angling and shielding of lighting, as well as the area of spread/spill of such lighting, must be submitted in writing to the Local Planning Authority for approval. The development thereafter shall be operated as per the approved strategy.
20. Prior to the commencement of any works which may affect Great Crested Newts and/ or their habitat, a copy of the Impact Assessment and Conservation Payment Certificate (IACPC) signed by all parties shall be submitted to the Local Planning Authority. All works shall then proceed in accordance with the requirements of the signed and issued Natural England licence.
21. The development shall be carried out in accordance with the mitigation and compensation strategy detailed within the Badger Survey Report prepared by Wardell Armstrong dated May 2024) unless varied by a Species licence subsequently issued by Natural England, a copy of which shall be submitted to the Local Planning Authority. The agreed features for roosting bats shall be permanently installed in accordance with the approved details.
22. Prior to the commencement of development, including preparatory site clearance, a detailed Barn Owl, Kingfisher, Otter, and Water Vole survey for any recently excavated holts or burrows on the site or within 10 metres of the site boundary shall be undertaken. The results and any appropriate mitigation/licensing requirements shall be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.

23. No development shall commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include details of:
- a) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - b) Description and location of the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan and approved biodiversity metric;
 - c) The management measures including the legal and funding mechanism(s) to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
 - d) The monitoring methodology and frequency to be submitted to the Local Planning Authority in respect of the created or enhanced habitat, and the remedial measures to be applied if conservation aims and objectives of the plan are not being met.

The development hereby permitted shall be implemented, monitored, and maintained in accordance with the approved HMMP.

24. Prior to the commencement of works, 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 Boxes (i.e. kestrel boxes, barn owl boxes, sparrow terraces, swift boxes) erected onto retained mature trees (avoiding southern aspects).
- External Bat Boxes erected onto retained mature trees (favouring southern aspects).
- Invertebrate houses at the edge of the woodland to be retained.
- An integrated SuDS area/s / sand martin and kingfisher nesting bank.

A statement of good practice including photographs shall be submitted to the Local Planning Authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above. The enhancements must be implemented in accordance with the approved details and all features retained in that manner thereafter.

25. Prior to the commencement of development, a Skylark Mitigation Strategy shall be submitted to, and be approved in writing by, the Local Planning Authority. The Skylark Mitigation Strategy shall be in general accordance with the strategy principles and incorporate:
- a) Mapped details of the proposed location of Skylark nest plots within appropriate habitat and number of Skylark plots to be provided.
 - b) Purpose and conservation objectives for the proposed Skylark plots.

- c) Detailed methodology for the Skylark plots following Agri-Environment Scheme option: 'AB4 Skylark Plots'
- d) Details of the persons responsible for the implementation and management of the Skylark Mitigation Strategy.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details, and all features shall be retained for a minimum of 10 years.

26. Prior to the commencement of development, a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development. The LBEMP shall 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:
- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
 - b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
 - f) Details of the body or organization responsible for implementation of the plan.
 - g) 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.
 - h) Monitoring reports to be sent to the Council at each of the intervals above
 - i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
 - j) 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.

27. 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:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on species and retained habitats during construction.

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

- 28. Notwithstanding the submitted details, no development shall commence until a full and comprehensive detailed fire risk assessment and battery safety management plan has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Derbyshire Fire & Rescue team, whereafter the approved details shall be implemented in full and maintained in perpetuity. The battery safety management plan shall accord with the recommendations contained within National Fire Chiefs Council - Grid Scale Battery Energy Storage System Planning - Guidance for FRS (or equivalent guidance if replaced). The battery safety management plan must be implemented as approved.
- 29. Notwithstanding the submitted details, no development shall commence until a full and comprehensive detailed emergency response plan has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Derbyshire Fire & Rescue team, whereafter the approved details shall be implemented in full and maintained in perpetuity. An identified site contact, details of site access arrangements, start of works notifications, and completion of works notifications must form and be agreed as part of these details. The emergency response plan shall accord with the recommendations contained within National Fire Chiefs Council - Grid Scale Battery Energy Storage System Planning - Guidance for FRS (or equivalent guidance if replaced). The development shall be carried out and thereafter operated only in accordance with the approved emergency response plan.
- 30. Within a period of 49 years and 6 months following the First Export Date, or in the event of the development hereby permitted ceasing to export electricity to the Grid for a continuous period of more than 12 months then within 3 months from the end of that 12 month non-electricity export period, a Decommissioning Scheme to include details of the removal of all structures, equipment, and infrastructure relating to the development hereby permitted, to include a timetable for implementation and a scheme to restore the land and soil to its former condition, shall be submitted to the Local Planning Authority. Additional details or a revised Decommissioning Scheme must be submitted if requested by the Local Planning Authority, within its stated timescale. Once the Decommissioning Scheme is approved in writing, the development hereby permitted shall be decommissioned in accordance with the approved details.

*****END OF SCHEDULE*****