

Appeal Decision

Site visit made on 4 November 2025

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/U2750/W/25/3369368

Hillam Grange, Austfield Lane, Hillam, North Yorkshire LS25 5NQ

- 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 Noventum Power against the decision of North Yorkshire Council.
- The application Ref is ZG2023/1271/FULM.
- The development proposed is 'Erection of a solar farm together with ancillary development thereto'.

Decision

1. The appeal is allowed and planning permission is granted for 'erection of a solar farm together with ancillary development thereto' at Hillam Grange, Austfield Lane, Hillam, North Yorkshire LS25 5NQ in accordance with the terms of the application, Ref ZG2023/1271/FULM, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues in this appeal are as follows:
 - Whether or not the proposal would constitute inappropriate development in the green belt.
 - The effect of the proposal on the best and most versatile agricultural land.
 - The effect of the proposal on designated heritage assets.

Reasons

Whether Inappropriate in the Green Belt

3. The proposal entails the erection of a solar farm with ancillary equipment and structures including a substation, access track, fencing, grid infrastructure and boundary treatments alongside the photovoltaic panels. The overall site area is indicated to be some 62 hectares, the majority of which would be used for the panels themselves. This would be spread across 3 main areas comprising fields to the north and south of Hillam Common Lane to the east and southeast of the village of Hillam. I understand that the maximum height of the solar panel arrays would be 3.5metres (m) above ground level and that they would be fixed in place facing south rather than moving to track the sun.
4. Paragraph 160 of the National Planning Policy Framework (the Framework) advises that when located in the green belt, elements of many renewable energy projects will comprise inappropriate development. As with other forms of development considered inappropriate, developers will need to demonstrate very special circumstances if projects are to proceed.

5. My attention is drawn to paragraph 155 of the Framework which advises that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all of sections a-d apply, although in this case section 'd' does not apply given the proposal does not involve housing.
6. Paragraph 155(a) states that the development would not be inappropriate if it would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining green belt across the area of the plan. Grey belt land is defined in the Framework glossary as land in the green belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. I note in this case that the exclusions given in footnote 7 which would provide a strong reason for refusing or restricting development do not apply given my assessment of heritage assets in the relevant section of this report, nor is the site previously developed for the purposes of the definition given in the Framework glossary.
7. To aid in the assessment of whether land can be considered as grey belt, the Planning Practice Guidance (PPG) advises on the contribution that assessment areas make to green belt purposes a, b, and d¹. For each purpose, the contribution can be considered strong, moderate or weak/none based on illustrative features.
8. With regards to the purpose given in paragraph 143(a), the PPG advises that this relates to the sprawl of large built up areas. Villages should not be considered large built up areas. As the appellant points out, the villages of Monk Fryston and Hillam are for all intents and purposes adjoining and defined in the Selby District Core Strategy Local Plan (LP) (adopted October 2013) as designated service villages in the settlement hierarchy. Notwithstanding this definition in the development plan, assessing the situation on the ground on my site visit that the adjacent settlements were not large built up areas. As such, the appeal site does not make a strong contribution to purpose 'a'.
9. Similarly, the PPG advises for purpose 143(b) that this relates to the merging of towns, not villages. Moreover, the PPG advises a strong contribution to this purpose includes areas that form a substantial part of a gap between towns and the development of which would be likely to result in the loss of visual separation of towns. I note the nearest 'towns' are some distance from the appeal site and given the overall size of the proposal in relation to this gap, it would not form a substantial part of this gap. Given the distances involved, it would also not result in the loss of visual separation given the towns are not visible at these distances.
10. Furthermore, the PPG is clear that purpose 143(d) relates to historic towns, not villages. As such, the appeal site cannot be considered to make a strong contribution to forming part of the setting of a historic town or make a considerable contribution to the special character of a historic town. Taken together, the appeal site can be considered grey belt land for the purposes of this appeal. I note that the Council does not dispute this conclusion and agrees that the appeal site can be considered as grey belt land.
11. Returning to paragraph 155(a), although the purposes given in 143 (a), (b) and (d) are not undermined, those given in parts 143 (c) and (e) are also now relevant as

¹ Paragraph: 005 Reference ID: 64-005-20250225

a judgement must be made as to whether the proposal would fundamentally undermine the purposes taken together of the remaining green belt across the area of the plan.

12. The third purpose (c) is to assist in safeguarding the countryside from encroachment. The proposal would see a relatively large number of solar panels, structures and other elements of an industrial character erected in what are currently open agricultural fields. The scale of the development would mean that the encroachment would be significant on a local scale.
13. However, the test is whether the proposal would fundamentally undermine the purposes taken together across the remaining green belt. The proposal would cover some 62 hectares (ha). The LP advises that there were 19,240 hectares of designated green belt at the time the document was devised. Moreover, the development would be contained within existing field patterns and boundary treatments. While the remaining green belt would not all be countryside, given its scale to my mind it would not fundamentally undermine the purpose of safeguarding the countryside from encroachment.
14. Finally, given the appeal site's location, it would not undermine purpose 143(e) which seeks to encourage the recycling of derelict or other urban land. Although I note some interested parties question why it would not be erected on previously developed land, developments such as this are invariably reliant on a grid connection. I understand this proposal has secured a connection which limits its location. In any event, it would not fundamentally undermine this purpose across the remaining green belt of the plan area.
15. Taken together, the proposal would accord with paragraph 155(a). Turning to paragraph 155(b) there are numerous publications which highlight the need for this type of development, such as the government's Clean Power 2030 Action Plan (CP30). This document includes battery storage as a key part of the overall strategy while also estimating that 23-27 gigawatts (GW) of battery capacity is needed to achieve the 2030 targets and progress towards a fully decarbonised grid by 2050. The current installed battery capacity in the UK is evidently around 4.5GW, albeit this may have increased since that report was issued. In any event, there is no dispute between the parties that there is a demonstrable unmet need for the type of development proposed, thereby meeting the requirement of paragraph 155(b).
16. Paragraph 155(c) requires that the development would be in a sustainable location, with particular regard to paragraphs 110 and 115 of the Framework. Those 2 paragraphs are concerned principally with patterns of growth, choice of transport modes, safe access and impacts on the transport network. There is little relevance to these matters in this case. These types of development are most likely to be found in rural areas given their spatial requirements. While there would inevitably be traffic during the construction phase, during the operational phase of the solar farm this would evidently be very low in terms of vehicle movements and concerned primarily with maintenance and repair. Its location would have negligible impacts on the number of movements. There were no objections from any highway authorities to the proposal, and I consider that the proposal would align with the aims of paragraph 155(c) in this case. Paragraph 155(d) does not apply in this case given it relates to proposals for housing.

17. Taken together, the appeal site can be considered grey belt land and would not be inappropriate development in the green belt in accordance with paragraph 155 of the Framework. This would also accord with policies SP2 and SP3 of the LP.
18. I have determined that the proposal does not constitute inappropriate development. The courts² have held that in this scenario, it is not necessary to consider its impact on the openness of the green belt, nor does the proposal need to demonstrate very special circumstances.

Best and Most Versatile Agricultural Land (BMVAL)

19. The Natural England Agricultural Land Classification advises that the appeal site would be exclusively within grade 2 (very good), although this is on a national scale for wider area based assessments. I have had regard to the findings of the Agricultural Evidence (AE)³ which relates to the matter of BMVAL in this case. The AE advises that a detailed agricultural land classification was carried out in July 2023 which concluded that 70.8% of the total land to be covered by the proposal was considered BMVAL and included grades 2 and 3a.
20. It is agreed between the main parties that the proposal would lead to the temporary reuse of BMVAL for a period of some 40 years rather than a total loss. The AE also advises that from 2010 agricultural activity was purely arable farming that included cereal or grass for silage until recently, although it is also explained that the land suffers from dry springs, and crop growth suffers from a lack of water, which caused poor yields. As of this year I understand that the land has been used for agri-environmental schemes, although it is not explained what this entails. However, there is nothing before me to dispute this evidence and I see no reason to doubt its findings in this regard.
21. Evidently, the Selby district has a disproportionately high amount of BMVAL when compared to the rest of the country, with some 59% compared to a 16% average. As such, the loss of BMVAL would not be as keenly felt in this area, while it would also ostensibly appear as though land in the district would be difficult to find with a viable grid connection given the constraints relating to this matter.
22. Although 40 years is a significant period of time, it would be temporary and following the cessation of this development the land can be returned to agricultural use. Moreover, sheep could be grazed on the land which is a common practice of solar farms while the land is used primarily for the production of energy. I agree that grazing could be difficult to guarantee, although there is nothing before me to indicate that there is a shortage of grazing land for this purpose. I also understand that by not growing food on the land for a long period of time, this would have the effect of allowing the soil to recover and improve its productivity if and when it came back into arable use.
23. Furthermore, the AE advises that the total amount of BMVAL in the plan area to be temporarily out of use during the operation of the development is some 0.0947%, while even if it was to be used for food production during this time it would only account of a small amount of the national cereal production in terms of number of tons. I am conscious of the gradual erosion of agricultural land to uses such as the

² Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404.

³ Kernon Countryside Consultancy Limited – July 2025

proposed nationwide. However, the Written Ministerial Statement 2024⁴ states that the total area of agricultural land used for solar is very small, and even in the most ambitious scenario would still occupy less than 1% of the UK's agricultural land.

24. Consequently, for the reasons above I conclude that the proposal would not unduly impact on BMVAL and therefore there would be no conflict with Policy SP18 of LP which seeks to steer development to areas of least agricultural quality. It would also not be in conflict with the requirements of the Framework in paragraph 187 which advises that decisions should recognise the wider benefits of natural capital, including the best and most versatile agricultural land.

Heritage Assets

25. Although not given as a reason for refusal on the decision notice, as decision maker I have a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
26. I have had regard to the findings of the appellant's Archaeology and Built Heritage Assessment⁵ (the assessment) which advises within a 3 kilometre (km) study radius there are some 56 listed buildings. Plotted on a zone of theoretical visibility (ZTV), this is reduced in number by around half. The assessment then reduced this focus further to concentrate on 2 listed buildings. Although intervisibility is but one criterion to assess the impacts of development on a listed building, including its setting, given the locations and distances from the appeal site, I agree that the proposal would not be in the setting of any of these listed buildings and will focus my assessment on the Grade I listed Church of St Mary⁶ ("the church") and Grade II listed Summerhouse in Grounds of Millstone Lodge⁷ ("the summerhouse").
27. Furthermore, the villages of Monk Fryston and Hillingham both include conservation areas, although the appeal site is not within the boundary of either. While the setting of a conservation area is not covered by the statutory duty under section 72(1) of the act, the Framework nevertheless advises in paragraph 213 that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. I note it is not disputed that the appeal site is within the setting of both conservation areas and as such, I have also assessed the impacts of the proposal in this regard.

Significance of Heritage Assets

28. I have had regard to the Council's assessment of impacts upon heritage assets, although it includes very little information regarding the significance of the listed buildings identified.
29. The listing description advises that the church is of 12th century origin with later additions. It is built of limestone ashlar with a stone slate roof and is of traditional layout and construction with a two-stage tower to the west side and its form dictated by its traditional interior layout including its apse and nave. Its special

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

⁵ Pegasus Group, Ref: P23-0550

⁶ List Entry Number: 1316671

⁷ List Entry Number: 1316267

interest and significance is generally drawn from its historic and architectural interests. This includes its age, connection to the community historically with ongoing ecclesiastical use, and its traditional construction, form and materials. The church would have been designed to be visible from a large area to attract worshippers with whom it would have served as a central facet of their lives. As such, its setting covers a large expanse, and the rural character of the area makes a considerably positive contribution to its significance as part of its setting.

30. The summerhouse dates from the mid-19th century and is located within the grounds of Millstone Lodge, although it evidently was once associated with Hillam Hall. It is of single-storey and single bay plan form and includes architectural detailing including lancet windows. Its special interest and significance is derived in part from its age, historic association with some of the oldest and grandest properties in the village and its simple form and detailing. Given the association of both Millstone Lodge and Hillam Hall with the development of the area, and the ancillary relationship with the summerhouse to those buildings, the setting of the listed building in this case makes a significantly positive contribution to its significance.
31. The Hillam Conservation Area (HCA) covers a large proportion of the village and generally includes land and buildings to either side of Main Street and Chapel Street. Hillam is generally formed of linear development along the road although there is a relatively large amount of built form behind the main frontage which is largely comprised of more modern housing. Its character and appearance, and thereby significance, is derived mostly from the age and quality of its buildings, which includes many stone cottages built up to the road, the large and spacious plots within which detached properties sit, and the general rural vernacular evident throughout the HCA.
32. The appeal site is located to the east and southeast of the boundary of the HCA and I note there is no dispute that the various parcels of land hosting the solar farm would be within its setting. Given the significance of the HCA as identified above, the rural setting created by the agricultural fields of the appeal site and its surrounding hinterlands make a considerable positive contribution to its significance.
33. The Monk Fryston Conservation Area (MFCA) is located to the northwest of the appeal site and the north of the HCA. The character and appearance and thereby significance of the MFCA is derived from similar elements of the HCA which is not surprising given they are physically and historically linked. This would be found in its rural characteristics, quality of its buildings and large, detached properties sitting in generous plots. As with the HCA, due to the agricultural history of the area and the surrounding agrarian context, the setting of the MFCA makes a significantly positive contribution to the significance of it as a designed heritage asset.

Effects of Proposal

34. The proposal would introduce elements of an industrial appearance into a rural landscape, including the panels themselves but also ancillary buildings and access roads. The scheme would cover a significant area and be visible from many vantage points. With regards to the summerhouse, its setting is largely that of the grounds of both Hillam Hall and Millstone Lodge. To my mind, due to the location

of built form and its location the experience of the receptor would not be unduly affected by the solar farm and as such, the setting of the summerhouse would be conserved. There would be no harm to the listed building as a result of the scheme.

35. With regards to the church and both the HCA and MFCA, there would be very clear intervisibility between the settings of those heritage assets and the solar farm. Moreover, due to the contribution the settings of those assets make to their significance, I cannot agree with the appellant's conclusion that there would be no harm. In the parlance of paragraph 215, this harm would be less than substantial and of moderate magnitude within this scope.
36. However, less than substantial harm does not equate to less than substantial planning objection. As per paragraph 212 of the Framework, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is of particular importance in the case of the church which, as a Grade I listed building, is of the highest heritage significance. This harm, as applied to all 3 assets in turn, needs to be weighed against the public benefits of the proposal.

Heritage Balance

37. The most evident benefit of the scheme is of course the generation of renewable energy. I am informed that the scheme has also secured a grid connection offer and would provide in the region of the equivalent of the annual electricity usage of 17,000 homes. The need for an increased proportion of renewable energy in the nation's energy mix and the contribution towards national energy security is reinforced by many Government publications and given the Council has declared a climate emergency, it clearly does not dispute this need. To my mind these considerations are of very substantial weight in favour of the proposal.
38. Further public benefits would be accrued through the construction, operation and maintenance processes of the scheme providing direct and indirect employment. Moreover, there would be a substantial biodiversity net gain as a result of enhancement measures proposed within and around the appeal site. The agricultural evidence also outlines some potential public benefits to the health of the soil of the fields to be used for the solar farm. There is some anecdotal evidence that its productivity has reduced in recent years, and I have nothing before me to refute this evidence. Collectively I give these matters further substantial weight in favour of the proposal.
39. As indicated earlier, the less than substantial harm to designated heritage assets needs to be weighed against the public benefits of the proposal under Paragraph 215 of the Framework. In this case, whilst giving considerable importance and weight to the desirability of preserving heritage assets, I find that the public benefits of the proposal in this case outweigh the harm identified.
40. Accordingly, I find that the proposal would accord with the heritage related policies of the Framework.

Other Matters

41. I have had due regard to the comments submitted by interested parties to both the planning application and this appeal. Matters relating to the green belt, BMVAL and heritage assets have been assessed in the relevant sections of this report.
42. I note there was discussion of landscape and visual impacts in the Council's report to the planning committee. However, this was not given as a reason for refusal, nor is there any objective assessment of this matter in its appeal statement or in the committee meeting minutes. I have had regard to the appellant's Landscape and Visual Impact Assessment⁸ (LVIA). There would inevitably be some change to both the local landscape and visual impacts given the introduction of equipment of an industrial character into a predominantly rural landscape.
43. However, I observed on the site visit that there are existing features of an industrial character already prevalent in the area such as pylons and wind turbines. Moreover, the LVIA advises effects would be localised given the flat topography of the area, while visual impacts would lessen over time due to mitigation such as boundary treatments. Moreover, the effects would be temporary, albeit for a significant period of time, while the land would be returned to its former character and appearance following the cessation of the development and the land remediated. In the absence of evidence to the contrary, I see no reason to dispute the findings of the LVIA on this matter.
44. I note the concerns of some local residents regarding possible precedence for this type of development. However, there is nothing to substantiate this, and there is no indication that the development would lead to other solar farms, particularly given the constraints of grid connections for this type of development.
45. There were no objections to the scheme from the Council's ecology consultee. Moreover, the scheme would result in substantial increases in habitat and watercourse units as well as hedgerows despite not being required to demonstrate a biodiversity net gain. As such I see no reason to consider this matter further, and the conditions attached to this permission would further mitigate potential impacts regardless.
46. There are further concerns relating to the development through noise and effects on living conditions. Again, this matter was not raised by either the case officer in their committee report or by the committee itself. While there would be a degree of noise and disruption through the construction process, I note there are further agreements required to mitigate noise from invertors during operation of the solar farm. As such, there is nothing substantive to warrant refusal on this basis.
47. Further information is also required via conditions to mitigate any impacts on the safe and efficient operation of the highway and any subsequent impacts during construction. I understand that during operation, vehicular movements would be very rare and relate only to repair or maintenance periodically. There are no public rights of way on any parts of the appeal site, although I understand there are some routes adjacent. I walked along some of these on my site visit and while some of them may have views of the development, they would not prohibit the future use of the paths themselves or indeed local sports facilities. I am also made aware of concern relating to equestrian matters and horses using nearby roads and

⁸ Pegasus Group, Ref: P23-0550_G001 v3_EN_YOR_LB_DT LVIA

bridleways, although it is not explained why this is of concern. I understand that the panels would not move, nor would they create significant noise levels during their operation. Matters relating to the construction process are subject to further mitigation, although other legislation protects rights of way outside of the planning system, including their obstruction.

48. There are other concerns relating to crime, although the proposal includes measures such as security fencing and CCTV. It would be in the best interests of the developer to ensure crime is not prevalent at the appeal site. As such these are considered proportionate and suitable to design out crime insofar as the planning system can control these matters.
49. I understand that the developers have secured a grid connection with the district network operator. However, details of this would only be included within the proposal if planning permission was required as part of that connection. Connections can be some distance from the development, but if permission was required for this purpose, it would be incumbent on the developer to secure this regardless.
50. Whether there are benefits to the local community financially in the form of payments to local groups or charities for example would be a matter for the developer and these bodies to agree. There is no obligation to do so, and I have determined there are public benefits more generally in the relevant balancing exercises which I consider to be of sufficient weight to grant permission.

Conditions and Planning Obligation

51. I have had regard to the suggested conditions supplied by the Council. I have made some amendments to ensure that the conditions comply with the requirements of the Framework and PPG including wording and triggers. Pre-commencement conditions have only been applied where necessary and these have been agreed by the appellant. The pre-commencement elements of these conditions are necessary to guide initial works on site.
52. Conditions regarding the timescale for beginning the development, temporary length of permission, timings of decommissioning and restoration works and the adherence to plans are standard and necessary to provide certainty for all parties. Conditions relating to the details of invertors to be installed was requested through two separate conditions. To avoid repetition, I have only attached one of these to the schedule attached to this grant of permission.
53. Conditions requiring the agreement of details pertaining to construction plans, encompassing impacts upon ecology and biodiversity and highway safety, including parking, the implementation of passing places and other mitigation works, access arrangements and other matters are necessary to ensure highway and pedestrian safety is maintained during construction and operation of the site.
54. Conditions to agree details of a habitat management and monitoring plan and contingencies for the potential shortfalls in these measures, as well as adherence to the ecological impact assessments and biodiversity net gains are required to protect and enhance ecology and protected species.
55. Conditions to implement noise mitigation measures, security and crime prevention, delivery and working hours, use of external lighting and boundary treatments are

necessary to ensure the living conditions of neighbouring residents are not unduly harmed.

56. Further conditions relating to arboricultural impacts and mitigation to protect trees, landscaping and the management of landscaping, waste management and agreement of facing materials of equipment and infrastructure within the development are necessary to preserve the character and appearance of the area.
57. In the event that contamination is discovered during construction, a condition to specify that work should stop and a remediation strategy be secured is necessary to ensure that this does not affect neighbouring occupiers or land and ensure safety.
58. The adherence to the agreed flood risk strategy and management of surface water is also necessary to reduce the risks from flooding and ensure suitable drainage, despite being in a low risk area of flooding.

Conclusion

59. I have concluded that the proposal would not constitute inappropriate development in the green belt, nor would it harm BMVAL. While there would be some harm to the setting and thereby significance of designated heritage assets, this would be outweighed by the benefits, both public and more generally, of the scheme. The proposal would therefore accord with the development plan as a whole. Therefore, I conclude that the appeal should be allowed, and planning permission is granted subject to the conditions set out in the accompanying schedule.

C McDonagh

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be for a temporary period, to expire 40 years after the first export date of the development. Written confirmation of the first export date shall be provided to the Local Planning Authority within one month after the event.
- 3) If the development hereby permitted ceases to operate for a continuous period of 12 months (with the exception of for purposes of maintenance, repair or replacement of equipment), then a scheme for the decommissioning and removal of the development, shall be submitted within 6 months of the end of the cessation period to the Local Planning Authority for its written approval. The scheme shall make provision for the removal of the solar panels and all associated infrastructure approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.
- 4) Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a scheme for the decommissioning of the development, and how the land is to be restored to include a programme for the completion of the decommissioning and restoration works, shall be submitted to and agreed in writing by the Local Planning Authority.
- 5) The development hereby permitted shall be decommissioned, dismantled and removed from the site and the land restored in accordance with the approved scheme and, in any event shall be removed within a period of 40 years and 6 months following the first export date.
- 6) The development hereby permitted shall be carried out in accordance with the following plans and documents:
 - 2022-002_2 Rev 6 – Location Plan
 - 2022-002_3 Rev 3 – Proposed Site Layout
 - 2022-002_SD_10 Rev 01 - Typical Panel Cross Section
 - 022-002-SD-13 Rev 2 – Standard Drawing 66kV Substation & DNO Relay/Control Room
 - 2022-002-AD-12a Rev 03 – Transformer
 - 2022-002-AD-12b Rev 03 – Communication Substation
 - 2022-002-AD-12c Rev 03 – Delivery Substation
 - 2022-002_SD_09 Rev 01 – Access Track
 - 2022-002_SD_08 Rev 01 – CCTV Camera and Pole
 - 2022-002_SD_07 Rev 01 – Deer Perimeter Fence/Gate
 - 2022-002_SD_06 Rev 01 – 2.4-metre-high Palisade Fence and Security Gate
 - P23-0550_EN_0004_S1 Rev H – Landscape Masterplan
 - P23-0550_EN_0004_S2 Rev H – Landscape Masterplan

- 7) No development shall take place until details about inverters for the development has been submitted to and approved in writing by the local planning authority. Inverters shall be installed in accordance with the approved details and shall be retained for the duration of the development. The installed export capacity for the development hereby permitted shall not exceed 49.95 MW.
- 8) No development shall take place until an Arboricultural Method Statement, Tree Survey and Tree Protection Plan, to BS5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing trees and hedgerows to be retained will be protected during the construction period. The development shall thereafter be carried out in accordance with the approved details.
- 9) No development shall take place until a detailed hard and soft landscaping scheme for the site, based on the principles established the Landscape Masterplan (drawing numbers P23-0550_EN_0004_S1 Rev H and P23-0550_EN_0004_S2 Rev H), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety within the first available planting season following the construction of the development hereby permitted. All trees, shrubs and bushes shall be adequately maintained beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.
- 10) No development shall take place until a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority. Once approved, the LEMP shall be implemented in accordance with the approved details for the lifetime of the development.

The LEMP shall include the following:

- description and evaluation of features to be managed.
- ecological trends and constraints on site that might influence management.
- aims and objectives of management.
- appropriate management options for achieving aims and objectives.
- prescriptions for management actions.
- preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- details of the body or organization responsible for implementation of the plan.
- ongoing monitoring and remedial measures.
- 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 responsible for its delivery.

how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the approved scheme (where the results from monitoring show that conservation aims and objectives of the Plan are not being met).

- 11) No development shall take place (including ground works and vegetation clearance) until a Biodiversity Construction Environmental Management Plan (BCEMP) shall be submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in strict accordance with the approved BCEMP.

The BCEMP shall include, but not be limited to, the following:

- risk assessment of potentially damaging construction activities.
- identification of biodiversity protection zones.
- practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- the location and timing of sensitive works to avoid harm to biodiversity features.
- the times during construction when specialist ecologists need to be present on site to oversee works.
- responsible persons and lines of communication.
- the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- use of protective fences, exclusion barriers and warning signs.
- incorporate relevant recommendations from the PEA and other ecological surveys.

- 12) No development shall take place until a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in strict accordance with the approved CMP.

The CMP must include, but not be limited, to arrangements for the following:

- details of any temporary construction access to the site including measures for removal following completion of construction works.
- restriction on the use of all access points at Austfield Lane, Hillam Common Lane and Stocking Lane, Hillam for construction purposes.
- wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
- the parking of contractors' site operatives and visitor's vehicles.
- areas for storage of plant and materials used in constructing the development clear of the highway.
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas.
- details of the routes to be used by HGV construction traffic and highway condition surveys on these routes.
- protection of carriageway and footway users at all times during demolition and construction.
- protection of contractors working adjacent to the highway.
- details of site working hours.
- erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate

- means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
 - measures to control and monitor construction noise.
 - an undertaking that there must be no burning of materials on site at any time during construction.
 - removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - details of the measures to be taken for the protection of trees.
 - details of external lighting equipment.
 - details of ditches to be piped during the construction phases.
 - a detailed method statement and programme for the building works.
 - contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
 - details of banksmen to be used to provide comprehensive traffic control and junction management at the A63 / Austfield Lane Junction; Austfield Lane / Hillam Common Lane Junction; and Stocking Lane Access at Parcel C and Parcel D (see informative for further details)
- 13) The following schemes of off-site highway mitigation measures must be completed as indicated below:
- Provision of temporary passing places along Austfield Lane prior to the commencement of any works on site.
 - Pre-construction condition survey report, followed by a post-construction survey to identify any remediation works that are needed.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission, and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

- 14) The development must not be brought into use until the construction accesses to the site at Parcel A and B on Austfield Lane, Parcel C on Hillam Common Lane and Parcel on D on Stocking Lane have been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements: The accesses must be formed with 12 metres radius kerbs, to give a minimum carriageway width of 6 metres, and that part of the access road extending 18 metres into the site must be constructed in accordance with Standard Detail number A2 and the following requirements:
- Any gates or barriers must be erected a minimum distance of 18 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
 - Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.
 - Measures to enable vehicles to enter and leave the site in a forward gear.
- 15) Prior to the first export date, the operational access at the site on Parcel B on Hillam Common Lane and Parcel D on Stocking Lane shall be formed with 6 metres radius kerbs, to give a minimum carriageway width of 5.5 metres for Parcel B and to give a minimum carriageway width of 4.8 metres for Parcel D, and that part of the access road extending 6 metres into the site must be constructed in accordance with Standard Detail number A2 and the following requirements.
- Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
 - Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.
 - Measures to enable vehicles to enter and leave the site in a forward gear.
- 16) No part of the development must be brought into operational use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details shown on drawing no. 2002_002_3 (Proposed Site Layout). Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 17) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority.
- 18) Prior to their installation, details of the colour and finish of the substations, control room, transformer, CCTV camera poles and security fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

- 19) There must be no access or egress by any vehicles between the highway and the development site at the following locations:
- Parcel A on Austfield Lane until splays are provided giving clear visibility of 171 metres on the northern side of access and 215 metres on the southern side of access, measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres, and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
 - Parcel B on Austfield Lane until splays are provided giving clear visibility of 215 metres on the northern side of access and 104 metres on the southern side of access, measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres, and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
 - Parcel B on Hillam Common Lane until splays are provided giving clear visibility of 215 metres on the western side of access and 215 metres on the eastern side of access, measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres, and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
 - Parcel C on Hillam Common Lane until splays are provided giving clear visibility of 215 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres, and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
 - Parcel C on Stocking Lane until splays are provided giving clear visibility of 36 metres on the northern side of access and 43 metres on the southern side of access, measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres, and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
 - The construction access at Parcel D on Stocking Lane until splays are provided giving clear visibility of 35 metres on the northern side of access and 43 metres on the eastern side of access, measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres, and the object

- height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- The operational access at Parcel D on Stocking Lane until splays are provided giving clear visibility of 35 metres on the northern side of access and 43 metres on the eastern side of access, measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres, and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking or reenacting that Order), no gates, fences, walls or other means of enclosure or external lighting (other than those granted by this permission) shall be erected or installed within or around the application site without the appropriate grant of planning permission.
- 21) The development hereby approved must be carried out in strict accordance with the recommendations set out in the Ecological Impact Assessment, dated September 2024, prepared by Windrush Ecology.
- 22) The cumulative level of sound associated with the proposed development, when determined externally under free-field conditions, shall not exceed the representative background sound level at nearby sensitive receptors. All noise measurement/predictions and assessments made to determine compliance shall be made in accordance with British Standard 4142:2014: Methods for rating and assessing industrial and commercial sound, and/or its subsequent amendments.
- 23) No work relating to the development hereby approved, including works of demolition or preparation prior to building operations during the construction period, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays; 08:00 hours to 13:00 hours on Saturdays; and at no time on Sundays or Bank or National Holidays.
- 24) The development hereby permitted shall be carried out in strict accordance with the submitted Flood Risk Assessment dated November 2023, prepared by Pegasus Group.
- 25) In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

END OF SCHEDULE