



Appeal Decision

Hearing held on 14 January 2026

Site visit made on 15 January 2026

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2026

Appeal Ref: APP/D0840/W/25/3370949

Land at Lanyon Farm, north of Gwinear Lane, Gwinear, Cornwall TR27 5HE

- 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 Speedwell Solar Farm Ltd against the decision of Cornwall Council.
 - The application Ref is PA23/09696.
 - The development proposed is development of a ground mounted solar farm with associated infrastructure along with a car park and wildlife area for Gwinear Community Primary School.
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Decision

1. The appeal is allowed and planning permission is granted for development of a ground mounted solar farm with associated infrastructure along with car park and wildlife area for Gwinear Community Primary School at land at Lanyon Farm, north of Gwinear Lane, Gwinear Cornwall TR27 5HE in accordance with the terms of the application PA23/09696, and subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposed development falls under the consideration of the Environmental Impact Assessment Regulations (EIA Regs). In accordance with the EIA Regs an Environmental Statement (ES) was submitted with the application.
3. My decision has considered the environmental information in the ES, the likely environmental effects together with mitigation measures to avoid, prevent, reduce and offset likely significant adverse effects of the development on the environment. Regard has also been given to the results of consultations undertaken with statutory consultation bodies and other interested parties. All other environmental information submitted in connection with the appeal including that arising from questioning at the Hearing has also been considered.
4. Following the examination of the ES by the Planning Inspectorate's Environmental Services Team a request for 'further information' was made in accordance with Regulation 25 of the EIA Regs. The appellant provided clarification on several matters and further information was submitted relating to Glint and Glare effects prior to the Hearing. Additional consultations with interested parties and the appellant, were carried out following the submission of that information giving them an opportunity to comment. Therefore, no party has been prejudiced by the inclusion of the additional evidence.
5. The appeal was accompanied by additional information relating to the assessment and mitigation of archaeology at the appeal site. Although this is new evidence it

does not substantively alter the proposal, while the Council and interested parties have been given an opportunity to comment on it during the appeal. Accordingly, no party has been prejudiced by my acceptance of the information.

6. There are listed buildings at the appeal site. As required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) special regard will be given to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest which they possess.
7. During the Hearing it was brought to my attention that the description of the Cartshed's location referred to in my Hearing agenda and the official listing description are incorrect. In the interests of clarity this has been corrected.

Main Issue

8. The main issue is the effect of the proposed development on the setting of the Grade II* listed Lanyon Farmhouse, the Grade II listed Barns approximately 5 metres north west of Lanyon Farmhouse and the Grade II listed Cartshed approximately 10 metres south east of Lanyon Farmhouse.

Reasons

Policy context

9. Policy RE1 of the Cornwall Climate Emergency Development Plan Document (DPD) is the most relevant local policy in the context of the main issue. It supports renewable energy proposals where they contribute to sustainable development and help address climate change. To comply with the policy, proposals must demonstrate that they would not result in significant adverse impacts on the local environment that cannot be satisfactorily mitigated. This includes avoiding unacceptable cumulative landscape and visual impacts, protecting the special qualities of nationally important landscapes, and safeguarding the significance and setting of heritage assets. Proposals are also expected to balance any impacts against the wider environmental, social, and economic benefits of renewable electricity, heat, or fuel production and distribution, and to contribute towards Cornwall's target of achieving a 100% renewable electricity supply by 2030. Where development is proposed on agricultural land, the policy requires that some form of agricultural activity continues at a scale proportionate to the proposal and that the scheme delivers at least a 10% biodiversity net gain.
10. In the national context, of relevance to the main issue is Paragraph 212 of the National Planning Policy Framework, (the Framework). This advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.

Heritage

11. The Grade II* listed Lanyon farmhouse, together with the Grade II listed barns and cart shed (the listed farmstead), forms a historic farmstead located broadly at the centre of the appeal site. The surrounding land comprises a series of large, post-medieval field enclosures defined by mature hedgerows and occasional trees. Overhead electricity lines and two wind turbines are also present within the wider

landholding. Several public footpaths traverse the site, passing through the fields and in proximity to the listed buildings. From these vantage points an understanding of the fields and their association with the listed farmstead can be appreciated.

12. The farmhouse dates from the 17th century and is most readily appreciated from the north within the front yard and garden areas, as well as the footpath that traverses the frontage. Its principal elevation retains a high proportion of historic fabric and architectural detailing, including dressed stone walls, a double-bay porch incorporating a 1668 datestone and coat of arms, and a symmetrical arrangement of sash windows. From this position, the barns and cart shed are also perceptible as part of the group. Although more utilitarian in character and of lesser architectural distinction, they are historically integral to the functional operation of the farm and maintain a clear associative relationship with the farmhouse, together forming a coherent and legible historic group. Approaches from the south offer a more limited appreciation due to later alterations and modern finishes to the rear elevation of the farmhouse, while from this direction the buildings' collective form and historic architectural qualities are less apparent.
13. The surrounding fields represent a long-established agricultural landscape. Their historic structure, mature boundaries and planting are evident from the public footpaths that intersect the site. Although there are limited opportunities for concurrent or framed views between the farmhouse and the surrounding field enclosures, the listed buildings and the associated farmland are experienced sequentially as part of a single agricultural setting. This progression contributes to an understanding of the historic function of the farmstead and its reliance on the surrounding land for its productive purpose. In this way, the fields make a positive contribution to the significance of the listed farmstead through their associative and historical relationship with it.
14. While the landscape has been subject to change over time, including the introduction of electricity infrastructure and other modern uses in the wider vicinity, these elements do not undermine the agricultural character of the surrounding fields or sever their historic connection with the listed buildings. The legibility of the farmstead's relationship with its farmland therefore remains.
15. Accordingly, the special interest and significance of the farmhouse, barns and cart shed derive not only from their architectural and historic qualities but also from their historic functional association with the adjoining agricultural land. The surrounding fields form part of the wider setting of the listed farmstead and make a material, albeit moderate, contribution to its significance.
16. The proposed solar arrays would be positioned within approximately 22 large parcels/field enclosures at Lanyon Farm. Other than a small number of fields to the immediate north, west and south, the proposed development's footprint, primarily consisting of 3 metre high solar arrays, would surround the listed farmstead in all directions.
17. The scale and distribution of the proposed solar arrays across the land parcels would result in a pronounced and comprehensive alteration of the agricultural landscape at Lanyon Farm. The introduction of uniform, manufactured panels in place of longstanding agricultural fields would interrupt the legibility of the historic

farming landscape, eroding the coherence of the area's established agrarian character.

18. This visible change would be experienced, in part, along the footpaths and bridleways cutting through the site and passing the listed farmstead. With the historic and architectural qualities of the listed farmhouse and associated buildings in the mind's eye, the informed observer travelling past the complex and observing the transformation of the fields nearby, would see an appreciable change in the appearance of the fields that are historically connected to the farm complex. As well as the change in appearance there would be an erosion of the historic narrative of working fields that have shaped Lanyon Farm's identity over time and the contribution they make to the significance of the listed farm buildings.
19. The structure and pattern of the fields where the solar arrays are to be placed would largely remain, while enhanced boundary planting would likely provide greater definition along field perimeters. Nonetheless, the open pasture which represents the largest component of each field would be inundated, to the extent that the appearance of the land would alter significantly.
20. Admittedly the proposal's impact would be temporary and cover the lifespan of the development, yet the solar farm would endure for 40 years, thus representing a significant period whereby this effect would be evident.
21. The evidence given in the ES and during the Hearing refers to the lack of clear intervisibility between the proposed solar arrays and the listed farmstead, while field boundaries and enhancement planting would help screen concurrent views. Having assessed the site there is no reason to disagree with this viewpoint. It is also accepted that the principal views and spaces contributing most strongly to the farmstead's significance are those within and immediately around its yard and garden.
22. However, when approaching or passing the listed buildings, the close relationship between the listed farmstead and the surrounding fields is readily appreciated. Movement along the adjoining public footpaths would result in sequential views in which the closest fields and the listed buildings are experienced in quick succession. Notwithstanding boundary hedgerows, the scale and rising topography upon which the proposed solar arrays sit would allow views of the panels through gaps in vegetation, gated entrances and the proposed mesh fencing. For those travelling on foot or horseback, the introduction of the solar development into these immediate fields would noticeably alter this experience, resulting in a perceptible loss of significance to the listed farmstead insofar as it is derived from the historic fields enclosures and agrarian setting.
23. The appellant has referred to a previous appeal for a solar farm at Lanyon Farm determined in 2014¹. That decision was later quashed on a procedural matter, however, the Council and Historic England did not raise any concerns regarding the effect the proposed solar arrays would have on the setting of the heritage assets at Lanyon Farm. However, the current scheme is much larger, and the proposed panels would be positioned closer to the listed farmstead. Therefore, despite there being no objection on heritage grounds at that time, the schemes are not comparable.

¹ APP/D0840/A/14/2213745

24. The appellant's ES concludes that the proposal would have a minor adverse effect on the setting of the listed buildings, that equates to being 'not significant'. But that assessment largely focuses on the lack of concurrent views between the listed buildings and the solar arrays, due in part, to hedges and planting along field boundaries and the distance between the arrays and the farm complex. My assessment of the setting during my site visit acknowledges this but also places importance on sequential views as the receptor moves through the site with the listed farmstead in proximity and apparent in the mind's eye. In this context there would be material harm to the setting of the heritage assets.
25. In finding harm to the significance of designated heritage assets the Framework requires an assessment of the magnitude of that harm. The solar arrays would not encroach into the most important spaces around the listed farmstead, while there would not be any clear intervisibility or concurrent views of the solar arrays and listed buildings. The proposal would also be temporary, rather than permanent. Taking these factors into account, the harm to the heritage assets would be 'less than substantial' and at the lower end of that spectrum in this instance but, nevertheless, of considerable importance and weight.
26. Drawing all the above together, the proposed development would harm the significance of the Grade II* listed Lanyon Farmhouse, the Grade II listed Barns approximately 5 metres north west of Lanyon Farmhouse and the Grade II listed Cartshed approximately 10 metres south east of Lanyon Farmhouse, through development affecting their setting. This would be contrary to the requirements of Policy RE1 (c) of the DPD which states that proposals will not result in significant adverse impacts to, amongst other things, the significance of heritage assets including their settings. There would also be conflict with Policies 1, 2 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) where they require proposals to positively secure development that improves environmental conditions in the area, and development that preserves and enhances heritage assets. The proposal would also be contrary to section 66(1) of the Act.
27. In respect of other heritage assets found locally, the appeal site would be in proximity to the Grade I listed Church of Saint Winear, the adjacent Grade II listed Vicarage and the Gwinear Conservation Area. The intervisibility between the proposed solar arrays and these heritage assets would be restricted by undulations in the landscape, existing and proposed planting and distance. On this basis the proposal would not unacceptably encroach into or be perceived within the setting of these heritage assets. Therefore, the proposal would not harm their significance.

Other Matters

Site selection

28. The appellant has undertaken an Alternative Site Assessment to justify the use of the appeal site for the proposed development. The alternatives assessed do not have a connection point to the grid or a current offer for that connection in place. The appellant considers that the site's location to the grid connection accords with the approach set out in National Policy Statement² EN-3 and the Planning Practice

² National Policy Statements have statutory primacy for Nationally Significant Infrastructure Projects but are also material considerations in planning appeals determined under the Town and Country Planning Act 1990 (as amended).

Guidance. In the absence of compelling evidence to the contrary, there is no reason to disagree.

Best and most versatile land

29. The proposal involves the temporary use of 37.4 ha of Grade 3a Best and Most Versatile Agricultural Land (BMVAL) (48.5% of the site), with the remainder comprising Grade 3b or non-agricultural land. No reason for refusal was advanced on BMVAL grounds, and the Council identified no conflict with Policy 21 of the Local Plan or with national policy.
30. The Framework and National Planning Policy Statements EN-1 and EN-3, do not prevent the use of BMVAL for renewable energy development. Instead, these documents set out a preference for the use of lower-grade land where feasible and require applicants to explain their site selection. The position is expanded upon by the Written Ministerial Statement dated 15 May 2024 which states that due weight needs to be given to the proposed use of BMVAL when considering solar proposals.
31. In this case, the proposal is for a time-limited development, with the land capable of being fully restored at the end of the operational period. Areas between and beneath the solar arrays can also be used for grazing, meaning there is no complete displacement of agricultural activity.
32. The appellant has indicated that the overall scale of Grade 3a land involved represents approximately 0.032% of all Grade 3a land in Cornwall, indicating that the proposal would account for a very small proportion of the county's BMVAL resource. Taking these considerations into account, the proposal would result in no significant harm or loss of BMVAL.

Landscape and visual

33. The placing of the proposed solar arrays on the agricultural fields surrounding Lanyon Farm would inevitably have an impact on the local landscape that would be visible from public and private vantage points. However, these impacts, would according to the ES, primarily be limited by the local topography and existing vegetation. Additional planting along field boundaries, existing roads and footpaths would also mitigate these effects further. The proposal would also be temporary, albeit for a period of 40 years. Nevertheless, the effects on the local landscape would not be permanent. Accordingly, the ES concludes that there would not be a significant adverse harm insofar as it relates to landscape and visual impacts. The Council have also assessed that the scheme would not result in significant adverse harm and accordingly do not object in the officer report. Based on my assessment of the evidence and the site, there is no reason for me to disagree with those findings. The proposal would on this basis accord with Policy 14 of the Local Plan and Policy RE1(c) of the DPD, insofar as they relate to landscape protection.
34. In respect to cumulative impacts with existing and proposed solar farms in the locality, interested parties have raised concerns regarding the proximity and potential intervisibility between the proposal and the consented Penhale Moor development³. The two schemes would be either side of a ridgeline that would

³ APP/D0840/W/23/3334658, granted permission on 18 July 2024

restrict simultaneous views. The ES has also assessed other schemes within a 5km radius. It is noted from the mapping data in the ES that visibility between those schemes and the proposal would be very limited and screened by existing vegetation and topography. Therefore, the proposal would not have a significant adverse impact with regard to cumulative landscape and visual effects

Biodiversity

35. The appellant has assessed that there would be no significant adverse harm upon site biodiversity interests. Along with mitigation to compensate for the loss of some hedgerow and trees at the site, the proposal would provide net biodiversity enhancements equating to +71% for habitat units and +15% for hedgerow units.
36. Strips of pasture would be maintained between hedgerows and trees along field boundaries and the solar arrays to ensure wildlife corridors are not interfered with, while the management and protection of existing landscape features and habitats during the construction and operation phases will be set out in landscape and ecological and environmental management plans secured through planning conditions.
37. Concerns have been raised regarding the effect of security lighting upon local habitats and wildlife during the proposal's operational phase. Any new proposed lighting at the site would be controlled by planning condition in the first instance, and the effects of any such proposals would need to be assessed by the Council in the event the appeal is allowed.
38. The Council raised no objection to the scheme on ecological grounds, provided the conditions referred to above are applied. In the absence of any evidence to the contrary, there is no reason to take a different view, and the proposal is considered to comply with Policy RE1(c) and (e) of the DPD.

Glint and glare

39. The ES has been accompanied by a glint and glare assessment. This includes a map showing the proposed solar arrays, along with the 'Zone of Theoretical Visibility' (ZTV) and 'Ground Glint Zone' (GGZ). Although these drawings theoretically map areas which could potentially receive glint and glare effects, there are limitations to the data including visibility, weather conditions, the orientation of the panels and the screening effects from the intervening landscape.
40. Interested parties have noted from the ZTV and GGZ that large areas in and around the site including along roads, footpaths and close to properties could be affected by glint and glare effects. However, given the effects of topography, screening, and weather, most reflections would not be visible, and any glare that could occur at a particular location would, according to the appellant, be highly transient, lasting only a minute or two annually. Receptors would also have to be present at those locations at that moment in time to experience the effects. Accordingly, the findings in the ES that the proposal would have a negligible to minor impact, and therefore not significant, are considered valid in this case.
41. Where nearby dwellings are located close to the proposed solar farm, existing and proposed planting along field boundaries would ensure that living conditions are not exposed to harmful impacts from glint and glare and visual effects.

42. The proximity of the Cornish Main Line railway to the solar farm is noted. The ES indicated that there is no intervisibility between the railway and the proposed solar arrays in the areas where the GGZ and the ZTV overlap. There would be no opportunity, according to the ES, for glare to affect train drivers or passengers, and the effect is therefore deemed not significant in EIA terms. In the absence of any technical information to the contrary there would be no reason to disagree with this finding.
43. Taking the above findings into account, there would be no significant adverse impact to receptors arising from the proposal's glint and glare effects.

Highway safety

44. Interested parties have raised concerns regarding the impact upon road safety, parking and congestion in the locality during the construction phase. The Council has raised no objection subject to the proposed mitigation and the management of vehicular movements. Accordingly, and subject to planning conditions securing the proposed mitigation and management, there would be no significant adverse impact on local highway safety. It is also noted that a new car park at the school would be proposed as part of the scheme. This scheme benefit would ensure that congestion and on-street parking along the road leading to Gwinear is addressed following the scheme's implementation.

Flood Risk

45. The flood risk assessment and ES confirm that the appeal site is within Flood Zone 1, the area at least risk of flooding. The assessment confirms too that the area has good infiltration rates and that surface water can therefore be discharged into the ground without increasing discharge from the appeal site.
46. Interested parties have raised concerns regarding the proposal's effects on the nearby village of Angarrack. The submitted details and surface water management proposals would ensure that surface water run-off rates in the area would not increase or lead to localised flooding. There would be no reason to disagree on these points subject to planning conditions relating to ground and surface water management.

Safety risks

47. Concerns have been raised regarding the risk of chemicals from solar panels leaching into the ground. On this point there is limited evidence or information regarding those alleged risks, therefore in the absence of details to substantiate those concerns there would be no reason to agree that the concerns are valid.

Local residents and businesses

48. Construction and traffic management plans would ensure that noise effects from the site during the construction stage are sensitively controlled to avoid significant disruption to nearby residents.
49. Local businesses, including a fruit-picking farm with a shop and café, and a nearby caravan park, are concerned that the changed landscape and views of the solar arrays would deter customers and harm trade. It is acknowledged that the development would introduce a new feature into an agricultural landscape and that some views of the arrays would occur from local businesses. However, as set out

in my landscape findings, these effects would be localised, often filtered or screened, and not of a scale or prominence that would fundamentally alter the wider countryside setting.

50. The concerns raised are not supported by substantive evidence, such as detailed economic data, visitor surveys, or comparable cases that demonstrate that similar developments have resulted in reduced custom or repeat visits. While the genuine apprehension expressed is not doubted, it remains unsubstantiated.
51. On the basis of the information before me, there is no compelling evidence that the proposal would have a materially harmful effect on the viability of the businesses cited.

Heritage and Planning Balance

52. The proposal would cause harm to the designated heritage assets at the site. That harm is judged to be at the lower end of less than substantial in terms of the Framework but nevertheless of considerable importance and weight. There would be conflict arising from this harm with development plan policies that attracts significant weight.
53. There is a requirement in the Framework for me to balance this harm against the public benefits of the scheme in relation to heritage matters. Also, Policy RE1 (b) of the DPD requires the effects of renewable energy projects to be balanced against the wider environmental, social and economic benefits of renewable energy.
54. As a renewable energy project, the proposal benefits from strong national and local policy support aimed at significantly increasing renewable generation, particularly solar power.
55. The Climate Change Act 2008 sets an ambitious decarbonisation target of Net Zero by 2050. To realise this legally binding goal the Government has set out a drive to accelerate the delivery of clean energy in Clean Power 2023 (December 2024), which confirms the ambition for 45-47GW of installed solar capacity by 2030. However, with only 16GW currently installed this demonstrates the challenge ahead. At the local level, the Council's DPD sets a target of 100% renewable energy electricity supply by 2030, yet it is only some 40% of the way towards meeting that target.
56. The proposal would have a generating capacity of 40MW, the equivalent to the needs of approximately 12,000 homes per annum. This would make an important contribution towards the targets set locally and nationally.
57. The appellant has indicated a grid connection offer for May 2027. This provides a clear and timely pathway for the scheme to be connected to the electricity network and generating renewable energy without being subject to further delays. An early connection to the energy network would enable the scheme to contribute to carbon-reduction objectives at an early stage. Early delivery would also support the Council's ambition for 100% renewable electricity as well as the national ambition to accelerate solar energy production.
58. Given the shortfall in renewable energy production relative to the local and national targets and the pressing need for new projects to come online, the weight given to the speed in which the project could be connected, the local and national

renewable energy need and the contribution the proposal would make attracts very significant weight in the scheme's favour.

59. The Government's Clean Power 2030 proposals and the National Policy Statements (EN-1 and EN-3) emphasise the importance of energy security and resilience as we transition away from more polluting energy sources. The proposal would make a valuable contribution in achieving that goal and accordingly is given significant weight in the scheme's favour.
60. Further scheme benefits would include the provision of at least 10% biodiversity enhancement at the site, including a new wildlife area for community use adjacent to the school. A proposed new school car park would address current congestion and parking issues near Gwinear primary school and improve the flow of traffic and highway safety in the village. Given the local nature of these benefits, they each receive moderate weight in the scheme's favour. The scheme's contribution to the local economy would also have a positive effect, insofar as it relates to the provision of local jobs during the build and operation phases, and the payment of business rates of around £45k per annum to the Council. Minor weight is given in these regards.
61. The public and planning benefits associated with the scheme are very considerable and weighty. The totality of these benefits and their collective weight offset the considerable importance and weight attached to the heritage harm and the non-compliance with the development plan, the Framework and the Act in those respects. Accordingly, the proposal is judged to be acceptable, having regard to the material considerations.

Conditions

62. The Statement of Common Ground sets out a series of agreed conditions, many of which are pre-commencement. As both parties accept these conditions, no separate confirmation from the appellant about their pre-commencement status is required.
63. Conditions specifying the approved plans and a timescale for the commencement of development are necessary in the interests of certainty.
64. A condition specifying the operational lifespan of the solar farm, along with requirements for its decommissioning and site restoration, is necessary to safeguard landscape character and to ensure the land is restored to its former agricultural condition.
65. Conditions requiring the details of a landscape and ecological management plan (LEMP) and a new wildlife area adjacent to the primary school, are necessary in the interests of local landscape character, and to protect and mitigate site arboriculture and biodiversity. For the same reasons, a condition requiring the development to be carried out in accordance with the submitted planting, seeding, turfing plan and tree and canopy protection measures is necessary.
66. It is necessary to impose a condition requiring the scheme be carried out in accordance with the Biodiversity Net Gain (BNG) Report in the interests of ensuring biodiversity enhancements and to comply with the provisions of the development plan.

67. A condition requiring details of materials and apparatus used in the construction of the approved scheme are necessary in the interests of character and appearance.
68. A condition requiring details of a new car park for the primary school are necessary in the interests of highway safety and residential amenity. It is also necessary in the interests of highway safety to impose conditions ensuring the development is carried out in accordance with the submitted drawings relating to site access and visibility splays and the construction transport management plan (CTMP).
69. A condition requiring details of a construction environmental management plan is necessary in the interests of visual and residential amenity.
70. To protect any archaeological interests at the site a condition requiring details of an archaeological management plan is necessary.
71. A condition requiring the approval of any proposed external lighting at the site is necessary in the interests of minimising light pollution, protecting nearby residents and safeguarding local biodiversity.
72. A condition requiring a collaborative benefits report is necessary to ensure that an offer of partial ownership of the development hereby permitted is made to the local community, as required by Policy RE1(f) of DPD.
73. Conditions requiring details of surface water management and ground water monitoring are necessary to prevent the increased risk of flooding and to minimise the risk of pollution of surface water. A condition requiring a soil management plan is necessary to protect soil structure, quality and drainage.
74. The pre-commencement conditions imposed in respect of archaeology, the LEMP, and CEMP, groundwater monitoring and surface water management, site access, soil management and the school car park are necessary to set out management procedures, mitigation and general protection measures before physical construction works commence on site.

Conclusion

75. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it.
76. Therefore, for the reasons given above the appeal should be allowed.

RE Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site/location Plan 8612_PL_001, Landscaping 05933 TPP 28.9.23 Master, Landscaping 8612_004, Landscaping 8612_002 C, Landscaping 8612_003 C, Existing SCUXX-SPEED-000-PVL-100.1, Proposed SCUXX-SPEED-000-HVG-465(A) A, Proposed SCUXX-SPEED-000-MCS-201(B) B, Proposed SCUXX-SPEED-000-MCS-208(-), Proposed SCUXX-SPEED-000-MCS-209(-), Proposed SCUXX-SPEED-000-PVL-100(N.1), Proposed 04852 - A - SK001 – P, Proposed SCUXX-SPEED-000-HVG-466(A) A, Proposed SCUXX-SPEED-000-MCS-203(B) B, Proposed SCUXX-SPEED-000-MCS-204(A) A, Proposed SCUXX-SPEED-000-MCS-205(B) B, Proposed SCUXX-SPEED-000-MCS-206(A) A, Proposed SCUXX-SPEED-000-MCS-240(A) A, Proposed SCUXX-SPEED-000-HVG-104(A) A, Proposed SCUXX-SPEED-000-MCS-217(B) B, Proposed SCUXX-SPEED-000-MCS-218(A) A, Proposed SCUXX-SPEED-000-MCS-219(-).
3. Prior to their installation, details of the final layout, dimensions, design, materials and colour (where appropriate) of the solar panel arrays, cable trenching, transformers, substation, security fencing, CCTV and other associated works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such for the lifetime of the development.
4. The development hereby permitted is for a period of no more than 40 years from the first date of export of electricity, after which electricity generation shall cease, the solar panels and all ancillary infrastructure shall be removed from the site and the land restored to its former condition. At least 12 months prior to the cessation of the generation of electricity from the proposed development, a Decommissioning Method Statement (including traffic management and noise/dust/odour control) shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include the timing for decommissioning of all, or part of, the solar farm if it ceases to be operational, along with the required measures and a timetable for its completion. The subsequent decommissioning of the site shall be carried out in accordance with the agreed details within 6 months of the expiry of this permission or within 6 months of the permanent cessation of the production of electricity (whichever is sooner). The Applicant shall advise the Local Planning Authority, in writing, and with no less than one week's notice, of the cessation of electricity production and the intended date for commencement of decommissioning works under the terms of this permission.
5. No development shall take place until an Archaeological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan should be based upon the results of the archaeological evaluation and Archaeological Mitigation Strategy by Headland Archaeology submitted in support of this application. The Plan should include details to reduce effects on the areas of high archaeological importance in the construction and operational phases of the development and shall be adhered to throughout.

6. The development hereby permitted shall be carried out in accordance with the Biodiversity Net Gain Report, prepared by BSG Ecology (dated 1 November 2023), to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development. Monitoring reports shall be submitted to the Council during years 2, 5, 10, 20 and 30 from the first exportation of electricity generated from the proposed development (unless otherwise stated in said Report) demonstrating how the scheme is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.
7. Prior to the commencement of the development hereby permitted, an updated Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
 - a) Description and evaluation of the features to be managed, including the land to be used for the wildlife area for Gwinear Community Primary School.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions, including the following:
 - i. The actions set out in the Ecology Baseline Report, prepared by BSG Ecology (dated 24 November 2023), and forming Appendix 6.1 – 6.3 of the Environmental Statement Volume II.
 - ii. The Proposed Mitigation, set out in section 6.6 of the Environmental Statement.
 - iii. Pre-construction surveys for protected species (including badgers and reptiles) and invasive species to inform additional avoidance or mitigation requirements during the construction phase.
 - iv. New habitat enhancement.
 - v. The provision of wildlife habitats, for example bat and bird boxes, insect hotels, hibernacula and refugia.
 - vi. The appointment of a project ecologist.
 - f) Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period.
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the mechanisms by which the long-term implementation of the Plan will be secured by the developer with the management bodies responsible for its delivery. The Plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial actions will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

8. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP should include:
- a) the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting.
 - b) measures to control the emission of smoke, dust and dirt during the construction/installation of the development.
 - c) measures for the storage/recycling/disposal of waste resulting from the construction works.
 - d) any hoarding to be erected/security fencing.
 - e) details of measures to mitigate adverse impacts upon nearby residences.

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

9. Prior to the commencement of the development hereby permitted, a groundwater monitoring strategy shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
- 1. A site plan with the location of the monitoring boreholes shown, each borehole individually referenced, the below ground depth of the borehole marked, and the position and base depth of the proposed surface water drainage features shown.
 - 2. Monitoring must be targeted to the locations where surface water drainage features are to be positioned and undertaken from the period from 1st November to 31st May.
 - 3. The results must demonstrate that the seasonal groundwater peak has been reached and that there has been a continuous fall in the level following the peak for a minimum of 2 months. If this has not been demonstrated monitoring shall continue for a full 12-month period.
 - 4. A record of the weather conditions throughout the monitoring period and submitted with the groundwater monitoring results.
 - 5. The monitoring results for each borehole shall be tabulated and presented in both a table and line graph format.
 - 6. All results must be provided including the results for those boreholes which fail.
 - 7. Details of the ground conditions shall be provided for each borehole.
 - 8. Details of any “cut and fill” operations proposed by the development within proximity to any borehole.

Thereafter, the approved scheme shall be implemented in accordance with the details and timetable so agreed.

10. Prior to the commencement of the development hereby permitted, a scheme for the provision of surface water management shall be submitted to and approved in writing by the Local Planning Authority. The requirements of both parts A and B must be provided.

Part A. No development approved by this permission shall be commenced until the Local Planning Authority has been provided with and approved the results of ground investigations. Such investigations should:

1. Identify any areas of instability and inform remedial design and construction techniques.
2. Provide groundwater monitoring results and Infiltration test results.
3. Inform the surface water drainage design and construction techniques.

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

1. A description of the foul and surface water drainage systems operation.
2. Details of the final drainage schemes including calculations and layout.
3. A Construction Phase Surface Water Management Plan.
4. A Construction Quality Control Plan.
5. A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features.
6. A plan showing the phasing of construction.
7. A timetable of construction.
8. A plan for the future management and maintenance of the drainage systems and overland flow routes. The document must include a drawing which clearly indicates the management responsibility for each drainage element and a schedule of maintenance.

The surface water drainage scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development.

11. Prior to its installation, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be installed in accordance with the approved details and retained as such thereafter.
12. Prior to the installation of the solar arrays hereby permitted, the proposed site access and visibility splays shall be laid out and constructed in accordance with approved drawing no 04852 – A – SK001 - P. All land within the visibility splays shall be maintained at a height not exceeding 0.9 metres above the adjoining carriageway level, and no obstruction shall be permitted within the approved visibility splays at any time. The access and splays shall be retained as approved thereafter.
13. The development hereby permitted shall be undertaken in accordance with the submitted Construction Traffic Management Plan, produced by PJA (in Appendix 8.1 of the Environmental Statement Volume II), during the construction and operational phases of the development.
14. All planting, seeding or turfing comprised in the approved scheme of landscaping, shown on approved drawing no 8612_002 Rev B, shall be carried out in the first planting and seeding seasons following the first exportation of electricity or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species as those originally planted.

15. The development hereby permitted shall be undertaken in strict accordance with the recommendations in the submitted Arboricultural Method Statement (Tree Protection Measures), as supported by approved drawing no 05933 TPP 28.9.23 Master. Any tree and hedgerow protection fencing shall be erected prior to the commencement of any works associated with that particular area of the development and be retained and maintained until the completion of works in that particular area of the development. At no time shall any works in connection with the development - including storage, access, cement mixing, bonfires, excavations or other level changes - occur within the protected area. The development shall be implemented in strict accordance with the agreed tree and hedgerow protection methods.
16. Canopy provision (to include the retention of existing canopy and the establishment of new canopy) shall be implemented in strict accord with the approved Cornwall Canopy Calculator and Canopy Provision Plan (drawing no: 8612_004). During the implementation of the canopy establishment hereby approved, there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees. Unless required by a separate landscape or biodiversity management condition, all soft landscaping shall have a written, five year maintenance programme following planting. Any canopy that dies, is removed, or becomes severely damaged or diseased within a period of five years from planting will be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.
17. Prior to completion of construction, the developer shall submit a Collaborative Benefits Report (CBR) to the local planning authority for approval. The CBR must set out details of the process of engagement with local stakeholders, define the relevant community and set out clear guidance on the methodology for the valuation of, and the mechanism of any offer to be made to the community to own a minimum of 5% of the development. The CBR will set out the details of how the offer may be accepted, and the developer's obligations following acceptance of the offer as well as defining the terms of community ownership for the lifetime of the scheme.
 - i. if it is demonstrated within the CBR that community ownership in respect of the development is not financially, commercially, legal or operationally viable, then the developer shall not be required to make any offer of community ownership.
 - ii. if community ownership is financially, commercially, legally and operationally viable, then an offer of at least 5% of the development will be made to the local community prior to the expiry of the first year of commercial operation in accordance with the CBR.
 - iii. within 3 months of the offer being made, notice will be given to the local planning authority of the offer. If the offer is accepted, then notice will be given to the local planning authority.

The development will be carried out in accordance with the approved scheme.

18. Prior to the commencement of the development hereby permitted, a scheme for the provision of the school car park, hatched in purple on approved drawing no 04852 –

A – SK001 – P, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design and layout of the car park and the timetable for its construction and completion (within 6 months from final commissioning of the solar farm). The development shall be carried out in accordance with the approved scheme and retained as such thereafter.

19. All planting, seeding or turfing comprised in the provision of the wildlife area adjacent to the northern boundary of Gwinear Community Primary School, shown on approved drawing no 8612_002 Rev C, shall be carried out in the first planting and seeding seasons following the first exportation of electricity or the completion of the development, whichever is the sooner. The wildlife area shall then be made available for use by said School and shall be retained as such thereafter.
20. No development shall take place until a Soil Management Plan has been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved details. The soil management plan shall include:
 - a) Measures to protect soils during development with reference to the guidance found in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites;
 - b) A works programme showing how all soil handling and trafficking operations will be undertaken and which makes allowance for poor weather/ ground conditions stoppages;
 - c) Details of how construction activities will be managed across the site to minimise impact on soils; and
 - d) Details of appropriate equipment and methods for stockpiling, re-spreading and ameliorating of soil compaction in accordance with good practice techniques to minimise the risk of soil compaction.

*****End of Schedule*****

APPEARANCES:

FOR THE APPELLANT:

Hereward Phillpot	Kings Counsel for the Appellant
Chris Cox	Associate Director, Corylus Planning and Environmental
Rob Sutton	Director of Heritage Consultancy, Cotswold Archaeology

FOR THE LOCAL PLANNING AUTHORITY:

James Hollman	Principal Planning Officer – Appeals, Cornwall Council
Colin Buck	Senior Conservation Officer, Cornwall Council

INTERESTED PARTIES:

Carl Gill	Chair of Gwinear-Gwithean Parish Council
David Haye	
Daneil Fenton	
Peter Channon	
Giles Esutice	

DOCUMENTS SUBMITTED BEFORE THE HEARING:

- Agreed Statement of Common ground
- Additional information relating to archaeology – Pre-Application Archaeology response and Archaeological Mitigation Strategy by Headland Archaeology
- Appellant response to Planning Inspectorate Regulation 25 letter
- Figure 10.1: Zone of Theoretical Visibility (ZTV) and Ground Glint Zone (GGZ), Environmental Statement

DOCUMENTS SUBMITTED AT THE HEARING:

- Interested party representation and ariel photographs of site from Peter Channon
- Interested party representation summarising previous comments and verbal evidence given at the Hearing from Gwinear-Gwithian Parish Council

DOCUMENTS SUBMITTED AFTER THE HEARING:

- Interested party representations on additional Glint and Glare evidence from:

Janet Ferris Pike,
Sharon Lamerton,
St Erth Parish Council,
Giles Eustice - Trevaskis Farm,
Daniel Fenton - Higher Trevaskis Caravan Park,
Burrows,
Hansen, and
Risso-Gill,

- Response by SLR Consulting on behalf of the Appellant to Interested Party comments on additional Glint and Glare evidence.