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## Appeal Decision

Site visit made on 31 March 2026

by **Ryan Cowley MPlan (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 June 2026

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### Appeal Ref: APP/M2840/W/25/3374846

#### Land East of Ditchford Road, Wellingborough, Northamptonshire NN10 6AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr Richard Turner, on behalf of Innova Renewables Development Ltd, against North Northamptonshire Council.
  - The application Ref is NE/24/01235/FUL.
  - The development proposed is installation of ground mounted solar array with associated infrastructure and landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for installation of ground mounted solar array with associated infrastructure and landscaping at Land East of Ditchford Road, Wellingborough, Northamptonshire NN10 6AP in accordance with the terms of the application, Ref NE/24/01235/FUL, subject to the conditions in the attached schedule.

### Applications for costs

2. An application for costs was made by Mr Richard Turner, on behalf of Innova Renewables Development Ltd, against North Northamptonshire Council. This is the subject of a separate Decision.

### Preliminary Matters

3. The appeal is against a failure of the Council to give notice of its decision on the planning application NE/24/01235/FUL within the prescribed period. As such, there is no decision notice. The Council's appeal statement sets out that, the only outstanding issues at the time of the appeal were the effects of the proposal on the integrity of European sites and an Anglian Water (AW) asset. These issues are reflected in representations from Natural England (NE) and the Council's Ecologist concerning the extent of wintering bird survey data, and an objection to the appeal from AW, regarding the route of an underground sewer pipe across the site.
4. In their final comments, the appellant supplied an amended layout plan<sup>1</sup> in response to the AW objection. The amended plan shows only relatively minor changes to the layout of the proposed solar arrays, and no changes to the overall site area or footprint extent of built elements of the scheme. Other than AW, there have been no interested party comments regarding this matter, and both AW and the Council have confirmed that they would have no objection to the amended

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<sup>1</sup> Date 07/01/2026, Drawing Title: Layout Plan, Drawing Version Number: V14

layout. Consideration of the amended plan would not give rise to procedural unfairness. I have thus had regard to the amended plan in my decision.

5. In any event, both main parties have suggested a planning condition that would secure final details of the layout of the panel arrays. The amended plan demonstrates the sewer pipe and easement can be avoided. This can be confirmed through the suggested condition which would also address minor drawing errors in the placement of some panels on the amended plan. I am thus satisfied that this issue has been satisfactorily resolved.
6. Subsequently, and in response to the comments of NE and the Council's Ecologist, the appellant provided new evidence setting out the findings of additional wintering bird surveys undertaken following submission of the appeal. This new evidence does not change the proposal, and both the Council's Ecologist and NE have had an opportunity to comment on it. No other interested parties raised concerns specifically regarding this matter. I have thus also had regard to the additional wintering bird survey information.

### **Main Issue**

7. The main issue in this case is therefore the effect of the proposal on the integrity of European sites.

### **Reasons**

8. The appeal site is located within 100 metres of the Upper Nene Valley Gravel Pits Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar sites. The SPA and Ramsar site boundaries are identical, with only minor differences in the qualifying features, and so all further reference to the SPA can be interpreted as including the Ramsar site. The SSSI includes an additional 20ha of land at Earls Barton Carr and Ringstead Gravel Pits.
9. As the competent authority, I must have regard to The Conservation of Habitats and Species Regulations 2017 (as amended). These regulations require that, where a project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment of the project's implications in view of the relevant site's conservation objectives.
10. The Upper Nene Valley Gravel Pits consists of a chain of both active and disused sand and gravel pits including open water, reed swamps, marshes, pastures and grasslands. The varied topography and habitats provide valuable resting and feeding areas for over 20,000 wintering waterbirds, which are the qualifying features for which the sites are designated.
11. The conservation objectives of the SPA are to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the aims of the Wild Birds Directive by maintaining or restoring the habitats, populations and distribution within the site of the qualifying features.
12. The qualifying features of these sites are vulnerable to disturbance from activities connected with ongoing urban development and changes in land management. Significant adverse effects can arise from loss of supporting habitat adjacent to or outside the SPA.

13. The appeal site is an area initially identified by the Council's Ecologist and Natural England as having the potential to be Functionally Linked Land (FLL). FLL is land outside designated sites that may be used by the highly mobile species that are qualifying features, which in this case includes over-wintering birds such as lapwing and golden plover. FLL can play a critical role in supporting these species, particularly for foraging and roosting.
14. Given the conservation objectives, any loss of or harm to FLL used by the qualifying species would adversely affect the integrity of the SPA/Ramsar sites. The proposal would comprise a series of solar panels and associated infrastructure across much of the site, and would thus be development that would change the current land management.
15. A full suite of wintering bird surveys were carried out across the site and reported in the December 2024 Wintering Bird Survey Report which accompanied the original planning application. These surveys indicated that the site was not used to any significant extent by wintering birds associated with the SPA/Ramsar. Three further surveys were completed in September 2025, and two each in October, November and December 2025. In 2026, two surveys per month took place in January, February and March. These have all reaffirmed the earlier survey results, with no golden plover or lapwing having been recorded at any point.
16. In view of the survey data provided, I am satisfied that the appeal site does not represent FLL. Accordingly, the proposal would not have significant adverse effects on the qualifying features of the SPA or Ramsar, or on the SSSI, through loss of supporting habitat. Notably, in view of the latest survey data, both Natural England and the Council's Ecologist have confirmed that they are satisfied with the survey results and do not maintain any objections to the proposal.
17. Nevertheless, there is potential for the construction phase itself to cause minor temporary noise, vibration and visual disturbance to birds within the neighbouring SPA and Ramsar site. Without adequate management, compounds or materials arising from construction works may also enter the surface and groundwater systems. A Construction Environment Management Plan (CEMP) is therefore necessary to ensure that significant adverse effects on the integrity of the designated sites do not occur, and this can be secured by planning condition.
18. NE has suggested an additional planning condition to secure a long-term (5 years or more) monitoring programme, to assess the ongoing effect of the development on designated sites and their qualifying features. While the wording of such a condition has not been supplied, this would potentially leave the management and composition of the site under constant review and subject to additional mitigation measures or alterations. Such an approach would introduce uncertainty and be insufficiently precise. Moreover, given my findings above, a condition of this nature is not necessary or reasonable in this instance.
19. The proposal would therefore not have an adverse effect on the integrity of European sites. It would comply with Policies 4, 20 and 26 of the North Northamptonshire Joint Core Strategy 2011-2031 Adopted July 2016. These policies, among other provisions, seek to ensure that key assets for wildlife and geology are protected, in particular the Upper Nene Valley Gravel Pits SPA and Ramsar, the requirements of the Habitats Regulations are satisfied, and sensitively

located renewable energy generation is supported where any adverse impacts on the natural environment can be mitigated.

### **Other Matters**

20. Representations from interested parties have raised concerns regarding the visual and landscape impacts of the proposal, including its impact on the setting of the Grade II Listed Building (LB) and scheduled monument known as 'Ditchford Bridge', as well as its impact on nearby residential properties.
21. I saw on my visit that the site and much of its immediate surroundings are rural in nature. The landscape is comprised of undulating valley slopes featuring arable land and pasture interspersed with hedgerow and small pockets of woodland. The site sits on sloping ground, with the lowest point closest to the expansive nature reserve along the River Nene to the south. Notwithstanding this, the wider context has more urban influences, with large settlements close by in every direction. The large retail and leisure development at Rushden Lakes and the adjacent sewage works are notable in the immediate setting of the site.
22. The appeal is accompanied by a Landscape and Visual Appraisal (LVA). This highlights that there would be limited changes to the landform of the site or existing vegetation, and additional planting would be provided through the landscape strategy. Overall, the LVA finds that the total extent of landscape and visual effects would be localised and limited in nature. The Council concluded that there would not be a highly significant harmful impact on landscape character in isolation.
23. While it is inevitable that the proposal would result in some localised change to the landscape, which will be particularly noticeable in views from Rushden Lakes and the public footpath that traverses the site, the relatively low height of much of the development would limit its impact on the wider character and appearance of the area, and the landscape strategy would further reduce long term visual effects.
24. The submitted Heritage Statement found there to be no visual impact on the setting of Ditchford Bridge. Notably, the Council also concluded in its appeal statement that the proposal would respect its historical interests. Nevertheless, sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving the LB or its setting or any features of special architectural or historic interest it possesses.
25. In so far as it relates to this appeal, the significance of Ditchford Bridge is derived from its medieval origin, distinctive design, stone finish and natural river setting. I saw that parts of the appeal site are visible in more distant views from the bridge, though those closest to it are heavily screened from view by existing vegetation, which will be further supplemented by additional woodland planting along the southern boundary of the site. The immediate natural setting of the Nene and its flood plain as it approaches and passes under the bridge would not change. Given I have found the proposal would have limited landscape and visual impacts overall, it would not cause harm to the significance of the LB or its setting.
26. Given the nature of the development and distance to the closest residential dwellings from the site infrastructure, the effects on outlook, privacy and light would be limited, as would any noise and disturbance from traffic or other site activity. In its appeal statement the Council also found the proposal to be acceptable in terms of residential amenity.

27. Additionally, the proposal is accompanied by a Glint and Glare Assessment which found the effects of glint and glare and their impact on local receptors to be low or no impact and therefore concludes that there would be no significant effects.
28. While there is the potential for some disruption during construction works, the proposal is also supported by a Construction Traffic Management Plan (CTMP). Moreover, planning conditions to secure a Construction Method Statement (CMP) and to limit working hours during construction, in order to safeguard the living conditions of the occupiers of neighbouring properties and highway safety, and to reduce pollution, would be sufficient to mitigate any harmful impacts.

### **Conditions**

29. I have considered the suggested conditions put forward by all parties and amended where appropriate in view of the provisions of the National Planning Policy Framework and the Planning Practice Guidance.
30. In addition to those conditions already referred to above and the standard time limit condition, conditions are required to confirm the approved plans and ensure the development is carried out in accordance with the CTMP. This provides certainty and will protect the living conditions of the occupiers of neighbouring properties and highway safety.
31. A condition to secure details of external lighting and finishing materials is also required to protect the living conditions of the occupiers of neighbouring properties, highway safety and the character of the area.
32. Any unexpected contamination found during construction would be dealt with via a condition to halt the development and secure a remediation strategy, in the interests of public health.
33. A condition to limit the permission to a temporary period of 40-years from the date of the first export of electricity is required in order to define the terms of the permission as proposed. A decommissioning scheme will also be secured by planning condition prior to decommissioning works to ensure the site is restored to its former condition. In the event the site ceases to operate earlier than this, the condition will ensure an early decommissioning scheme is provided.
34. A condition to secure full details of all hard and soft landscaping and its management is required to protect the character and appearance of the area, the site's ecology and to reflect the amended layout plan.
35. An archaeological field evaluation by means of trial trenching, followed by any necessary safeguarding measures and/or further archaeological investigation and recording, must be secured by planning condition, as there are understood to be extensive archaeological remains across parts of the site.
36. Full details of the surface water drainage scheme and its long-term management must also be secured by planning condition, to prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.
37. In view of representations from AW, a condition to secure a strategic water resources strategy is necessary to ensure the domestic water supply is not jeopardised by the development and to protect water resources.

38. In line with the Outline Crime Prevention and Security Statement and representations from Northamptonshire Police, a condition is required to secure a full and detailed Crime Prevention and Security Statement, to reduce the risk of crime and safeguard the living conditions of neighbours.
39. A condition to prohibit burning of material during the construction phases of the development has been suggested by the Council's Environmental Protection team, however this can be adequately controlled through other means.

### **Conclusion**

40. The proposal would comply with the development plan as a whole and there are no other considerations that would outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

*Ryan Cowley*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The planning permission hereby granted is for a period of 40 years from the date of first export of electricity from the development to the grid (First Export Date), after which the development hereby permitted shall be removed in its entirety. Written notification of the First Export Date shall be given to the local planning authority no later than 14 days after the event.
- 3) The development hereby permitted shall be carried out in accordance with drawing nos:
  - Site Location Plan V2
  - Layout Plan V14
  - Elevation\_PV-Array-Pilled\_P02
  - Cross-Section\_Indicative-Cable-Trench\_Type-A\_P02
  - Elevation\_Agricultural-Gate-6400\_P02
  - Elevation\_Agricultural-Gate-8400\_P02
  - Elevation\_Auxiliary-Transformer\_P02
  - Elevation\_CCTV\_P03
  - Elevation\_Customer-Sub-33kV-Type-A\_P02
  - Elevation\_DNO-Sub-33kV-Type-A\_P02
  - Elevation\_Fence-Palisade-Type-A-2400\_P02
  - Elevation\_Fence-Stock-Type-B-2100\_P02
  - Elevation\_Power-Conversion-Unit\_P02
  - Elevation\_Security-Gate-Type-A-2400\_P03
  - Elevation\_Switching-Substation\_P02
  - Cross-Section\_Access-Track-Type-A\_P02
  - 230479-RAP-XX-XX-DR-TP-4101
  - 230479-RAP-XX-XX-DR-TP-3201 P02
- 4) Notwithstanding Condition No 3, no development shall take place until details of all external finishing materials; the final locations, alignment and design of the panel arrays; and an addendum to the Glint and Glare Assessment have been submitted to and approved in writing by the local planning authority. The final layout plan shall detail the location of existing drainage assets, any proposed asset diversion, and the requisite easement of 5m on either side of the central line of the foul sewer. The Glint and Glare Assessment addendum shall demonstrate that the final layout of the panel arrays and external finishing materials have no adverse effects on ground-based receptors such as roads, rail and residential dwellings as well as aviation assets, subject to any necessary mitigation measures. The development shall thereafter be carried out in accordance with the approved details.

- 5) The development hereby permitted shall be carried out in accordance with the Construction Traffic Management Plan (CTMP) by Rappor Consultants Ltd (Job No. 23-0479, Issue 03) dated September 2025.
- 6) Notwithstanding the approved CTMP, no demolition or construction work (including deliveries to or from the site and sub-contractors) shall take place on the site outside the hours of 08.00 and 18.00 Mondays to Fridays and 08.00 and 13.00 on Saturdays, and at no time on Sundays, Bank Holidays or Public Holidays.
- 7) Notwithstanding the approved CTMP, no development shall take place, including any works of demolition, until a Construction Method Statement (CMP) has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) measures to prevent mud migrating onto the highway and details of wheel washing facilities;
  - vi) measures to control and monitor the emission of dust and dirt during construction;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved CMP shall be adhered to throughout the construction period for the development.

- 8) Before any construction works are commenced a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) shall be submitted to and approved in writing by the local planning authority. These shall detail measures to protect existing habitat and species on and surrounding the site during construction works, including soil and dust management measures, and for the formation and long-term management of new habitat to secure a habitat compensation and biodiversity net gain. The development shall thereafter be carried out in accordance with the approved CEMP and HMP.
- 9) No development shall take place until full details of proposed hard and soft landscaping, including a Landscape, Ecology and Hedgerow Management Plan, have been submitted to and approved in writing by the local planning authority. The hard and soft landscaping shall be implemented in accordance with the approved scheme no later than the end of the first planting season following the First Export Date. In the event of any tree, shrub, hedge or plant so planted dying or being seriously damaged or destroyed within 5 years of the implementation of the approved hard and soft landscaping, a new tree, shrub, hedge or plant equivalent to the tree, shrub, hedge or plant shall be planted in the same location and maintained.
- 10) No development shall take place until:
  - (i) An archaeological field evaluation by means of trial trenching has been carried out in accordance with a specification and timetable that shall first

have been submitted to and approved in writing by the local planning authority; and

(ii) Safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority.

- 11) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 12) No development shall commence until a strategic water resources strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy will confirm non-domestic water is available to serve the development and should explore innovative solutions which may help reduce overall water demand. The development shall thereafter be carried out in accordance with the approved strategy.
- 13) Prior to any above ground works being undertaken on site, a full and detailed Crime Prevention and Security Statement (CPSS) 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 CPSS.
- 14) No external lighting, including lighting required for construction and decommissioning, shall be installed at the site until such time as a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the approved strategy and shall be maintained thereafter in accordance with the approved details. No additional external lighting shall be installed without prior written consent from the Local Planning Authority.
- 15) Within 3 months of the development ceasing to generate electricity for a period of 12 continuous months or not less than 12 months before the expiry of this permission, a Decommissioning Method Statement (DMS) shall be

submitted to and approved in writing by the local planning authority. The DMS shall include details of the removal of the arrays, cables, fencing, tracks, compounds and structures together with the repair of damage that may have occurred, restoration of the site, hours of operation, protection of biodiversity during removal and the management of traffic during the decommissioning process, along with a timetable for completion of the decommissioning. The development shall be decommissioned and returned to its pre-commencement condition in accordance with the approved DMS.

- 16) Should any unexpected contamination of soil or groundwater be discovered during development of the site, the local planning authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be suspended until such time as a procedure for addressing any such unexpected contamination has been submitted to and approved in writing by the local planning authority and any required remediation work has been completed in accordance with the approved details.

**END**