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DRAFT CONDITIONS 22/02241/FUL

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[This condition is imposed to comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development authorised by this permission shall be carried out in complete accordance with the following approved drawings:

04668-RES-LAY-DR-PT-001 Rev 4 – Site Location Plan

04668-RES-LAY-DR-PT-002 Rev 4 – Site Location Map

NEO00782/002I/B – Field Numbers

04668-RES-LAY-DR-PT-004 Rev 67 – Infrastructure Layout

04668-RES-LAY-DR-PT-005 Rev 67 – Infrastructure Layout

~~04668-RES-ACC-DR-PT-001 Rev 01 – Typical Access Track Details~~

~~04668-RES-CTN-DR-PT-001 Rev 1 – Typical Temporary Construction Compound Layout~~

~~04668-RES-SOL-DR-PT-001 Rev 3 – Typical PV Module and Rack Detail~~

~~04668-RES-SEC-DR-PT-001 Rev 1 – Typical Security Fence Detail~~

~~04668-RES-SEC-DR-PT-002 Rev 1 – Typical Security CCTV Detail~~

~~04668-RES-SUB-DR-PT-002 Rev 1 – Typical Inverter Substation~~

~~04668-RES-SEC-DR-PT-003 Rev 1 – Typical Deer Fence~~

~~4000340 Rev A – Shovel Handling System D Plus~~

~~NEO00782\_0271\_B Rev B – Indicative Access Track Detail with Bridleway Crossing~~

P24-0105\_EN\_02\_E – Landscape Masterplan

[This condition is imposed to ensure the development is carried out in accordance with the details hereby approved and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1:Core Strategy].

Commented [NC1]: Amendment responds to Inspector's question

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3. Notwithstanding condition No 2, prior to their erection on site details [of the development indicated on the following plans](#) (including layout, materials, colour and finish) ~~of the following~~ shall be submitted to and approved in writing by the Local Planning Authority:

~~i)~~ [04668-RES-ACC-DR-PT-001 Rev 01 – Typical Access Track Details](#)

[04668-RES-CTN-DR-PT-001 Rev 1 – Typical Temporary Construction Compound Layout](#)

[04668-RES-SOL-DR-PT-001 Rev 3 – Typical PV Module and Rack Detail](#)

[04668-RES-SEC-DR-PT-001 Rev 1 – Typical Security Fence Detail](#)

[04668-RES-SEC-DR-PT-002 Rev 1 – Typical Security CCTV Detail](#)

[04668-RES-SUB-DR-PT-002 Rev 1 – Typical Inverter Substation](#)

[04668-RES-SEC-DR-PT-003 Rev 1 – Typical Deer Fence](#)

[1000349 Rev A – Sheel Handling System D Plus](#)

[NEO00782\\_0271\\_B Rev B – Indicative Access Track Detail with Bridleway Crossing](#)

~~solar panels and frames.~~

~~ii) CCTV columns~~

[Prior to their erection on site the details of the following shall also be submitted and approved in writing by the Local Planning Authority](#)

iii) Satellite communication dish and column.

1iv) Location of ancillary buildings, and details of equipment and enclosures

The development shall be carried out in accordance with the approved details and maintained as such for the lifetime of the development hereby permitted.

[This condition is imposed to protect the character of the area with regards to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policies and Policy 1 (Development Requirements) Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

4. [Details of the grid connection tower shall be submitted and approved in writing by the Local Planning prior to the grid connection tower being implemented. The grid connection tower details shall accord with either of the following options: plans](#)

[FIGURE 12A CLIENT/DNO SUBSTATION PLAN & ELEVATION OPTION 1 \(drawing ref 04668-RES-SUB-DR-PT-001 rev 3\), or:](#)

[FIGURE 12B CLIENT/DNO SUBSTATION PLAN & ELEVATION OPTION 2](#)

**Commented [NC2]:** New suggested condition proposed by the appellant, in the event that the Inspector concludes that the grid connection forms part of the proposal to be approved and that either suggested option 12a or 12b are acceptable.

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(drawing ref 04668-RES-SUB-DR-PT-003 rev 3)

Following confirmation in writing to the Local Planning Authority as to which option is to be implemented, the alternative option shall not be implemented.

- 4.5. Within 1 month of the date of first export of electricity to the National Grid (the date of first export) confirmation shall be given in writing to the Local Planning Authority of the same. The development hereby permitted shall cease on or before the expiry of a 40 years period from the date of first export. The applicant should provide the Local Planning Authority with not less than one week's notice in writing of the cessation of the production of electricity.

[This condition is imposed to ensure that the Local Planning Authority can retain control over use of the land in the long term and to ensure the removal of the equipment when electricity is no longer being generated on the site in the interests of the visual amenities of the area and to ensure safe and free flow of traffic and the protection of the amenities of surrounding properties during decommissioning having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policies and Policy 1 (Development Requirements), 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework].

5. 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 Decommissioning Method Statement (DMS) shall be submitted to the Local Planning Authority. The DMS shall include the following:
- a) Timing and programme for decommissioning works, of all, or part of the solar farm if it ceases to be operational, along with the measures, and a timetable for their completion, to secure the removal of panels and any foundations or anchor systems, plant, fencing, equipment;
  - b) Restoration works to return the land to ~~its former condition~~ agricultural use, save for that mentioned at point c of this condition;
  - c) An ecological assessment and habitat report detailing the proposed extent and methods for retaining landscape and ecological features and habitats; and
  - d) A decommissioning traffic management plan and access route plan including provision for addressing any abnormal wear and tear to the highway and address noise dust and vibration.

The solar farm and its ancillary equipment shall be dismantled and removed from the site and the land restored in accordance with the approved DMS and timescales.

[This condition is imposed to ensure that the Local Planning Authority can retain control over use of the land in the long term and to ensure the removal of the equipment when electricity is no longer being generated on the site in the

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**Commented [NC3]:** Potential alternative wording to respond to Inspector's question

**Commented [NC4R3]:** Further revised in accord with R6 comment

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interests of the visual amenities of the area and to ensure safe and free flow of traffic and the protection of the amenities of surrounding properties during decommissioning having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policies and Policy 1 (Development Requirements), 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework.

6. To ensure the development hereby approved remains within its approved capacity of 49.9MW AC, the number of inverters shall not exceed 26 and the maximum combined capacity of the inverters shall not exceed 49.9 megawatts (MW) measured as the AC installed export capacity.

This condition is imposed to limit the generating capacity of the site based on the submitted information and to accord with the National Policy Statement for Renewable Energy Infrastructure (EN-3), and for the avoidance of doubt having regard to Rushcliffe Local Plan Part 1: Core Strategy (2014) and Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

Flood Risk

7. Notwithstanding the submission of the Flood Risk and Drainage Impact Assessment prepared by Neo Environmental, dated November 2022, prior to the commencement of development a Sustainable Drainage Strategy (SDS) developed in accordance with up-to-date climate change flood allowances shall be submitted to and approved in writing by the Local Planning Authority.

The SDS must incorporate the principles of Sustainable Drainage Systems (SDS) and conform to DEFRA's "*Non-statutory Technical Standards for sustainable drainage systems (March 2015)*" and have regard to any relevant Surface Water Management Plans within Nottinghamshire County Council's "*Flood Risk Management Strategy (June 2016)*". The SDS must include the following:

- a) Information about the design storm period and intensity;
- b) Detailed design and location of proposed new culverts, swales and detention basin;
- c) The method to be employed to delay and control the surface water discharged from the site;
- d) Measures taken to prevent pollution of the receiving groundwater and/or surface waters (after construction); and
- e) Provide a management and maintenance plan for the lifetime of the development which must include arrangements for adoption by any public

**Commented [NC5]:** Appellant agreeable to amend as per R6 suggested change

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authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.

Prior to the first export date the surface water drainage system shall be carried out and completed on the site in accordance with the approved SDS. Thereafter surface water drainage system must be maintained in accordance with the approved SDS throughout the lifetime of the development.

[This pre-commencement condition is imposed to ensure the development increases water attenuation/storage on the site and minimises the risk of flooding elsewhere having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan].

8. Prior to the first export date the following documents shall be submitted to and approved in writing by the Local Planning Authority:
- i) Provision of a verification report, including evidence demonstrating that the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme. The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structures (during construction and final make up) and the control mechanism.
  - ii) Provision of a complete set of built drawings for site drainage.
  - iii) A management and maintenance plan for the sustainable drainage features and drainage network.
  - iv) The management and maintenance plan for the sustainable drainage features and drainage network shall be implemented as approved.

[This condition is imposed to ensure adequate drainage provision and to avoid an increased risk of flooding, both on and off the site having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

9. The development shall be carried out in accordance with the submitted flood risk assessment (Title Technical Appendix 4:Flood risk and Drainage Impact Assessment Longhedge solar Farm dated 30/11/22 compiled by Neo Environmental Ltd) and the following mitigation measures it details:-
- Finished floor levels of the inverter pairings shall be set no lower than 18.20metres above Ordnance Datum (AOD); and
  - Finished floor levels of other vulnerable infrastructure shall be set no lower than 300mm above ground levels

These mitigation measures shall be fully implemented prior to the first export date and subsequently in accordance with the schemes timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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[This condition is imposed to reduce the risk of flooding to the proposed development having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

10. Prior to the commencement of development, a scheme of interim and temporary drainage measures during the construction period shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall provide full details of the responsibility for maintaining the temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Construction shall be carried out in accordance with the approved scheme.

[This pre-commencement condition is imposed to reduce the risk of flooding and potential pollution off site resulting from construction works regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

Landscaping

11. Prior to commencement of development hard and soft landscaping (the landscaping scheme) shall be submitted to and approved in writing by the Local Planning Authority. The detailed Landscape Scheme must be in accordance with the Landscape Strategy and Landscape Ecological Management Plan by Neo Environmental dated ~~25 November 2022~~ 21 July 2023 ~~(drawing ref NEO00782\_0231\_F)~~ and Appeal Landscape Masterplan (reference P24-0105\_EN\_02\_E). The landscaping scheme shall include details of the following:-

- a) Plans showing the proposed finished land levels/contours of landscaped areas;
- b) Details of the protection measures to be used of any existing landscape features to be retained;
- c) Soft landscape works including planting plans with specific schedules of plant species mix, plant sizes, numbers and densities;
- d) A timetable for implementation;
- e) On-going management plan to ensure maintenance of any approved landscaping (including who will be responsible for the continuing implementation, phasing arrangements); and

~~f) Means of enclosure.~~

The approved Landscaping Scheme must be carried out and completed in accordance with the approved details and timetable for implementation. If, during the first five years of the operation of the scheme, any tree or shrub planted as part of the approved Landscaping Scheme is removed, uprooted,

**Commented [NC6]:** Responds to Inspector's question regarding duplication with condition 23

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destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

[This pre-commencement condition is imposed to ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework].

12. No development shall take place until an arboricultural method statement and tree protection plan in accordance with the recommendations set within Technical Appendix 10: Arboricultural Impact Assessment dated 30/11/2022 identifying measures to protect trees and hedgerows to be retained, has been submitted to, and approved in writing by, the Local Planning Authority. The statement shall include a tree and hedgerow protection plan and measures to protect trees and hedgerows during site preparation, construction, and landscaping operations. The approved tree protection plan shall be implemented prior to development commencing and shall thereafter be retained as approved throughout the period of construction.

[This pre-commencement condition is imposed to protect trees and hedgerows, to safeguard the character and appearance of the area, ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework].

13. Prior to commencement of the development pre construction surveys and mitigation recommendations as set out in para 1.61 of Appendix 2.1 Biodiversity Management Plan dated 30/11/2022, with the exception of soil inversion works which are to be excluded, together with bat, otter and together with any other ecological surveys which are out of date shall be undertaken, submitted to and approved by the Local Planning Authority. Any mitigation measures required as a result of the above surveys shall be implemented in accordance with the details and timescale to be approved by the Local Planning Authority.

**Commented [NC7]:** Appellant agreeable to R6 suggested change

**Commented [NC8]:** Responds to Inspector's Question

[This pre-commencement condition is imposed to ensure the survey reflects the situation pertaining at the time and to comply with policies 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework].

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14. Notwithstanding the details submitted, a Landscape and Ecological Management Plan (LEMP) dated 25 November 2022, including biodiversity improvements in accordance with the applicants Biodiversity Net Gain calculations submitted with this application and the recommendations within the Biodiversity Management Plan Appendix 2.1: BMP, Appeal Landscape Masterplan (reference P24-0105\_EN\_02\_E) and any updated calculations and pre commencement ecological surveys if necessary, shall be submitted to and approved in writing by the Local Planning Authority prior to first export date. The content of the LEMP shall include the following:

**Commented [AC9]:** Update required to July 2023 revision F? (as per condition 11)

- a) Description and evaluation of features to be managed;
- 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;
- 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;
- i) Details of how the land shall be used for agricultural purposes through the life of the development;
- j) Details of what provisions will be made within any fencing enclosing the site for mammals to cross the site;
- k) Details of how the site shall be managed to minimise the use of pesticides or herbicides;
- l) Details of means of cleaning the panels (which should exclude the use of chemical cleaners); and
- m) the biodiversity gain demonstrated in the biodiversity net gain assessment, with the means to implement in the long term.

**Commented [NC10]:** Responds to Inspector's question regarding duplication with Condition 24

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery for the duration of the development. 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 action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The LEMP shall be implemented prior to the first export date and thereafter maintained for the lifetime of the development.

**Commented [NC11]:** Amended text proposed following discussion at the Inquiry.

[This condition is imposed to ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (February 2019). To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as



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amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)].

Highway Safety and Movement

15. No development, other than works to implement the access, shall commence until the visibility splays, as shown on Visibility splay drawing no. NEO00782\_019I\_B Figure 5.3 Nov 2022, have been provided. The areas within the visibility splays shall thereafter be kept free of all obstructions, structures, or erections exceeding 0.26m in height.

[This condition is imposed in the interest of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

16. No development, other than works to implement the access, shall commence on site until the site access junction as shown on : Swept Path Analysis NEO00792\_020I\_C Figure 5.2 and NEO00782\_019I\_B Figure 5.3 has been provided, surfaced in a hard-bound material for a minimum distance of 15m to the rear of the highway boundary and has been suitably drained to prevent the discharge of surface water to the public highway. The access shall be retained as such for the lifetime of the development hereby permitted.

[This condition is imposed in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

17. Prior to commencement of the development hereby permitted an updated Construction Traffic Management Plan, shall be submitted and approved in writing by the Local Planning Authority, in broad accordance with the details within the revised Construction Traffic Management Plan (CTMP) Appendix 5 dated 02/03/23 together with the passing place details as set out in the email dated 26 Jan 2023. The CTMP shall include details of the management of Bridleways 1 and 6 within the site, to ensure continued access during the construction period.

The development shall be implemented in accordance with the approved CTMP throughout the construction period. The development hereby permitted shall be undertaken in accordance with the details within the revised Construction Traffic Management Plan (CTMP) Appendix 5 dated 02/03/23 together with the passing place details as set out in the email dated 26 Jan 2023.

The development shall be implemented in accordance with the approved CTMP throughout the construction period.

[This condition is imposed in the interests of highway safety [having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

**Commented [NC12]:** Revised condition responding to Inspector's question

**Commented [NC13R12]:** Further revised following discussion at the Inquiry.

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18. Prior to the ~~first export date~~ commencement of development, a scheme relating to the existing bridleway shown on submitted drawing (NEO00782\_0271\_B Figure 15) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, as required, details of surfacing, a timetable for implementation, signage, equestrian standard bridges, gates at access points, waymarks and interpretative panels relating to the proposal. The footpaths shall be implemented and made available for public use in accordance with the approved scheme and timetable, ~~and shall thereafter be retained following the decommissioning of the site.~~

**Commented [NC14]:** Revised as per R6 suggestion

**Commented [NC15]:** Revised responding to Inspector's question - permissive path will not be adopted and will only be for the duration of the permission.

[This condition is imposed to enhance pedestrian movement within and around the site and to ensure permissive paths remain open having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

Environmental

19. Prior to the commencement of development, including any enabling works, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The Statement shall have regard to the principles and mitigation measures set out in the Outline Construction Environmental Management Plan (25/08/22) and approved Flood Risk Assessment required by condition 7, The Construction Traffic Management Plan dated 02/03/23 Landscape Scheme required by condition 11 and LEMP required by condition 14 and NEO00782\_0271\_B Figure 15 shall provide for:
- I. Areas for loading and unloading of plant and materials;
  - II. Storage of plant and materials used in constructing the development;
  - III. 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;
  - IV. Measures to control the emission of dust, dirt, noise and vibration dirt during construction;
  - V. On-site waste management - measures for the storage/recycling/disposal of waste resulting from the construction works;
  - VI. Physical measures and sensitive working practices to avoid or reduce impacts on ecology during construction (which may be provided as a set of method statements);
  - VII. The location and identification of biodiversity protection zones and the timing of sensitive works to avoid harm to biodiversity features;
  - VIII. The times during the construction period when specialist ecologists need to be present on site to oversee works;
  - IX. The role and responsibilities on site, including an ecological clerk of works or similar competent person, and lines of communication;
  - X. The use of protective fences, exclusion barriers and warning signs;
  - XI. Soil management across the site during the construction period;
  - XII. The routing of deliveries and construction vehicles to site;

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- XIII. Details of arrangements for co-ordinating and controlling delivery vehicles;
- XIV. Parking arrangements for site operatives and visitors;
- XV. On-site turning facilities for all vehicles; and
- XVI. Wheel washing facilities.

The development shall be implemented in accordance with the approved CEMP throughout the construction period.

[This pre-commencement condition is imposed in the interests of highway safety and to protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This pre commencement condition is also required to ensure ecological and environmental requirements are achieved from the outset of the development].

20. No external lighting shall be installed on the site before a lighting scheme including Lux information has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed in accordance with the advice on lighting set out in the Institute of Lighting Professionals (ILP) (2023) Guidance Note 8/18: Bats and Artificial Lighting in the UK- Bats and the Built Environment Series. BCT London (or any successor document). Any external lighting so installed shall thereafter be maintained in accordance with the approved details for the lifetime of the development.

[This condition is imposed to prevent light pollution, to protect the character of the area, to avoid harm to bats] and to comply with policies<sup>17</sup> (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework].

21. Construction times (including deliveries) shall be limited to the following hours:
- 07:00 - 19:00 Monday to Friday; and
  - 08:00 - 17:00 Saturday.
  - None on Sundays or Bank Holidays.

[This condition is imposed to protect the amenities of the area for the duration of the construction of the development hereby permitted, having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

Amenity

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22. ~~The facility shall be designed and operated to ensure that the sound level shall not exceed 50 dB LAeq during the day and 45 dB LAeq at night outside the nearest residential properties (as identified in RES report 04668-4051832 dated 17 May 2022). Prior to the first export date, the noise levels for any externally mounted plant or equipment, together with any internally mounted equipment which vents externally, that is to be installed, along with details of the intended positioning of such in relation to the development, shall be submitted to and approved by the Local Planning Authority. If this information is inconclusive or not complete, then a full noise assessment in accordance with BS 4142: 2014+A1: 2019 Methods for rating and assessing industrial and commercial sound will be required. This report will need to make it clear that the plant/equipment is capable of operating without causing a noise impact on neighbouring properties. All mitigation measures, if necessary shall remain in place for the lifetime of the development.~~

Commented [NC16]: Responding to Inspector's question

[This condition is imposed to protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

23. Notwithstanding provisions of the Town and Country Planning (General permitted Development) (England) Order 2015 under schedule 2 Part 2 Class A no fencing shall be erected on site other than that specified on the submitted plans (deer fencing – plan number 04668-RES-SEC-DR-PT-003 Rev 1 and typical security fence detail drawing number around the substation only as per drawing number 04668-RES-SEC-DR-PT-001 Rev 1.

[This condition is imposed to ensure the development contributes to the enhancement of biodiversity and visual amenity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (February 2019). And to conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)].

24. Prior to the first export date, a grazing management plan (GMP) shall be submitted to and approved in writing by the Local Planning Authority. The GMP shall detail which parts of the site shall be used for the grazing of livestock, during which months of the year, and how the grazing is to be managed. Within three years of the date of first export, the grazing of livestock shall be implemented on the site in accordance with the GMP. Any changes to the GMP during the lifetime of the permission shall first be submitted to the Local Planning Authority for approval in writing prior to implementation on site and shall be provided in accordance with the approved revised GMP.

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[This condition is imposed to ensure that agricultural use continues on the site].

**Archaeology**

25. No development shall take place (including any enabling works such as site clearance works, soil moving, temporary access or compound construction, or any operations involving the use of construction machinery) until a programme for supplementary archaeological evaluation has been submitted to and approved in writing by the LPA. The programme shall detail the scope of proposed evaluation work, its timings, and objectives and be drawn up by and thereafter undertaken by suitably experienced archaeologists from a professionally accredited archaeological organisation. The programme should make provision for the LPA's archaeological advisors to be informed of works and to be allowed access and the findings shall thereafter be published and submitted to the LPA.

[This condition is imposed to ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework. This is a pre commencement condition required to ensure that historic assets are protected and or recorded prior to loss or damage once the development is undertaken].

26. No development shall take place other than in accordance with an Archaeological Mitigation Strategy (AMS) which shall first be submitted to and approved in writing by the Local Planning Authority following the completion of the archaeological evaluation in accordance with condition 25 above. The strategy shall include provision for any mitigation or monitoring work as informed by the archaeological evaluation to be carried out by a suitably qualified archaeologist or archaeological organisation, and include provision for the excavation/ preservation of archaeological features as appropriate to their level of significance, to be ~~agreed~~ **agreed-approved** in conjunction with the LPA and it's advisors. An archaeological management plan will be required for any archaeological features preserved in-situ. A written report detailing the results and post investigation assessments of any archaeological works shall thereafter be submitted to the LPA for local publication within a timeframe to be agreed in writing by the LPA . No development shall take place other than in accordance with the approved Strategy and Written Scheme of Investigation.

[This condition is imposed to ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to

**Commented [NC17]:** Revised in response to Inspector's question. Appellant considers the second "agreed" is more appropriate as likely to require a degree of flexibility and be subject of discussion, therefore agreement is more appropriate than approval

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make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.

Soil Management

27. Prior to any site clearance, or the commencement of the development, a Soil Management Plan (SMP) must be submitted to and approved in writing by the local planning authority. The SMP shall be prepared by a suitably qualified soils and agriculture expert. All development and site clearance shall be carried out in accordance with the approved SMP.

Before decommissioning commences, the expert should review the SMP and make recommendations as to measures necessary to ensure the land is restored to its original condition at decommissioning, taking into account any updates in statutory or policy requirements.

The following details must be included in the SMP:

- Soil resource survey;
- Site preparation and seeding;
- Details of the **soil stripping, handling** and storage of soils during the construction, operational and decommissioning phases, with a limit on operations, when weather and soil conditions are limiting;
- Import of construction materials, plant and equipment to Site;
- Establishment of Site construction compounds and welfare facilities;
- Cable installation and where required jointing;
- Temporary construction compounds;
- Trenching in sections;
- Upgrading existing tracks and construction of new access tracks and roads within the Site;
- The upgrade or construction of crossing points (bridges /culverts) at drainage ditches within the Site;
- Appropriate storage, capping and management of soil;
- Appropriate construction drainage;
- Cable pulling;
- Testing and commissioning;
- Site reinstatement (i.e. returning any land used during construction, for temporary purposes, back to its previous condition);

**Commented [NC18]:** New text inserted following comment of R6 party

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- Use of borrow pits;
- Review of Soil Management Plan before the end of project life;
- Restoration of land to an approved quality at the end of the site's operation; and
- Arrangements for the effective supervision of the SMP, monitoring and reporting.

The SMP must be implemented as per the approved details.

[This pre-commencement condition is imposed to ensure soils on site are safeguarded during construction and to ensure the site is restored in accordance with the agreed details after decommissioning have regarding to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

Rule 6 Party Proposed Conditions – not agreed

1) The perimeter fencing of the site shall be deer fencing in accordance with the planning application documents and drawing no. 04668-RES-SEC-DR-PT-003 Rev 1)

Reason: to control the visual, biodiversity and amenity impact of the development in accordance with paragraphs 135 and 140 of the National Planning Policy Framework and local plan policies LPP1 Policy 10: LPP2 Policies 16, 22, 28, 34 and 38.

**Commented [MS19]:** Covered by condition 23 suggested with LPA.

2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order) no CCTV cameras, fencing, outbuilding or other structures shall be erected (other than those shown on the approved plans) without prior permission from the local planning authority.

Reason: To mitigate the impacts of the development on the character of the surrounding rural environment in accordance with paragraph 135 of the National Planning Policy Framework and local plan policies LPP1 Policy 10, LPP2 Policies 16, 22, 28, 34 and 38.

**Commented [MS20]:** Not precise and no justification for withdrawal of all PD rights given.

3) No development shall take place before details of all solar panels and inverters, including drawings, model numbers and capacity, have been submitted to and approved in writing by the local planning authority. The development shall be implemented and operated throughout its lifetime in accordance with the approved details.

To ensure that the development remains within its approved capacity of 49.9MW AC, the following criteria shall be strictly adhered to:

**Commented [MS21]:** Covered by condition 6 suggested with LPA.

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- The number of inverters shall not exceed 26.
- The maximum combined capacity of the inverters shall not exceed 49.9MW.
- The maximum combined capacity of the solar panels shall not exceed 60MW.
- Upon completion of the installation of the solar panels, and prior to the first export of electricity from the site, a signed and dated certification report confirming that the above criteria have been fully adhered to by the installer shall be submitted to the Local Planning Authority.

**Commented [MS22]:** Not necessary nor reasonable. Beyond scope of the planning permission.

**Commented [MS23]:** Not necessary and no justification.

Reason: To ensure that the capacity of the development hereby permitted does not exceed the statutory capacity threshold of up to 50 MW AC that a local planning authority is empowered to approve under Section 15 of the Planning Act 2008.