



Appeal Decision

Hearing held on 5 November 2024

Site visit made on 6 November 2024

by Grahame Kean BA(Hons) Solicitor, MRTPI, MIPRoW

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/B3030/W/24/3344500

Field Reference 2227, Hockerton Road, Caunton, NG23 6BA

- 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 Muskham Solar Limited against the decision of Newark and Sherwood District Council.
 - The application Ref 22/00976/FULM, dated 12 May 2022, was refused by notice dated 17 November 2023.
 - The development proposed is: construction of a solar farm, access and all associated works, equipment and necessary infrastructure.
-

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 31 March 2025.

Decision

1. The appeal is allowed and planning permission is granted for Construction of a solar farm, access and all associated works, equipment and necessary infrastructure at Field Reference 2227, Caunton, NG23 6BA in accordance with the terms of the application, Ref 22/00976/FULM, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

2. On 14 June 2024 the Council confirmed that it would not defend this appeal. The appellant considered the appeal should proceed as proposed with the hearing as previously arranged. After taking account of third-party representations the Planning Inspectorate agreed to this approach. The Council was present at the hearing. My thanks go to all parties for their cooperation throughout the proceedings.

Procedural matters

3. Since the application was made Muskham Solar Limited changed its name to SSE Muskham Solar Limited. A completed section 106 deed of obligation was submitted for the provision, management and monitoring of skylark plots and a suitable mitigation area.
4. A revised National Planning Policy Framework (NPPF) was published on 12 December 2024. Comments were invited thereon and I have taken account of the replies received.

Main issues and legal framework

5. The appellant agreed a statement of common ground (SoCG) with the Council that identified 7 main issues. These related to the loss of best and most versatile agricultural land; character and appearance including local landscape character; and whether the environmental and economic benefits of the proposal outweigh any harm identified.
6. The development plan comprises the Newark and Sherwood Amended Core Strategy DPD (2019) (ACS) and Allocations & Development Management DPD (2013) (DPD). By s38 (6) Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Reasons

Character and appearance including local landscape character

7. The appeal site covers some 69ha of agricultural land in the countryside between the settlements of Hockerton, Caunton, Bathley and Averham/Kelham. To the northwest and west are large-scale poultry units. Muskham Wood, a local wildlife site, is south of the appeal site. The appeal site is part of a larger agricultural holding and contains mature hedgerows and trees on many of its boundaries.
8. An electricity pylon and 2 wind turbines lie further to the east. Muskham Woodhouse Farm buildings are non-designated heritage assets and visible on raised land to the east of the appeal site. Public footpaths cross the site: South Muskham FP5 has a north-south alignment from the eastern edge of Muskham Wood, between the southern field and the two eastern fields and passing outside the appeal site along the eastern boundary. South Muskham FP6 follows an east-west alignment from Poultry Farm across the appeal site, crossing FP5 and onwards to properties to the east.
9. Vehicular access into the appeal site would be off Caunton Road to the west via an existing farm track. The nearest residential properties are Park Leys Bungalow 200m southwest of the appeal site boundary and properties east of the site boundary including Wheaten House. Caunton Airfield is less than 50 m north of the appeal site.
10. Heritage assets nearby include: The land as an archaeological resource; Scheduled Monument: Moated site, fishponds and decoy pond 490m to the northwest of Parking Spring Farm (LEN 1018120) approx. 1km to the west of the appeal site; Averham Park House Grade II* Listed Building (NHLE ref. 1046003) approx. 930m to the south of the appeal site South Farm; Averham Grade II Listed Building (NHLE ref. 1046004) approx. 930m to the south of the appeal site. There are no international or national designated ecological sites within 1km of the appeal site. There are no national landscape designations within 1km of the appeal site. The appeal site lies within low-risk Flood Zone 1.
11. The proposal is for the construction of a solar farm with capacity of up to 49.9MW for a period of 40 years from the date of the first export of electricity to the electrical grid. Some 57ha of land within the appeal site would have panels or ancillary development sited on it. After 40 years equipment would be removed, and the land returned to its former condition in accordance with a decommissioning scheme. Construction is expected to take some 6 months.

12. The proposed connection point would be completed under permitted development legislation related to electricity undertakings. The Council is unaware of alternative brownfield sites that could accommodate the scale of development proposed which could be utilised to access this connection point in the vicinity.
13. The proposal comprises solar panels dark blue or black in colour, on a metal framework supported by pile driven foundations, installed in rows across the appeal site in an east-west orientation facing south, without the need for concrete foundations. The maximum height would be 4m, the panels would move and track the movement of the sun across the day, increasing their efficiency and would be spaced to avoid shadowing effects from one panel to another. There would be at least 0.8 m between the bottom of the panels and the ground. The appeal site would be enclosed by c2.4m high mesh security fencing with pole mounted CCTV cameras 2.6m in height, positioned inside and around the appeal site to provide security.
14. The proposal would require around 20 visits per year for maintenance purposes and would otherwise be unmanned, being remotely operated and monitored. After its 40-year operational lifespan it would be decommissioned and completely removed save for structural landscaping where necessary, and the site returned to its current use. It is proposed to secure the decommissioning process by conditions agreed between the main parties.
15. A Landscape and Visual Impact Assessment (LVIA) was submitted to assess the likely significance of the landscape and visual effects of the proposed development on the surrounding area. It concluded that major effects on visual amenity would be limited to receptors within the site or within c550m of the site boundary (or within c750m to the north). Visually, the receptors most likely to receive the greatest effects from the proposed development would be users of Cauntton FP2; users of South Muskham FP6; and residents of Muskham Woodhouse Farm/Wheaten House, the property on Cauntton FP4 and Knapthorpe Manor.
16. Additional viewpoints were surveyed which show the relationship of the concave rising ground on the east of FP5 towards Muskham Woodhouse Farm/Wheaten House and the convex rolling ground to the west towards Knapworth Lodge. Views of people using this PRoW would switch between the fields in either direction of travel on this part of the route. Ultimately, they would lose most of the views of the features in this landscape as a result of the development with the PRoW within the site becoming enclosed with solar arrays. Consequently, the plans were amended to show the PRoW in a 20m wide corridor from the solar arrays. I am satisfied that this would assist in mitigating the impact to users of the PRoW network.
17. The LVIA's main concern in relation to the visual effects related to land on the eastern side of the site, resulting in a 35m off-set from the eastern boundary being proposed with additional structural buffer planting at 3m high and semi-mature trees planted at 4.5-5m in height. I agree that this would reduce the scale of effect on the properties around Wheaten House although not prevent the overall major-adverse impact recorded on these properties for the duration of the scheme.
18. In respect of landscape character, the cumulative magnitude of change to the landscape immediately surrounding the site is assessed as large with medium

sensitivity and the cumulative scale of effect would be major adverse. However, this localised effect would not notably change the overriding landscape character of the wider Policy Zone MN30 as intensively managed farmland with views often enclosed by vegetation. There would be highly localised major adverse cumulative effects on landscape character, however it is concluded that there would be a moderate adverse cumulative effect, reducing to minor adverse with increasing distance from the site.

19. The LVIA concludes there would be more notable cumulative visibility of the Muskham Wood and Knapthorpe Grange sites if taken together, however the field survey shows that the locations from which there may be cumulative visibility would be considerably reduced by intervening vegetation and there would be a limited number of receptors where the cumulative effect would be greater than moderate adverse and in such cases would not be notably greater than those which would arise from the proposal considered on its own.
20. There is no dispute between the main parties regarding LVIA matters that would justify refusal of planning permission. Taking account of all the representations on this subject I find that overall, in the context of the scale of the scheme in isolation (and cumulatively with the adjacent Knapthorpe Grange scheme and the scheme at Foxholes Farm) adverse effects on landscape character and visual amenity would be limited to the site and its immediate environs. Subject to conditions including the submission of a detailed landscape scheme to provide additional screening and mitigation planting, the proposal would overall comply with ACS Core Policy 10 and DPD Policy DM4. Adverse effects on landscape character and visual amenity would be localised with impacts to the local landscape character acceptable.

Loss of agricultural land

21. A detailed Agricultural Land Classification (ALC) survey of the appeal site was submitted. The appeal site comprises grade 3b agricultural land, defined as moderate quality agricultural land which is not the best and most versatile agricultural land (BMV)
22. The installation of solar PV arrays would not result in the loss or downgrading, by sealing or permanent downgrading, of agricultural land. The land does not have to be farmed in any particular way for food production and agricultural land use could continue through the operational phase (the appellant intends to continue agricultural use of the site in the form of grazing) with the panels and infrastructure removed at the end of the development period.
23. A land and soil management plan would be implemented to ensure the land is managed sympathetically for suitable soil profiles and healthy plant growth in the longer term.
24. There is no BMV agricultural land within the appeal site. Moreover, the proposal will not result in the loss of agricultural land, rather than result in the temporary mixed renewable energy/agricultural use before being returned to solely agricultural use once the solar farm is removed. The proposal would therefore not conflict with DPD policies DM4 and DM8.

Principle of scheme and environmental and economic benefits

25. DPD Policy DM4 (Renewable and Low Carbon Energy Generation), provides the key development plan policy against which the appropriateness of the proposal

should be assessed. Permission will be granted for renewable and low carbon energy generation development as standalone projects and part of other development and associated infrastructure where its benefits are not outweighed by detrimental impacts.

26. The proposed development would support the Government's policy for the UK's transition to a low carbon economy and assists in meeting the need for renewable energy generation to meet obligations for renewable energy consumption, challenging targets in 2030 and onwards to net-zero emissions by 2050. The solar farm would generate up to 49.9MW of clean renewable electricity per year, distributed via a connection to the local electricity grid, providing power for between 12,900 and 18,700 homes depending on the range of household energy use, and based on average UK household electricity consumption annually. The proposal seeks to assist in saving 22,710t of CO₂ emissions per annum by displacing the use of gas. Overall, the proposed scheme would constitute a low carbon, renewable energy source of energy generation that would make a significant contribution towards meeting national renewable energy targets.
27. The appeal site is located in an area with grid capacity availability and a viable connection to the network is available. The site selection methodology adequately demonstrates why this site was deemed most appropriate for the location of the proposed development. Information has been supplied to demonstrate the proposed connection point and how this could be completed under permitted development legislation related to electricity undertakings. No evidence has been forthcoming as to any alternative brownfield sites that could accommodate the scale of development proposed and could be utilised in order to access this connection point in the vicinity. The aims of ACS Core Policy 9 (Sustainable Design) would be met in this respect for selecting appropriate sites for new development.
28. There would be Biodiversity Net Gains of c.71.8% in habitat units and c.4.7% in hedgerow units through the proposed landscape planting, habitat enhancements and long-term management as set out in the supporting documents to this application. The proposed BNG would significantly exceed 10%. BNG must be balanced against the initial disruption to local biodiversity during construction, however the potential biodiversity enhancements that would be delivered would be a significant benefit.
29. Economic benefits would result from farm diversification and job creation during the construction and decommissioning phases of the development which would contribute to employment in the area.
30. In these respects the aims of Policy DM4 would be met as well as ACS Policy CP10 which seeks to tackle the causes and impacts of climate change and deliver a reduction in the district's carbon footprint by among other things, promoting energy generation from renewable and low-carbon sources.

Other Matters

31. I heard submissions from representatives of the Ramblers Association (RA) as to the effect of the proposal on the PRow network generally and in particular the implications of an application to modify the definitive map and statement to add a public footpath in the immediate vicinity of the appeal site. It transpired that the application was made in 2011 to the order making

authority and has been delayed substantially with no immediate prospect of any order being confirmed in the near future. The weight I can attach to this application is therefore very limited.

32. The site is popular with walkers and the proposal would result in some adverse impacts on several PRowS that traverse the site. However, the proposal would not result in any diversion of established PRowS and whilst it would mean that certain footpaths would be more enclosed and lessen one's enjoyment as a user, the buffer zones to be secured by condition would provide some mitigation.
33. Concerns were expressed as to the capacity of the local road network to accommodate the traffic generated from the construction phase of the proposal. A construction traffic management plan (CTMP) envisages a construction period of some 6 months with an average of around 7 HGV deliveries (14 movements) per day plus several construction movements associated with smaller vehicles for waste management, construction workers and so forth.
34. The designated route for construction related traffic would be via the A1(T) / A46(T), B6325, A616 and Caunton Road. The cumulative highway impact assessment states that should this appeal proposal and the adjacent Knapthorpe appeal be constructed at the same time there could be up to 14 HGVs per day (28 movements) during the temporary construction period. Local roads have two lanes and are suitable to accommodate construction traffic associated with both sites. The mitigation and management measures in the CTMP would minimise the impact on background traffic. Once operational, traffic flows associated with both sites are likely to be within the daily variation of traffic flows on the local highway network. Thus there would be no significant cumulative or unacceptable impacts on the public highway as a result of both this proposal and the Knapthorpe scheme if considered together.
35. It was queried whether the proposal taken in combination with the appeal at Knapthorpe Lodge, would be a nationally significant infrastructure project (NSIP). Whilst solar farms with a generating capacity exceeding 50MW are classified as an NSIP and should be submitted to the Planning Inspectorate rather than local councils, the proposal under consideration has a generating capacity of up to 49.9MW and is independent from any other proposal being considered by the Council or on appeal. There is no policy regarding the clustering of solar developments in rural areas and whilst I am satisfied that the cumulative impacts of several proposals in the same locality have been properly considered, the Council makes no objection to the proposal on this basis.
36. Many residents have gardens bordering the site and several concerns were raised that the proposal would generate harmful overbearing effects on their living conditions. Having considered the layout of development within sites and separation distances from neighbouring development, I am satisfied that these would be sufficient to ensure that there would be no unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Issue was taken with the methodology used in the glint and glare assessment which for dwellings, was limited to ground floor receptors, justifiably so in my view since such rooms are typically occupied during daylight hours. The two nearby dwellings within 1km of the development would clearly experience views of the

solar farm producing moderate impacts which would be mitigated through planned growth of hedgerows to a height of 3m. All other dwellings were identified as being screened by existing vegetation.

37. A Glint and Glare Memorandum was submitted to consider the users of Caunton Airfield and the potential impact of the development in greater detail. No objections were raised by Caunton Airfield, National Air Traffic Safeguarding, Ministry of Defence or the Council's Environmental Health Officer. I have no reason to disagree with the conclusion that the predicted glare would not pose an unacceptable risk towards airfield operations which should not prevent pilots from using any of the four runways or endanger them during the landing process. The initial results presented in the Muskham Wood report were repealed and the risk toward the airfield is considered acceptable.
38. Potential noise effects from the proposed development would be effectively managed by a conditions securing a construction environmental management plan (CEMP), restrictions on permitted construction hours and regulation of sound levels emitted from fixed plant and machinery associated with the development.
39. The archaeological potential of site is said by some consultees to be high or very high. Although the appellant took issue with this assertion, I am satisfied from what I have read that subject to the condition agreed with the Council, an appropriate strategy would be put in place for the protection of archaeological remains as may be found to be necessary.
40. The submitted Heritage Assessment explains that no designated heritage assets within the Site or beyond the 1km study area were considered to have the potential to experience any change to their setting through the development of the Site. The Council's Conservation Officer has not raised any concerns with this conclusion.
41. Subject to conditions, the application is acceptable with regards to impact on trees including ancient woodland, hedgerows, and ecology. I have considered the representations concerning the habitat and biodiversity of the sites. It is accepted that there would be initial disruption to local biodiversity during construction, however the landscape proposals have been designed to preserve and enhance the existing and future landscape features, to screen some views of the solar panels from outside the site and to enhance its biodiversity and habitat value. The completed section 106 deed of obligation provides specifically for the management of skylark plots and a suitable mitigation area. Overall, the opportunities for enhancing the green infrastructure network and potential biodiversity enhancements would be a significant benefit.
42. Policy DM8 states that development in open countryside will be strictly controlled and limited to certain types of development, which does not include solar farms. Despite the objections raised by some interested parties, I accept that this does not apply to renewable developments which are a particular form of development with their own policy (Policy DM4) concerning renewable and low carbon energy generation. Nor should the generic requirement for a sequential assessment of "versatile agricultural land" be applied other than to the specific forms of development that are mentioned in the policy itself.

Planning balance

43. There is no dispute between the main parties regarding LVIA matters that would justify refusal of planning permission. Taking account of all the representations on this subject I find that overall, in the context of the scale of the scheme in isolation (and cumulatively with the adjacent Knapthorpe Grange scheme and the scheme at Foxholes Farm) adverse effects on landscape character and visual amenity would be limited to the site and its immediate environs.
44. I find that there would be some adverse effects on the enjoyment of some parts of the public path network through and around the appeal site. These effects would be mitigated to some extent through the buffer zones either side of the paths in question. Whilst there would be some diminution in such enjoyment, the proposal would still maintain safe, convenient and attractive accesses over the existing network of footways and bridleways in accordance with the aims of Spatial Policy 7. The interests of PROW users have been considered, however, I am satisfied that there would be no impacts on PROW users that would justify the refusal of planning permission.
45. Subject to conditions including the submission of a detailed landscape scheme to provide additional screening and mitigation planting, the proposal would comply with ACS Core Policy 10 and DPD Policy DM4. Adverse effects on landscape character and visual amenity would be localised with impacts to the local landscape character acceptable.
46. There is no BMV agricultural land within the appeal site. Moreover, the proposal will not result in the permanent loss of agricultural land, rather than result in the temporary mixed renewable energy/agricultural use before being returned to solely agricultural use once the solar farm is removed. The proposal would therefore not conflict with DPD policies DM4 and DM8.
47. The proposed scheme would provide very considerable benefits through a low carbon, renewable energy source of energy generation that would significantly contribute towards meeting national renewable energy targets in accordance with the aims of Policy DM4 as well as ACS Policy CP10, including the delivery of a reduction in the district's carbon footprint. I attach substantial weight to the renewable energy benefits flowing from the proposed scheme.
48. Overall, I am satisfied that the benefits of the proposed development outweigh the temporary harm identified through reduction in agricultural productivity, and adverse effects on landscape character and visual appearance. Accordingly, permission should be granted.

Conditions

49. I will attach conditions covering commencement of development to comply with statutory requirements and as the proposal is unsuitable for a permanent permission, conditions making the permission temporary for 40 years with a requirement to undertake decommissioning pursuant to approved details to be submitted, or if operations are suspended for a substantial period of time.
50. Conditions are required to approve details of the proposed materials and finish of the solar panels and associated equipment, in the interests of the character and appearance of the area and for the same purpose a landscaping scheme and arboricultural method statement should also be secured by condition.

Hours of construction will be restricted by condition to preserve the amenities of neighbouring properties, as will the levels of noise emanating from plant and machinery.

51. A Land and Soil Management Plan will be secured by condition to preserve and maintain the agricultural potential of the land, and a Public Rights of Way Management Plan should also be put in place that ensures consultation with users of the PRoW network, to be approved by the Council. Further conditions are necessary in the interests of biodiversity to approve a landscape and ecological masterplan and a construction environmental management plan during the construction period to preserve the amenities of neighbouring properties.
52. A Woodland Management Plan for the part of Muskham Wood which is adjacent to the southern boundary of the site should be approved prior to commencement of development so as to maintain and enhance biodiversity.
53. Further conditions are necessary to manage tree works and vegetation clearance, and external lighting in the interests of biodiversity, and an archaeological method statement should be secured by condition to preserve any below ground assets in an appropriate manner.
54. A detailed surface water drainage scheme is necessary to put in place by condition to ensure no risk of increased flooding. Further conditions to secure implementation of the Construction Traffic Management Plan and associated measures shall be imposed in the interests of highway safety.

Conclusion

55. For the reasons given above the appeal should be allowed.

Grahame Kean

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - Site Location Plan Ref. P21-1380.001 Rev. D
 - Layout Plan Ref. P21-1380.002 Rev. I
 - Landscape & Ecological Masterplan Ref. P21-1380.003 Rev. J
 - Typical Panel Elevations Ref. P21-1380.101
 - Typical Client and DNO Substation Detail Ref. P21-1380.102
 - Typical Inverter Detail Ref. P21-1380.103
 - Typical CCTV, Post and Security Speaker Details Ref. P21-1380.104
 - Typical Fence detail Ref. P21-1380.105
 - Typical Access Track Detail Ref. P21-1380.106
 - Compound Area Plan Ref. P21-1380.004
- 3) The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from this development to the electricity network (The First Export Date). Written confirmation of the First Export Date shall be given to local planning authority within 14 days of the First Export Date.
- 4) In the event of the development hereby permitted failing to produce electricity supplied to the local grid for a continuous period of 12 months, it will be deemed to have ceased to be required. The solar farm and its ancillary equipment shall be dismantled and removed from the site within 6 months of the deemed cessation date and the site restored in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority, which scheme shall have included provision for:
 - a) the removal of the solar panels and associated above ground works hereby approved;
 - b) the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period;
 - c) an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats; and
 - d) details of site restoration measures.
- 5) Within the year prior to decommissioning of the site, but no later than 6 months prior to decommissioning, a full ecological survey of the site shall be undertaken to inform decommissioning. Prior to the commencement of the decommissioning of the site, a report shall be submitted to and approved in writing by the local planning authority. The report shall

- include the results of the survey and any ecological mitigation measures, as appropriate, based on the ecological assessment findings to be followed during decommissioning, and beyond. The decommissioning of the site shall be carried out in accordance with the approved report.
- 6) Within 40 calendar years from the date when electricity is first generated to the grid, the facility and all associated works and equipment shall be dismantled and removed from the site and the land restored in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
 - 7) Prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to the Local Planning Authority for approval in writing. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the proposed development
 - 8) No works or development shall take place until the Local Planning Authority has approved in writing the full details of the tree, shrub, and hedgerow planting (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards. The landscaping scheme shall be based on the Species List for the Mid Nottinghamshire Farmlands Landscape Character Type included within the Newark and Sherwood Landscape Character Assessment.
 - 9) The approved landscaping scheme shall be carried out within the first planting season following the date when electrical power is first exported ("first export date"). If within a period of 7 years from the date of planting any tree, shrub, hedgerow, or replacement is removed, uprooted, destroyed, or dies then another of the same species and size of the original shall be planted at the same place.
 - 10) Notwithstanding the submitted details, no works or development shall take place until an Arboricultural Method Statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the Local Planning Authority. This scheme shall include:
 - a) a plan showing details and positions of the ground protection areas;
 - b) details and position of protection barriers;
 - c) details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site;
 - d) details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g., in connection with foundations, bridging, water features, hard surfacing);
 - e) details of construction and working methods to be employed for the installation of access tracks within the root protection areas of any retained tree/hedgerow on or adjacent to the application site; and
 - f) details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in accordance with the approved arboricultural method statement and tree/hedgerow protection scheme.

- 11) At all times there must be:
 - a) no fires lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site;
 - b) no equipment, signage, or fencing attached to or supported by any retained tree on or adjacent to the application site;
 - c) no temporary access within designated root protection areas without the prior written approval of the local planning authority;
 - d) no mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree or hedgerow on or adjacent to the application site;
 - e) no soakaways routed within the root protection areas of any retained tree or hedgerow on or adjacent to the application site;
 - f) no stripping of topsoil, excavations or changing of levels within the root protection areas of any retained tree or hedgerow on or adjacent to the application site;
 - g) no topsoil, building materials or other stored within the root protection areas of any retained tree or hedgerow on or adjacent to the application site; and
 - h) no alterations or variations of the approved works or protection schemes without the prior written approval of the local planning authority.
- 12) Except for emergency works, construction works on the site shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1400 hours on Saturdays or at any time on Sundays or Bank Holidays.
- 13) The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed the stated noise levels set out at Table 4.1 of the Noise Impact Assessment undertaken by ENS, dated 19.05.2022 at the nearest sound-sensitive premises. All measurements shall be undertaken in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.
- 14) Prior to the commencement of development, a Land and Soil Management Plan shall be submitted to and approved in writing by the Local Planning Authority. All works shall thereafter be carried out in accordance with the approved details for the lifetime of the development.
- 15) Prior to the commencement of development, a Public Rights of Way Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include:

- a) details of the future management and maintenance of the site and Public Rights of Way network within and around the site; and
- b) consultation with representatives of the users of the PROW network.

The approved Public Rights of Way Management Plan shall be implemented for the lifetime of the development.

- 16) The development hereby permitted shall be carried out in strict accordance with the pre, post and during construction habitat retention, protection, creation, mitigation/enhancement, management and monitoring measures outlined within the Biodiversity Management Plan (Ref. BG21.211.3 Rev. 1, March 2023 by Brindle & Green), Ecological Impact Assessment (Ref. BG21.211, October 2022 by Brindle & Green) and Landscape and Ecological Masterplan (Ref. P21-1380.003 Rev. J). All described measures should be carried out and/or installed in accordance with the timescales embodied within the Biodiversity Management Plan (BMP) and work schedule following the cessation of construction works. The BMP and Landscape and Ecological Masterplan shall be implemented for the lifetime of the development. To assess the implementation and success of the BMP a Monitoring Report shall be prepared by a qualified Ecologist and submitted to the Local Planning Authority during the 12th month following the commencement of the development and thereafter during the 12th, 24th and 48th month after the first report, and thereafter every five years until 40 years after the date of first export. Should the Monitoring Report(s) conclude that any of the Biodiversity Management measures are unsuccessful a Remedial Scheme shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.
- 17) Prior to the commencement of development (including ground works and vegetation clearance) a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details which for the avoidance of doubt shall have included at submission stage the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones" where required;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs;

- i) Details for the control and management of noise and dust during the construction phase; and
 - j) Evidence of consideration within the submitted CEMP of noise guidance contained within BS 5228:2009+A1:2014.
- 18) Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
 - 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; and
 - h) ongoing monitoring and remedial measures.

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 approved LEMP shall be implemented in accordance with the approved details for the lifetime of the development.
- 19) Prior to the commencement of development, a Woodland Management Plan for the part of Muskham Wood which is adjacent to the southern boundary of the site and within the land edged in blue on the Site Location Plan (Ref. Ref. P21-1380.001 Rev. D) shall be submitted to the Local Planning Authority for approval in writing and thereafter implemented in accordance with the approved details for the lifetime of the development.
- 20) No tree works or vegetation clearance shall take place during the bird nesting period (beginning of March to end of August inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and the findings have been submitted to and approved in writing by the Local Planning Authority.
- 21) No external lighting (other than low level lighting required on ancillary buildings during occasional maintenance and inspection visits) shall be erected/used on site unless precise details of any lighting are first submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and thereafter maintained in accordance with the approved details of the lifetime of the development.
- 22) Prior to commencement of development an archaeological method statement shall be submitted to and approved by the Local Planning

Authority. The method statement shall set out the measures to be implemented prior to and during the construction period to ensure that the below ground assets within the area concerned are preserved in situ. The development shall be carried out in accordance with the approved details.

- 23) No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Pegasus Group Flood Risk Assessment (FRA) and Surface Water Drainage Strategy dated February 2022 ref P211380, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
- a) demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753;
 - b) limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area;
 - c) provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA;
 - d) provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
 - e) for all exceedance to be contained within the site boundary without flooding new properties in a 100year + 40% storm;
 - f) details of STW approval for connections to existing network and any adoption of site drainage infrastructure; and
 - g) evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term betterment.
- 24) Development shall take place in strict accordance with all the mitigation measures set out in the Construction Traffic Management Plan (Ref. P21-1380/TRO1, April 2022) by Pegasus Group.
- 25) No construction shall take place until the accesses are surfaced in a hard bound material for a minimum of 20 metres to the rear of the highway boundary, with measures to prevent the egress of surface water onto the highway.
- 26) Prior to commencement of development, a survey of the highway route from the main road to the vehicle access point to the site should be undertaken, to assess the condition of the road in its current state. After the development has been completed, a further survey to the road should

be undertaken, and any damage inflicted upon the road should be rectified by the Developer.

- 27) No development shall take place on site until a haulage route pre-construction dilapidation survey has been submitted to, and approved in writing by, the local planning authority. A post-construction dilapidation survey shall be submitted to and approved in writing by the local planning authority within 6 months of the First Export Date.

APPEARANCES

APPELLANT:

Mr Garden	Solicitor CMS
Mr Pybus	Project director
Chris Calvert	Pegasus Group
Peter Roberts	Project director
Mr Kernon	Town and Countryside
Mr Cook	Pegasus Group

LOCAL PLANNING AUTHORITY:

Ms Whitfield	Senior Planner
Ms Norman	Principal legal officer

INTERESTED PARTIES:

Mr Thompson	Ramblers Association (RA)
Ms Anson	Nottinghamshire Rambler
Mr Johnson	Footpath officer, RA