



Appeal Decision

Hearing held on 12 May 2026

Site visit made on 13 May 2026

by Hayley Butcher BSc(Hons) MSc PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2026

Appeal Ref: 6003039

Land to the North and South of Trerice Farmhouse, Trerice Dairy Farm and Green Meadows, St Dennis, St. Austell, Cornwall PL26 8EG

- 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 Tim MacKellar against the decision of Cornwall Council.
 - The application Ref is PA24/09234.
 - The development proposed is the construction, operation, and decommissioning of a ground mounted solar array and battery energy storage system (BESS), associated equipment such as inverters, transformer stations, substation, fencing, CCTV, weather monitoring stations, cabling, and, landscape and biodiversity enhancements.
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Decision

1. The appeal is allowed and planning permission is granted for the construction, operation, and decommissioning of a ground mounted solar array and battery energy storage system (BESS), associated equipment such as inverters, transformer stations, substation, fencing, CCTV, weather monitoring stations, cabling and, landscape and biodiversity enhancements, at Land to the North and South of Trerice Farmhouse, Trerice Dairy Farm and Green Meadows, St. Austell, Cornwall PL26 8EG, in accordance with the terms of the application, Ref PA24/09234, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs has been made by Tim MacKellar against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appellant is proposing minor amendments to the site layout following the determination of the planning application. The amendments are additional hedgerows to either side of the public footpath in Field D and the extension of the permissive footpath along the northern edge of Field G to connect with the informal recreation area and permissive footpath to the north of Field I (all in Parcel A¹). An updated planting schedule has also been provided to reflect the amendments. The amendments do not involve a fundamental change to the application. In any event, the appellant undertook a separate consultation on the amendments and summarised the responses received. The amendments were also discussed in the hearing. The proposed changes would therefore not cause unlawful procedural

¹ 100 General PV Layout

unfairness to anyone involved in the appeal. I have consequently determined the appeal on the basis of the amended plans.

Main Issues

4. It is agreed that the appeal site falls within the setting of two designated heritage assets. The Council and appellant agree that there would be no harm to the significance of these assets through setting, and it did not, therefore, form a reason for refusal. However, heritage matters were raised as a concern by local Councillors and residents. As the appeal could affect the setting of a Grade II* listed building, as set out in Regulation 5A(3) of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended), I sought comments from Historic England following the closing of the hearing. Their response was 'no comment'.
5. Notwithstanding the above I am required to have special regard to the desirability of preserving the setting of any listed building because of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Throughout the hearing process I sought the views of the parties on heritage matters. No party would therefore be prejudiced by my consideration of heritage as a main issue.
6. Additionally, although not a reason for refusal, whether there would be harm to Best and Most Versatile Agricultural Land as a result of the development is a matter in dispute between the main parties. I have therefore also included this as a main issue.
7. Finally, as the appeal has the potential to impact a European Site, I have included this as a main issue.
8. The main issues are therefore:
 - The effect of the development on the character and appearance of the local landscape;
 - The effect of the development on Best and Most Versatile Agricultural land;
 - Whether the development would preserve the setting of the Grade II* listed St Dennis Church² and the Grade II listed Trecice Bridge³; and,
 - The effect of the development on the integrity of the Breney Common, and Goss and Tregoss Moors Special Area of Conservation.

Reasons

The proposal

9. The appeal site covers an area of 61.5 hectares (ha) which is split across two land parcels; Parcel A and Parcel B. Parcel A, which would be used for the solar arrays, has an area of 55.27ha and is located approximately 1.3km west of St Dennis. It comprises 18 agricultural fields of varying shapes and sizes which are separated by mature hedgerows. Parcel B, which would be used for the BESS and the point of connection to the grid, is smaller with an area of 4.04ha. It is located to the north of Parcel A, approximately 1.1km north-west of St Dennis and it comprises two

² 1327433

³ 1144082

agricultural fields. The two parcels of land would be linked by a cable corridor, approximately 2km in length, between 10-12m in width, covering an area of 2.19ha.

Character and appearance

10. The area in which the appeal site is located has been heavily altered by extensive mining and other industrial development. However, on lower lying land, there remains traditional agricultural landscapes and small-scale medieval field patterns surrounding settlements. These remnants of an agricultural past provide an attractive contrast to the industrial elements of this landscape.
11. The varied landscape character of this area, as described above, can be appreciated from elevated paths such as the permissive path on Pines Tip and public footpath around St Dennis Church which is Grade II* listed. From such viewpoints evidence of mineral extraction, such as spoil heaps, and industrial activity, form the backdrop to irregularly shaped traditional agricultural fields enclosed by Cornish hedges. Parcel A is clearly visible in such views and falls within the latter landscape described above.
12. The solar panels would respect the existing field boundaries of the appeal site. However, in elevated views, such as from St Dennis Church, the panels would mask the traditional field patterns, and the seasonal changes associated with them. It would, instead, appear as a homogenous, and industrial addition to the landscape. Whilst the area is characterised by both industrial and traditional agricultural land uses, the proposal would result in a marked reduction in the latter as viewed from these elevated paths, resulting in harm to the character and appearance of the area.
13. A public right of way crosses part of parcel A in area D⁴. This footpath, when travelling north-east, provides views towards St Dennis Church ahead. The church is a distinctive landmark in the landscape sitting atop a hillfort with only the tower visible above the trees which surround the churchyard. This view would be diminished by the proposal. Instead of the experience of walking through an agricultural field, it would be a field predominantly covered in solar panels. A perimeter fence would line the path on either side. Even with landscaping in front of the fencing, this now channelled route would detract from experiencing the hillfort and church in traditional, open and rural surroundings.
14. The solar arrays would be set away from existing hedgerows, and new planting is proposed along the site boundaries. This would mitigate much of the visual impacts in the local area of the solar panels in views from nearby adjacent roads and footpaths to Parcel A. This does not, however, alter my findings above in respect of the specific impacts of the development on the character and appearance of the local area in elevated views and from footpath 416/16/1.
15. In respect of Parcel B, where the BESS is proposed to be located, this comprises an area which is visually well-contained, being largely bound by mature landscaping, and is co-located with the Indian Queens NGET substation and an adjacent BESS. Overall, therefore, the visual impacts of the BESS in this location would be very limited.

⁴416/16/1

16. Taking the above points together I find that the solar array would result in a significant adverse impact on the local landscape that cannot be satisfactorily mitigated in its entirety.
17. The proposal would therefore conflict with Policy RE1 of the Cornwall Council Climate Emergency Development Plan Document. (DPD) I also find conflict with Policies 2, 12, and 23 of the Cornwall Local Plan (CLP) which seek to protect, conserve, and enhance the natural landscape of Cornwall.

Best and Most Versatile Agricultural Land

18. Parcels A and B comprise Best and Most Versatile agricultural land (BMV). The development would affect a total of 31ha of BMV land. A temporary permission is sought, and, in respect of Parcel A, the solar panels would be secured to the ground by steel piles. This would limit soil disturbance, and the land could be fully restored at the end of the permission, therefore, no permanent loss of agricultural land quality would be likely to occur here. In Parcel B more extensive work is required to create the substation and BESS. However, provided appropriate soil management measures were secured by condition, the quality of the land could be restored when decommissioned.
19. Notwithstanding this, during the lifetime of the development, it would not be possible to use this land for arable food production. I accept that it is not required by planning law to be used as such. Nevertheless, 40 years is a substantial amount of time during which circumstances could change. My finding in this regard broadly accords with the advice from Natural England.
20. Noting that Parcel A, where the solar array would be located, could be used for the grazing of sheep, as proposed by the appellant, and that there are no alternative sites within 3km of the Point of Connection which are viable, suitable, or available, I consider that the long-term temporary loss of BMV land for use for arable farming would result in limited harm. I therefore find limited conflict with Policy RE1(3) of the DPD which requires a focus on previously developed land for solar energy development.

Heritage

21. The parties agree that the appeal site falls within the setting of the Grade II* Church of St Dennis and the Grade II listed Trefice Bridge.
 - The Church of St Dennis
22. As already discussed, the Church of St Dennis is built on the site of an Iron Age hillfort at a prominent high point in the local landscape. The hillfort would likely have been consciously sited here to take advantage of the expansive views surrounding it and would have also later influenced the siting of the church in utilising this high point, as articulated by the appellant's heritage witness in the hearing. It is not unusual for churches to be sited thus as landmarks. Part of the historic significance of the church is, therefore, its elevated position in the landscape and the views that affords.
23. The extensive views surrounding the church, as viewed from within the churchyard, are now largely screened due to mature trees and foliage. However, you cannot completely escape the fact that you are on a high point in the landscape when visiting the church. Glimpses of the wide-reaching landscape surrounding you

between the trees are possible through the metal entrance gates, and over the stiles which punctate the circular churchyard wall. There are also extensive and clear views from the footpath immediately surrounding the churchyard.

24. It is also worth noting that my site visit was in May when vegetation was in full leaf. Wider views from the churchyard would therefore be possible during the winter months. Furthermore, the trees are likely to be a more recent addition to the hillfort given the reasons already articulated for its siting at this highpoint in the landscape.
25. Parcel A, where the solar array is to be sited, forms a part of a tapestry of traditional agricultural fields which are located on the lower land to the south-west of the church, and which are visible in the views which can be experienced around the church. These views play a part in the way in which the church is experienced in its setting and amplify the experience of its significance as a church located on an Iron Age hillfort.
26. The church's position in the landscape also means it is clearly visible when travelling north-east along footpath 416/16/1. Given the vegetation within the churchyard, surrounding the church, it is argued that it is not obvious it is a church in long-range views. However, the tower above the trees is visible and it is clear, from a distance, that it is a building of historic interest, and likely to be a church given its form. These views therefore also contribute to the significance of St Dennis Church as experienced as a rural church, in a landmark location, in the landscape.
27. The solar array as proposed on Parcel A would be visible in the elevated views possible from the church. As described previously the panels would change the appearance of the landscape as they would mask the traditional field patterns, and the seasonal changes associated with this landscape, appearing instead, as a homogenous and industrial addition to the setting of the church. Whilst the area is characterised by both industrial and traditional agricultural land uses, the proposal would result in a marked reduction in the latter as viewed from St Dennis church. This would amount to a harmful impact on the setting of St Dennis church and the ability to appreciate its historic significance as a church sited on an Iron Age hillfort, serving a predominantly agricultural community.
28. To minimise the harmful effects of the solar array existing field boundaries would be retained. This would break up the solar arrays as experienced in elevated views from the church thus minimising the harm to a modest degree. However, seasonal changes and the experience of the historic agricultural landscape from these views would still be diminished. Footpath 416/16/1 would be maintained and not obstructed by solar arrays, so that views of the church, referred to above, would be retained. However, the experience of walking along this footpath, across an open field, and the understanding of the church and its significance as a rural parish church would still be diminished. Landscaping along this route would not significantly minimise this harm as it would, instead, unnaturally enclose it.
 - Trerice Bridge
29. Trerice Bridge is a low level, understated, functional granite structure, designed for rural traffic to cross the River Fal. Its existing rural and agricultural setting would have been the same for centuries and speaks to its functional design. For these reasons its setting contributes to its significance.

30. The solar panels on Parcel A would be visible from the south side of the bridge and would impinge on its setting in a harmful way forming an industrial feature in an otherwise agricultural landscape. The solar array, would, however, be set away from the bridge and the boundary enhanced with woodland trees and scrub. Whilst the visual impact of the solar array on the setting of the bridge would thus be reduced, some residual harm would remain as the rural views of the setting of the bridge as experienced from the south side would be reduced by this landscaping.

- Overall finding on Heritage

31. Having followed a staged approach to proportionate decision taking as set out in Historic England Guidance⁵, I find that the solar arrays would, following mitigation, result in some harm to the setting of St Dennis Church and a very minor level of residual harm to the setting of Trerice Bridge. This harm would be long-term, albeit temporary, as a permission for 40 years is proposed. I therefore find that the development would not preserve the setting of the Grade II* listed St Dennis Church or Grade II listed Trerice bridge. The harm I have found would be at the lower end of 'less than substantial' using the terminology of para 215 of The National Planning Policy Framework (the Framework). It is incumbent on me to have special regard to the desirability of preserving the setting of these listed buildings, therefore, considerable importance and weight should be attributed to this harm in any balancing exercise.

32. It follows that I find conflict with the relevant provisions of Policy 2 of the CLP which requires the identification, consideration of, and protection, conservation, and enhancement of the heritage assets of Cornwall. Similarly, I also find conflict with Policy RE1c) of the DPD. This specifically requires proposals for renewable and low carbon energy-generating and distribution networks to not result in significant adverse impacts on the local environment that cannot be satisfactorily mitigated, including the significance of heritage assets and their setting. These policies were cited in the Council's reason for refusal and the appellant was therefore cognisant of them when providing representation on heritage matters.

- Heritage Balance

33. Where a development would lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal as set out in para 215 of the Framework.

34. The proposal is for renewable and low carbon energy generation and would contribute to a net zero future. It would contribute towards energy security and I note the proximity of the site to a grid connection. There would also be some benefits in terms of biodiversity net gain and economic benefits associated with Trerice Farm in terms of farm diversification. In line with guidance in the Framework, altogether I find these benefits carry significant weight.

35. Overall, I find that the public benefits outweigh the lower end of 'less than substantial' harm to the setting of the two affected designated heritage assets, having given considerable importance and weight to this harm.

⁵ The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)

Habitat Regulations Assessment

36. The appellant has carried out a Shadow Habitats Regulations Assessment. Natural England (NE) were consulted and found that, subject to mitigation measures, the development would not have an adverse effect on the integrity of the Breney Common, and Goss and Tregoss Moors Special Area of Conservation and therefore raised no objection. Notwithstanding this advice, as the Competent Authority, I am required to undertake a formal assessment of the implication of any new plans or projects where there is a credible risk that the conservation objectives of a European Site would be undermined, before deciding to permit or authorise any such plan or project.

- Likely Significant Effect Screening

37. The SAC is directly adjacent to the west and north-east of Parcel B of the appeal site and to the north of Parcel A. The proposed cable route between Parcel A and Parcel B would pass through a section of the SAC.

38. The SAC is designated for the following features:

Annex I habitats

- 4010 Northern Atlantic wet heaths with *Erica tetralix*
- 4030 European dry heaths
- 7140 Transition mires and quaking bogs

Annex II species

- 1065 Marsh fritillary butterfly *Euphydryas aurinia*.

39. The conservation objectives are to ensure that the integrity of the site is maintained or restored as appropriate and to ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features by maintaining or restoring:

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species
- The distribution of qualifying species within the site

40. Prioritised issues for the site, identified by NE are:

- Under grazing
- Inappropriate scrub control
- Hydrological changes
- Drainage
- Wildfire/arson
- Habitat fragmentation
- Water pollution
- Air pollution

41. The installation of a cable route through the SAC could result in damage through the removal of surface vegetation, potentially including the habitats which are the primary reason for its designation, from the digging of the trench for the cable. There is also a section of culverted stream which crosses the cable route within the section where it passes through the SAC. Therefore, there could be the potential for impacts to the SAC through damage to the stream, and potential resultant changes to the hydrology of adjacent habitats. Impacts to the Annex II species marsh fritillary butterfly could also occur. If present, devil's bit scabious *Succisa pratensis*, field scabious *Knautia arvensis* and small scabious *Scabiosa columbaria* (foodplants of the marsh fritillary) could also be damaged by trench digging.
42. At the entrance to the north of Parcel B to it is proposed to widen the access track to improve visibility splays. This would involve the loss of a small area of scrub habitat and a widening of the existing hardstanding surface so that it covers a short section of ditch which would be culverted. None of these habitats are within the SAC but the ditch is connected to the SAC approximately 40m downstream to the east of this. Therefore, the creation of the culvert could result in pollution occurring to the ditch (e.g. through silt, fuel, or cement spillages) which could result in impacts to sensitive habitats within the SAC, such as those designated as Annex I habitats.
43. With the above points in mind, and taking a precautionary approach, the development has the potential to have a likely significant effect on the SAC.

- Appropriate Assessment

44. The proposed works in the SAC would be along an existing farm access track and are designed to be the shortest possible route through the SAC between Parcel A and Parcel B. The installation of the cable route would be directionally drilled with entry and exit points of the drilled section outside of SAC. The works would, therefore, not affect any designated features of the SAC including both habitats and species. Nor would they affect or undermine any of the SAC's conservation objectives. The installation works proposed would, furthermore, be of a temporary nature, and of a limited extent and duration using this methodology. Throughout the operational phase of the development the SAC would be untouched.
45. Spillage prevention measures for all construction works connected to the development could be outlined in a Construction Environmental Management Plan to avoid the potential for pollution impacts on the SAC and any other habitats on, adjacent to, or downstream of the site.
46. Taking the above points together, and, subject to appropriate conditions to secure the proposed mitigation measures, the adverse effects on the integrity of the Breney Common, and Goss and Tregoss Moors Special Area of Conservation can be ruled out beyond all reasonable doubt.

Other Matters

47. The majority of existing hedges in the appeal site are to be retained as part of the development. Furthermore, appropriate conditions can be attached to any subsequent permission to ensure their protection throughout the course of the development. Relevant ecological documents have been submitted and consulted upon and appropriate conditions imposed in order to protect wildlife. NE raised no objection in respect of the Mid Cornwall Moors Site of Special Scientific Interest

and I find no reason to come to a different finding on this matter. As set out in the Framework, applicants are not required to demonstrate an overall need for renewable energy. Matters of security, construction traffic, flood risk and fire safety can be dealt with by condition.

48. There are other designated heritage assets in the vicinity of the appeal site. In light of the evidence before me I have no reason to find harm to these through setting given their significance and/or proximity to the development.
49. In addition to letters of objection there were also a number of representations received in support of the development.

Conditions

50. A draft list of conditions was provided at the hearing. I have considered these alongside the advice contained at paragraph 57 of the Framework, i.e., that they are kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.
51. Any significant amendments I considered necessary, in the event planning permission was granted, have been provided to the main parties for comment. I have also carried out minor editing and removed any duplication or superfluous wording. For reasons of certainty, I have removed any tailpiece conditions.
52. I have attached the standard time limit condition (1). I have also included a plans condition as this provides certainty (2). Condition 3 is necessary to ensure adequate drainage of the site. For reasons of fire safety, condition 4 is necessary. Condition 5 is also necessary to manage any contamination on site.
53. To ensure that protected species and habitats are considered properly conditions 6-8 are necessary. It is not necessary, however, to condition the submission of a Biodiversity Gain Plan as this is a statutory condition of any consent. Conditions 9 and 10 are necessary to mitigate any adverse effects on the integrity of the Breney Common, and Goss and Tregoss Moors special Area of Conservation.
54. To ensure provision is made to record finds of archaeological interest conditions 11 and 12 are necessary and to preserve and protect the Cornish hedge network condition 13 is also necessary. To ensure highway safety and minimise disruption condition 14 is necessary. Conditions 15 and 16 are necessary to reduce noise and disturbance in the interest of the amenity of the landscape and occupiers of neighbouring properties.
55. To minimise crime and anti-social behaviour and for reasons of visual amenity condition 17, to secure details of all security measures, is necessary. Also, for reasons of visual amenity and to protect existing landscape features conditions 18 and 19 are necessary. A condition requiring a collaborative benefits report is necessary to ensure that an offer of partial ownership of the development is made to the local community as required by Policy RE1f) of the DPD (20).
56. As a temporary permission is sought, and to ensure satisfactory land restoration, condition 21 is necessary. Condition 22 is necessary to retain the quality of BMV land for the lifetime of the development and condition 23 is necessary to ensure livestock are grazed on site to retain an agricultural use. Condition 24 is necessary in the interest of safety during the construction, operation and decommissioning of

the BESS. To ensure a satisfactory appearance and to mitigate visual impact condition 25 is necessary.

57. The pre-commencement conditions have been agreed with the appellant. These conditions concern matters which are necessary to be resolved before construction works commence on site, as to not do so would render the condition ineffective.

Planning Balance and Conclusion

58. Under the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
59. I have found conflict with the development plan in terms of a significant adverse impact on the local landscape, limited harm as a result of the long-term loss of BMV land, and harm at the lower end of 'less than substantial' harm to the setting of two designated heritage assets. On the other hand, in line with The Framework, the national benefits associated with renewable or low carbon energy I give significant weight. Added to this are the other benefits outlined previously in the heritage balance above.
60. I therefore conclude that the totality of benefits of the proposal outweigh the harms in this case, such that a decision other than in accordance with the development plan is justified.
61. The appeal is allowed.

Hayley Butcher

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Counsel:

Thea Osmund-Smith – Counsel

Assisted by Laura Hildt

Witnesses:

Robert French BSc (Hons) DipLA CMLI – Landscape

Hannah Armstrong BA(Hons) MSC IHBC ACIfA – Heritage

Tom Clarkson BSc MSc DIC MCIEEM – Ecology and Biodiversity

Paul Burrell BSc (Hons) DipUP MRTPI - Planning

FOR THE COUNCIL:

James Holman MRICS MRTPI FAAV – Planning

Belinda Edwards BSc (Hons) DipLD. MA. – Landscape Architect

INTERESTED PARTIES:

Councillor Dick Cole – Cornwall Council

Councillor Julia Clark – St Dennis Parish Council

Julie Floyd – local resident

DOCUMENTS SUBMITTED AT THE HEARING:

Appearances on behalf of the appellant

Heritage notes and CV for Hannah Armstrong

CV for Tom Clarkson

Updated draft conditions

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:

Location Plan - 9804_006_Site_Location (Jan 2025)

General PV Layout, drawing number - SCUKX-TREVI-000 PVL-100.1 W

WPD & BESS Compound Area - SCUKX-TREVI-000-HVG-103 J

Monitoring Cabin - SCUKX-TREVI-000-HVG-104

Main Building Plant - SCUKX-TREVI-000-HVG-465 A

Main Building Elevation - SCUKX-TREVI-000-HVG-466 A

Internal Track Section Detail - SCUKX-TREVI-000-MCS-201

Fence Elevation - SCUKX-TREVI-000-MCS-203

Gate Elevation - SCUKX-TREVI-000-MCS-204

Framework Elevation - SCUKX-TREVI-000-MCS-205

CCTV Elevation - SCUKX-TREVI-000-MCS-206

MV Trench Section Details - SCUKX-TREVI-000-MCS-209 A

Transformer Station - SCUKX-TREVI-000-MCS-217

Edge of Park Switchgear Station - SCUKX-TREVIS-000-MCS-218

Storage Container - SCUKX-TREVI-000-MCS-219

Water Tank - SCUKX-TREVI-000-MCS-223 A

Auxiliary Transformer - SCUKX-TREVI-000-MCS-224

Welfare Unit - SCUKX-TREVI-000-MCS-225 A

BESS LV Switchgear - SCUKX-TREVI-000-MCS-226

BESS Control Room - SCUKX-TREVI-000-MCS-227

Client Switchgear Station - SCUKX-TREVI-000-MCS-227 A

BESS Battery Containers - SCUKX-TREVI-000-MCS-228 A

Complete Weather Station Elevation - SCUKX-TREVI-MCS-240

Landscape and Ecology Management Plan Sheet 1 of 2 - 9804_100 Rev B

Landscape and Ecology Management Plan Sheet 2 of 2 - 9804_101

Planting Plan Sheet 1 of 2 - 9804_102 Rev B

Planting Plan Sheet 2 of 2 - 9804_103

Planting Schedule Sheet 1 of 1 - 9804_104 Rev A

9804-105 - Canopy Provision Plan Sheet 1 of 2

9804-106 - Canopy Provision Plan Sheet 2 of 2

04766-TR-A-0001 - Proposed Access Battery Energy Storage Scheme

04766-TR-A-0002 - Proposed Access Vehicle Tracking Battery Energy Storage

04766-TR-A-0003 - Proposed Access Solar Array - Parcels A-D

04766-TR-A-0004 - Proposed Access Solar Array - Parcels E-F

04766-TR-A-0005 - Proposed Access Solar Array - Parcels G-P

05585 TPP REV A 5.11.24 - Tree Protection Plan – Parcel A

05589 TPP 5.11.24 – Tree Protection Plan – Parcel B

13634-CRH-XX-XX-DR-C-5300 P3 - Drainage Standard Details

13634-CRH-XX-XX-DR-C-5051 P5 - Proposed Drainage Strategy Sheet 1

13634-CRH-XX-XX-DR-C-5052 P5 - Proposed Drainage Strategy Sheet 2

13634-CRH-XX-XX-DR-C-5053 P5 - Proposed Drainage Strategy Sheet 3

13634-CRH-XX-XX-DR-C-5054 P4 - Proposed Drainage Strategy Sheet 4 - BESS

- 3) No development shall commence until groundwater monitoring results and a detailed surface water drainage scheme for the site, in accordance with the principles set out in the Campbell Reith Flood Risk Assessment and Surface Water Drainage Strategy Ref 13634 Rev P4 (dated 26/11/2024), has been submitted to and approved in writing by the local planning authority.

The submitted details shall include:

- i) Groundwater monitoring results which:
 - Are targeted to the locations where surface water drainage features are to be positioned and shall be undertaken from the period from 1st November to 31st May.
 - Establish that the peak groundwater level has been reached and has fallen continuously for two months. If this is not demonstrated monitoring shall continue for a full 12-month period.
 - Inform the surface water drainage design and construction techniques.
- ii) A scheme for the provision of surface water management, the details of which shall include:
 - The final drainage scheme including calculations, layout, and bespoke surface water drainage solutions which fully manage the 1 in 100-year peak rainfall event plus a minimum allowance of 50% for the impacts of climate change.
 - Surface water flows discharged from the site no greater than the greenfield run off rate under all rainfall events.
 - A plan showing the phasing of construction.
 - A Construction Phase Surface Water Management Plan.
 - A Construction Quality Control Procedure.
 - A plan indicating the provisions for and mitigation of exceedance pathways and overland flow routes.
 - A timetable of construction.
 - A maintenance plan and schedule for the future maintenance and management of the drainage systems and overland flow routes.

The development shall be implemented and maintained thereafter in accordance with the approved details.

- 4) The development shall be carried out in accordance with the strategy for dealing with firefighting effluent detailed in section 6.11 of the submitted flood risk assessment and drainage strategy (ref Campbell Reith consulting engineers, November 2024, ref. 13634, revision P4). The mitigation measures contained in the strategy shall be fully implemented prior to the first export of electricity from the site and subsequently retained and maintained in accordance with the scheme's timing/phasing arrangements throughout the lifetime of the development.
- 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - A report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - The site has been remediated in accordance with the approved measures and timescale; and
 - A verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

 - Additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - A verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 6) The development hereby approved shall be carried out in accordance with the Ecological Impact Assessment (BSG Ecology; 29 November 2024) and the Shadow Habitat Regulations Assessment (HRA) (BSG Ecology; 21 January 2025).
- 7) No development shall commence until an updated Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
 - a) Description and evaluation of the features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.

- e) Prescriptions for management actions, including the following:
- i. The actions and guidance for a LEMP as set out in appendix 3 of the Ecological Impact Assessment (EclA), prepared by BSG Ecology (dated 29 November 2024),
 - ii. The Proposed Mitigation, set out in section 5 of the EclA, prepared by BSG Ecology (dated 29 November 2024),
 - iii. Pre-construction surveys for protected species (including badgers and reptiles) and invasive species to inform additional avoidance or mitigation requirements during the construction phase.
 - iv. New habitat enhancement.
 - v. The provision of wildlife habitats, for example bat and bird boxes, insect hotels, hibernacula and refugia.
 - vi. The appointment of a project ecologist.
- f) Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period.
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) The programme of operations intended to deliver the proposals, including before and during construction, and Years 1-15 post-commissioning.

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

The development shall be carried out, and the site managed and maintained in accordance with the approved details for the lifetime of the development.

- 8) No development shall commence until a Habitat Maintenance and Monitoring Plan (HMMP) has been submitted to and approved in writing by the local planning authority. The plans shall be in accordance with the Biodiversity Net Gain Assessment (BSG Ecology, dated 29th November 2024) and current best practice guidelines and shall include the following:
- An up-to-date BNG habitat map for on-site proposed habitats informed by updated survey information;
 - Details of long-term management and protection measures for all retained and proposed habitats and species, including fencing and boundary details;
 - Long term aims and objectives for habitats (extents, quality) and species;

- Detailed management prescriptions and operations for newly created habitats; locations, timing, frequency, durations; methods; specialist expertise (if required), specialist tools/machinery or equipment and personnel as required to meet the stated aims and objectives;
- A detailed prescription and specification for the management of boundary habitats including hedgerows, woodland and scrub;
- Details of any management requirements for species-specific habitat enhancements;
- Annual work schedule for at least a 30-year period;
- A list of activities and operations that shall not be permitted;
- Detailed monitoring strategy for habitats and species, and methods of measuring progress towards and achievement of stated objectives;
- Details of proposed reporting to the local planning authority and proposed review and remediation mechanism;
- Proposed costs and resourcing, and legal responsibilities.

The HMMP shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

- 9) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall set out site specific measures to control and monitor impacts arising in relation to:
- construction traffic;
 - noise and vibration;
 - dust and air pollutants;
 - land contamination;
 - ecology; and
 - ground water.

It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP.

The development shall be carried out in accordance with the approved CEMP.

- 10) The directional drilling works for the cable route through the Breney Common, and Goss and Tregoss Moors Special Area of Conservation (SAC) shall be carried out from outside of the SAC and in accordance with the avoidance and mitigation measures outlined in the Shadow Habitat Regulations Assessment.
- 11) No development, including ground clearance and hedge removal, shall commence until a programme of archaeological works, including a Written Scheme of Investigation (WSI) has been submitted to and approved in writing

by the local planning authority. The WSI shall include an assessment of significance and research questions and:

- The programme and methodology of site investigation and recording;
- The programme for post investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation;
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved WSI.

- 12) The development shall not commence export of electricity until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved WSI, and provision made for analysis, publication and dissemination of results, and archive deposition has been secured.
- 13) No development shall commence until details of the method to be used for shoring the ends of any breaches in the existing Cornish hedge network and details of all stiles proposed including location/s, materials, and elevation drawings and sections have been submitted to and approved in writing by the local planning authority. In addition to this, all existing hedges which have any sections proposed for removal shall be surveyed and the proposed removals reviewed by a qualified ecologist, and a report submitted to and approved in writing by the local planning authority prior to the commencement of development.

The development shall be carried out in accordance with the approved details and retained as such thereafter for the lifetime of the development.

- 14) The development shall be carried out in accordance with the submitted Construction Traffic Management Plan (PJA, 04766-R-01-D, November 2024).
- 15) Demolition or construction works associated with the development shall not take place outside the hours of 08.00 to 18.00 Mondays to Fridays and 08.00 to 13.00 on Saturdays or at any time on Sundays or Public/Bank Holidays.
- 16) If the equipment for the Battery Energy Storage System (BESS) will exceed the sound specifications as modelled in the submitted Noise Impact Assessment (NIA) from Accon UK Ltd (reference A4187/N/002 dated 22/11/2024) then installation of the equipment shall not take place until a Noise Impact Assessment has been submitted to and approved in writing by the local planning authority, confirming the suitability of the new equipment and requirements for mitigation in accordance with latest guidance. The BESS equipment shall then be installed in accordance with the approved details.
- 17) No development shall commence until details of all security measures on site have been submitted to and approved in writing by the local planning

authority. The security measures shall be installed as approved and retained as such thereafter for the lifetime of the development.

- 18) Canopy provision, to include the retention of existing canopy and the establishment of new canopy, shall be implemented in strict accord with the approved Canopy Plan 9804_105 and 9804_106 before the development is brought into use. During the implementation of the approved plans there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees. A five-year maintenance programme following planting shall be submitted to and approved in writing by the local planning authority prior to implementation. The canopy shall thereafter be maintained in accordance with the approved programme. Any canopy that dies, is removed, becomes severely damaged or diseased within a period of five years from planting will be replaced in the next planting season with others of similar size and species.
- 19) Throughout the course of the development tree and hedge protection measures and tree and hedge works (to include facilitative felling and pruning) shall be implemented in strict accord with the Tree Protection Plan, Arboricultural Method Statement, and Arboricultural Impact Assessment (Aspect Tree Consultancy, November 2024).

Unless otherwise specified within the above documents:

- Tree and hedge protection fencing (in accord with BS 5837:2012 Par. 6.2.2 and Fig.2) shall be installed prior to the commencement of any works associated with the development and shall be maintained intact and retained in situ until the completion of the development.
 - A pre-commencement meeting shall be held on site and attended by the developer's appointed arboricultural consultant and the main contractor's site manager/foreman to discuss details of the working procedures and to confirm the precise position of the approved tree protection measures.
 - No works associated with the development including storage, access, cement mixing, bonfires, excavations or other level changes shall occur within the protected areas.
- 20) The development shall not commence export of electricity until a Collaborative Benefits Report (CBR) has been submitted to and approved in writing by the local planning authority.

The CBR must set out details of the process of engagement with local stakeholders, define the relevant community, and set out clear guidance on the methodology for the valuation of, and the mechanism of any offer to be made to the community to own a minimum of 5% of the development.

The CBR will set out the details of how the offer may be accepted, and the developer's obligations following acceptance of the offer as well as defining the terms of community ownership for the lifetime of the scheme.

- If it is demonstrated within the CBR that community ownership in respect of the development is not financially, commercially, legal or operationally viable, then the developer shall not be required to make any offer of community ownership.
- If community ownership is financially, commercially, legally and operationally viable, then an offer of at least 5% of the development will be made to the local community prior to the expiry of the first year of commercial operation in accordance with the CBR.
- Within 3 months of the offer being made, notice will be given to the local planning authority of the offer. If the offer is accepted, then notice will be given to the local planning authority.

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

- 21) The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar farm to the electricity network (the First Export Date). Written confirmation of the First Export Date shall be given to local planning authority within 28 days of the First Export Date. Within 6 months of the expiry of this permission or the development ceasing to operate for a continuous period of 12 months (whichever is sooner), the development and associated infrastructure shall be dismantled and removed from the site and the land restored in accordance with a decommissioning and restoration scheme that shall first have been submitted to and approved in writing by the local planning authority.
- 22) No development shall commence until a Soil Management Plan (SMP) has been submitted to and approved in writing by the local planning authority. The SMP shall include:
- Measures to protect soils during development with reference to Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites;
 - A works programme showing how all soil handling and trafficking operations will be undertaken and makes allowance for poor weather/ ground conditions stoppages;
 - Details of how construction activities will be managed across the site to minimise impact on soils; and
 - Details of appropriate equipment and methods for stockpiling, re-spreading and ameliorating of soil compaction in accordance with good practice techniques.
- 23) 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 include (but not be limited to) 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 First Export Date, the grazing of livestock shall be implemented on the site in accordance with the GMP and thereafter retained for the duration of the Development.

- 24) Development of the battery compound and installation of the battery based electricity storage system shall not commence until a Battery Safety Management Plan (BSMP) has been submitted to and approved in writing by the local planning authority. The BSMP shall demonstrate how the operator has consulted with the Health and Safety Executive and the Fire and Rescue Service in prescribing and implementing the measures set out in the BSMP, which shall facilitate safety during the construction, operation and decommissioning of the battery storage facility, including the transport of new, used and replacement battery cells both to and from the development hereby permitted. The BSMP shall be implemented as approved. Thereafter, an updated BSMP, incorporating best practice guidance, policy and/or regulation at that time, shall be submitted to the Local Planning Authority for written approval every five years throughout the lifetime of the development. The most up to date approved BSMP shall be fully implemented at all times.
- 25) 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, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the development hereby permitted.