



## Appeal Decision

Inquiry held on 24 June and 20 August 2024?

Site visits made on 25 and 27 June 2024

by Phillip J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> September 2024

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Appeal Ref: APP/P0240/W/24/3338483

Brogborough Landfill Site, Woburn Road, Lidlington

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Infinis Solar Developments Limited against the decision of Central Bedfordshire Council.
  - The application Ref, dated 27 January 2022, was refused by notice dated 11 August 2023.
  - The development proposed is the installation of a solar PV park development and associated infrastructure.
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### Decision

1. The appeal is allowed and planning permission is granted for the installation of a solar PV park development and associated infrastructure at Brogborough Landfill Site, Woburn Road, Lidlington in accordance with the terms of the application, Ref CB/22/00548/MW, dated 27 January 2022, subject to the conditions set out at the end of this decision.

#### Procedural matters

2. On 10 June 2024, after considering further information on the proposed Skylark Mitigation Strategy, the Council stated that the proposal would no longer conflict with the relevant policy and that, given the very significant weight to be applied to the generation of renewable energy, it no longer opposed the proposal. The Council explained this position at the start of the Inquiry and, aside from the discussion concerning conditions and the planning obligations, took no further part in the appeal.
3. The Council and the appellant have concluded a Statement of Common Ground (SOCG) reflecting that position.
4. During the adjournment of the inquiry the government published a draft revised national Planning Policy Framework for consultation. This is a material consideration, although of limited weight. The appellant addressed this matter on the second sitting day of the inquiry, whilst the Council advised that its position remained unchanged.
5. Two draft planning obligations (Skylark Mitigation and Monitoring) were discussed at the Inquiry, and (as agreed) were submitted subsequently in final form on 6 September. I have taken these into account.

## Main issues

6. There are two main issues in this case:
- The effect of the development on the landscape character of the area, including the consequences for the landfill restoration scheme.
  - The effect on the biodiversity of the site and the wider area, with particular regard to skylarks.

## Reasons

### The site and its history

7. The appeal site comprises 68 ha of partly restored landfill in a generally rural location between Milton Keynes and Bedford. Cranfield is located around 2km to the north west and Brogborough is around 2.5km to the south. The A421 is to the east of the site and access to the proposed solar installation would be along the private road off the C94 (under the A421) currently giving access to the landfill site and related facilities.
8. The site is unusual in that it is effectively a man-made undulating landscape, comprising a capped and largely restored landfill site, sitting in a farmland and woodland area. It was originally a mineral working site, which began to be filled during **the early 1980's. This continued until** 2008, after which there has been a phased restoration scheme – some elements of which have been implemented.
9. The appeal site and the wider area of infill includes a very considerable number of methane wells and related pipework lying on the surface, leading to a methane power station with associated buildings and structures. The site is not used for agricultural purposes.
10. Although the Ordnance Survey map shows three lengths of bridleway within the site two of these are apparently extinguished. The current landscaping proposals shows the routes which are currently accessible connecting into the wider rights of way network. There is a long distance footpath around 780m to the south and west of the site.
11. The appeal site is not covered by any national landscape designation, but it lies within the Forest of Marston Vale. There are no international or national designated ecological sites on the site although Marston Thrift is a SSSI located 300 metres to the north of the site. However no issue was taken in relation to this site.
12. The site has is a lengthy planning history, and in particular there have been proposals for restoration and landscaping schemes – one approved and one pending approval.

### The proposal

13. The proposal is for the construction of a solar farm, with a capacity of 40MW, for a temporary period of 35 years from the date of the first commercial export of electricity. After that time, or sooner if electricity generation ceases for a protracted period, the solar farm would be decommissioned, removed and the site returned to its current use with final landfill restoration taking place.

14. The appeal site comprises around 35% of the total landfill site. The solar panels would occupy around 25% of the solar farm area or 8% of the total landfill site.
15. The solar farm would consist of solar PV panels in rows facing south. Unusually the panels would be anchored into the ground using a concrete shoe or shallow piled system so as not to affect the integrity of the landfill cap or the methane/leachate management systems. Other equipment would be constructed, including a substation, switch stations and battery storage containers. The site would be enclosed by a 2m high post and wire deer fence and there would be a CCTV security system on 3m high poles.

#### Development plan policy context

16. The development plan includes the Central Bedfordshire Local Plan 2015 - 2035 (July 2021)(LP)<sup>1</sup>. The reasons cited in the **Council's** reasons for refusal and referenced in the (now withdrawn) evidence were EE1 (Green infrastructure); EE2 (Enhancing biodiversity); EE3 (nature conservation) and EE5 (Landscape character and value).
17. There are also three policies, raised by the appellant but not referenced in the reasons for refusal, which support schemes such as this. Policy SP2 crates a presumption in favour of sustainable development, as does national policy. Policy CC1 deals with climate change and sustainability and requires new development to take full advantage of opportunities to incorporate renewable energy technologies. Policy CC2 provides positive support for energy schemes, when located and designed to have no adverse impact.
18. I consider that the policies referenced in the preceding two paragraphs are the most important policies in determining this appeal.
19. The agreed SOCG lists other policies in the Local Plan, along with national policy and various Supplementary Planning Guidance documents.

#### Matters not in dispute

20. Before turning to the key matters which were in dispute between the appellant and the Council, some of which are still the subject of local objection, it is worth identifying a number of matters which are agreed or are at least not central to this decision.
  - There is no land allocated in the LP for renewable energy generation. However, subject to the effect on the character of the area, such development can be acceptable in the countryside, and thereby make a contribution to renewable and low carbon energy.
  - As confirmed in national policy there is no need for a developer to demonstrate a need for renewable energy.
  - The site has an existing connection to the grid, which would a more rapid connection.
  - The site does not include any agriculturally productive land.

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<sup>1</sup> Together with two elements of the Minerals and Waste Local Plan.

- No objections have been raised in relation to the access or the effect on highway safety.
- No objections have been raised in relation to the visual component of residential amenity, or any potential nuisance.
- The wider setting of some heritage assets would be affected but there would be no adverse impact on their significance – due to distance and interposing vegetation and the existing use of the site. There is no effect on archaeology.

### Landscape

21. The site and the surrounding landscape has been described in evidence and in **the Council's report**. At the broadest level it is within the National Character Area NCA 88 Bedfordshire and Cambridgeshire Claylands 7, which is characterised as a broad, gently undulating, lowland plateau dissected by shallow river valleys. The wider area around the site is typical of this type of landscape, although there is reference to landfill creating more prominent domed landforms which are more visible from elevated land – the appeal site is characteristic of this type of landform. The NCA also references the need to regenerate the landscape of the area, especially within the Forest of Marston Vale, and the amount of new planting which has been undertaken.
22. At a more local level, the site and the surrounding landscape is within LCA as Landscape Character Type 5, specifically North Marston Clay Vales. This is a large-scale landscape with a low-lying, flat landform providing distant views, bordered by the elevated landscapes of the Wooded Greensand Ridge and the Chalk Escarpments. One of the key characteristics is that the land is shaped by previous industrial activity – including landfill. The appeal site falls clearly within that description and is visible from the well-wooded ridge to the south, as well as from a number of footpaths.
23. The Forest of Marston Vale, within which the appeal site lies, includes over 60 square miles between Milton Keynes and Bedford. The Forest Plan is primarily concerned with increasing the amount of woodland cover across the area it also notes the value of mosaic habitats.
24. There are two initial matters to be considered. Firstly whether the area **comprises a 'valued landscape'**. From the written and verbal evidence it is clear that the site and the surrounding area is of value for some members of the local community. However this does not equate to a valued landscape in terms of national policy, and nothing that has been put before me persuades me that the site falls within this category as set out in the National Planning Policy Framework.
25. The second matter relates back to the fact that there is a fully approved restoration scheme for the wider site including the proposed solar area. In addition there is a second restoration scheme which the Council has apparently resolved to approve but where the necessary legal processes have yet to be completed. The first of these schemes is obviously that which is currently operative and some landscape restoration proposals have now been implemented – but the consequences of the appeal scheme are not dissimilar in either case. The second scheme can be afforded little weight at present.

26. From the evidence before me restoration following the decommissioning of the solar farm could deliver new woodland, woodland edge/shrub planting, a variety of grassland types, and a wide range of other features. This would be a notable benefit. It is true that some tree planting would be deferred by about five years, but this is not a major issue which weighs significantly against the proposal.
27. The length of hedgerow would not be reduced, indeed there would be an increase when the green lanes are taken into account. Obviously the way in which the green infrastructure would be perceived would change with the introduction of solar panels on the field parcels – but the current use of the site, with the gas infrastructure in place, would remain as grassland – albeit with a solar farm superimposed. There would be no effect of any significance on topography.
28. I fully appreciate that there are public rights of way in the area, and I heard from local people how valued these areas. From these there would be some points at which the development would be clearly visible – and others where it would not. In particular some areas would become enclosed or bordered by the solar farm. However the existing gas infrastructure already impinges on the existing (and proposed) footpaths, and the effect would not be significantly harmful.
29. In the wider area the undulating nature of the land, along with woodlands and hedgerows, would significantly limit the visibility of the development. That is not to say that the scheme would be invisible, but the essential character of the majority of the landscape character area would be unaffected. I have also considered the potential cumulative effect on the landscape taken along with the Stewartby Solar Park as, from a limited number of viewpoints the solar park and the proposal could be viewed together – but given the distances involved, the effects would be negligible.
30. The appeal site is unusual given its history and the continuing presence of gas infrastructure across the wider area. Energy infrastructure is part of the surrounding landscape, which includes pylons, turbines and a solar development. In this context, although the proposal would cause harm to the landscape character of the area, this would be very limited though there would be some conflict with LP policies EE5 and EE1. The effect on the restoration scheme would be neutral in overall terms.

#### Ecology

31. The appeal site is agreed to be part of a Green Corridor, but this would remain available to most species and would therefore not be fragmented. Indeed, some restriction on access to the site could benefit many species by providing an undisturbed area. **'Mammal gates' could provide access for a variety of** small mammals. One exception would be deer, but these habitually travel quite some distance and could go around the fenced area.
32. The placing of solar panels has the potential to affect ground nesting birds, but the evidence is that only skylarks would be harmed (unlike the meadow pipit and grey partridge). It is accepted that solar farms cannot avoid impacts on skylarks, which are generally in decline, and that in such circumstances mitigation is necessary.

33. The Outline Skylark Mitigation Strategy (SMS) is intended to provide suitable and adequate mitigation. As skylarks are a relatively short-lived species the approach is not to attract displaced individual skylarks from the site, but to provide improved breeding conditions which enable the local population to persist and thrive. They are also a mobile species – often having to relocate as crops rotate.
34. The approach is to create skylark plots in accordance with national and RSPB guidance. These are undrilled patches in arable fields, which can be varied and rotated to suit farming requirements.
35. An area around 1km away from the appeal site has been identified for that purpose. The persuasive evidence of the appellant is that this distance would not cause an issue for the local population or for individual birds, and it would be feasible for any displaced individual birds to relocate to that area. The overall approach has been widely used elsewhere and nothing which I have read or heard persuades me that it would not be appropriate in this case.
36. I will return to the dual mechanism for ensuring the provision of this mitigation area later, but note that I consider that it is robust.
37. Overall, although there would be potential short term harm to individual birds, this would be outweighed by the SMS. There would therefore be no harm to the biodiversity of the site and the wider area, with particular regard to skylarks, and the proposal complies with LP policies EE2 and EE3.

#### Conditions and planning obligations

38. The appellant and the Council agreed a set of conditions before the close of the inquiry, taking on board the discussion which we had at the event. I have indicated the reason for each condition beneath the relevant text, but one needs slightly fuller explanation.
39. Condition 17 deals with the SMS, and requires a full SMS, following the principles of the original SMS, to be submitted for approval. The final SMS would include the identification of the mitigation area, its delivery, management, monitoring and maintenance. This condition complies with all the tests of conditions.
40. In addition, as noted above, two Unilateral Obligations have been completed. The Skylark Mitigation obligation identifies the area in question, requires implementation of the approved SMS before the solar farm is brought into use, and requires its maintenance. (The Monitoring obligation deals with the payment of a monitoring fee.) In effect the obligations give teeth to the provisions of the condition and both obligations meet all the relevant tests.

#### Planning balance and conclusion

41. In ascribing weight to various positive and negative factors I use the following scale: limited, moderate, significant, substantial. There was some discussion at the **inquiry as to the terms 'substantial' and 'significant'** which appear to have been used almost interchangeability - I do not think this debate takes the decision-making process any further, and I have stated the scale which I have used.

42. As can be seen above, I ascribe limited harm to the effect on landscape character.
43. The main factor weighing in favour of the proposal relates to the provision of renewable energy. In the light of LP policies SP2, CC1 and CC2 I ascribe substantial weight to this matter – which is in line with existing national policy and the direction of travel of draft national policy. Within that I attach moderate weight to the existence of an existing on-site grid connection, which has the potential to realise the energy benefit at an early stage.
44. I also ascribe moderate weight to the ecological enhancements and Biodiversity Net Gain – not a matter which has been substantially challenged.
45. For the avoidance of doubt I give very limited weight to the fact that the proposal is for a limited period. This is in view of the length of the limited period in relation to a human lifespan.
46. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the proposal complies with the development plan taken as a whole.
47. For the reasons given above I conclude that the appeal should be allowed.

*P. J. G. Ware*  
Inspector



## CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following plans and drawings except where required otherwise by separate condition(s) of this permission:

### Plans and Drawings

- Site Location Plan – 3759-REP-021
- Rack and Solar Panel Elevation – 3759-FIG-REP-0001
- DNO Switching Station Elevation – 3759-FIG-REP-0002
- Client Switching Station Elevation – 3759-FIG-REP-0003
- Inverter Elevation – 3759-FIG-REP-0004
- Battery Elevation – 3759-FIG-REP-0005
- General Storage Container Elevation – 3759-FIG-REP-0006
- Gate Fence CCTV Road Elevation – 3759-FIG-REP-0007
- Solar Array Foundation System – 3759-FIG-REP-0008
- 1 Construction Compound Plan – SOL20010\_001 Rev A
- 2 Construction Compound Plan – SOL20010\_002 Rev A
- Proposed Landscape Masterplan for the Solar Park (Sheet 1) (with field numbers) – P23-2040\_EN\_8 Rev A
- Proposed Landscape Masterplan for the Solar Park (Sheets 2-4) – P23-2040\_EN\_8 Rev A

REASON: For the avoidance of doubt

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 calendar days of such commencement.

REASON: To comply with section 91 (as amended) of the Town and Country Planning Act 1990

3. (a) Within 1 month of the date of first commercial export of electricity to the National Grid (the “date of first export”) confirmation shall be given in writing to the Local Planning Authority of the same. The development hereby permitted shall cease on or before the expiry of a 35 years period from the date of first export. The land shall thereafter be restored to its former condition in accordance with a scheme of decommissioning work and an ecological assessment report detailing site requirements in respect of retaining ecological features.

(b) The scheme of decommissioning work and the ecological assessment report shall be submitted to and approved in writing by the Local Planning Authority no later than 34 years from the date of first export and subsequently implemented as approved.

(c) In the event that the development hereby permitted ceases to export electricity to the grid for a continuous period of 12 months at any point after the date of first export (other than for operational reasons outside of the operator’s control), a scheme of early decommissioning works (the early decommissioning scheme) and an ecological assessment report detailing site



requirements in respect of retaining ecological features (the early ecological assessment report) shall be submitted no later than 3 months after the end of the 12 months non-electricity generating period to the Local Planning Authority for its approval in writing. The approved early decommissioning scheme and the approved early ecological assessment report shall be implemented in full in accordance with a timetable that shall be set out in the early decommissioning scheme.

REASON: To ensure that the development is decommissioned, and that the site is returned to a suitable condition.

4. No development shall take place unless and until the following components of a remediation strategy to deal with the risks associated with contamination of the site have each been submitted to and approved in writing by the Local Planning Authority:
  - (a) A Preliminary Risk Assessment ('the PRA') including a Conceptual Site Model ('the CSM') of the site indicating potential sources, pathways and receptors, including those off-site;
  - (b) The results of a site investigation based on part (a) of this condition and a detailed risk assessment, including a revised CSM;
  - (c) Based on the risk assessment in part (b) of this condition, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete, arrangements for contingency actions and details of a long-term monitoring and maintenance plan;

Before the First Export Date, a verification report demonstrating completion of works set out in the approved remediation strategy under part (c) of this condition, and an updated long-term monitoring and maintenance plan, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the updated long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses

5. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the remediation strategy shall be as approved.

REASON: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses

6. There shall be no construction traffic movements to and from the site unless and until access visibility splays at the junction of the site access with the public highway (C94, Woburn Road) have been cleared of all obstructions

above the adjacent carriageway level. The minimum dimensions to provide the required splay lines shall be:

- (a) 2.4 metres measured along the centre line of the site access from its junction with the channel of the carriageway; and
- (b) 215 metres measured along the centre line of the site access along the line of the nearside channel of the carriageway (north and south sides of the site access).

Throughout the construction period, the required vision splays shall be kept free of all obstructions above the adjacent carriageway level.

REASON: In the interests of highway safety

7. Notwithstanding the approved plans and drawings contained in condition 1, no development authorised by this permission shall take place unless and until a Construction Environmental Management Plan (Biodiversity) ('the CEMP (Biodiversity)') has been submitted to and approved in writing by the Local Planning Authority. This shall contain the following information:
- (a) risk assessment of potentially damaging construction activities and identification of biodiversity, habitat and species protection zones and mitigation plans;
  - (b) practical measures (both physical measures and sensitive working practices) to protect biodiversity features, habitats and species during construction, including use of protective fencing, exclusion barriers and warning / instruction signage;
  - (c) final details for the protection of statutorily protected species and nesting birds, prior to and during the construction period including re-checking surveys;
  - (d) procedures for reporting species survey results to the Local Planning Authority;
  - (e) the times during the construction period when specialist ecologists need to be present on site to oversee works and responsible persons and lines of communication;
  - (f) the role and responsibilities of an ecological clerk of works (ECoW) or similar competent person;
  - (g) specific details of soil stripping footprints, locations and depths; scheme of measures to prevent soil compaction, avoid unnecessary ground disturbance by vehicles, plant or equipment and provision for the timely reinstatement / repair of disturbed ground.
  - (h) an Arboricultural Method Statement in accordance with BS:5837 2012 (as amended) including:

- (i) measures for the protection of trees and hedges on or adjacent to the site that are to be retained;
- (ii) details of construction measures within the 'Root Protection Area' (defined by a radius of  $dbh \times 12$  where  $dbh$  is the diameter of the trunk measured at a height of 1.5 metres above ground level) of those trees on or adjacent to the site which are to be retained specifying the position, depth, and method of construction / installation / excavation of service trenches, building foundations, hardstanding, roads and footpaths (where applicable); and
- (iii) a schedule of proposed surgery works to be undertaken to those trees and hedges on or adjacent to the site which are to be retained (where applicable).

The CEMP (Biodiversity) as may be approved in writing shall be implemented and adhered to throughout the construction period of the development hereby permitted.

REASON: To ensure that appropriate biodiversity, habitat and species protection measures and procedures are in place throughout the construction phase

8. Notwithstanding the approved plans and drawings contained in condition 1, no development shall take place unless and until a Construction Environmental Management Plan (Highways and Rights of Way) ('the CEMP (Highways and Rights of Way)') has been submitted to and approved in writing by the Local Planning Authority. This shall contain the following information:

- (a) specific details of contactors' compounds;
- (b) provision for contractor / staff parking, on-site turning of operative and construction vehicles, off-loading and storage of materials;
- (c) phasing of the works;
- (d) measures to be adopted and equipment to be used to prevent the trafficking of mud and debris on to the public highway;
- (e) dust management measures;
- (f) measures for the control of noise and vibration;
- (g) a plan of action for minimising or avoiding direct or indirect impacts on pedestrians, equestrians and cyclists on the site's existing or committed public rights of way;
- (h) details of safety fencing and suitable signage warning rights of way users of site traffic and vice versa;
- (i) a justification for any proposed temporary rights of way closures and temporary diversion route(s) and timeframes;

- (j) how existing or committed public rights of way will be protected from damage and reinstatement of any crossing points; and
- (k) procedures to deal with and resolve any complaints.

The CEMP (Highways and Rights of Way) as may be approved in writing shall be implemented and adhered to throughout the development's construction period.

REASON: To ensure that appropriate environmental safeguards are in place during the construction phase

9. In accordance with the results of the BS4142:2014 day-time and night-time noise assessments in the Noise Technical Note produced by Noise & Vibration Consultants Ltd dated 16 December 2022 (ref. R22.1203/DRK), the rating level (LAeq, 1hr) of noise attributable to the operation of plant, equipment and machinery associated with the development hereby permitted shall not exceed the existing daytime and night-time background sound levels (L90) at the noise-sensitive receptors identified when measured or calculated according to the provisions of BS4142:2014 (as amended) inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics.

REASON: To minimise nuisance to nearby occupiers by reason of noise

10. Notwithstanding the approved plans and documents contained in condition 1, no development shall take place unless and until details with respect to:
- (a) The precise final layout of the supporting operational compounds and the external finish of materials for the client side of the switching station, DNO switching station, battery energy storage system containers and transformers and general storage containers;
  - (b) The precise location and orientation of the Battery Energy Storage System containers and cooling system, the inverter for the Battery Energy Storage System, transformers and solar siting inverters a suitable distance away from existing or committed rights of way corridors, and the use of sound insulations where those items of plant and equipment cannot be sited a suitable distance away from existing or committed rights of way corridors; and
  - (c) The colour of all solar panels and their supporting frames/ racking

Have been submitted to the Local Planning Authority for its approval in writing. The development shall only be carried out in accordance with the approved details and shall be maintained as such for the lifetime of the development.

REASON: To minimise impacts on the amenity of rights of way users

11. Prior to the First Export Date, a scheme for the monitoring and control of operational noise ('the operational noise scheme') associated with the development hereby permitted shall have been submitted to and

approved in writing by the Local Planning Authority. The operational noise scheme shall include details of and make provision for:

- (a) an initial programme of noise monitoring following the First Export Date to assess compliance with condition 9 of this permission;
- (b) monitoring and recording procedures;
- (c) presentation of monitoring results to the Local Planning Authority;
- (d) procedures to be adopted in the event of the daytime and night-time noise limits referred to in condition 9 of this permission being exceeded; and
- (e) procedures to be adopted in the event of any noise-related complaint received during the operational life of the site which is substantiated by an officer of the Local Planning Authority.

Thereafter, the scheme as may be approved shall be implemented and adhered to at all times.

REASON: To enable initial monitoring and reporting of operational noise impacts

12. No development shall take place until a detailed scheme in relation to the external lighting to be installed on site ('the lighting scheme') has first been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be designed to minimise light spill and glare and avoid impacts on sensitive ecological receptors. Proposals for controls on times of usage of the lighting shall also be set out. The scheme shall thereafter be installed and operated in accordance with details as may be approved for the lifetime of the development.

REASON: To prevent light pollution and maintain dark areas / corridors around the site to protect local amenity and ecological receptors

13. No development shall take place unless and until full details of the CCTV camera system to be installed on site has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the number, siting and colour of the columns; specification of the cameras to be used and direction and field of view. The details as may be approved in writing shall be implemented in full prior to the First Export Date and thereafter complied with at all times.

REASON: In the interests of visual amenity and to control the appearance of the buildings

14. No cabling installation works, including the excavation of trenches, shall take place on or beneath any section of existing or committed public rights of way unless details have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, no cabling installation works shall take place except in accordance with the approved details.

REASON: To ensure that disturbance to rights of way is kept to a minimum and appropriately controlled

15. Notwithstanding the approved plans and documents contained in condition 1, no development shall take place unless and until a detailed scheme of on-site Landscape Mitigation and Enhancement ('the LMEP') has been submitted to and approved in writing by the Local Planning Authority. The LMEP shall cover both soft and hard landscaping and contain the following details:
- (a) integration of existing and evolving habitats;
  - (b) the creation of an 'eco-tone' along the northern and north-eastern sides of the site, incorporating linear belts and copses of new tree and shrub planting;
  - (c) new tree and shrub planting comprising linear belts and copses along the southern half of the western side of the site;
  - (d) new hedgerow planting;
  - (e) creation of open ground scrapes to achieve ephemeral pools around the perimeter of the site;
  - (f) new planting to the ancillary compounds on the east side of the site;
  - (g) landscaping plans at a scale of 1:500;
  - (h) cross section drawings at a scale of 1:500 illustrating the physical proximity and layout of the development in relation to the existing / committed public rights of way laid out on site and delineated by stock fencing. The sections shall show the path fencing, solar arrays, fencing for solar arrays, proposed / existing tree, shrub and hedgerow planting and operational maintenance tracks;
  - (i) the specification(s) of deer fencing to be installed to enclose the solar arrays;
  - (j) provision of mammal gates at 50 metre intervals;
  - (k) hard surfacing materials;
  - (l) all other boundary treatments and means of enclosure;
  - (m) proposed finished levels and contours;
  - (n) proposed and existing services above and below ground;
  - (o) details of maintenance and management;

- (p) planting plans;
- (q) written specifications, including soil preparation, cultivation and other operations associated with plant and other operations associated with plant and grass establishment of soft landscape works (in accordance with British Standards and National Plant Specifications);
- (r) schedules of plants noting species, size, density, breaks and spacing of all trees, shrubs and hedgerows to be planted;
- (s) any areas to be grass / wildflower seeded, including soil preparation, cultivation and other operations associated with plant and grass establishment; and
- (t) details of how the Biodiversity Net Gain articulated in Paragraph 5.1.8(3) and scenario 3 in Table 1 of the Final Response: Ecology by Howard Fearn produced by Avian Ecology shall be achieved.

The LMEP as may be approved in writing shall be implemented not later than the first available planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5 years of planting, shall be replaced with species of the same type, size and in an agreed location, in the first available planting season following removal.

REASON: In the interests of landscape character and visual amenity of the area.

16. No development authorised by this permission shall take place unless and until a Soils Management Plan ('the SMP') has been submitted to and approved in writing by the local plan authority. The SMP shall include:
- (a) A method statement to ensure soil is stable and in a condition to promote sufficient aeration drainage, fertility and root growth to sustain the proposed landscape measures including how such materials will be sourced;
  - (b) The scope of any ameliorative work, established via soil testing, in order to identify any incoming soils intended for the landscape measures that require treatment;
  - (c) Presentation of results of laboratory testing of samples of soils to demonstrate their suitability;



- (d) Standard of topsoil proposed for tree / shrub planting areas, together with details of ripping and other soil amelioration treatments, if required; and
- (e) Proposals for adhering to relevant guidance set out within the 'Good Practice Guide for Handling Soils' produced by MAFF (now DEFRA).

The SMP as may be approved shall be carried out in full and complied with at all times.

REASON: To secure biodiversity enhancements

17. No development shall take place until a Skylark Mitigation Strategy ("the Skylark Mitigation Strategy") has been submitted to and approved by the Local Planning Authority. The Skylark Mitigation Strategy shall follow the principles set out in the Outline Skylark Mitigation Strategy produced by Avian Ecology dated 9 May 2024 and shall include:

- (a) Identification of the areas for the implementation of mitigation (including a mechanism for the identification and use of alternative land providing always that such land is of equivalent ecological value and also complies with the principles set out in the Outline Skylark Mitigation Strategy);
- (b) Details of how the mitigation areas will be managed;
- (c) The provision of evidence of arrangements to secure the delivery of proposed measures, including a timetable of delivery;
- (d) Long term monitoring for the lifetime of the development or for a period not exceeding 35 years from the date of commencement of the mitigation area;
- (e) The inclusion of a feedback mechanism to the Council before the end of the first 5 year period allowing for the alteration of working methods/management prescriptions, should monitoring deem it necessary; and
- (f) Identification of persons responsible for implementing the works.

The Skylark Mitigation Strategy as may be approved shall be carried out in full and complied with at all times.

REASON: As discussed in the text of the decision

APPEARANCES

INFINIS SOLAR DEVELOPMENTS LTD

David Hardy, counsel for the appellant  
He called:

Andrew Cook BA(Hons) MLD CMI MIEMA CEnv	Executive Director, Pegasus Group
Howard Fearn MSc MCIEEM	Director, Avian Ecology
Christopher Calvert BSc MA(Hons) MRTPI	Executive Director, Pegasus Group

CENTRAL BEDFORDSHIRE COUNCIL

Flora Curtis, counsel for the local planning authority

INTERESTED PERSONS WHO SPOKE AND SUBMITTED STATEMENTS

Heather Webb BSc (Hons) MSc CIEEM	Local resident
Delise Ball	Chair, Cranfield Parish Council
Sue Clark	Ward Councillor
Lizzie Barnicoat	Lidlington, Brogburgh, Hulford and Salford Parish Councils
Jemma Abate	Cranfield Parish Council
Peter Nash	Local resident and ornithologist
Darren Woodward	Forest of Marston Vale Trust

INQUIRY DOCUMENTS

Doc 1	Opening submissions on behalf of the appellant
Doc 2	Opening submissions on behalf of the Council
Doc 3	Statement by Heather Webb
Doc 4	Statement by Delise Ball
Doc 5	Statement by Sue Clark
Doc 6	Statements by Lizzie Barnicoat
Doc 7	Statement by Jemma Abate
Doc 8	Statement by Peter Nash
Doc 9	Statement by Darren Woodward
Doc 10	Agreed conditions
Doc 11	Closing submissions on behalf of the appellant
Doc 12	Unilateral Obligation – Skylark Mitigation
Doc 13	Unilateral Obligation - Monitoring