



Appeal Decision

Inquiry held on 25–28 March, 1-3 April and 8 April 2025

Site visits made on 24 March and 3 April 2025

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th June 2025

Appeal Ref: APP/X4725/W/24/3354032

New Hall Farm, New Hall Lane, Overton, WAKEFIELD, WF4 4RP

- 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 Boom Developments Ltd against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 23/01113/FUL.
 - The development proposed is the installation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with substation, transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.
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Decision

1. The appeal is allowed, and planning permission is granted for the installation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with substation, transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements at New Hall Farm, New Hall Lane, Overton, Wakefield, WF4 4RP in accordance with the terms of the application, Ref 23/01113/FUL, subject to the Schedule of Conditions set out in Annex A.

Procedural Matters

2. The appellant submitted a revised Landscape Masterplan at appeal stage which provided additional mitigation and enhanced planting along a number of boundaries around and within the site. I considered whether it would be appropriate to accept this revised plan, having regard to the guidance in the 'Procedural Guide: Planning Appeals – England, and the tests given in the 'Holborn Studios' judgement¹. The Procedural Guide makes clear that the appeal process should not be used to evolve the scheme and that in most cases the appeal should be determined on the basis of the plans upon which the Council made their decision. However, as the amendments were confined to landscaping, they did not fundamentally change the proposal. Moreover, public consultation was undertaken on the revised plan. Consequently, I considered that it would be appropriate for the revised plan to be accepted.
3. An Environmental Statement (ES) accompanied the planning application in June 2023. To reflect the revised Landscape Masterplan a Supplementary Environmental Information ('SEI') report was produced at appeal stage and consulted on alongside the revised plan. This superseded the original chapter 6 of

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

the ES and updated the original assessed baseline conditions and identified changes to the original ES that would occur as a result of the amended proposals. This SEI and the original submission together comprise the composite ES. I am satisfied that these documents meet the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), and I have taken them into account in my consideration of the appeal.

4. The application had six reasons for refusal. The sixth reason related to the potential noise impact on the living conditions of nearby residents. The Council confirmed in their Statement of Case and in the main Statement of Common Ground (SoCG) that in the light of the additional information that had been submitted by the appellant they would no longer be pursuing this reason for refusal. From the evidence before me I agree with this conclusion, and I have determined the appeal accordingly.
5. The first reason for refusal related to the proposed development being inappropriate development in the Green Belt. Subsequent to the application being determined, a revised version of the *National Planning Policy Framework* (the Framework) was published in December 2024 and the Green Belt section of the *Planning Practice Guidance* (PPG) was updated in February 2025. In the light of the changes in these it was agreed in a supplementary SoCG that the appeal site falls under the definition of Grey Belt, that it would accord with the requirements in paragraph 155 of the Framework, and so would now not be inappropriate development. These are conclusions that I agree with.
6. Given this, and having regard to paragraph 153 of the Framework, and the Court of Appeal judgement², as the effect of the development on openness and the purposes of including land within the Green Belt are not expressly stated as determinative factors in gauging the inappropriateness of the development, there is no requirement for me to separately assess the impact of the development on the openness of the Green Belt, or the purposes of including land within it. I have determined the appeal accordingly.
7. Part of the underground cable run and the point of connection associated with the proposed development lies within the administrative boundary of Kirklees Council. As such an identical planning application³ was submitted to this Council. In April 2024 Kirklees Council wrote to confirm that it was devolving its decision making powers to Wakefield Council to determine the planning application.

Main Issues

8. The main issues in the appeal are:
 - The effect of the proposal on, and the potential loss of, agricultural land;
 - The effect of the proposal on landscape character;
 - The visual effect of the proposal on nearby residents, users of the public rights of way network and road users; and
 - The effect of the proposal on the setting of nearby heritage assets.

² Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

³ Application Reference 2023/91838

Reasons

The site, the surrounding area and the proposal

9. The appeal site comprises a number of agricultural fields that are currently in arable use and which total approximately 54.5 ha. Field boundaries, where they exist, are marked by hedgerows and trees and there are also clumps of trees within some fields that are located around old mine shafts. A number of bridleways and Public Rights of Way (PRoW) cross the site or lie adjacent to it, including some which form part of the long distance route known as the Wakefield Way.
10. The site is located on one side of the Coxley Valley with the land falling away generally from north-west to south-east and is within the Green Belt. The area surrounding the site consists of a mixture of agricultural land, woodlands and built development including New Hall farmstead, Overton and New Hall Prison and Young Offenders Institution.
11. The proposal would comprise ground mounted solar arrays arranged in rows on four parcels of land within the existing fields along with essential electricity generating infrastructure, internal access tracks, site access, security fencing, CCTV cameras and landscaping.

Planning Policy Context

12. The development plan comprises the *Wakefield District Local Plan 2036* (adopted January 2024) (WDLP). The main policies relevant to the appeal proposal are set out in the SoCG.

Main Issue 1: Effect on, and potential loss of, agricultural land

Policy Context

13. Policy LP70 of the WDLP states that the best and most versatile (BMV) agricultural land within the district will be protected from irreversible development. In particular, development involving a significant loss from agricultural land graded 3a or higher will not be permitted where land of lower quality could be developed for the particular purpose.
14. Paragraph 187b) of the Framework, states that planning decisions should recognise the economic and other benefits of BMV land. Further guidance on the use of agricultural land is provided in footnote 65 of the Framework. Although this footnote is linked to paragraph 188 which relates to plan making, it was agreed by the parties that it still had relevance to decision making. This footnote indicates that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality.
15. The PPG section on renewable and low carbon energy, which dates from 2015, provides a list of planning considerations that relate to large scale ground mounted solar photovoltaic farms⁴. These include: encouraging the effective use of land by focussing such developments on previously developed and non-agricultural land provided it is not of high environmental value; and where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been

⁴ Paragraph ID:5-013-20150327

shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

16. It was agreed by the parties that the Written Ministerial Statement (WMS) dated 25 March 2015, which indicates that "...any proposal involving the best and most versatile agricultural land would need to be justified by the most compelling evidence" is out of date.
17. However, a WMS, dated 15 May 2024 is of relevance. This sets out further detail on how balancing the competing priorities for energy security and food production is intended to be applied. It indicates "...that due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments" and that "...as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary."
18. EN-1 states that proposals should seek to minimise impacts on BMV land and preferably use land of Grade 3b and below and that proposals should not be sited on BMV land without justification. EN-3 indicates that "while land type should not be a pre-dominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible."
19. Although these two documents primarily relate to Nationally Significant Infrastructure Projects (NSIPs), EN-1 confirms they can be a material consideration in the determination of planning applications, and that their materiality will need to be judged on a case-by case basis. Although some way below the threshold for a NSIP, I still consider they are both material considerations in determining this appeal.

Current situation

20. An Agricultural Land Classification (ALC) survey of the appeal site was carried out in September 2022. This established that just over 50% of the appeal site comprises BMV land with 6.3ha being Grade 2 and 22ha Grade 3a and the rest being Grade 3b or non-agricultural land. The developed area of the site would consist of 27ha of land under solar panels and 1.9ha that would be used for fixed infrastructure. Of this, no Grade 2 land and 18.2ha of Grade 3a land would be under arrays and 0.6ha of Grade 2 land and 1.1ha of Grade 3a would be used for fixed infrastructure. Meaning that in total 19.9ha of BMV land would be used for the actual solar farm development, as opposed to being part of the wider appeal site and that as far as possible the proposal would avoid the use of the Grade 2 land. On the basis that 40% of Grade 3 agricultural land is Grade 3a, the appeal site represents a very small proportion of the overall BMV land resource in the district (0.19%).
21. Whilst third parties highlighted that some individual points identified in the survey as Grade 2 are under panels, the ALC Guidelines set out isolated points of a different grade may be subsumed into a wider grading and that this is a matter for the professional judgement of the surveyor. This is the case here where the

individual points have been subsumed into the wider Grade 3a and I have no reason to doubt the professional judgement of the surveyor in doing this.

22. The appeal site forms part of the New Hall Farm. This is a mixed farming enterprise comprising arable and a suckler herd of 60 cows. The fields comprising the appeal site are in arable production, with the crops being used for feeding livestock rather than for human consumption. Whilst in recent years some sugar beet had been grown, this was by another farmer who was allowed to use the fields. The appellant indicated that this arrangement was not continuing, and no sugar beet is currently being grown.
23. The beef cattle part of the farm business will not be affected by the proposal and the appellant has stated that the proposal would have a positive impact on the farm's viability.

Reversibility of the proposal and impact on soils and land quality

24. The proposal would change the use of the appeal site for a period of 40 years. Whilst this is a significant period of time it is not permanent, and this can be secured by condition. Whilst it is proposed that the new landscaping around the site would be retained permanently, and so the level of reversibility in landscape terms is questioned, it is agreed in the main SoCG that a key feature of the proposal is that it is reversible at the end of the operational period. The retention of the proposed landscaping would not prevent the future agricultural use of the fields.
25. Nonetheless, the Council expressed concerns that whilst the solar farm infrastructure can all be removed the soil quality could be affected by the development. Notwithstanding this, at the Inquiry it was agreed that with the production and implementation of an appropriate Soil Management Plan, the impact of the proposed development on soil quality would be able to be adequately controlled and secured so that the appeal scheme would be reversible.
26. Reference was made to the Welsh Government report "The impact of solar photovoltaic sites on agricultural soils and land" which highlights some of the issues solar developments can have on agricultural land quality and soils. However, this too recognises that an appropriate soil resource and management plan can mitigate the threats to soil and land quality.
27. The production and implementation of a Soil Management Plan can be secured by condition. Furthermore, it is proposed that the internal access tracks on this scheme would be constructed in advance of the erection of the arrays and associated infrastructure which would also minimise the impact on the soils. The appellant also indicated that the topsoil from the areas to be used for the tracks and other fixed infrastructure would be stored on the site and would then be re-laid as part of the decommissioning process. All of these can be secured by the Soil Management Plan or other conditions.
28. Concern was also raised about water run-off from the bottom of the panels and the potential for soil erosion as well as compaction. However, panels generally have gaps between them so not all water running off them is at the bottom of the panel. Additionally, evidence from the Environment Agency shows that a significant decrease in erosion risk occurs when fields are changed from winter cereal use to permanent grassland which would be the case here. This is because the soil is

covered in vegetative matter rather than being bare for a significant part of the year.

29. Given the height of the panels, compaction of soil under them is very unlikely since machinery cannot get under them. In addition, the appellant's evidence on the construction process, shows that heavy machinery is not generally used in the process. Some compaction may occur on the tracks, but this is a very limited amount of land, from which the topsoil would have been removed and stored.
30. With a Soil Management Plan in place and in the light of the fact that the factors that affect ALC do not change readily, I am satisfied that at the end of 40 years the ALC of the site would not be altered.
31. It was disputed whether or not leaving the land fallow for 40 years would lead to improvements in soil health through increasing soil organic matter, soil carbon and soil moisture. Whilst this is usually expected to be a benefit of returning land to pasture from arable use, the current farming practices employed on the holding such as minimum tillage could potentially reduce the level of improvements.
32. I accept that there is limited research that specifically considers the effects of a combined solar farm and pasture on soil health. Nevertheless, the construction of the solar farm involves limited disturbance to soils and a soil management plan would be required by condition. Given this, and in the absence of any evidence to the contrary, I am not persuaded that the impact on soil health from a combined pasture and solar farm use would be materially different from that gained solely from pasture.
33. Whilst species rich grasslands want less fertile soils, it would be proposed here to find an appropriate species mix for the soil fertility, and there is no intention to specifically lower the fertility of the site to allow a species rich pasture to establish.

Potential loss of agricultural land and food security

34. The proposal would result in the land forming the appeal site being taken out of arable production. Policy LP70 does not define what it considers to be a "significant" loss of BMV land, nor does the Framework define what is a "significant" development of agricultural land but Natural England are consulted on schemes that involve more than 20ha of BMV land. In the absence of any local or national definition, this appears to be the most sensible threshold to use. Whilst the amount of BMV under panels and fixed infrastructure falls fractionally under this threshold, the appeal site as a whole is over it. Nevertheless, despite the amount of BMV land being used in this case Natural England indicated they had no comment to make in relation to the proposal.
35. As encouraged by EN-3, it is proposed that the land would be used for both energy production and sheep grazing. Whilst it was suggested by the Council and some third parties that this was unlikely to occur, DEFRA agricultural land use statistics (September 2024) show that around 50% of solar farms currently have such a dual use. Moreover, the grazing of the land can be secured by condition. As the farm is already a mixed enterprise the additional cost of keeping sheep in my view would not be prohibitive of this taking place. Consequently, apart from the small amount of land (around 1.9 ha) that would be used for the fixed infrastructure, the majority of the land would still be used for some agricultural use. So, whilst it may not be capable of being used for arable farming it would not be "lost" to agricultural use.

36. It is not disputed that there are no national or local policies that require agricultural land of any grade to be farmed. Nor is there any planning control over the type of agricultural use taking place on land. Therefore, even if it may be unlikely on BMV land, there would be nothing in planning terms to prevent the use of the fields that form the appeal site for sheep grazing or even from leaving them fallow. In fact, the Government's Sustainable Farming Incentive encourages farmers to convert arable land to grassland and there are no Government initiatives, strategies or policies that relate to food production or the need to increase food production.
37. Whilst I note the concerns raised particularly by third parties regarding food security, the Government Food Strategy (June 2022) indicates near self-sufficiency in many crops, meat, dairy and eggs and that we grow around 75% of what we consume. Much of the shortfall relates to consumer choice, particularly for eating foods out of season, rather than an inability to grow more. Moreover the 2024 WMS recognises that "the total area of agricultural land used for solar is very small and even in the most ambitious scenarios would still occupy less than 1% of the UK's agricultural land".
38. The appellant's evidence indicates that the average yield of wheat on the farm is around 7.5 tonnes per ha, which over a 54.5ha site would equate to around 408 tonnes per annum. Given nationally cereal production is in the region of 20 - 25 million tonnes per annum, the impact of the loss of this land for arable production would be negligible. Even if the crops were not used for livestock feed, this level of loss would not have an adverse impact on food security. Whilst I note the Council's concern regarding the cumulative impact of such developments, given the government estimate of solar farms occupying less than 1% of agricultural land, the cumulative impact would still be limited.

Alternative Sites

39. The Council highlighted that WDLP Policy LP70 along with various national policy guidance set out above, clearly indicate a preference for the use of lower grade agricultural land over BMV land. Whilst accepting this is not a requirement for a sequential test, they consider that the appellant has failed to undertake a robust assessment of alternative sites to show that the use of BMV is necessary. They highlighted that the need for such a robust assessment of sites was supported in an appeal at Lullington, South Derbyshire⁵ and the subsequent high court judgement⁶.
40. However, a recent High Court judgement⁷, subsequent to that at Lullington concluded that the preference for the use of poorer quality agricultural land in the PPG and other documents does not mandate the consideration of alternative sites. Moreover, it is a well-established legal principle that if a development of a site is acceptable in planning terms, the fact that other land exists that may be more acceptable does not justify the refusal of planning permission.
41. It is not disputed that there is no previously developed land in the district that could accommodate the proposal. As such, the proposal accords with the requirement in the PPG to show that the use of agricultural, as opposed to BMV, land is

⁵ APP/F1040/W/22/3323316

⁶ Lullington Solar Park Limited v Secretary of State for Levelling Up, Housing and Communities and South Derbyshire District Council [2024] EWHC 295 (Admin)

⁷ Bramley Solar Farm Residents Group v Secretary of State for Levelling Up, Housing and Communities, Bramley Solar Limited and Basingstoke and Deane Borough Council [2023] EWHC 2842 (Admin)

necessary. Given that the provisional ALC maps indicate that all but 0.8% of the agricultural land in Wakefield is Grade 3 or Grade 2, this inevitably means the use of Grade 3 land or above.

42. In addition, in reconfiguring the development to ensure that the developed area comprises virtually entirely Grade 3a and 3b land rather than Grade 2, the appellant considers they have sought to use what is in this case the poorer quality land.
43. The appellant has produced a Site Search Assessment (SSA) report, which provides a comparative analysis of potential sites although the purpose of this was to explain why a Green Belt site was necessary rather than addressing agricultural land quality. Furthermore, they indicate that even if other suitable sites are found these would be additional sites not alternative sites due to the pressing need for renewable energy to meet the national target of clean power by 2030 – described within NESO’s Clean Power 2030 as requiring “...a once in a generation shift in approach and in the pace of delivery...”.
44. The proposal has a grid connection offer at the DNO substation to be built on the nearby Low Farm solar farm, which will enable the proposal to be delivering electricity in the near term. The SSA uses a 4km search area from this. The Council have not suggested any other potential grid connections and have accepted that the search area is appropriate. Whilst some third parties have highlighted cases with a much longer connection to the grid, the SSA highlights that grid connection costs for schemes can vary significantly and so what may be a viable distance from a grid connection will vary on a case by case basis.
45. The search area includes land that is in Kirklees district. However, I am not persuaded that a local authority administrative boundary needs to necessarily prevent consideration of land in that area.
46. Whilst it is not the Council’s responsibility to identify sites, and I appreciate they are less likely to be aware of sites in Kirklees, they have not suggested any other potential sites. If they were aware of potential sites, it would be very unusual for them not to highlight this at either the application or appeal stage.
47. The “provisional” ALC maps from the 1970s show the site and the surrounding area to largely be undifferentiated Grade 3 land, with Grade 4 land to the west in Kirklees. The 2017 “Likelihood of BMV” maps produced by Natural England, show the site as having a high likelihood of BMV. However, other land in the wider area shown on the “provisional” maps as being Grade 3 on this map is shown as having a low likelihood of BMV and areas shown as Grade 4 on the “provisional” maps are shown as having a high likelihood of BMV land.
48. The differences shown in these two maps highlight that the only way to ascertain the agricultural land quality is through soil sampling surveys, which are intrusive, time consuming, and also require permission from landowners. The Council accept that that doing this for all the land in the search area would be disproportionate and unreasonable, but whilst they suggest that every field does not need to be surveyed, they do not suggest any meaningful way to determine which fields / areas should be surveyed.
49. In the light of this I consider that the desk top approach utilised by the appellant to assess what potentially may be lower grade land in Kirklees is reasonable. This

shows that both the topography of the land in the northern area (steeply sloping) and the small field sizes make the area unsuitable for solar panels. The area to the South is open moorland stretching up to the Arqiva Tower. Limited tree cover would make a solar farm in this area very visible, and as the slopes in this area are largely north-east facing any solar farm would require significantly more land. Therefore, even if this land is of a lower agricultural grade it is unlikely that it would be suitable or preferential to the appeal site.

Conclusion on Main Issue 1

50. National policy and guidance indicates that careful consideration needs to be given to the use of BMV land but whilst the use of poorer quality land is preferred there is no prohibition on the use of BMV land. WDLP Policy LP70 indicates that BMV land needs to be protected from irreversible development. Whilst 40 years is a considerable length of time, the proposal is temporary and subject to a condition securing the production and implementation of a Soil Management Plan, I am satisfied the proposal is reversible.
51. The requirement within Policy LP70 set out in the subsequent sentence in the policy clearly relates to irreversible development. However, even if this were to apply the proposal would only result in the temporary loss from agricultural use of 1.7ha of BMV land, the remainder would continue to be used for agricultural purposes whilst also being used to produce renewable energy. Subject to a condition securing the production and implementation of a Soil Management Plan, I am satisfied that the land can be returned to arable use at the end of the lifetime of the development and that there would be no loss of agricultural land quality. As such, there would not be a significant loss of BMV land on either a temporary or permanent basis. Nor would the proposed development have an adverse impact on food security.
52. Furthermore, I consider that it has been adequately demonstrated that the use of agricultural land is necessary for the development as there is no previously developed land in the district that can accommodate the proposal. Even if it is considered that an assessment of alternative sites is needed, I consider a reasonable and proportionate assessment has been undertaken which shows that the use of the appeal site for the proposed development is necessary.
53. Consequently, I consider that the proposal would not result in the loss of, or have an unacceptable impact on, BMV land. The land could continue to be used for agricultural purposes alongside the production of renewable energy and could return fully to agricultural use at the end of the lifetime of the development. Accordingly, there would be no conflict with Policy LP70 of the WDLP or the Framework.

Main Issue 2: Landscape Character

54. Policies SP23 and LP55 of the WDLP require that developments take into account and protect, maintain and enhance landscape character and Policy LP56 requires developments to make a positive contribution to the environment and incorporate high quality landscaping and boundary treatments. In addition, Policy LP59 states that important existing landscape features and other elements identified in the Landscape Character Assessment, together with new features, are incorporated as an integral part of the proposal and help to integrate the development within the wider landscape.

55. At a national level the site lies within National Character Area 38: Nottinghamshire, Derbyshire and Yorkshire Coalfield Area (NCA) and the area is highlighted as being important for history, especially in relation to industrialisation and the story of its impact on the landscape. The key characteristics of this area are set out in the proofs of evidence of both the landscape witnesses.
56. The Landscape Character Assessment of Wakefield District (LCA) was published in October 2004. The appeal site is located within the South West Coalfield Landscape Character Type. It indicates that characteristics of this area include: village settlements on high ridges; a significant amount of ancient woodland and a reasonable amount of hedgerows; becks often set in steep sided wooded valleys; and a rural character that has escaped urbanisation seen in other areas. It also notes that although the area has been mined for coal and iron since the medieval period few traces now remain.
57. As part of the appeal process the Council asked their landscape witness to produce a Local Landscape Character Assessment (LLCA) of the South West Coalfield Landscape Character Type. This has not been subject to any consultation and has not been formally adopted. This identifies the site as being within SWC 1: Smithy Brook, Coxley and Blacker Beck Rural Valleys Landscape Character Area and particularly within the Coxley Valley tributary valley. The key characteristics of SWC1 are stated to be: topography, geology and drainage; woodland cover; agricultural land use and field patterns; semi natural habitats; archaeology and cultural heritage; settlement and road pattern; and views and perceptual qualities.
58. Due to the topography of the area the site is contained within the Coxley Valley where it sits on the upper slopes of the valley side. The site is not covered by any international, national or local landscape designations. Whilst it is clearly highly valued by local people, it is not a “valued” landscape for the purposes of the Framework. As such, paragraph 187 of the Framework requires decision makers to recognise its intrinsic character and beauty.
59. I observed many of the key characteristics of the landscape area set out above displayed in the site and surrounding area. However, my attention has not been drawn to any features that are particularly important examples of the landscape. Whilst the appeal site is an attractive piece of the countryside there is nothing that particularly sets it apart from other land within the same character area. The open agricultural character of the site is in good condition. Whilst the overhead power lines crossing the site are slight detractors, the remnants of the previous mining activity in my opinion are not.
60. From certain places within the valley open, panoramic views towards Emley Moor in one direction and Wakefield in the other are possible whereas elsewhere woodlands, linear belts of trees and hedgerows create a sense of enclosure. Whilst urban /man-made influences are generally seen in views, the valley generally has quite a tranquil, rural character.
61. The valley is crossed by numerous well used footpaths and bridleways and the recreational value of the area to local people is clearly high. In addition, the Scheduled Monument and copsed areas within the fields marking the old bell pit mining activities gives historic interest and value, albeit to those with a heritage interest and who know what they are looking for. To this end the area around the

site forms part of the heritage walk run by the nearby National Coal Mining Museum.

62. Whilst the appeal site and other parts of the valley are agricultural or wooded in nature, it also contains a variety of built development including the prison complex, a fencing factory, a specialist education facility, settlements, a wind turbine and a telecommunications mast.
63. Overall, on the basis of what I have read, heard at the inquiry and seen on my site visits, I consider that the site and its surroundings have a medium value and a medium sensitivity and susceptibility to change.
64. Although 40 years is a significant period of time, the proposal is temporary and reversible so that after decommissioning it can revert to agricultural use. I have taken this into account in assessing both the effect on the landscape and the visual effects.
65. The proposed appeal site occupies around 8.7% of the Coxley Valley, with the developed area being approximately 5.2% of it. As the panels would sit on top of the land the proposal would have a negligible impact on the topography of the landscape. The proposal would not impact on the ridgeline settlement pattern that is a feature of the area. Nor are any diversions or closures required of any of the PRowWs that abut or cross the site.
66. Despite the modest height of the panels and most of the associated supporting infrastructure, the straight rows of panels and the horizontal emphasis of the scheme, to the extent that it would be perceived, would appear out of place in this rural landscape, even if solar farms are becoming more common in rural areas.
67. However, through the grazing of sheep the agricultural use of the land would continue. Whilst this would result in the fields being used for pasture (alongside the panels) rather than being arable, such a change in agricultural use could take place at any point in time without the need for planning permission. Nonetheless, the sense of openness currently associated with the fields would be reduced.
68. The proposal would be contained within the existing field layout and would retain all but a small amount of the existing boundary hedging and trees. The proposed infilling of the existing hedgerows together with new planting of hedges, hedgerow trees and tree belts would be beneficial to the landscape character and would accord with the Strategic Environmental Opportunities identified in the NCA. It would also enable the reintroduction of some historic field boundaries as well as diminishing the effect of the uniform rows of panels.
69. With regard to the views that are indicated to be a characteristic of the landscape, due to the topography and existing vegetation there are no views of Wakefield from within the appeal site, and the proposal would not impact on such views that are possible from the PRowWs to the north of the site. Panoramic views across the valley from elevated land would also remain. Nonetheless close to the appeal site some views across the valley would be affected.
70. Furthermore, the proposal would not alter or have any detrimental impact on the landscape character of the wider area. So overall, I consider the magnitude of change to the local landscape character brought about by the proposal would be medium adverse.

71. In the light of this and taking into account the sensitivity and the capacity of the landscape to absorb change, I consider the proposal would result in a moderate adverse effect on the local landscape character during the lifetime of the development and a negligible impact on the NCA. Therefore, the proposal would conflict with Policies SP23, LP55, LP56 and LP59 of the WDLP outlined above.

Main Issue 3: Visual Effect

72. It is not disputed that the visual envelope for the appeal scheme is limited to the Coxley Valley, albeit that even within the valley there are areas where the site cannot be seen such as to the north-east of the site, where the land drops down towards Middlestown. I also agree with the parties that the visual effects on receptors would be localised.
73. Whilst the consented Low Farm Solar Farm is located relatively close by, the topography is such that this sits in a different valley. As a result, there would be little or no opportunity to see both at the same time and no major adverse cumulative effects would arise from both of them in place.

Residents

74. The nearest property to the appeal site is Chapel Close which lies to the north of Chapel Lane. The elevation that faces the site has a conservatory, which is largely set behind the existing vegetation along its boundary. Existing views of the appeal site are limited by this vegetation and the existing hedging on the field boundary. The proposed planting would reinforce and gap up this hedge and a tree belt would be located behind this. As a result, there would be no visibility of the scheme from within the conservatory.
75. A number of properties along Coxley View have panoramic views southwards across the valley. Parts of the appeal site are visible within a relatively central position of the view but form a small part of it and are at a distance of around 1km from the houses. The proposed planting, particularly along the northern boundary of the site, would help to screen the development from view as it matures. I agree with the main parties that there would be a low magnitude of change to a high sensitivity receptor, resulting in a moderate effect at year 15.
76. There are views across the valley from Upper Midgley farmstead which comprises an array of agricultural buildings, caravan storage and a wind turbine. It is these that form the immediate view from the farmhouse. If views of parts of the proposal would be possible from the farmhouse, then like at Coxley View this would form a small part of the panorama at a distance of around 1km, which would reduce as the proposed planting matures, resulting in a moderate adverse effect.
77. Furthermore, I am satisfied that the woodland located to the west of, and that runs parallel to, Stocksmoor Road would prevent, or at least heavily filter, any views from properties in Midgley.

Users of the PRow network

78. The area around the appeal site contains an extensive network of bridleways and footpaths that are clearly well used and highly valued. As highlighted above, the proposal would not result in the loss or diversion of any of these. The nature of the various routes vary quite considerably. Whilst some are tarmacked such as the route pass the prison to and from Bar Lane, most are unsurfaced, and the majority

are relatively narrow in width. Some, such as those that cross ploughed fields are completely open, others have intermittent hedging / trees along one or both sides, and others are enclosed by more consistent vegetation on both sides. Depending on the nature of the existing vegetation alongside the PRow's views across the fields that form the appeal site come and go when travelling along them.

79. The proposed landscaping would introduce new native hedgerows to define field boundaries where none exist at present as well as infill planting where gaps are present in existing hedges and a linear native tree belt along the northern edge of the site. As linear tree belts and hedgerows along field boundaries are characteristic of the area, this planting would not appear an incongruous or harmful feature, even if those familiar with the routes would notice the change. As the landscaping would be located within the existing fields, there would be no impact on the width of the PRow's.
80. Along routes such as Haynes Lane, and footpath 20, the proposed landscaping would only be along one side of the PRow. The vegetation on the other side would remain unaltered and so views that are possible in those directions would not change. However, the current views southwards from Haynes Lane that are possible due to the intermittent nature of the hedging along this route would be lost. In addition, the proposed planting along what are currently open boundaries such as the part of footpath 20 closest to Carr Lane would result in a loss of views across the fields and the sense of openness they provide would be curtailed. Whilst, such impacts are very localised, the loss of views and openness would be very noticeable to those familiar with these routes, albeit this would diminish with time. However, it needs to be borne in mind that the landowner could introduce similar planting along these routes without any recourse to the planning system.
81. Where footpath 27 crosses the site a significant area of meadow grassland is proposed either side of it, together with new hedges and hedgerow trees on historic field boundaries. Footpath 25 would be located within a "green lane" framed by hedges and trees on either side. Whilst the current sense of openness associated with these routes would be reduced, I am satisfied the width would be sufficient not to create a tunnelling effect and views outwards in the direction of travel would still be possible.
82. Before the planting is established the proposal would undoubtedly have a major adverse impact on those PRow's that abut, cross the site or are close to the site. Generally, once the proposed planting has matured, views of the solar farm would largely be limited to where field access points are adjacent to a route. Such views would be brief and so this would limit the negative experience the proposal may cause to users. However, glimpsed views of the panels in different fields would remain when travelling northwards on New Hall Lane and also from footpath 27 where it crosses the field to the south of the appeal site such that a moderate adverse effect would remain at Year 15.
83. The appellant's noise assessment identifies that the main noise associated with the solar farm would be associated with the electrical components such as inverters and transformers. The assessment was considering the impact on the nearest residential properties rather than the rights of way network but some of the properties are immediately adjacent to the footpaths. Given the findings of the assessment, I am satisfied that the noise created would not have a detrimental impact on users of the network.

84. Noise during the construction period would be greater but this would be temporary, and conditions would control the hours construction work can take place and ensure it is undertaken in accordance with best practice so as to ensure noise is minimised as much as possible.

Road Users

85. Within the vicinity there are a small number of roads where for short distances there is the potential to see parts of the site. Views of part of the westernmost field would be possible from a short distance of Hardcastle Lane when driving towards Overton and on New Hall Approach. From a short stretch of Bar Lane and the top of New Hall Lane parts of the northern most area of the site can be seen. However, I observed that from Stocksmoor Road/ Upper Lane, even in winter, views of the site are negligible.
86. Drivers would primarily be paying due care and attention to other road users and hazards, so would only take in limited glimpses of the development, especially as apart from on Hardcastle Lane, the site is not in the direct line of vision. Even for passengers, views would only be fleeting and would generally be a small part of a large panorama. Whilst the views would be less fleeting for pedestrians, from what I observed, apart from New Hall Approach which is used to form part of a circular route for PRoW users, these roads did not appear to be heavily utilised by pedestrians.
87. The mitigation planting, when established, would significantly reduce the ability to see the proposal from Hardcastle Lane and New Hall Approach and given the hedgerows and trees already along these roads this planting would not appear an incongruous feature.
88. Overall, I consider the proposal would result in a minor adverse visual effect on road users that would reduce to negligible when the mitigation planting is established.

Conclusion on Main Issue 3: visual effect

89. Whilst the visual impact of the proposal on road users would be more limited, overall, I consider the proposal would have a moderate adverse visual impact. It would therefore conflict with Policies LP55 and LP56 of the WDLP which seek to ensure new developments have a high quality of design that is not visually intrusive.

Main Issue 4: Heritage

90. Policies LP63 and LP64 of the WDLP seek to ensure that the District's heritage assets are conserved in a manner appropriate to their significance, and that development proposals affecting a designated heritage asset and its setting should conserve or enhance the significance of the asset.
91. Similarly, the Framework requires that in determining applications account should be taken of the desirability of sustaining and enhancing the significance of heritage assets. It also states that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Where development will 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. With regard to non-designated heritage

assets, it indicates that the effect of an application on the significance should be taken into account when determining applications, and that a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

92. There are no heritage assets within the appeal site although there are a number within the surrounding area. The reason for refusal relating to heritage refers only to the impact of the proposal on the nearby Scheduled Monument, but at appeal stage the Council also stated that the proposal would harm two non-designated heritage assets in the vicinity. In addition, third parties raised concerns regarding the impact on other heritage assets in the area. I shall consider these in turn.

Scheduled Monument

93. New Hall moat and fishpond is located approximately 130m to the south of the site adjacent to the modern farmyard. It is a moated site that dates back to at least the 13th century. The visible elements of the monument are the island and remnants of the eastern and northern arms of the moat, together with what is thought to be the manorial fishpond to the east of the moat. As a Scheduled Monument the Framework indicates it is an asset of the highest significance.
94. The significance of the monument is principally derived from the historic interest in its physical form and the potential for below ground archaeology. This would be unaffected by the proposed development, and it is agreed that any harm to the asset would be from potential impacts to its setting that contribute to the significance of the asset. As the seat of the ruling class in the medieval period, the moated site would have had administrative and functional links to the surrounding land.
95. The Framework establishes that the setting is the surroundings in which a heritage asset is experienced. The area in which the Scheduled Monument can be experienced is limited to a relatively short stretch of New Hall Lane. When approaching from the south, the topography means that you only see parts of the monument after coming over the brow of the hill and even then, views are restricted by the farmhouse and vegetation. When approaching from the north, the collection of farm buildings restricts views until relatively close to the monument.
96. Whilst the adjacent farm buildings can be seen from other PRoWs in the area, the monument itself cannot be seen or experienced from them. Whilst these PRoWs may follow historic routes, they themselves are not heritage assets and from the historic maps it can be seen that the current route of New Hall Lane, from which the asset can be experienced was only established in the 1980s.
97. The Council suggested that being in and around the Scheduled Monument illustrates the history of the people who lived there, and that this is experienced by moving through the landscape, particularly when arriving and leaving the monument. However, the Scheduled Monument is largely a buried asset, and the appellant pointed out that Historic England guidance⁸ highlights that illustration depends on visibility in a way evidential value does not and specifically says that buried remains do not have illustrative value.

⁸ Conservation Principles, Policies and Guidance

98. Historic England guidance⁹ does indicate that buried assets can be appreciated through the long-term continuity of use of the land that surrounds them. There is no evidence as to how the land surrounding the moated site was use when it was occupied. The earliest historic maps show woodland to the south and east of the site, parts of which remain today. Given this, the land to the north which forms the appeal site, may have been used for agricultural purposes, but there is no actual evidence of this. Whilst there is evidence of ridge and furrow on land in the westernmost part of the site, as well as in the fields to the north of Haynes Lane, there is no evidence that this is medieval ridge and furrow.
99. The earliest historic maps (mid-19th century) show the appeal site to be largely in agricultural use. However, it is clear that mining also took place on the site. How extensive this was is not clear. The evidence of various bell pits remain on the site to date, and footpaths now follow old tramways that crossed the site. As highlighted by a local resident, many historic coal workings were not mapped and anecdotal evidence from the farmer suggests significant restoration of the land was required when his family started farming the land in the 1930s. However, from the historic maps I think it likely that at least some agricultural activity on the site continued alongside the mining.
100. Nonetheless, overall whilst it is possible that at least parts of the appeal site may have been used for agricultural use for a considerable period of time, the evidence does not clearly establish long term continuity of use. In any case, as the land would continue to be use for grazing alongside the production of renewable energy the agricultural function of the fields would remain in part. Moreover, it is agreed by the main parties that the most important part of the setting of the Scheduled Monument is the land immediately surrounding it. These would be unaffected by the proposal. Consequently, I consider that the appeal site only makes a minor contribution to the setting of the scheduled monument
101. However, the proposed development, through the introduction of solar panels into the fields, would change the character of the fields. This would cause harm to the setting and therefore the significance of the Scheduled Monument. This harm would however, be temporary and reversible.
102. In views of the asset from New Hall Lane, the proposed development would only be seen when travelling northwards. In these views only a limited number of the panels would be able to be seen, and they would occupy a small element of the wider panorama. The mitigation planting as it matures would reduce this further.
103. The most direct views of the monument are when stood directly in front of it on New Hall Lane looking eastwards. In these views, the development would not be visible. When approaching the site from the north, views of the scheduled monument are not possible until within the current farmstead, by which point the solar farm would be behind you. The northern section of New Hall Lane is currently predominantly lined on both sides by hedgerows. Whilst these would be gapped up, the character of the lane would not change significantly. Where the access points meet the lane, the development would be seen briefly, but this would not adversely impact on the “dynamic experience” of the asset.

⁹ The Setting of Heritage Assets: Good Practice Advice in Planning Note 3

104. All in all, whilst the proposal would cause harm to the setting and thus the significance of this designated heritage asset, I consider that the harm would be less than substantial at the lower end of the scale.

Non-designated heritage assets

105. The Council have identified that New Hall Cottages and one of the barns at New Hall Farm are on their Buildings of Local Importance List. However, this list does not provide any information about the buildings or their significance.
106. The stone building that forms New Hall Cottages is split into 3 units, of which only one is occupied, with the other two being uninhabitable at present. Whilst historic mapping shows buildings in this location in 1848, the current footprint of the row is different. It is agreed that the eastern part of the row, nearest to New Hall Lane is modern and has no heritage interest. The western range as it exists at present first appeared on the 1961 map. It is therefore also relatively modern. Properties of this age are commonplace, and without any substantive evidence of any other historic value, I consider that its age alone does not give it historic interest.
107. The middle range appears to date from the late 18th / early 19th century, but the evidence shows it has undergone significant reconstruction and repairs and there appears to be little original fabric in the building. As a result, it is disputed by the parties as to whether or not it has any historic interest. On the basis that it does have sufficient historic interest to be considered a non-designated heritage asset, its significance is predominantly derived from its physical form and layout and the limited extent in which it shows the evolution of the farm from the late 18th century.
108. The cottages have their own garden area demarked by a stone wall but are set within the wider farmyard. Whilst there are some partial views of them from footpaths 25 and 27, and in close proximity on New Hall Lane, they are best experienced within their own garden plot which is not publicly accessible. The southern approach along New Hall Lane which the historic maps show has formed the access to them and the wider farm complex are also elements of the setting that contribute to the significance of the asset.
109. An agricultural field separates the appeal site from the cottages. Historic records show that it was in the same ownership as New Hall Farm in the mid-19th century and so there is a historic association with the middle range of the cottages. Whilst the appeal site forms part of the agricultural surroundings as the cottage no longer has any agricultural function, the contribution it makes to significance of the asset is limited.
110. The proposed development would not have any impact on the physical form or layout of the building or other elements of the setting that contribute to its significance. The character of the agricultural land that forms the appeal site would change as a result of the proposed development, but the immediate agricultural setting of the cottages would not. From viewpoint D on footpath 27 which provides the best public view of the cottages, the agricultural field in the foreground would remain unchanged. A small portion of the scheme would be visible in the background, but this would reduce as the planting matures. Nor would the proposal have a detrimental impact on the ability to understand the historic interest of the middle range. Consequently, even if the middle range is considered to have historic interest, I am satisfied that the proposal would not harm the significance of this non-designated heritage asset.

111. The barn is an agricultural outbuilding that likely dates from the 18th century - although the date stone above the door say 1759, this is likely to be reused from another building. Whilst the roof and other parts of the “core” building appear to be original, the eastern internal wall has been rebuilt in brick and there is a brick extension on the eastern elevation and another extension on the southern elevation. The barn is unused and in a poor state of repair with the roof being held up by supports. It is again disputed whether the barn has sufficient historic interest to be considered a non-designated heritage asset, but on the basis that it does, its significance lies in the physical form and remaining historic fabric of the core of the building. The proposal would not have any impact on this.
112. The Council suggest there is group value in the scheduled monument, the cottages, the barn and other historic farm buildings in the complex as they show the evolution of domestic and agricultural use on the site over 800 years. However, whilst the moated site is medieval, the cottages, barn and other buildings all date from the 18th century onwards. As such, they do not demonstrate continuity of occupation or evolution from the medieval period. Moreover, the cottages and barn were specifically excluded from the listing description of the moated site.
113. There would be no change to the immediate setting of the barn which includes the wider farm complex and the Scheduled Monument. The appeal site forms part of the wider agricultural land setting to the barn and the proposed development would change the character of this. However, as the barn cannot be seen from the site there is nowhere within the site where its physical form and historic fabric can be appreciated or experienced. These can only be appreciated when in close proximity to the barn on the public footpath.
114. When travelling north on this footpath at certain points parts of the appeal proposal would be seen in views of the barn, but these views are largely of the modern extension on the southern elevation which has no historic interest. The mitigation planting when established would reduce the ability to see the development. There would be no views of the proposed development in views of the western elevation from the footpath, which are the ones that best show the significance and historic interest of the asset.
115. In the light of all of this, I consider that the proposal would not harm the significance of the barn.

Other heritage assets in the wider area

116. To the south of the site on the other side of New Hall Approach lies the Grade II Listed Flockton Wagonway Tunnel and Grade II* Flockton Wagonway Viaduct. The significance of the Wagonway Tunnel is derived from its historic fabric and the evidential value it provides in showing links to the mining history of the area. As a largely underground feature, the setting of the tunnel makes a very limited contribution to its significance and there is limited intervisibility between the appeal site and the Tunnel.
117. The listing description for the Viaduct indicates that this is a rare and relatively well-preserved example of a substantial stone structure built for an 18th century horse-drawn wagonway, which were pioneering early railways. Its significance therefore derives from its architectural and historic interest as well as the evidential value of showing the historic mining activity in the area. There is no intervisibility between the appeal site and the viaduct due to the topography, distance and the

trees along New Hall Approach and the proposal would not have any direct impact on it. In addition, the line of the tramway which now forms a footpath crossing the site and which forms part of the Viaduct's setting would be preserved in the large gap between parcels 1 and 2.

118. At Caphouse Colliery the Chimney and attached Boiler House is Grade II Listed and the Winding House, Heapstead and Headstock is Grade II* Listed. These have historic and architectural interest as well as clearly being linked to the mining history of the area. These heritage assets are set down in relation to the appeal site and due to the intervening vegetation and distance to them there is no visibility of them from the appeal site.
119. The Arqiva Tower can be seen from the appeal site and the surrounding area as well as from a considerable area beyond. The significance of this Grade II Listed structure derives from its architectural interest. The appeal site forms a very small part of its extensive setting and does not make any particular contribution to its setting.
120. The appeal proposal would not have any direct impact on any of these heritage assets. To the extent that the appeal site forms part of the setting of these various heritage assets, I am satisfied that the proposal would not have an adverse impact on the ability to appreciate their significance.

Conclusion on Main Issue 4: Heritage

121. Whilst I consider that the proposal would not cause harm to any of the nearby Listed Buildings / Structures, nor to the non-designated heritage assets, it would cause less than substantial harm, at the lower end of the scale, to the Scheduled Monument. In this respect the proposal would conflict with WDLP policies LP63 and LP64. In accordance with the Framework, I give great weight to this harm. I shall weigh this against the public benefits later in my decision.

Benefits arising from the proposal

Renewable energy generation and energy security

122. The proposal would have an installed capacity of 22.2MW. The appeal site also benefits from a near term grid connection via the nearby Low Farm Solar Farm which is also being developed by the appellant. At the Inquiry it was confirmed that whilst the construction of the Low Farm scheme is yet to commence, funding and a construction partner have been secured and connection milestones have been met. As such, a start on site is expected later this year. It was also confirmed that funding and a construction partner have also been secured for this scheme should permission be granted for it. As a result, the proposal could be generating electricity within a relatively short timeframe.
123. In 2019 the Government declared an Environmental and Climate Change Emergency. Various recent government publications have highlighted the need to significantly increase generation from onshore wind and solar energy production, as it seeks to ensure that by 2035 all our electricity will come from low carbon sources. The most recent publication, the Clean Power Action Plan 2030 published in December 2024, reiterates this need for a rapid deployment of new clean energy setting an ambitious target of 45-47GW of solar power to be achieved by 2030. To achieve these targets, it is clear that considerable growth in

large scale solar farms will be necessary and this cannot be achieved solely by the use of brownfield land or roof top installations. Whilst it has been suggested that the climate in the UK means solar energy is not appropriate, and that solar is not a reliable energy source as it produces most energy when demand is lowest, it is clear that the government considers otherwise.

124. The Council also declared a climate emergency in 2019 and seeks to be a carbon neutral organisation by 2030 and achieve District-wide net zero emissions by 2038 at the latest. The Council's Pathway to Net Zero report sets out a vision for Wakefield in 2038 of increased local renewable energy generation using over 1,000ha of land and local generation providing 79% of total electricity demand.
125. As well as helping to address climate change, the British Energy Security Strategy (April 2022) indicates that renewable energy has a key role to play in providing greater energy security for the country and reducing our need to import energy. This is also highlighted in EN-3.
126. The proposed development would make a valuable contribution to achieving these local and national targets. I therefore consider that the proposal's potential for a relatively rapid contribution to renewable energy generation and addressing climate change, as well as towards improving energy security and resilience, are distinct benefits that both must be given substantial weight.

Biodiversity Net Gain

127. The Council declared a biodiversity emergency and ecological crisis in 2021. The proposal would include a variety of measures that would benefit biodiversity including new and improved native hedging, and new tree planting. The Biodiversity Net Gain Metric indicates the proposal would deliver considerable gains in both area based and linear habitats.
128. The *Wakefield District Biodiversity Net Gain Supplementary Planning Document (adopted October 2024)* (SPD) provides advice on determining whether a proposal should be considered to be providing significant on-site Biodiversity Net Gain. In providing a large amount of new and enhanced habitats that are publicly accessible and a considerable increase to habitats that are of medium distinctiveness or higher the appeal scheme meets two of the 4 criteria set out for major applications. There is no suggestion in the SPD that to be considered significant a proposal has to meet all 4 criteria.
129. The management and maintenance of this will be secured for the lifetime of the development. Whilst it is proposed that it would be retained after decommissioning, a return to agricultural use could result in the removal of some or all of it. Nevertheless, the provision of substantial Biodiversity Net Gain is a benefit of the scheme to which I give significant weight.

Economic

The proposed development would represent a significant financial investment and would give rise to short term construction jobs, and a small number of jobs whilst operational. It would also result in additional business rates over its 40 year lifespan and would be a benefit to the farm business by generating secure rental payments from these fields. I give these economic benefits moderate weight.

Health

130. The network of PRoWs and the open agricultural land are well used and much enjoyed by local people and are beneficial to both their physical and mental health. Whilst the proposal would improve the ease of use of those PRoWs that currently cross ploughed fields, it would not introduce any new ones. Moreover, it is suggested by local residents that for some the change of use of the land and more enclosed nature of the footpaths would discourage their use of them.
131. The Health Impact Assessment highlights various ways the proposal could have a positive impact, however I agree with the Council and local residents that it underplays some of the negative impacts. Whilst for some seeing steps to address climate change may positively benefit their wellbeing, many locals felt the proposal would adversely affect their sense of wellbeing through the changes it would bring to the local environment. However, there is no substantive evidence that the operation of solar farms result in the emission of radiation that can be harmful to public health.
132. Overall, I consider that the impact on health is a neutral factor.

Education

133. As part of the appeal scheme it is proposed to provide some education boards that would, amongst other things, include information about heritage in the area. At present, to the casual visitor to the area both the Scheduled Monument and some of the visible signs of the mining heritage are not obvious. The provision of educational boards would therefore be a positive benefit of the proposal. I give this limited weight.

Other Matters

Ecology and wildlife

134. To the south and east of the site lies Denby Grange Colliery Ponds Site of Special Scientific Interest (SSSI) / Special Area of Conservation (SAC) that is designated for its regionally significant populations of Great Crested Newts. In addition, there are three Local Wildlife Sites.
135. SACs are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations). The Regulations require the decision maker to consider whether any proposal may have a significant effect on such a protected area either alone, or in combination with other plans or projects, and if this is the case to carry out an Appropriate Assessment to determine whether there would be an adverse effect on the integrity of the site. If the integrity of the site would be affected then consent for the plan or project can only be granted if there are no alternative solutions, the plan or project must be carried out for imperative reasons of overriding public interest and compensatory measures will be provided.
136. The proposal was supported by an Ecological Impact Assessment. This highlights that there are no waterbodies located within the appeal site, and whilst the arable habitat within the site provides limited opportunities for Great Crested Newts, areas containing semi-natural vegetation within the site may support the newts during their terrestrial phase and the hibernation period. There is potential for construction activities to result in the capture, killing, disturbance or injury of Great

Crested Newts, and the loss/damage of a resting place. Unmitigated construction would be likely to have an adverse effect on newts.

137. However, the appellant has stated that there would be no built development within the high risk zone, with the only activity in this zone being biodiversity enhancement measures such as tree and hedgerow planting and wildflower seeding. The appellant's ecologist stated that the timing of this work can be controlled to avoid seasonally sensitive periods, and that the nature of the works proposed within the high risk zone is such that it would not require a specific mitigation licence. On this basis Natural England issued a Great Crested Newt District Level Licence Impact Assessment and Conservation Payment Certificate which the appellant completed and returned.
138. The Ecological Impact Assessment also highlighted that during the construction phase there would be the potential for largely short-term impacts associated with noise and vibration, airborne and waterborne pollutants, and short-term habitat loss and disturbance that could have an adverse ecological impact. However, these would be able to be minimised through a Biodiversity Construction Environmental Management Plan (CEMP) that can be secured by condition, which would also ensure that construction activity was undertaken in a way that was sensitive to ecology.
139. The operational phase of the proposed development would not directly impact either the Great Crested Newt population or any of the terrestrial/aquatic habitats associated with the SAC/SSSI. In fact, the creation of grassland under the panels and around the field margins would be likely to provide an enhancement for them in terms of foraging and resting habitats. So, at worst the operational phase would have a negligible effect on the SAC/SSSI. Decommissioning impacts would need to be assessed through updated surveys prior to the works taking place and mitigation would need to be based upon this assessment.
140. I note that the Council's Officer's report concluded that subject to conditions the proposals would not harm the protected habitats in the Local Wildlife Sites or the SAC/SSSI. In addition, the SoCG states that it is agreed that subject to conditions matters relating to ecology are acceptable and there is no reason to refuse the proposal in relation to ecology.
141. Whilst the construction phase could have an adverse effect on the integrity of the SAC/SSSI, these effects can be adequately mitigated as agreed in the Impact Assessment and Conservation Payment Certificate agreed with Natural England and the use of a condition to secure a CEMP. On this basis I consider the proposal would have a negligible impact on the SAC and SSSI.
142. Whilst the Ecological Impact Assessment indicates that the current agricultural practices on the site means it has limited potential for ground nesting birds, local residents indicated that some species are present in the area. The conversion of the site to year-round grassland under and around the panels and species rich grassland around the field margins would improve foraging opportunities for a number of bird species. The Ecological Impact Assessment sets out various mitigation measures during both the construction and operational phase to avoid harm to nesting birds and these can be secured through the Biodiversity CEMP.
143. Neither the Council's ecologist nor Natural England disputed any of the findings in the Ecological Impact Assessment or raised objections to the proposal. Therefore,

overall, I consider the proposal would not have an unacceptable impact on ecology or wildlife.

Overplanting and efficient use of land

144. EN-3 allows a reasonable level of overplanting to occur. In this case, the grid connection is 22.2MW, but it is proposed to install 27.3MW of panels. This level of overplanting would take account of the degradation of panels over time and other technological limitations and as such I consider it to be reasonable.
145. EN-3 also indicates that a solar farm (including associated infrastructure) normally requires between 2-4 acres for each MW of output. The proposal would utilise 28.7ha for the panels and fixed infrastructure (including the land between the panels) which equates to 2.6 acres per MW. As such, it is towards the lower end of what is normally required and is making efficient use of the land.

Noise

146. Concerns were raised by local residents about the potential for the proposal to cause noise disturbance. It was highlighted that this is a particularly windy area and that currently wind flows through the communication mast to the north of Smithy Lane, often makes a whistling noise that disturbs nearby residents.
147. The appellant's acoustic consultants confirmed that wind flows around cylindrical objects such as masts are known to create this noise effect, but the shape and limited height of solar panels means they are unlikely to create the same pattern of vortices that create the sound effect. Neither the consultants, nor the appellant who operate other solar farms, have any knowledge of solar farms causing such noise. In the absence of any substantive evidence to the contrary I am satisfied that the proposal would not cause unacceptable levels of noise disturbance.
148. Whilst noting the comments from residents about the potential for noise disturbance from the operation of the solar farm, as highlighted at the start of the decision, the appellant's noise assessment considered this, and this has been reviewed by Council officers who now raise no objections to the proposal. In the absence of any evidence to the contrary I have no reason to doubt the conclusion of the assessments and so I am satisfied the proposal would not have any unacceptable impact in this regard.
149. Any noise and disruption during the construction period would be temporary and within normal working hours. The Construction Traffic Management Plan would control the hours of operation on, and deliveries to, the site as well as outlining other measures to mitigate the impact of the construction phase. In addition, a condition can be used to ensure any external lighting needed is not detrimental to living conditions of nearby occupiers.

Crime and disorder

150. The proposed development would be enclosed by 2m high fencing with pole mounted CCTV cameras at regular intervals and a secure temporary compound would be created during the construction phase to store materials. Whilst the Police made various suggestions to help reduce the opportunities for crime they raised no objection in principle to the proposal.

151. It was suggested that the creation of hedging and fencing along the footpaths would discourage the use of the footpaths due to an increased fear of crime resulting from physical and visual containment. However, I noted that at present stretches of footpath 20, Smithy Lane and Bridleway 13 are enclosed on both sides by tall hedges without any apparent detriment to their use.
152. The proposed fencing would not immediately abut any footpath but would be set back behind hedges and tree belts, so an overly “industrial” or enclosed character would not be created. The proposed tree belt along Haynes Lane and footpath 20 would only be to one side of the footpath with the other side remaining open. Where footpath 27 crosses the site, it would be set in a wide area of open space between field 1 and 2, and the character of Bridleway 13 between fields 3 and 4 would not alter significantly as this stretch is already largely enclosed by hedges on both sides. Footpath 25 which crosses the site between fields 2 and 3 would be enclosed in a green corridor of hedges and trees which whilst different to the large open field it is currently set in, would not be dissimilar to others stretches of footpaths in the area that are enclosed by hedges and trees on both sides.
153. Consequently, I consider that the proposed landscaping alongside the PRowS would not create an intimidating enclosed space that would make them unpleasant or unsafe routes to use.

Ground Conditions / Land Stability

154. The area has a history of coal mining that spans over many centuries, some of which predates mine records / mapping, with consequences for land stability and subsidence. The application was accompanied by a Coal Mining Risk Assessment, as part of the Preliminary Phase 1 Geo-environmental Assessment, although solar farms are in fact an exempt form of development in due to their non-intrusive nature. The risk assessment has taken into account the potential for unrecorded mining activities and both shallow and deeper coal mining activity.
155. The layout of the proposal has taken into account the known mining constraints on or near the site, although it acknowledges there is a risk of unrecorded mine entries being present within the site and recommends further Geoenvironmental and Geotechnical Investigation of the site. This can be secured by condition. In the light of this I am satisfied adequate account has and would be able to be taken to ensure ground conditions are addressed by the development.

Glint and Glare

156. The proposal was accompanied by a Glint and Glare Study which considered the impact on users of both the road and PRow network and on residential occupiers. This highlights that the panels are designed to absorb rather than reflect as much light as possible and so are proven to have a negligible impact on glint and glare. The conclusions of the study, which were accepted by the Council, were that the proposal would not have any significant impacts on road safety or residential amenity.
157. I note the concerns raised by third parties concerning the methodology used in the study, but it is a methodology that has been used and found acceptable on a significant number of other solar farm developments in the country. Therefore, I consider the findings and conclusions can be considered robust.

158. New Hall Approach is a local road where traffic densities are low, as such the report confirms that any solar reflections that might be experienced would be considered low impact. A similar conclusion was found for road receptors 30 and 31 on Hardcastle Lane. The report also explains why significant impacts from glint and glare are not possible for users of the PRow network.

159. In the light of this I consider that the proposal would not have an unacceptable impact with respect of glint and glare.

Flooding

160. The appeal site lies in Flood Zone 1 which is the lowest risk of flooding. However, my attention was drawn to the problems experienced with regard to flooding at Horbury Bridge which is downstream from the site. The application was accompanied by a Flood Risk Assessment (FRA). This highlights that the proposed development would not increase the impermeable area on the site or alter the existing drainage characteristics of the site. It also states that pollutants arising from surface water runoff on the solar panels will be negligible.

161. Whilst it is suggested that water run-off from the panels could allow a greater volume of water to enter watercourses, the Lead Local Flood Authority considers that any necessary mitigation can be secured by condition. In the absence of any substantive evidence to the contrary I see no reason to come to a different conclusion in this regard.

Highway safety

162. Access to the site would be from a new access created on Old Road. The scheme was accompanied by a Construction Transport Management Plan. This confirms that adequate visibility splays can be achieved at the access and sets out the route that construction traffic would take to and from the site from junction 38 of the M1. Whilst I note the concerns raised about the junction of Hardcastle Lane and the A637, the Highway Authority has reviewed this document and has raised no objections to the proposal subject to conditions.

163. During the construction phase vehicles would need to cross PRowS but ensuring this is done safely would be controlled by the condition requiring the submission of a Construction Environmental Management Plan. In the light of this I consider the proposal would not be detrimental to highway and pedestrian safety.

Fire safety

164. Concerns have been raised by residents regarding the fire risks associated with the development. However, the West Yorkshire Fire and Rescue Service have reviewed the proposal and have raised no objection to it. I see no reason to come to a different conclusion in this regard.

Community consultation

165. Whilst the Framework encourages early consultation with the community, there is no requirement for developers of solar farms of this size to do so. The appellant indicated that the consultation they carried out, which included sending out over 1,000 letters, a public exhibition at Netherton Village Hall and holding a meeting at the nearby National Coal Mining Museum. In the light of this I am satisfied people

have had adequate opportunity to comment and this is reflected in the responses made by local residents to both the application and the appeal.

Definitive Map Modification Orders

166. The British Horse Society highlighted that they have made applications to make amendments to the Definitive Map. One of these is not in the immediate vicinity of the appeal site and the other relates to putting Carr Lane on the Definitive Map as a Bridleway. The proposal would not alter the line of Carr Lane and this route has been treated as a PRoW in all the assessments. As such, the application has no bearing on the determination of the appeal proposal.

Property Prices

167. Although it has been argued that the scheme would result in a loss of property prices the Planning Practice Guidance states that “[the courts] have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations¹⁰.”

Planning Obligation

168. A signed and completed Unilateral undertaking (UU) was submitted by the appellant. This makes the provision for the payment of a Biodiversity Net Gain monitoring fee. However, the appellant has disputed that this payment is necessary.
169. The Council have provided a Community Infrastructure Levy (CIL) Compliance Statement, which sets out how they consider the UU would meet the relevant tests contained in Regulation 122 of the CIL Regulations 2010 (as amended) and in paragraph 57 of the National Planning Policy Framework.
170. Policy LP56 of the WDLP requires the development to deliver a minimum of 10% Biodiversity Net Gain. The SPD provides further guidance on how this will be monitored. For schemes such as this that will provide significant on-site habitat creation it indicates this will include both a condition requiring the submission of a Habitat Management and Monitoring Plan and a planning obligation to secure financial contributions to cover the Council’s monitoring and reporting role.
171. It is not disputed that the proposed development would provide Biodiversity Net Gain considerably greater than the 10% required by the aforementioned policy. A proposed condition would secure that monitoring reports are submitted on a regular basis over a 30-year period. Given the fact the scheme would result in Biodiversity Net Gain considerably greater than 10% is a factor that weighs significantly in favour of the scheme ensuring it is delivered is necessary. Whilst the appellant would be responsible for producing the monitoring report, the Council ecologist will need to review these reports and carry out site visits. As such, I consider the monitoring fee is necessary and is directly related to the development.
172. The CIL Compliance Statement sets out a schedule showing how the figure of £29,082.80 was calculated. These are based on the day rate for an ecologist and

¹⁰ Paragraph Reference ID 21b-008-20140306

the time needed to review the monitoring reports. They therefore reflect the actual cost of the monitoring work the Council would need to do.

173. Consequently, I am satisfied that the obligation in the UU is necessary, directly related to the development and fairly related in scale and kind. As such, it accords with the statutory tests and I have taken it into account.

Heritage Balance

174. Paragraph 212 of the Framework indicates that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to its conservation and the more important the asset, the greater the weight should be. Paragraph 215 requires that where a proposal causes less than substantial harm to the significance of designated heritage assets, this harm should be weighed against the public benefits of the proposal.
175. I attribute great weight to the potential harm to the setting of New Hall moat and fishpond Scheduled Monument. However, I consider the contribution the scheme would make to the generation of clean and secure energy is a substantial public benefit, and together with the Biodiversity Net Gain, economic and public benefits, would outweigh the less than substantial harm to the designated heritage asset.

Planning Balance and Conclusion

176. The proposal would utilise Grey Belt land and would accord with the provisions of paragraph 155 of the Framework. It would therefore not be inappropriate development in the Green Belt. Furthermore, I have found that the proposal would not result in the loss of, or have an unacceptable impact on, BMV land and would accord with WDLP Policy LP70.
177. Nonetheless, the proposal would have a moderate adverse impact on both local landscape character and in terms its visual effect, and would be contrary to Policies SP23, LP55, LP56 and LP59 of the WDLP. I give moderate weight to both these harms. In addition, the proposal would cause less than substantial harm to the setting of a designated heritage asset, contrary to Policies LP63 and LP64 of the WDLP.
178. The Framework sets out a presumption in favour of sustainable development, and renewable energy development is central to achieving a sustainable low carbon future. The appeal scheme would make a significant contribution to this, and I give substantial weight to the contribution the proposal makes to renewable energy generation, addressing climate change and to improving energy resilience and security.
179. In addition, I give significant weight to the biodiversity enhancements the scheme would provide, moderate weight to the economic benefits and limited weight to the educational benefits the proposal would provide.
180. I have identified that the proposal would conflict with various policies in the WDLP and so would not comply with the development plan as a whole. However, I consider that the benefits of the proposal are material considerations of sufficient weight to outweigh the harms I have identified. Consequently, in this instance, this justifies allowing the appeal other than in accordance with the development plan.
181. For this reason, I therefore conclude that the appeal should be allowed.

Conditions

182. The main parties agreed a set of suggested conditions that were discussed at the inquiry. This discussion led to a number of them being revised. I have considered these in the light of paragraph 57 of the Framework. The conditions include a number of pre-commencement conditions that the appellant has confirmed in writing are acceptable.
183. In addition to the standard implementation condition (condition 1), to provide certainty it is necessary to define the plans with which the scheme should accord (condition 2). Conditions 3 and 4 are reasonable and necessary to limit the period of the permission and to ensure the site is decommissioned either at the end of the permission or when energy generation ceases.
184. In the interest of the character and appearance of the area and to accord with WDLP Policy LP56 conditions 5, 6 and 7 are necessary. Condition 6 needs to be a pre-commencement condition as it relates to works that will need to take place as part of the construction phase. For the same reason and to accord with Policy LP54 of the WDLP, condition 26 is required.
185. In the interest of biodiversity and to accord with WDLP Policies LP52 and LP56, conditions 8, 9 and 10 are necessary. Conditions 8 and 10 both need to be pre-commencement conditions: the former not least as it needs to establish the baseline ecological position; and the latter as it controls how construction works are carried out. For both biodiversity and character and appearance reasons and to accord with Policies LP56 and LP70 of the WDLP condition 11 is required.
186. For highway safety and to accord with WDLP Policy LP27 conditions 12, 13, 14, and 15 are reasonable and necessary. Condition 12 and 15 both need to be pre-commencement conditions; the first because it relates to the provision of the access that will be used during the construction phase and the other as it needs to record the baseline condition of the highways and PRow before any construction takes place.
187. In the interests of the character and appearance of the area and highway safety and to accord with Policies LP27, LP56 and LP57 of the WDLP condition 16 is needed. It needs to be a pre-commencement condition as it controls how construction works should be carried out.
188. Given the mining history in the area, to ensure works can be carried out safely and without risk of pollution and to accord with Policies SP23 and LP69 of the WDLP conditions 17, 18 and 19 are needed. The first of these needs to be a pre-commencement condition as it could affect the layout of the scheme.
189. Condition 20 is required to ensure the site is properly drained and does not increase the risk of flooding and to accord with WDLP Policies LP29 and LP30. This needs to be a pre-commencement condition as it relates to work that needs to be done before any construction work commences.
190. To protect and record any potential archaeological remains on the site and in accordance with WDLP Policy LP66, condition 21 is necessary. It needs to be a pre-commencement condition as it relates to work that needs to be done before any construction work commences.

191. To protect the living conditions of nearby residents and in accordance with WDLP Policy LP67 condition 22 is reasonable and necessary. Condition 23 is needed to give effect to the intention of the proposal to retain an element of agricultural use in accordance with WDLP Policy LP70. To protect soil quality and to accord with WDLP Policy LP70 condition 24 is required. This needs to be a pre-commencement condition as it affects how the construction is undertaken. To ensure the proposed educational benefits are provided condition 25 is necessary.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Mark Westmoreland-Smith KC

He called:

Mr Si Gilet MSc

Founder of Humbeat Limited

Mr Andrew Cook BA (Hons) MLD CMLI
MIEMA CEnv

Executive Director & Head of Environment
Pegasus Group

Ms Laura Garcia BA (Hons) MCIfA

Senior Director & Deputy Head of Heritage
Pegasus Group

Mr Tony Kernon BSc (Hons) MRICS
FBIAC

Founder of Kernon Countryside
Consultants Limited

Mr Jack Spurway BSc (Hons)

Head of Planning Boom Developments
Limited

Mr Chris Cox BSc (Hons) MA MRTPI

Associate Director Corylus Planning and
Environmental

FOR THE LOCAL PLANNING AUTHORITY:

Mr Philip Robson Counsel

He called:

Ms Xanthe Quayle BSc (Hons) DipLA
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Director Xanthe Quayle Landscape
Architects

Ms Emma Sharpe BA (Hons) MA

Senior Conservation and Design Officer
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Mr Sam Franklin BSc (Hons), MSc,
MRICS FAAV FBIAC PIEMA MISoilSci

Director Landscape Land and Property Ltd

Mr Christopher Kenyon BA (Hons) PG
Cert

Principal Planning Officer Major Projects
Wakefield Metropolitan District Council

INTERESTED PARTIES:

Cllr A Shaw

Sitlington Parish Council

Cllr S Harvey

Wakefield Metropolitan District Council

Mr L Hughes

Local Resident

Mr M Hinchcliffe

Local Resident

Cllr J Bryan

Wakefield Metropolitan District Council

Ms J Hepworth on behalf of Rt Hon J Botterill MP	MP for Ossett and Denby Dale
Mr M Garside	Local Resident
Mr M Corrigan	Access Officer – British Horse Society
Mr A Earnshaw	Save the Sitlington Countryside Group
Ms V Earnshaw	Save the Sitlington Countryside Group
Mr A Bragan	Save the Sitlington Countryside Group
Ms A Pool	Save the Sitlington Countryside Group
Ms U Vangsgaard	Save the Sitlington Countryside Group
Mr M Eastwood	Former MP for Ossett and Denby Dale
Ms K Turner on behalf of Ms S Cowper	Local Resident and Artist
Mr R Elsey	Local Resident

INQUIRY DOCUMENTS

- INQ1 Opening Statement by Appellant
- INQ2 Opening Statement by Council
- INQ3 Statement made by Cllr A Shaw
- INQ4 Questionnaire referred to in Save the Sitlington Countryside Group presentation
- INQ5 Updated Save the Sitlington Countryside Group presentation text
- INQ6 Statement made by Mr M Eastwood
- INQ7 Statement made on behalf of Ms S Cowper
- INQ8 Statement made by Mr R Elsey
- INQ9 Draft Local Landscape Character Assessment submitted by the Council
- INQ10 Note on ground nesting birds submitted by the appellant
- INQ11 Email correspondence with National Coal Mining Museum submitted by the appellant
- INQ12 Information from National Coal Mining Museum website regarding their heritage walk submitted by the appellant
- INQ13 Listing description for the Flockton Wagonway Viaduct submitted by the appellant
- INQ14 Listing description for the Arqiva Tower submitted by the appellant
- INQ15 Area Calculations submitted by the appellant
- INQ16 Grid connection note
- INQ17 Closing comments from the Save the Sitlington Countryside Group
- INQ18 Closing Statement by the Council
- INQ19 Closing Statement by the Appellant

CORE DOCUMENTS

Can be accessed using the following link: [X4725/W/24/3354032 | Installation of renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with substation, transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements | New Hall Farm New Hall Lane Overton Wakefield WF4 4RP](#)

Annex A – Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision. Such date shall be referred to hereinafter as 'the Commencement Date'.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan A001 V3.1
Overall layout B001 V2.6
Solar Panel Elevations B002 V1.3
Solar Panel Elevations - CF B002.1 V1.1
Solar Panel Elevations B003 V1.3
CCTV Pole Elevations Fence B101 V1.3
Compound Area Layout B104 V1.3
Access Track Cross Section B107 V1.6
Perimeter Deer Fence Elevations B112 V1.4
Internal Gates Elevation Wooden B114 V1.3
Spares Container Foundations & Elevations Planning B116 V1.5
Transformer Substations Foundations & Elevations B117 V1.4
Trenching Cross Section Planning (Scale 1-25) B119 V1.4
Trenching Cross Section Planning (Scale 1-50) B119 V1.4
Landscape Masterplan P24-3046_EN_12__01
- 3) The planning permission hereby granted is for a period of 40 years from the date of first export of electricity from the development to the grid (First Export Date), after which the development hereby permitted shall be removed in its entirety. Written notification of the First Export Date shall be given to the local planning authority no later than 14 days after the event.
- 4) Within 3 months of the development ceasing to generate electricity for a period of 12 months or not less than 12 months before the expiry of this permission, a Decommissioning Method Statement (DMS) shall be submitted for approval in writing by the local planning authority. The DMS shall include details of the removal of the arrays, cables, fencing, tracks and buildings together with the repair of damage that may have occurred, restoration of the site, protection of biodiversity during removal and the management of traffic during the decommissioning process and a decommissioning timetable to include hours of operation. The development shall be decommissioned in accordance with the approved DMS.
- 5) No solar panels, frames, ancillary buildings, equipment, and/or enclosures shall be erected/installed on site unless and until details of the materials and colour finish have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and shall be maintained as such for the lifetime of the development hereby permitted.
- 6) No development shall take place until a scheme providing full details of the soft landscaping to be implemented on the site (the 'Landscaping Scheme') has been submitted to, and approved in writing by, the local planning authority. The scheme submitted shall be in accordance with the details illustrated on approved Landscape Mitigation Plan (P24-3046_EN_12__01). The scheme shall include a planting plan and specification (including cultivation and other operations associated with plant and grassland

establishment) providing schedules for all new planting and seeding noting species, mixes, planting sizes and proposed numbers/densities where appropriate and a timetable for implementation. All new planting shall be implemented in strict accordance with the approved details and implementation programme. If within the lifetime of the development from the date of planting, any tree, shrub or hedgerow or any replacement planting is removed, uprooted or dies or becomes seriously damaged or diseased replacement planting of the same species and size shall be planted in the same location in the next planting season.

- 7) Prior to the First Export Date, a Landscape Management Plan including long term design objectives, maintenance schedules and a programme of management activities for landscape areas identified in the Landscaping Scheme, including the establishment and thereafter maintenance of hedgerows at a minimum of 3m high, shall be submitted to, and approved in writing by, the local planning authority. The landscape management plan shall cover all existing vegetation within the site as well as any new planting and grassland implemented as part of the development. All vegetation within the site shall be managed in accordance with the approved Landscape Management Plan for the full duration of the development hereby permitted.
- 8) Notwithstanding the submitted information, no development shall commence until a Habitat Management & Monitoring Plan (HMMP), using the National HMMP template, has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include the following information:
 - a) An overview of the current site, including a summary of habitats present and any specific management operations currently in effect, and any other land uses.
 - b) The location, extent and habitat type of areas which are proposed to be
 - (i) retained, protected, and enhanced,
 - (ii) created, for the purposes of enhancing the ecological value of the development site, and
 - (iii) intended land uses.This detail shall be provided by way of site boundary and site context maps.
 - c) Baseline and environmental information and associated impacts.
 - d) Works to facilitate the enhancement and establishment of the proposed habitats, including any contouring, soiling, seeding, cultivation, planting, water feature provision or drainage works to be undertaken.
 - e) Site-wide principles and overarching aims and objectives that guide the HMMP.
 - f) Habitat condition targets – the agreed BNG delivery based on the approved statutory biodiversity metric.
 - g) A description of the habitats that are to be retained in baseline condition and any measures required to maintain this condition.
 - h) A site-wide risk register associated with creating, enhancing and/or managing each habitat type.
 - i) Details of an implementation and delivery programme / timetable.
 - j) A monitoring schedule to include report submissions for years 2,3,5,10,20 and 30 that details the methods to be utilised to adequately monitor progress towards agreed targets, confirmation of the responsible body, and details of legal and funding mechanism(s) by which the

implementation and long term maintenance of the HMMP will be secured.

The HMMP shall thereafter be fully implemented / undertaken in accordance with the approved details and all BNG habitat creation shall be managed and monitored in accordance with the approved HMMP for a period of not less than 30 years from the First Export Date.

- 9) If, at any point during the agreed monitoring schedule the approved HMMP is found to not be delivering the agreed targets, within 3 months a HMMP Contingency Plan detailing what measures will be undertaken to remedy the identified shortfall must be submitted to the local planning authority for written approval. The Contingency Plan must include full details of
- a) what additional measures will be undertaken,
 - b) how they will be delivered and,
 - c) subsequent monitoring to ensure the aims of the Contingency Plan are met.

The Contingency Plan must be thereafter delivered in accordance with the approved details.

- 10) No development shall commence (including ground and enabling works, and vegetation clearance) until a Biodiversity Construction Environmental Management Plan (Biodiversity CEMP), has been submitted to, and approved in writing by, the local planning authority. The Biodiversity CEMP shall incorporate measures identified in the Ecological Impact Assessment by Western Ecology dated July 2023 and shall, as a minimum, include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'biodiversity protection zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including protection from dust and debris (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person;
 - h) Use of protective fences to protect retained habitats, exclusion barriers and warning signs;
 - i) Details of artificial lighting during construction (type and location);
 - j) Details of the location of all storage of materials and parking and manoeuvring of vehicles during works;
 - k) Details of how the site will be remediated and built without affecting surrounding habitats;
 - l) Programme of pre-commencement checking surveys, including nesting birds, badger, barn owls and up-dating aerial tree inspections for bats; and
 - m) Measures to protect common amphibians, reptiles, and nesting birds. Measures should also include protection for badgers and hedgehogs

who may access the site for foraging and commuting purposes, including but not limited to, precautionary working methods to prevent accidental harm or injury to badgers, removal of tree or shrub cuttings from the site, the covering of trenches and capping of any open pipes.

The approved Biodiversity CEMP shall be implemented, operated and adhered to throughout the construction period strictly in accordance with the approved details.

- 11) No external lighting shall be installed other than in complete accordance with a scheme that has previously been submitted to, and approved in writing by, the local planning authority. Any external lighting so installed shall thereafter be maintained in accordance with the approved details for the lifetime of the development.
- 12) No development shall take place (other than works directly required for the delivery of the access referenced by this condition) until the site access as shown on drawing Figure 3.1 within the Pegasus Construction Traffic Management Plan (Reference P22-2205 TR01 dated June 2023) has been constructed. The access shall be constructed to the Wakefield highway specification as detailed in the Wakefield Council Street Design Guide and the following requirements:
 - a) Provision to prevent surface water from the site discharging onto the existing highway shall have been constructed and maintained thereafter to prevent discharges.
 - b) Any gates or gate positions installed at the vehicular access must be set back a minimum distance of 20m from the carriageway edge and be designed to open inwards.

Prior to the access being brought into use, the visibility splays shown on drawing Figure 3.1 within the Pegasus Construction Traffic Management Plan (Reference P22-2205 TR01 dated June 2023) shall have been provided. Once constructed the visibility splays shall be kept free of any structure, erection or planting exceeding 1.0m in height and retained for that purpose at all times.

The access shall be retained as such for the duration of the construction period.

- 13) Prior to the First Export Date a scheme detailing the post completion vehicular access modifications shall be submitted to, and approved in writing by, the local planning authority. Within three months of the First Export Date the permitted vehicular access shall be modified in accordance with the approved scheme with gates set up a minimum of 10m from the carriageway edge. The access shall then be retained as such for the lifetime of the development.
- 14) No development other than ground preparation works shall take place until a scheme has been submitted to, and approved in writing by, the local planning authority, which details the intended surfacing to the areas for vehicles and pedestrians for the construction and operational phases. No development, (other than ground preparation works and works directly required for the delivery of the surfacing referenced by this condition) shall take place until the scheme has been fully completed in accordance with the surfacing approved by this condition, which shall thereafter be retained as such.

- 15) No development shall take place until a survey of the condition of the adopted highway and Public Rights of Way to be used by construction traffic has been submitted to, and approved in writing by, the local planning authority. The extent of the area to be surveyed must be agreed by the local planning authority prior to the survey being undertaken. A representative of the Council shall be in attendance during each survey. The survey must consist of:
- a) A plan to a scale of 1:1250 showing the location of all defects identified;
 - b) A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time, and weather conditions at the time of survey.

Within 3 months of the completion of the construction works, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development and submitted for the written approval of the local planning authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved remedial works shall be fully implemented within 3 months of the approval of the local planning authority.

- 16) No development (including ground and site preparation works, stockpiling, construction and vehicle movements) shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority.

The CEMP must include, as a minimum, details of the following:

- a) Parking provision for site operatives and visitor vehicles;
- b) The location(s) for the loading and unloading of plant and materials;
- c) Proposed access routes for construction traffic and how such traffic will be managed;
- d) The location(s) for the storage of all construction plant, equipment, and materials;
- e) Wheel washing facilities and any other cleaning measures to prevent the transfer of mud and debris being brought on to the public highway;
- f) Contractors' compounds and storage arrangements for cranes and plant, equipment, and related temporary infrastructure;
- g) The enclosure of the parts of the site and the erection and maintenance of any security hoarding;
- h) Signage (types and location) for directing construction traffic;
- i) Access/egress by emergency vehicles;
- j) Measures to manage and minimise noise emissions;
- k) A scheme for recycling/disposing of waste resulting from demolition and construction works; and
- l) Details of construction hours.

All demolition, engineering and construction works must be undertaken in accordance with the approved CEMP which must be fully implemented and adhered to throughout the construction phase of the development.

- 17) No development shall commence until a ground conditions report that includes the following components to mitigate the risks associated with

contamination of the site has been submitted to, and approved in writing by, the local planning authority:

- a) A site investigation scheme to provide information for a detailed assessment of the risks to all receptors that may be affected, including those off site;
- b) The results of the site investigation and the detailed risk assessment referred to in (a); and
- c) If required, based on these, an options appraisal, remediation strategy and verification plan giving full details of the remediation measures required and how they are to be undertaken.

The remediation strategy shall be implemented as approved.

- 18) If remediation is required, prior to the First Export Date a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to the local planning authority for approval in writing. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 19) If, during construction, contamination not previously identified is found to be present at the site then works shall cease and no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy has been submitted to, and approved in writing by, the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
- 20) No development shall commence until a scheme to prevent increased surface water runoff has been submitted to, and approved in writing by, the local planning authority. The scheme to be submitted should consider:
 - a) The landscaping proposals beneath the panels;
 - b) The alignment of the panels relative to the ground slope;
 - c) Disturbance and compaction of the soils during installation;
 - d) The use of SuDS features to interrupt and slow channelised flows, enhance and promote infiltration;
 - e) The future maintenance and management of vegetated areas; and
 - f) The restoration of the land post-development to ensure the runoff characteristics of the restored land returns to the pre-development situation

The scheme and mitigation measures contained therein shall be fully implemented prior to the First Export Date and shall be maintained for the lifetime of the development.

- 21) Notwithstanding the submitted information, no development (including ground and site preparation works, any stockpiling, construction and vehicle movements) shall commence until the implementation of a programme of archaeological recording has been carried out. This recording must be carried out by an appropriately qualified and experienced archaeological organisation or consultant, in accordance with a written scheme of investigation which has first been submitted to, and approved in writing by, the local planning authority.

- 22) In the event of a justified complaint being received by the local planning authority relating to noise output from the operation of any and/or all of the solar power plant installation hereby approved, the operator of the solar power plant installation shall undertake a narrow band analysis of the sound generated by the approved unit(s) within one month of the local planning authority notifying the operator of the solar power plant installation of the complaint and thereafter one of the following shall occur:
- a) The findings of the narrow band analysis of the sound generated by the approved units which demonstrates that the levels are acceptable and no mitigation is required shall be submitted to, and approved in writing by, the local planning authority; OR
 - b) If the narrow band analysis indicates that any audible tones heard outside residential properties would incur a penalty when rated according to one of the objective methods in BS 4142, a scheme detailing measures to mitigate the noise impacts of the units shall be submitted to the local planning authority for approval in writing. Within one month of the date of the scheme being approved in writing by the local planning authority the approved scheme/measures shall be fully completed, which shall thereafter be retained.
- 23) Prior to the First Export Date, a Grazing Management Plan (GMP) shall be submitted to the local planning authority for approval in writing. The GMP shall detail which parts of the site are to be used for the grazing of livestock, during which months of the year, what livestock are to be grazed there, and it shall set out details of 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. Any changes to the GMP during the lifetime of the permission shall be first submitted to the local planning authority for approval in writing prior to implementation on site and shall thereafter be carried out in accordance with the approved revised GMP.
- 24) No development shall take place until a Soil Management Plan has been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved details. The soil management plan shall include:
- a) Measures to protect soils during development with reference to the guidance found in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites;
 - b) A works programme showing how all soil handling and trafficking operations will be undertaken and which makes allowance for poor weather/ ground conditions stoppages;
 - c) Details of how construction activities will be managed across the site to minimise impact on soils; and
 - d) Details of appropriate equipment and methods for stockpiling, re-spreading and ameliorating of soil compaction in accordance with good practice techniques to minimise the risk of soil compaction.
- 25) Prior to the First Export Date, an Educational Strategy shall be submitted to the local planning authority for its written approval, setting out what measures are to be provided to inform and educate the general public and school pupils on the principles of renewable energy generation, heritage and nature conservation that pertain to this development. The measures contained within the approved Strategy shall be provided within 3 months of their

approval by the local planning authority and adhered to for the lifetime of the development.

- 26) The construction shall be carried out in accordance with the mitigation and protection measures set out in the Arboricultural Method Statement and Tree Protection Plan (dated 16 June 2023).