

Combined list of conditions suggested by South Holland and Fenland councils in relation to appeals 6001284 and 6001285, with Inspector and appellant comments

No.	South Holland conditions	No.	Fenland conditions
	Inspector comment: Is a start date condition sought by South Holland?	1	Start date The development permitted shall be begun before the expiration of 3 years from the date of this permission. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
1	First export Within 1 month of the date of first export of electricity, confirmation shall be given in writing to the local planning authority of the date of first export to the Grid. The development hereby permitted shall cease on or before the expiry of a 40-year period from the date of the first export of electricity and the local planning authority shall be notified of the cessation of electricity generation and storage in writing no later than 5 working days after the event. The land shall thereafter be restored to its former condition and agricultural land classification grade in accordance with a scheme of decommissioning work (the Decommissioning Scheme). Reason: To define the terms of the permission and to protect the best and most versatile agricultural land. This Condition is imposed in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019.	2	First export Within 1 month of the date of first export of electricity, confirmation shall be given in writing to the local planning authority of the date of first export to the Grid. The development hereby permitted shall cease on or before the expiry of a 40-year period from the date of the first export of electricity and the local planning authority shall be notified of the cessation of electricity generation and storage in writing no later than 5 working days after the event. The land shall thereafter be restored to its former condition and agricultural land classification grade in accordance with a scheme of decommissioning work (the Decommissioning Scheme). Reason: To define the terms of the permission and to protect the best and most versatile agricultural land.
Inspector comment: Could this condition seek that the land be restored to its former condition <i>or better</i> ? What form would that restoration take? Could the quality of the soil be restored?			

2	Decommissioning The Decommissioning Scheme shall be submitted to and approved in writing by the local planning authority no later than 6 months prior to decommissioning and shall include provision for the dismantling and removal from the site of the solar PV panels, frames, foundations, inverter housings, BESS and all associated structures, storage facilities and fencing. The decommissioning shall be carried out strictly in accordance with the approved scheme. Reason: To protect the best and most versatile agricultural land. This Condition is imposed in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019.	3	Decommissioning and Land Reinstatement The Decommissioning and Land Reinstatement Scheme shall be submitted to and approved in writing by the local planning authority no later than 6 months prior to decommissioning and shall include provision for the dismantling and removal from the site of the solar PV panels, frames, foundations, inverter housings, BESS and all associated structures, storage facilities and fencing. The decommissioning shall be carried out strictly in accordance with the approved scheme. Reason: To protect the best and most versatile agricultural land.
3	Early Decommissioning In the event the site ceases to generate and store electricity for supply to the electricity grid network for a period of 12 months, an Early Decommissioning Scheme shall be submitted to and approved in writing by the local planning authority, no later than 3 months from the end of the 12-month period. The scheme shall include the same provisions referred to in Condition 2 and the decommissioning shall be carried out strictly in accordance with the approved scheme. Reason: To protect the best and most versatile agricultural land. This Condition is imposed in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019.	4	Early Decommissioning In the event the site ceases to generate and store electricity for supply to the electricity grid network for a period of 12 months, an Early Decommissioning Scheme shall be submitted to and approved in writing by the local planning authority, no later than 3 months from the end of the 12-month period. The scheme shall include the same provisions referred to in Condition 2 and the decommissioning shall be carried out strictly in accordance with the approved scheme. Reason: To protect the best and most versatile agricultural land.
Inspector comment: Is the 12 months specified in this condition consecutive or cumulative? Should the wording be amended to reflect this?			

4	CEMP A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. Reason: In the interests of the amenity of local residents. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.	5 Construction Environmental Management Plan Prior to commencement of the hereby approved development, a Construction Environmental Management Plan (CEMP) relating to the construction and decommissioning phases of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall demonstrate the adoption of best practice to reduce the potentially adverse effects on those living and working nearby the development site including noise, dust, vibration and smoke, whilst also acknowledging the health, safety and welfare of those working on site. The CEMP shall include (but shall not be limited to) information relating to the following matters: - Construction and decommissioning hours; - Site Waste Management Plan; - Temporary external lighting; - Pollution Prevention Plan (and mitigation if necessary); and e. Details of the management of noise and vibration during construction period; Details of how any direct or indirect impacts on existing ditches are to be avoided during the course of any construction and decommissioning Reason: To prevent adverse impacts on the amenity of neighbouring users, to protect biodiversity, to ensure adequate management of site waste, and to prevent pollution to the environment during the construction and decommissioning phases, and to ensure that the development has acceptable transport implications on the
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			local road network, during the construction and decommissioning phases of the development
Inspector comment: Would including (but shall not be limited to) make this condition imprecise?			
	Inspector comment: Is a CTMP condition sought by South Holland?	6	Construction Traffic Management Plan & Method Statement Prior to commencement of the hereby approved development, a Construction Traffic Management Plan (CTMP) and Method Statement relating to the construction and decommissioning phases of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The CTMP shall include (but shall not be limited to): 1. details regarding construction and decommissioning traffic routes. 2. the phasing of the development to include access construction; 3. the parking of vehicles of site operatives and visitors; 4. the loading and unloading of plant and materials; 5. the storage of plant and materials used in constructing the development; 6. wheel washing facilities; 7. a strategy stating how surface water run off on and from the development will be managed during construction. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

			The CTMP shall be adhered to throughout the construction and decommissioning phases of the development.
5	Mud on Highway Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development. Reason: In the interests of highway safety during the construction process. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019.	7	Mud on Highway Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development. Reason: In the interests of highway safety during the construction process. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
Inspector comment: Does this condition require that the facilities be used, or only that they be provided? Is this condition necessary given point 6 in the (Fenland-recommended) condition above?			
6	Surface Water Drainage Before the commencement of the development hereby granted beyond oversite, full details of the means of surface water disposal shall be submitted to and approved in	8	Surface Water Drainage Before the commencement of the development hereby granted beyond above ground, full details of the means of surface water drainage scheme shall be prepared based on

	writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use. Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding. This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2024.		the agreed Surface Water Management Plan, Floodline Consulting, Rev: A, Dated: 24th November 2023 and submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use. Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
Inspector comment: Does this condition require a retention clause?			
8	Noise The development shall be carried out in accordance with the Noise Impact Assessment by Hepworth Acoustics dated May 2024. The construction works and operational characteristics shall be implemented and retained. Reason: To ensure that there is no noise nuisance to nearby residents. This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.	9	Noise The development shall be carried out in accordance with the Noise Impact Assessment by Hepworth Acoustics dated May 2024. The construction works and operational characteristics shall be implemented and retained. Prior to operation of the approved development, details of the acoustic barriers recommended within the Noise Impact Assessment (Report No: P23-441-R01v2) shall be submitted to, and approved in writing by, the Local Planning Authority. The acoustic barriers shall be constructed in accordance with the approved details prior to operation of the development. Reason: To ensure that there is no noise nuisance to nearby residents.
Appellant note: The appellant has requested that the trigger for the submission of details of acoustic barriers is amended to 'prior to first operation of the BESS element of the proposals,' given that BESS is the noise generating element, in the interest of allowing renewable energy generation to start as soon as possible			

Inspector comment: Does this condition require a retention clause? Per the appellant note, should the trigger for installation be prior to first operation of the BESS?			
9	Landscaping Before the commencement of development hereby permitted, details of the management and maintenance schedule for the areas of landscaping, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details. Reason: To ensure that adequate provision is made for the management and maintenance of the those areas. This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.	10	Landscaping Before the commencement of development hereby permitted, details of the management and maintenance schedule for the areas of landscaping, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details. The landscaping details to be submitted shall include: a) proposed finished levels; b) means of enclosure; c) vehicle and pedestrian access and circulation areas; d) hard surfacing, other hard landscape features and materials; e) existing trees, hedges or other soft features to be retained; f) planting plans, including specifications of species, sizes, planting centres number and percentage mix; g) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife. The scheme of landscaping and tree planting shown on the approved plans shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.
12	Landscaping The scheme of landscaping and tree planting shown on the approved plans shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary. Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.		

			Prior to operation of the hereby approved development, a Landscape Management Plan including long-term design objectives, maintenance schedules and a programme of management activities for landscape areas 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 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. Reason: To ensure that adequate provision is made for the management and maintenance of the those areas.
10	Lighting Details of the external illumination of all buildings and areas of the site including details of luminance and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved. Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit. This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.	11	Lighting Details of the external illumination of all buildings and areas of the site including details of luminance and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved. Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.

11	Land Contamination If contamination of land has been identified during construction, a full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met. Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A. Reason: To ensure the satisfactory remediation of contaminated land and/or waters. This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.	12	Land Contamination If contamination of land has been identified during construction, a full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met. Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A. Reason: To ensure the satisfactory remediation of contaminated land and/or waters. This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.
Inspector comment: Is first <u>occupation</u> a valid trigger for this development?			
13	Boundary Treatments Prior to their installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be	13	Boundary treatments Prior to their installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

	implemented in full before the development is first brought into use and retained thereafter. Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.		Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
14	Grazing Management Plan Prior to the first operation of the solar farm hereby approved a grazing management plan shall be submitted to and agreed in writing with the local planning authority. The plans shall show how the grazing meadow its used for grazing continuously throughout the life time of the development, including any times when the meadow will not be grazed as well as the number of animals per area. If for any reason livestock grazing of land fails to occur for a period of more than 12 months, the solar panels and the related ancillary equipment shall be decommissioned and removed from the site. Reason: In the interests of protecting agricultural land and to meet with NPPG requirements. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019.	14	Grazing Management Plan Prior to the first operation of the solar farm hereby approved a grazing management plan shall be submitted to and agreed in writing with the local planning authority. The plans shall show how the grazing meadow its used for grazing continuously throughout the life time of the development, including any times when the meadow will not be grazed as well as the number of animals per area. If for any reason livestock grazing of land fails to occur for a period of more than 12 months, the solar panels and the related ancillary equipment shall be decommissioned and removed from the site.
Appellant note: The appellant does not consider this condition to pass the Framework paragraph 57 tests for reasonableness and necessity. Having engaged with South Holland DC we have been unable to agree on wording and so we propose it is discussed on day 3 of the hearing			

16	Construction/Decommissioning Hours For the duration of the construction and decommissioning periods, construction/deconstruction activities and deliveries received at or despatched from the site, shall only occur between the hours of 0800- and 1800-hours Monday to Friday, 0800- and 1330-hours on Saturday and not at all on Sundays and Bank Holidays. Reason: In the interests of the amenity of local residents. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.	15	Construction / Decommissioning Hours For the duration of the construction and decommissioning periods, construction/deconstruction activities and deliveries received at or despatched from the site, shall only occur between the hours of 0800- and 1800-hours Monday to Friday, 0800- and 1330-hours on Saturday and not at all on Sundays and Bank Holidays. Reason: In the interests of the amenity of local residents.
Inspector comment: Given resident concerns over construction traffic the Inspector notes that there will be a discussion regarding hours of delivery/dispatch.			
16	Permitted Development Rights Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no buildings, structures, fences, gates, posts, solar panels, hardstandings, footings, platforms, pavements, bunding, earthworks or other engineering operations shall be constructed, installed, or carried out on site other than in accordance with the details on the approved drawings. Reason: In the interests of the character, landscape and for the amenity of local residents.. This Condition is imposed in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019.	16	Permitted Development Rights Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), other that works permissible under Part 15 of Schedule 2 Class B no buildings, structures, fences, gates, posts, solar panels, hardstandings, footings, platforms, pavements, bunding, earthworks or other engineering operations shall be constructed, installed, or carried out on site other than in accordance with the details on the approved drawings, unless otherwise agreed with the Council Reason: In the interests of the character, landscape and for the amenity of local residents.

17	Glint and Glare Within 28 Days of the receipt of a written request from the Local Planning Authority following concerns raised in relation to the impacts from glint and glare, the solar farm operator shall submit details of proposed mitigation measures and a timescale for implementation. Such information shall be provided within 3 months of the date of the written request of the Local Planning Authority; the proposed mitigation measures shall be carried out in accordance with the approved details. Reason: To safeguard residents, road users and the aviation industry from the effects of glint and glare. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.	17	Glint and Glare Within 28 Days of the receipt of a written request from the Local Planning Authority following concerns raised in relation to the impacts from glint and glare, the solar farm operator shall submit details of proposed mitigation measures and a timescale for implementation. Such information shall be provided within 3 months of the date of the written request of the Local Planning Authority; the proposed mitigation measures shall be carried out in accordance with the approved details. Reason: To safeguard residents, road users and the aviation industry from the effects of glint and glare.
Inspector comment: Is a retention clause required for any mitigation measures?			
18	Soil Management Plan Prior to the commencement of development, a Soil Management Plan (SMP) shall be submitted to and approved in writing by the Local Planning Authority. The SMP shall include: 1. Soil Survey and Classification: Pre-construction mapping of topsoil and subsoil, including identification of Best and Most Versatile (BMV) land. 2. Soil Handling and Protection: Measures for stripping, storage, and replacement to avoid contamination, compaction, or erosion during construction. 3. Restoration and Monitoring: Procedures for reinstating soils after decommissioning, including topsoil replacement, re-seeding, and a monitoring programme for at least 5 years to ensure soil quality is maintained.	18	Soil Management Plan Prior to the commencement of development, a Soil Management Plan (SMP) shall be submitted to and approved in writing by the Local Planning Authority. The SMP shall include: 1. Soil Survey and Classification: Pre-construction mapping of topsoil and subsoil, including identification of Best and Most Versatile (BMV) land. 2. Soil Handling and Protection: Measures for stripping, storage, and replacement to avoid contamination, compaction, or erosion during construction. 3. the safeguarding of soil resources and agricultural land at the commissioning stage 4. Restoration, Reinstatement, Monitoring and Aftercare: Procedures for reinstating soils after

	4. Implementation: All works must be carried out in accordance with the approved SMP. Thereafter, the development shall be undertaken in accordance with the approved SMP at all times throughout the lifetime of the permission. Reason: To protect and restore soils, including BMV land, in accordance with the NPPF (2024), NPS EN-3, and planning guidance.		decommissioning, including topsoil replacement, re-seeding, and a monitoring programme for at least 5 years to ensure soil quality is maintained, including plans to return the land to the predevelopment land quality (ALC grade). 5. Implementation: All works must be carried out in accordance with the approved SMP. The SMP shall reference the Defra guidance Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. The SMP shall be adhered to at all times. Thereafter, the development shall be undertaken in accordance with the approved SMP at all times throughout the lifetime of the permission. Reason: To protect and restore soils, including BMV land, in accordance with the NPPF (2024), NPS EN-3, and planning guidance.
Inspector comment: Should the final sentence of this condition be amended to reflect the requirement in point 3 for a 5 year monitoring plan?			
19	Biodiversity Gain Plan The development hereby permitted shall not commence until a biodiversity gain plan has been submitted to and approved in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the details as approved. Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended). This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local	19	Biodiversity Gain Plan The development hereby permitted shall not commence until a biodiversity gain plan has been submitted to and approved in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the details as approved. Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended).

	Plan, 2019.		
Inspector comment: Is a retention or management/maintenance clause required?			
20	HMMP Prior to any vegetation clearance (defined as the deliberate removal of any semi-natural vegetative habitat e.g., grassland, trees, and native shrubs); or prior to the commencement of any development hereby permitted (whichever comes first); a written 30-year Habitat Management and Maintenance Plan (HMMP) for the Site in question shall be submitted to and approved in writing by the Local Planning Authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain: A) Aims, objectives and targets for management, including habitat target conditions matching the Statutory Biodiversity Metric submitted with the application. B) Details of the phasing and implementation of the habitats C) Details of the management operations necessary to achieving aims and objectives. D) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement. E) Details of the monitoring needed to measure the effectiveness of management and details of an assessment as to whether the target condition is achieved within the time to target period specified within the approved metric. F) Details of the persons responsible for the implementation and monitoring. G) Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.	20	HMMP Prior to any vegetation clearance (defined as the deliberate removal of any semi-natural vegetative habitat e.g., grassland, trees, and native shrubs); or prior to the commencement of any development hereby permitted (whichever comes first); a written 30-year Habitat Management and Maintenance Plan (HMMP) for the Site in question shall be submitted to and approved in writing by the Local Planning Authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain: A) Aims, objectives and targets for management, including habitat target conditions matching the Statutory Biodiversity Metric submitted with the application. B) Details of the phasing and implementation of the habitats C) Details of the management operations necessary to achieving aims and objectives. D) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement. E) Details of the monitoring needed to measure the effectiveness of management and details of an assessment as to whether the target condition is achieved within the time to target period specified within the approved metric.

	H) Reporting on the delivery of on-site gains on years 1, 2, 5, 10, 20 and 30 following the implementation of the habitats in accordance with the above details. Reason: To meet the requirements in delivering the Mandatory Biodiversity Net Gain and to ensure net gain in biodiversity is provided on site. This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local Plan, 2019.		F) Details of the persons responsible for the implementation and monitoring. G) Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets. H) Reporting on the delivery of on-site gains on years 1, 2, 5, 10, 20 and 30 following the implementation of the habitats in accordance with the above details. Reason: To meet the requirements in delivering the Mandatory Biodiversity Net Gain and to ensure net gain in biodiversity is provided on site.
Inspector comment: Should the duration of the HMMP be extended to match the proposed lifetime of the development?			
	The following condition is only sought in relation to the South Holland appeal		The following conditions are only sought in relation to the Fenland appeal
7	CTMP & MS The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority. The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include; - the phasing of the development to include access construction; - the parking of vehicles of site operatives and visitors; - the loading and unloading of plant and materials; - the storage of plant and materials used in constructing the development; - wheel washing facilities;	21	Tree Protection Method Statement Prior to commencement of the hereby approved development, a Tree Protection Method Statement (TPMS) shall be submitted to, and approved in writing, by the Local Planning Authority. The TPMS shall include: - Locations of service runs and how they could impact on the trees, along with how they will be protected from construction pressures; - Justification and mitigation for any tree removal proposed; - Details of how trees will be protected at all stages of the development (including the method and location of tree

	- a strategy stating how surface water run off on and from the development will be managed during construction Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction. This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.		protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas, and design solutions for all problems encountered that could adversely impact trees); - Details of any necessary tree surgery works; - The Method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed TPMS. Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area,
		22	Archaeological Mitigation Strategy No development shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation for evaluation trenching and provision for further mitigation work. These schemes shall include the following:

			1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements). 2. A methodology and timetable of site investigation and recording 3. Provision for site analysis 4. Provision for publication and dissemination of analysis and records 5. Provision for archive deposition 6. Nomination of a competent person/organisation to undertake the Work. The scheme of archaeological investigation must only be undertaken in accordance with the approved details. Inspector comment: For all of conditions 22-25 the Inspector notes that the Cambridgeshire Historic Environment Team has indicated no conditions are required. Are these conditions therefore necessary?
		23	Archaeological Site Works The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in Condition 6 of the planning permission. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work, in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

			Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains Inspector comment: See comment on condition 22
		24	Reporting of archaeological findings Within 3 months following commencement of the development hereby approved, a report of the archaeologist's findings shall be submitted to the Local Planning Authority and relevant County Council Historic Environment Team (unless otherwise agreed in writing by the Local Planning Authority); and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the relevant Museum Service, or another public depository willing to receive it. Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains Inspector comment: See comment on condition 22
		25	Archaeological Management Plan Prior to the commencement of development, an Archaeological Management Plan (AMP) shall be submitted to and approved in writing by the Local Planning Authority. The AMP shall include details of precautionary measures to ensure the protection of archaeological assets identified for preservation in situ, throughout the operation of the site, including construction, repairs and decommissioning, and including details of monitoring and enforcement measures.

			Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains Inspector comment: See comment on condition 22
		26	Public Rights of Way Prior to commencement of the hereby approved development, a scheme for mitigation and improvements to the Public Rights of Way (PRoWs) within the application site shall be submitted to, and agreed in writing by, the Local Planning Authority. The mitigation and improvements to the PRoWs shall be completed in accordance with the approved scheme prior to operation of the hereby approved development.
		27	Risk Management Plan & Emergency Response Plan Prior to operation of the hereby approved development, a Risk Management Plan (RMP) and Emergency Response Plan (ERP) shall be submitted to, and approved in writing, by the Local Planning Authority. The RMP and ERP shall, where possible, adhere to the best practice guidance contained within the 'Grid Scale Battery Energy Storage System planning - Guidance for FRS', published by NFCC National Fire Chiefs Council, or any subsequent version. Where it is not possible to adhere to this guidance in full, the reasons shall be justified within the RMP and ERP. The RMP and ERP shall be implemented and complied with for the lifetime of the operation of the development. Reason: To ensure acceptable fire risks Appellant note: The appellant has requested that the trigger for the submission of the RMP and ERP is

			amended to 'prior to the operation of the BESS element of the proposals' given that fire risk primarily arises from BESS.
		28	Details of security measures Prior to commencement of the hereby approved development, a scheme of security measures (including details of fencing, external lighting, Closed Circuit Television Cameras and alarm systems) shall be submitted to, and approved in writing by, the Local Planning Authority. The security measures shall be completed in accordance with the approved scheme prior to operation of the development. Reason: To provide a safe environment and incorporate security measures to deter crime Inspector comment: Does this condition require a retention clause?
		29	Pollution Control Prior to the commencement of any development, a scheme for the provision and implementation of pollution control, to land and water, shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall be carried out and shall operate in strict accordance with the approved scheme. Reason: To prevent unacceptable risks of pollution to land and water

			Appellant note: The appellant has raised concerns relating to the preciseness of this condition, and discussions are ongoing relating to its wording
		30	Flood Risk The development hereby approved shall be carried out in strict accordance with the Flood Risk Assessment Report Revision A, prepared by Floodline Consulting and dated 24th November 2023. Reason: To ensure adequate flood risks Inspector comment: Does this condition require a retention/maintenance clause?
		31	Ecology Surveys The development hereby approved shall be carried out in strict accordance with the Ecological Surveys and Impact Assessment V1.0, prepared by AWEcology and dated November 2023. Reason: To protect and enhance biodiversity
		32	Access via Broad Drove West and Elloe Bank No vehicles shall access or egress the site on to, or from, Broad Drove West or Elloe Bank. Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway Inspector comment: Would this condition apply solely in Fenland?

Inspector comment: Is an approved plans condition sought by South Holland?	33	Approved Plans The development hereby permitted shall be carried out in accordance with the following approved plans and documents. <table><tr><th>Reference</th><th>Title</th></tr><tr><td>Fire Strategy Report - RIBA Stage 2</td><td>Fire Statement (revision 02)</td></tr><tr><td>UKZ157_07 Substation Plan & Elevation Drawing</td><td>Substation Plan and Elevation (revision V0)</td></tr><tr><td>UKZ157_15 Client Switch House elevation</td><td>Switch House Details (revision V1)</td></tr><tr><td>Surface Water Management Plan (FCL/644/SW01)</td><td>Surface Water Management Plan (FCL/644/SW01) (revision A)</td></tr><tr><td>Transport and Access Statement (C23103/TS01)</td><td>Transport and Access Statement (C23103/TS01)</td></tr><tr><td>UKZ157_01 CCTV</td><td>CCTV Elevation</td></tr><tr><td>UKZ157_02 BATTERY ENERGY STORAGE</td><td>Battery Energy Storage Details</td></tr><tr><td>UKZ157_03 PV Panel Elevation (South Facing)</td><td>PV Panel Elevation (South Facing)</td></tr><tr><td>UKZ157_05 Battery Inverter Cabin</td><td>Battery Inverter Cabin Details</td></tr><tr><td>UKZ157_05 Double Gate</td><td>Double Gate Elevation</td></tr><tr><td>UKZ157_06 Deer Fence Typical Arrangement</td><td>Deer Fence Elevation (Typical Arrangement)</td></tr><tr><td>UKZ157_08 Location Plan</td><td>Location Plan</td></tr><tr><td>UKZ157_09 Layout Plan</td><td>Proposed Site Layout (Block plan)</td></tr><tr><td>UKZ157_10 Mitigation and Enhancements Plan</td><td>Mitigation and Enhancements Plan</td></tr><tr><td>UKZ157_11 Access Track Elevation</td><td>Access Track Elevation</td></tr><tr><td>UKZ157_12 Storage Building</td><td>Storage Building Elevations</td></tr><tr><td>Landscape and Ecological Management Plan</td><td>Landscape and Ecological Management Plan</td></tr><tr><td>UKZ157_04 Solar Inverter Cabin</td><td>Solar Inverter Cabin Details</td></tr></table>	Reference	Title	Fire Strategy Report - RIBA Stage 2	Fire Statement (revision 02)	UKZ157_07 Substation Plan & Elevation Drawing	Substation Plan and Elevation (revision V0)	UKZ157_15 Client Switch House elevation	Switch House Details (revision V1)	Surface Water Management Plan (FCL/644/SW01)	Surface Water Management Plan (FCL/644/SW01) (revision A)	Transport and Access Statement (C23103/TS01)	Transport and Access Statement (C23103/TS01)	UKZ157_01 CCTV	CCTV Elevation	UKZ157_02 BATTERY ENERGY STORAGE	Battery Energy Storage Details	UKZ157_03 PV Panel Elevation (South Facing)	PV Panel Elevation (South Facing)	UKZ157_05 Battery Inverter Cabin	Battery Inverter Cabin Details	UKZ157_05 Double Gate	Double Gate Elevation	UKZ157_06 Deer Fence Typical Arrangement	Deer Fence Elevation (Typical Arrangement)	UKZ157_08 Location Plan	Location Plan	UKZ157_09 Layout Plan	Proposed Site Layout (Block plan)	UKZ157_10 Mitigation and Enhancements Plan	Mitigation and Enhancements Plan	UKZ157_11 Access Track Elevation	Access Track Elevation	UKZ157_12 Storage Building	Storage Building Elevations	Landscape and Ecological Management Plan	Landscape and Ecological Management Plan	UKZ157_04 Solar Inverter Cabin	Solar Inverter Cabin Details
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		34	Grampian condition restricting development until access arrangements are in place in the event that the South Holland appeal is dismissed and the Fenland appeal is allowed No works shall take place until planning permission has been granted for an access route from Guanockgate Road to the site, in accordance with the access arrangements approved in the Transport and Access Statement (C23103/TS01) Appellant note: This condition would only be necessary in the event that the South Holland appeal is dismissed and the Fenland appeal is allowed
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The following additional comments follow on from points raised by consultees and interested parties:

Should remediation of any damage to the local road network caused by construction and decommissioning traffic be included in the proposed conditions? This could be included in the suggested conditions 5 and/or 6, or as a separate condition.

The senior ecologist that responded to South Holland's application consultation requested that construction "be limited to the non-breeding season, and if this is not possible, then the applicants must develop an appropriate mitigation strategy ahead of construction works, which describes in detail the reasonable avoidance measures to be taken to prevent disturbance to harriers or other nesting species should they be found on or near to the site." Do the proposed conditions address this?

Residents have identified the appeal site as containing badger setts. Badgers are a protected species under the Protection of Badgers Act 1992, and it is an offence to harm them, disturb them in their sett or damage or destroy their setts. Does the presence or otherwise of badgers need to be established before any consent? Are any further conditions required if this is the case? Could this be covered through modifying proposed conditions, for example the Construction Environmental Management Plan?

Would the proposed security and landscaping measures be sufficient, given the comments of Lincolnshire Police in their response dated 17 April 2024 to the South Holland application?