

Berden Solar Farm Draft Planning Conditions

Time Limit

1. The development hereby approved shall begin no later than three years from the date of this permission.

REASON: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.

Plans

2. The development hereby approved shall be constructed in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority:
 - a) ES Fig 1.1 Location Plan;
 - b) ES Fig 2.8 Layout at ES (Block Plan Rev B);
 - c) ES Fig 2.2 Solar Panel; ES Fig 2.3 Inverter and Transformer Block Plan;
 - d) ES Fig 2.4 Substation plan and elevation;
 - e) ES Fig 2.5 Substation_Connection_Compound;
 - f) ES Fig 2.6 Deer Fence A3;
 - g) ES Fig 2.7 Proposed_Site_Access_Arrangement;
 - h) ES Fig 2.9 Temporary_Construction_Compound;
 - i) ES Fig 3.3 Planting Plan Rev A 08.11.22;
 - j) Pelham Solar Skylark Nest sites 527 SL LP Rev A 08.02.23 v2; and
 - k) 21120-GA01 Revision A (dated 16.12.21).

REASON: To allow compliance with the approved plans and allow mechanism for formal amendment if it is required.

Decommissioning

3. Within 1 month of the date of first export of electricity to the National Grid (“the date of first export”) confirmation shall be given in writing to the local planning authority of the date of first export. The development hereby permitted shall then cease on or before the expiry of a 40-year period from the date of the first export.. The land shall thereafter be restored to its former condition (allowing for any appropriate enhancements) in accordance with a scheme of decommissioning work (“the Decommissioning Scheme”), which will include:
 - (a) a Transport Management Plan to address transport routes;
 - (b) all landscape restoration works needed;
 - (c) measures to address all environmental effects of decommissioning;
 - (d) an Ecological Assessment Report; and
 - (e) the landscape and ecological features on the site to be retained.

The Decommissioning Scheme shall be submitted to and approved in writing no later than 38 years from the date of the first export and subsequently implemented as approved.

REASON: To ensure that the site is properly restored in the interests of protecting visual amenity including the protection of heritage assets; protecting ecology and biodiversity; and to ensure the effects of site decommissioning on the highway network are

adequately mitigated in accordance with Policies S7 and GEN1 of Uttlesford Local Plan (2005).

4. In the event that the development hereby approved ceases to generate electricity for a period of 6 consecutive calendar months at any time prior to the end of the 40 year period, a scheme of earlier decommissioning works ("the Early Decommissioning Scheme") which shall include a Transport Management Plan and an Ecological Assessment Report, as required by Condition 3, shall first be submitted to the local planning authority for approval in writing no later than 3 months from the end of the 6 month period. Thereafter, the Early Decommissioning Scheme shall subsequently be implemented as approved.

REASON: To ensure that the site is properly restored in the interests of protecting visual amenity including the protection of heritage assets; protecting ecology and biodiversity; and to ensure the effects of site decommissioning on the highway network are adequately mitigated in accordance with Policies S7 and GEN1 of Uttlesford Local Plan (2005).

Landscape, Ecology and Biodiversity

5. The development hereby approved shall be carried out in full accordance with the details contained within the Landscape and Ecological and Management Plan by Sightline Landscape Plan Document Ref: 458_Pelham Solar Rev B (November 2022) unless the Planning Authority give written consent to any variation.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

6. Prior to commencement of any works which will impact the breeding or resting place of Great Crested Newt, the local planning authority shall be provided with either:
 - a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

7. Prior to commencement, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall 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 (may be provided as a set of method statements) to include the protection of adjacent and surrounding Local Wildlife sites and Priority habitats as well as precautionary working methods for protected species such as reptiles.
- d) An up-to-date walkover survey for Badger to inform the need for a licence. Where impacts on badger setts cannot be avoided, the local planning authority will be provided with either a i) licence issued by Natural England pursuant to the Badger Protection Act 1992 authorising the specified activity/ development to go ahead or ii) evidence of site registration supplied by an individual registered to use a Badger Mitigation Class Licence.
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended)

- 8. Prior to any works above slab level, a Biodiversity Enhancement Strategy (“the Biodiversity Enhancement Strategy”), prepared by a suitably qualified ecologist in line with the recommendations of the Landscape and Ecological Management Plan by Sightline Landscape Plan Document Ref: 458_Pelham Solar Rev B (November 2022) shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- (a) Purpose and conservation objectives for the proposed enhancement measures;
- (b) detailed designs to achieve stated objectives;
- (c) locations of proposed enhancement measures by appropriate plans;
- (d) timetable for implementation demonstrating that works are aligned with any phasing of development;
- (e) persons responsible for implementing the enhancement measures; and
- (f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be fully implemented in accordance with the approved details prior to operation of the site and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (as amended) and in accordance with Policy GEN7 of the Adopted Local Plan and the aims of National Planning Policy Framework.

9. Prior to commencement of the development hereby approved, the content of the submitted Skylark Mitigation Strategy, dated 9 November 2022 *in combination with the Skylark Nest Sites Field Location Plan, drawing no. 527_SL_F1_Rev A (February 2023) and Proposed Skylark Plots Field 1, drawing no. 527_SL_F1_Rev A (February 2023)* shall be fully implemented unless the Local Authority give written consent to any variation.

REASON: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (as amended) and in accordance with Policy GEN7 of the Adopted Local Plan and the aims of the National Planning Policy Framework.

Lighting

10. No external lighting shall be installed before a “lighting design strategy for biodiversity and neighbouring residents” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) and The Institution of Lighting Engineers Guidance for the Reduction of Obtrusive Light – Table 1 criteria is submitted to and approved in writing by the local planning authority. The strategy shall:
1. identify those areas/features on site that are particularly sensitive for bats and Badger and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
 2. show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places; and
 3. include the design of the lighting unit, any supporting structure and the extent of the area to be illuminated

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the decision maker to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended). And to avoid light pollution problems impacting on amenity and living conditions in accordance with Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (2005).

Highway Safety

11. No development shall take place until a detailed Construction Traffic Management Plan (“CTMP”) incorporating the principles of the submitted CTMP Version 3 and a programme of actions for delivery has been submitted and agreed in writing with the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The detail within the CTMP shall include details of:

- a. any other consented major development(s) and associated construction traffic in the area (approx.. 5km radius) expected during the construction programme,
- b. the expected vehicle movements required during the construction period of the development, including the number of expected HGVs, LGVs, minibuses, cars expected in each week of the construction programme,
- c. the proposed construction traffic route which, where the highway authority deem necessary, shall coordinate with the construction routing plans for developments identified at item (a),
- d. the proposed route mitigation measures with design plans/traffic management plans as relevant, along with a programme for delivery of the mitigation measures ahead of commencement,
- e. parking of vehicles of site operatives and visitors,
- f. loading and unloading of plant and materials,
- g. storage of plant and materials used in constructing the development,
- h. wheel and underbody cleaning facilities,
- i. the mechanisms for liaising with other developers in the vicinity to co-ordinate construction activity and reducing the impact on the network,
- j. the scope and methodology for joint inspection of the construction traffic route by the highway authority and the developer including a requirement that the route be inspected prior to the commencement of any work and again every three months during construction and finally upon completion of the development, and
- k. the process whereby any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the highway authority

REASON: To ensure construction traffic is managed on the highway network in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and to ensure adequate mitigation of associated environmental impacts in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

Access

12. No development shall take place until the access as shown in principle on submitted drawing number 21120-GA01 Revision A (dated 16.12.21) has been provided, including clear to ground visibility splays with dimensions of 2.4 metres by 181 metres in both directions, as measured from and along the nearside edge of the carriageway. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 17 metres from the back edge of the carriageway. No unbound material shall be used in the surface treatment of the vehicular access within 17 metres of the highway boundary. The associated vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County

Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Public Rights of Way

13. No construction shall take place until a plan for the protection of the public rights of way and users affected by the development (within the site and adjacent to it) (“the Public Rights of Way Plan”) has been submitted to the highway authority for approval. The Public Rights of Way Plan shall address the treatment of the public rights of way during construction and operation of the solar farm. The approved plan shall be implemented thereafter. The plan will contain but shall not be limited to the following:
- (a) Details of any temporary diversions required during construction;
 - (b) Details of the method of the protection of users during construction, such as fencing, use of banksmen;
 - (c) A before and after condition survey of the PROW network within the vicinity of the site and where necessary ensure repairs are undertaken at the developer expense where identified as being caused by the developer;
 - (d) Details of the method of protection of the PROW network during operation phase – ensuring vehicle maintenance routes avoid the network or appropriate crossing points and protection are provided;
 - (e) Details of planting and fencing adjacent to public rights of way, ensuring appropriate buffer zones within the site and at the edges of the site
 - (f) A maintenance regime for any screen planting adjacent to a public right of way;
 - (g) Details of historic and cultural information display(s) referring to local heritage assets and their importance for members of the public, and any other signing required.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11, and to enhance the appreciation of local heritage assets in accordance with Policy ENV4 of the Uttlesford Local Plan (2005) and the aims of the National Planning Policy Framework.

14. No new screening planting shall be located within 3m of a public right of way, any new planting shall be regularly maintained and cutback to ensure clear passage for users of the public right of way throughout the period of occupation of the site.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

Drainage/ Flood Risk / Soil & Pollution Management

15. The development hereby approved shall be carried out in accordance with the document “Stratera Pelham Solar Farm Flood Risk Assessment and drainage” HLEF81444, ver001 dated May 2022, by RPS Consultants. No works shall take place until a detailed surface water drainage scheme for the site (“the surface water drainage scheme”), based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme should include but not be limited to:
- (a) Verification of the suitability of infiltration of surface water for all rainfall events up to the 1 in 100 year + 40% cc event. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753;
 - (b) Final modelling and calculations for all areas of the drainage system;

- (c) A final drainage plan which details exceedance and conveyance routes, Floor Finishing Level and ground levels, and location and sizing of any drainage features;
- (d) Clarification of the discrepancies between the text of the Flood Risk Assessment concerning the absence of poured concrete foundations to the ancillary structures, and the drawings, which indicate their presence;
- (e) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The surface water drainage scheme shall be implemented in full thereafter.

REASON: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policy GEN3 of Uttlesford Local Plan (adopted 2005) and paragraph's 167 and paragraph 174 of the National Planning Policy Framework.

16. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policy GEN3 of Uttlesford Local Plan (adopted 2005) and paragraph's 167 and 174 of the National Planning Policy Framework.

17. No development shall take place until a Soil Management Plan ("the SMP") has been submitted to, and approved in writing by, the Local Planning Authority. The SMP should cover, but not be limited to:

- (a) Construction phase soil protection during, for example, piling and array installation;
- (b) Temporary loss of vegetation cover during/immediately following construction;
- (c) Operational phase monitoring of vegetation within

Thereafter, the SMP shall be implemented as approved.

REASON: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policy GEN3 of Uttlesford Local Plan (2005) and paragraph's 167 and 174 of the National Planning Policy Framework.

Heritage/Archaeology

18. No development or preliminary groundworks of any kind shall take place until:
- (a) a programme of archaeological evaluation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant and approved in writing by the local planning authority; and
 - (b) the completion of the programme of archaeological evaluation identified in the WSI defined in Part (a) and confirmed by the Local Authority archaeological advisors.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (2005) and the aims of the National Planning Policy Framework.

19. A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation. The agreed mitigation strategy once approved shall be fully implemented.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (2005) and the aims of the National Planning Policy Framework.

20. No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (2005) and the aims of the National Planning Policy Framework.

Unexpected land contamination

21. If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, works shall cease and it must be reported in writing immediately to the Local Planning Authority. The contamination shall be investigated by a competent person in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and The Environment Agency Land Contamination Risk Management (LCRM) and other current guidance deemed authoritative for the purposes, to the satisfaction of the Local Planning Authority, to ensure that the site is made suitable for its end use. Where remediation is necessary, a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with Policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (2005).

Construction/Dust Management

22. No development shall take place until a detailed Construction Environmental Management Plan ("the CEMP") has been submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
 - (a) The construction programme and phasing;
 - (b) Hours of operation, delivery and storage of materials;
 - (c) Details of hoarding;
 - (d) Control of dust and dirt on the public highway;
 - (e) Details of consultation and complaint management with local businesses and neighbours;
 - (f) Waste management proposals;
 - (g) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;

- (h) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

The CEMP shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. All works shall be carried out in accordance with the approved CEMP thereafter.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (2005).

Export Capacity

23. The approved development, once operational shall have an export capacity of not more than 49.9MW (AC).

REASON: For the avoidance of doubt and in the interests of proper planning.

Noise (note: the noise conditions have not been agreed)

24. **Applicant preferred drafting**

The development hereby approved shall not commence until a plant noise assessment has been undertaken and submitted to the local planning authority for approval in writing. The noise assessment shall include the specific plant to be installed and predict external noise levels during the day and night from the operation of the solar farm and substation at the nearest residential receptors (NSRs) and compare the plant noise to the existing background sound levels. The location of NSRs for the assessment shall be submitted to the local planning authority for written approval prior to undertaking the plant noise assessment. The plant noise assessment shall include a scheme of noise mitigation measures to ensure that the proposed development does not increase the background noise levels (LA90, 15 mins). The noise mitigation scheme shall also ensure that the development hereby approved does not increase the total daytime, evening and night-time ambient noise level (LAeq, 15 mins) at noise sensitive receptors at any time.

Council preferred drafting

The development hereby approved shall not commence until a plant noise assessment has been undertaken and submitted to the local planning authority for approval in writing. The noise assessment shall include a full frequency analysis of the specific plant to be installed and predict external noise levels during the day and night from the operation of the solar farm and substation at the nearest residential receptors (NSRs) and compares the plant noise to the existing background sound levels (excluding the existing battery storage site). The location of NSRs for the assessment shall be submitted to the local planning authority for written approval prior to undertaking the plant noise assessment. The plant noise assessment shall include a scheme of noise mitigation measures to ensure that the proposed development does not increase the background noise levels (LA90, 15 mins). The noise mitigation scheme shall also ensure that the development hereby approved does not increase the ambient noise level (LAeq, 15 mins) in any third octave band at noise sensitive receptors at any time.

REASON: To address the Local Planning Authority's comment on the noise emission levels that were modelled in the original noise impact assessment report and the comments on tonality

Council comments on this condition - the applicants seem to be seeking to avoid any frequency analysis of the noise impacts and that is one of the main concerns because of the low frequency tonal impacts of the battery storage facility and existing solar farms in the area and the potential cumulative impacts if the proposed development also has tonal noise impacts.

They are also seeking to achieve compliance with the total noise level averaged over a 24 hr period rather than in each 15 minute period as we proposed. This averaging over a 24 hour period will allow much greater noise levels for periods of time as long as there are quieter periods to balance it out within a 24 hour period but that will not make the higher noise levels acceptable to residents. (Obviously there will be quieter periods at night when there is no sunlight but this will vary with the time of year).

The applicant also seeks to measure the existing background sound levels with the existing battery storage plant operating. The battery plant is in the same ownership and it has been shown that noise from its operation has increased the background and ambient noise levels at Noise sensitive receptors, there is also a low frequency tonal hum. To avoid creeping background noise levels from cumulative impacts of the battery storage plant and the proposed solar farm, noise measurements should exclude noise from the battery plant.

Applicant comments on this condition – A frequency analysis is not the same as a tonal analysis. A frequency analysis (full or partly) would only make sense for measured data in a raw format, such as a recording, in which case e.g. a detailed FFT analysis could be carried out. The key to a full frequency analysis is that the sound emitted from the plant is measured/ recorded, i.e. once the plant is operational.

A tonal analysis can be carried out in accordance with BS 4142:2014+A1:2019 as either objective or subjective analysis. A subjective analysis can only be carried out for plant that is in operation. An objective tonal analysis of the third octave data can only be carried out if this data is available from the manufacturer OR if measured.

If the noise impact assessment is required before the installation, a tonal analysis can therefore only be carried out, if the third octave data is available from the manufacturer.

The Council comments misunderstand the word "total". In this context, "total" refers to the time periods for day (07:00 to 19:00 hours), evening (19:00 to 23:00 hours), night (23:00 to 07:00 hours) etc. as defined in ISO 1996-1:2016.

Therefore, for the daytime period, the LAeq, 15 mins ambient noise levels are averaged over an 8 hour period, for the evening period they are averaged over a 4 hour period and for the night-time period they are averaged over an 8 hour period.

Ensuring that the proposed development does not increase the ambient noise level in any third octave band is an unreasonable and stringent criterion which is not in accordance with BS 4142:2014+A1:2019. As explained above, a tonal analysis can be either objectively or subjectively in accordance with BS 4142:2014+A1:2019.

Carrying out a new background sound survey that would ensure creep of background sound levels is avoided, would only be valid if the existing battery storage facility can be switched off to eliminate any impacts on the background sound levels. It is inappropriate for conditions from this application to control the BESS facility. There is no guarantee that the solar project and BESS projects will always be within the same corporate ownership. Any noise related issues specific to the BESS should be raised separately and directly to the BESS facility and not controlled by any solar permission. Therefore, it is considered that previous baseline data from before the battery storage facility was operational is representative.

25. **Applicant preferred drafting**

Prior to the development becoming operational, commissioning testing must take place within the proposed development site at times and under conditions approved by the Local Planning Authority. The noise emissions measured during commissioning should be used to predict the external noise levels during daytime and night-time from the operation of the solar farm and substation at the NSRs. A pre-occupation testing report must be supplied and approved in writing by the Local Planning Authority. Non-compliance with the noise levels approved in condition 24 will require additional mitigation measures to be incorporated into the development prior to commencement of the operational phase. Additional mitigation work measures shall be submitted to and approved in writing by the Local Planning Authority before the operational phase commences. Any scheme of additional mitigation shall be implemented in accordance with the approved details and shown to be effective prior to commencement of the operational phase.

Council preferred drafting

Prior to the development becoming operational, pre-completion testing must take place which shows compliance with the noise limits approved in condition 24 above. Testing must take place in at the boundary of prior agreed noise sensitive receptors at times and under conditions approved by the Local Planning Authority. A pre-occupation testing report must be supplied and approved in writing by the Local Planning Authority. Non-compliance with the noise levels approved in condition 24 will require additional mitigation measures to be incorporated into the development prior to commencement of the operational phase. Additional mitigation work measures shall be submitted to and approved in writing by the Local Planning Authority before the operational phase commences. Any scheme of additional mitigation shall be implemented in accordance with the approved details and shown to be effective prior to commencement of the operational phase.

Council comments on this condition - the applicant seeks to undertake commissioning noise tests at the plant and predict noise levels at noise sensitive receptors rather than measure noise at the boundaries of noise sensitive receptors. It is more accurate to measure the actual noise levels at the boundaries with the NSR, unless the levels are so low compared to the ambient noise that they cannot be measured in which case measurement at source and prediction at the NSR would be appropriate.

Applicant comments on this condition - It is unreasonable to suggest that testing will be undertaken at the boundary of the NSRs or the boundary of the solar farm itself because during a sound measurement at such a location, the acoustic conditions will not only include sound by the solar farm but also sound from other noise sources that cannot be controlled, e.g., road traffic noise, potential noise contributions from the existing battery storage, noise from the national grid substation etc. The specific levels from the plant,

as predicted, are comparable to or lower than the background sound levels and significantly lower than the residual sound levels. The specific levels measured at the boundary of a NSR can therefore not be separated properly from the residual sound levels.

Commissioning of the proposed plant within the site would ensure that only relevant plant noise is being considered and reduce the contamination from surrounding additional noise sources.

26. **Applicant preferred drafting**

Should the plant installed under the planning permission hereby approved fail to comply with the noise limits specified in condition 24 at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not commence or re-commence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority and approved mitigation measures such as acoustic screening, enclosures or silencers have been implemented.

Council preferred drafting

Should the plant installed under the planning permission hereby approved fail to comply with the noise limits specified in condition 1. at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not commence or re-commence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority and approved mitigation measures such as acoustic screening, enclosures or silencers have been implemented. The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times.

REASON: To ensure the development does not have any harmful impact to the surrounding residential properties with regards to noise and disturbance in accordance with ULP Policy GEN4.

Council comments on this condition - Maintenance of plant and equipment in accordance with manufacturers recommendations is integral to ensuring that noise levels from plant and equipment do not increase over time. Often when noise complaints are investigated we find that plant and equipment has not been properly maintained and this has led to increased noise impacts.

Applicant comments on this condition – Reference equipment being serviced in accordance with manufacture's instructions is not required here. The condition works without this reference and while equipment would be serviced throughout its life, it might not always be serviced in accordance with manufacturer's instructions as this might not be appropriate or necessary for reasons unrelated to noise.