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## Appeal Decision

Hearing Held on 23 November 2022

Site visits made on 22, 23 and 24 November 2022

**by Philip Major BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 1 December 2022**

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**Appeal Ref: APP/J3720/W/22/3292579**

**Land near to Bishop's Itchington, Stratford on Avon, Warwickshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Low Carbon against the decision of Stratford on Avon District Council.
  - The application Ref: 20/02839/FUL, dated 7 October 2020, was refused by notice dated 13 August 2021.
  - The development proposed is the construction of a solar farm together with all associated works, equipment and necessary infrastructure.
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### Preliminary Matters

1. The application was accompanied by a plethora of written material, including an Environmental Statement. However, it is clear that the matters at issue between the Appellant and the Council are narrow, and that most considerations are not in dispute between these parties. The single reason for refusal of the proposal relates to the impact of the proposed development on the character and appearance of the surrounding landscape. Having looked carefully at the submitted material, including the statement of common ground, I have no reason to question the fact that the majority of considerations are agreed between the 2 main parties, but I nevertheless deal with other representation made later in this decision.
2. Since the Council made its decision the Appellant has slightly amended the proposal by reducing the number of solar panels and the area which they would cover. The amendment lessens any potential impact, but not to the extent that the Council's and third party objections are removed or materially affected. In these circumstances it would not prejudice any party if I were to accept the amended drawings and I am content to do so. The layout and landscaping drawings and plans I am taking into account, therefore, are those numbered 7782/ASP3/LSP Revision C, and 7782/ASP4/LP produced by Aspect Landscape Planning in January and February 2022. I have also noted the contents of the updated biodiversity net gain calculation and the glint and glare study update.
3. The appeal site is of significant size at around 82.5Ha, but not all of that area would be used for solar panels or associated development and infrastructure. Something over 25Ha would be free of solar panels. It is not disputed that the majority of the land is grade 3b quality, with the remainder being grade 4. Therefore, none of the appeal site is recognised as best and most versatile agricultural land as set out in the National Planning Policy Framework (NPPF). The application is for a time limited development for a period of 40 years.

4. Although the lead local flood authority (LLFA) has made comments on a revised submitted scheme (which is not before me) there was no objection to the appeal proposal from the LLFA subject to the imposition of an appropriate condition. That remains the position.
5. Matters of agreement are set out in the Statement of Common Ground which was signed on behalf of the Appellant and the Council on 21 November 2022. In particular I note here that there is agreement on the quantum of biodiversity net gain (BNG) at an increase of 96.5%; that there is no objection from the Highway Authority; that residential amenity would not be unacceptably harmed; and that any less than substantial harm to heritage assets should not form a reason for refusing the proposal.

### **Decision**

6. The appeal is allowed and planning permission is granted for the construction of a solar farm together with all associated works, equipment and necessary infrastructure on land near to Bishop's Itchington, Stratford on Avon in accordance with the terms of the application, Ref: 20/02839/FUL, dated 7 October 2020, subject to the conditions set out in the attached schedule.

### **Main Issue**

7. As intimated above, the main issue in the appeal is the effect of the proposed development on the character and appearance of the surrounding landscape.

### **Reasons**

#### ***Character and Appearance***

8. The proposed development would be located in the Feldon Vale Farmlands landscape character type (LCT) of the Stratford on Avon Renewable Energy Landscape Sensitivity Study (LSS) of 2014. The area is also dealt with as part of the Feldon area in the Warwickshire Landscape Guidelines of 1993, and the Vale Farmlands of the District Design Guide of 2001. These documents, taken in the round, identify characteristics typical of the study areas. The appeal site has many of these characteristics, such as being mainly flat, with occasional small undulations, medium to large scale field pattern, areas of permanent pasture, numerous hedgerows and some hedgerow trees. The appeal site itself is also largely self-contained by the extensive hedgerows and some tree belts associated with small streams.
9. The overriding character of the locality is one of a mixed pastoral and arable landscape which is perceived as being deeply rural because of the narrow connecting lanes which criss-cross the area, and the general lack of built development outside the scattered settlements and farmsteads. Although the area is rural it is also affected by some audible intrusion from the nearby M40, and this in turn reduces the tranquillity which is experienced.
10. The LSS is, in my judgement, the most relevant landscape study because of its fine grained approach and its relatively recent publication (at least in comparison with other studies). The study identifies the area as having a medium susceptibility to solar energy development, and a medium to high value. It is clear from the study that the main elements contributing to higher value are the proximity to the Cotswolds Area of Outstanding Natural Beauty (AONB) and heritage assets scattered throughout the area. The sensitivity to

solar development is affected by these features and by proximity to higher ground. It is notable that the LSS concludes (on sensitivity) that where there is enclosure of hedgerows some distance from hill fringes, and where there is movement and disturbance, there may be potential for solar energy development.

11. The LSS goes on to find that in relation to the size of solar energy developments the most suitable location would be limited to broader, flatter or very gently sloping areas where there is potential for hedge or tree screening away from the views from surrounding higher ground. Sensitivity is assessed as medium to high for developments of 25Ha or more. There is an expressed potential for field solar energy developments. Whilst the LSS is of assistance it cannot, of course deal with individual proposals. I do, though, find its assessment criteria to be helpful.
12. In particular I agree that the susceptibility and sensitivity assessment sets out sensible and logical matters which need to be taken into account. In relation to the proposed development I note here that the appeal site is not in close proximity to the higher ground surrounding the site, especially in the case of the notable and prominent outcrop at Burton Dassett Country Park to the south. The site is closer to higher land at, for example, Christmas Hill to the north-west, but this is at a significantly lower height. In addition there are few heritage assets nearby, the only proximate listed building being at Old Town Farm (which I address later). The Cotswolds AONB is some distance away. As a result it seems to me that the appeal site, albeit typical of a low lying rural area, has no special features which raises it above commonplace countryside. The sensitivity to development is therefore, in my judgement, assessed correctly as being in the medium bracket.
13. That said, it is inevitable that an array of solar panels covering almost 55Ha of the appeal site would have an impact on the existing character. Rather than being a typical if unremarkable tract of countryside the character would change to an area of countryside with a solar farm within it. But the magnitude of the change in character would be mitigated by the presence of hedgerows which currently exist, by their management, and by the increase in hedgerow and tree cover which is proposed and which can be ensured by the imposition of suitable conditions. Furthermore the proposed development would be developed in blocks which take account of the existing field pattern.
14. I have taken careful note of the review of the landscape and visual impact assessment prepared on behalf of the Council. This takes a somewhat unusual approach and uses what appears to be drone photography, which is of limited use since it does not illustrate what is experienced on the ground. Nonetheless those photographs show the localised existing character of the land, and some of the field compartments into which solar panels would be placed.
15. In the early part of the life of the development there would be some locations where the magnitude of change in landscape character would be high. This would notable be on the periphery of the site where there are locations of limited vegetation. Elsewhere the essential character would be changed, but at a more moderate level because of the retained and strengthened landscape features. I disagree with the Council's overall assessment that the magnitude of change would be such as to lead to a significant and adverse impact on landscape character. In my judgement the impact would, bearing in mind the

medium sensitivity to development of this type, be moderate and adverse overall at the time of development, but reducing over time to a minor adverse impact.

16. Turning to the visual impact, it is clear that the most noticeable parts of the development would be on the edges of the site. Any recreational walkers, or horse riders, who have an agreed high sensitivity to adverse impacts, would see the panels from locations adjacent to local roads and the public rights of way to the south and east. The visual impact here would be high and likely to be adverse. But I disagree with the Council's suggestion that the response of users of the lanes and footpaths would inevitably be "what a shame". There are many who would no doubt welcome the presence of measures designed to deliver 'green' energy. However, I do not seek to find that there would be visual benefits to the landscape or its enjoyment here as the panels and associated inverters, fencing and other infrastructure would not be typical of a rural landscape. They would introduce regular and regimented structures which would be assimilated to a degree by landscaping proposals, but the visual impact would not be wholly mitigated. In my judgement it would be of moderate adverse impact reducing over time to a moderate to minor impact.
17. Other people likely to see the proposal are those who would pass the site in vehicles, or on cycles. To some extent their sensitivity to development would be less (especially those in vehicles routinely travelling from place to place) and as such the visual impact of the development would be less likely to be perceived as being unfavourable. The impact for these people would be likely to be minor.
18. In longer distance views, such as that from Burton Dassett Country Park, it would be possible to catch a glimpse of solar panels in the distance. But these glimpses would be of an array of panels visually fragmented by vegetation. There would be an impression of a darker layer of material interspersed with trees and hedgerows but remaining within the established field pattern. I agree with the Appellant that it is likely that the array would be perceived as being akin to a body of water in the distance. The fact that the submitted study (which is not contested) finds that there would be no adverse impact from glint or glare adds weight to this finding. There would therefore be a minor visual impact from these longer distance viewpoints.
19. Reference has been made to the fact that there is a solar farm near Bishop's Itchington a little distance to the north-west of the appeal site. However, there is no intervisibility between that site and this proposal and there would be no cumulative impact on either landscape character or visual amenity.
20. Taking this issue in the round it can be summarised as follows:
  - There would be a change to the character of the landscape in the immediate locality of the solar farm;
  - That change would be adverse and, given the moderate sensitivity of the site, the overall magnitude of impact would also be moderate, reducing over time to a minor impact as the mitigating landscaping took effect;
  - There would be a moderate visual impact overall, albeit with some locally major magnitudes of impact in the short term. In the longer term visual impact would be reduced to a minor level.

21. It is agreed that development plan<sup>1</sup> Policy CS.3 is one of the most important policies for determining this case. This deals specifically with renewable and low carbon energy generation. In respect of solar energy the policy is supportive of such development where the impacts are, or can be made, acceptable (which follows the advice of the NPPF). A number of issues are identified against which proposals will be assessed. Most of the issued are uncontested by the Council. The only matter at issue is the impact on landscape character and visual amenity.
22. It is my judgement that the proposed development has addressed the matter of landscape and visual impact in an appropriate manner, and that it has been shown that the impacts can be made acceptable. That is not to say there would be no impact, but any impact would be at a level which would not be unduly harmful. The Council's LSS clearly indicates that solar farms of more than 25Ha could be possible in the Feldon Vale Farmlands and it is my view that this particular proposal would be at the lower end of any finding of harm to landscape or visual amenity (no more than moderate to minor over time). I therefore find that the proposal accords with Policy CS.3.
23. Policy CS.2, also agreed as one of the most important policies, seeks to address the challenge of climate change. Amongst its objectives is the promotion of low carbon renewable energy. Albeit that the policy is primarily aimed at general development, this proposal follows the themes of providing renewable energy whilst addressing flood risk and biodiversity. Taken overall the proposal accords with Policy CS.2.
24. Because I have found that the landscape and visual impacts would be acceptably mitigated and minimised it also follows that the proposal meets the objectives of Core Strategy CS.5 which seeks to achieve those aims. In some ways the development would assist in enhancing landscape features such as hedgerows and tree planting, thus meeting a further objective of Policy CS.5. This policy is also agreed as being most important in determining the appeal.

### **Other Matters**

25. Although the dispute between the Appellant and Council revolves around one main issue there are some other matters which have been raised in writing and at the hearing which I deal with here.
26. First, although the Council takes no issue with the proposed access to the site, many residents are concerned that construction and, in due course, decommissioning of the solar farm would be disruptive and damaging to local highway conditions. I acknowledge that concern, and note that construction would take place during a relatively short time period. No doubt any decommissioning would be of similar length. Highway matters can be controlled by condition, and I have no reason to disagree with the position of the Highway Authority that this scheme can be accommodated safely.
27. It is correctly pointed out that despite being largely graded as 3b land, much of the appeal site is capable of growing crops (as I saw at my site visits). But the NPPF is clear that best and most versatile land is that to which particular consideration should be given in weighing economic and other benefits. That position has not changed in national policy. Therefore, the fact that the land

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<sup>1</sup> Stratford on Avon District Core Strategy 2011 to 2031 (adopted July 2016)

can support cropping is not a matter to which I can attach weight against the proposal in this instance.

28. There are particular comments and concerns raised in relation to the potential for damaging archaeological remains. This is not a matter of concern to the Council and can be controlled by condition. I am therefore satisfied that the archaeological resource in the locality can be satisfactorily protected.
29. Similarly the impact on the closest listed building at Old Town Farm is of concern to some. This building is hardly discernible from the edge of the appeal site, and is shielded by vegetation. I note the comments made in relation to the setting of the listed building, but in reality there is no impression of the setting extending beyond the immediate locality of the building itself. In my judgement there would not be any impact on the setting of the building, or its significance, as a result of this development. Other heritage assets are further afield, and although there would be some distant views of the site from, for example, the Beacon Tower at Burton Dassett Country Park, these assets would retain their essential relationship with their surroundings such that there would be no material impact on their heritage significance.
30. I have also been made aware of criticisms of the consultation exercise carried out by the Appellant with the local community. However it is clear that the details of the proposed development have been widely shared and I have no evidence to suggest that local people have not had an opportunity to express their views on this proposal.

### **The Planning Balance**

31. The Council declared a climate emergency in July 2019, following which it has resolved to support actions which, amongst other things, encourages the use of renewable energy such that by 2030 the local planning authority will be at the forefront of climate change adaptation.
32. These actions dovetail with central government intention in relation to the reduction of greenhouse gas emissions. Over a significant period of time there have been national objectives and policies which seek to encourage renewable energy developments where they are appropriate. I do not need to recite them all in detail here but note that the NPPF follows this route, as does the now somewhat aged National Policy Statement for Energy (EN-1) and its draft replacement. Of note are the recent Energy White Paper – Powering our Net Zero Future of December 2020 and the Net Zero Strategy: Build Back Greener of 2021. One of the key policies in the latter is to enable the UK to be powered entirely by clean electricity by 2035. Included in this key policy is the provision of more solar renewable energy. Although some of these policies and objectives are aimed at nationally significant infrastructure projects above 50MW in size, the direction of travel applies equally to schemes such as that in this appeal.
33. The need for energy security has been highlighted by recent international developments, and this scheme, which would provide power to about 16,500 homes, would assist in achieving that aim. I agree with the Appellant that the provision of clean renewable energy which contributes to security of supply attracts substantial positive weight.



34. There would be an agreed, and high, level of biodiversity net gain resulting from this scheme, and some enhancement to the land around the solar panels by the introduction of flower rich meadows. This attracts significant weight in favour of the proposal.
35. The provision of jobs and sourcing of materials associated with the construction of the solar farm and the operational phase of development would bring economic benefits of a moderate magnitude, and this attracts some limited weight.
36. Set against these positive benefits is the moderate initial harm to landscape character and appearance, reducing over time to a limited impact. It would be time limited, although I acknowledge that 40 years is a long period of time. Overall, in my judgement the positive weight which attaches to the proposed scheme clearly outweighs the harm identified. Furthermore, the proposal accords with the most important policies of the development plan when read as a whole, and also accords with the objectives of national policy and advice.
37. None of the other matters raised in writing or at the hearing affects my judgement or alters the weight which I attach to the positive and negative factors in this appeal.

### **Conditions**

38. An agreed list of conditions was supplied, in the event that planning permission was granted. Conditions controlling the longevity of the permission, the removal of the development at the end of the 40 year period, and the approved plans are necessary in the interests of accurately defining the permission.
39. It is also necessary to impose conditions to ensure that development is carried out with minimal disruption during construction and decommissioning. In addition conditions are necessary to ensure that access to the development site is suitable and safe, and that drainage matters are properly dealt with.
40. In order to best protect the appearance of the area conditions requiring landscaping, tree protection, the finish of materials associated with the development and lighting are reasonable and necessary. Biodiversity gain and protection of particular species can be ensured by imposing appropriate and necessary conditions. In order to ensure that there would be no unacceptable impact on the nearest dwellings a condition controlling proposed CCTV is necessary. An archaeological investigation condition is necessary to ensure the protection of any such remains.

### **Overall conclusion**

41. For the reasons given above, and subject to the imposition of necessary conditions, I conclude that the appeal should be allowed.

*Philip Major*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The planning permission hereby granted shall be for a temporary period to expire 40 years and 6 months after the first export date of the development. Written confirmation of the first export date shall be provided to the local planning authority within one month after the event.
- 3) The development hereby permitted relates to the following drawing numbers:
  - Drawing LCS015-SP-01 Rev 03 'Site Location Plan'
  - Drawing LCS015-SD-02 Rev 02 'Indicative Customer Substation Container Standard Detail'
  - Drawing LCS-SD-01 Rev 02 DNO Substation Elevations and Dimensions Plan
  - Drawing LCS015-SD-03 Rev 02 'Indicative CCTV Post - Standard Drawings'
  - Drawing LCS015-SD-04 Rev 02 'Indicative DNO Track Cross Section Standard Detail'
  - Drawing LCS015-SD-05 Rev 02 'Cable Trench Cross Section'
  - Drawing LCS015-SD-06 Rev 02 'Indicative Access Track Cross Section Standard Detail'
  - Drawing LCS015-SD-07 Rev 02 'Indicative Deer Fence - Standard Detail'
  - Drawing LCS015-PAP-08 Rev 02 'Indicative Inverter/Transformer Elevations and Dimensions Plan'
  - Drawing LCS015-PAP-09 Rev 02 'Inverter/Transformer Roof Plan'
  - Drawing L481-11 Typical Porous Sub-base Detail
  - Drawing LCS015-PL-03\_rev02 Substation Detail Plan
  - Drawing 7782/ASP4/LP Site Layout and Landscaping Plan
  - Drawing 7782/ASP3/LSP Rev C - Landscape Strategy Plan
- 4) No development shall take place, including any demolition works, until details of a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved details shall be adhered to throughout the construction period. The Construction Management Plan shall be in general accordance with approved Construction Traffic Management Plan rev A, and shall provide for:
  - a. the parking of vehicles of site operatives and visitors;
  - b. loading and unloading of plant and materials, including the times of such loading and unloading;
  - c. storage of plant and materials used in constructing the development or stockpiling during development;
  - d. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;



- e. wheel washing facilities including the location of wheel washing facilities;
  - f. measures to control the emission of dust and dirt during construction;
  - g. a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - h. the hours of demolition and/or construction. No works (including the deliveries) shall take place outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Public Holidays);
  - i. details of any piling together with details of how any associated vibration will be monitored and controlled;
  - j. the location and noise levels of any site electricity generators or industrial equipment and hours of use of such equipment;
  - k. means of access and routing plan for construction traffic;
  - l. management of surface water run-off;
  - m. contact telephone number(s) and email address(es) of the site manager(s) which shall be displayed on the site;
  - n. details of external lighting required during construction;
  - o. measures to prevent degradation of the public highway by construction vehicles.
- 5) Notwithstanding the details shown on the submitted soft landscaping plans, prior to the commencement of development hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include:
- a) planting plans;
  - b) written specifications including cultivation and other operations associated with tree, plant and grass establishment;
  - c) a schedule of plants noting species, plant sizes and proposed numbers/densities;
  - d) existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate);
  - e) existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate);
  - f) existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate);
  - g) a hedgerow management plan.
- The approved scheme shall be carried out in accordance with the approved details within the first planting season following the first implementation of the development.
- 6) Any planting approved as part of the soft landscaping details within condition 5, that is removed, uprooted, severely damaged, destroyed or dies during the operational life of the development, shall be replaced with

the same species and size of the original planting, unless the local planning authority gives its written approval to any variation. This shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

- 7) No demolition, site clearance or building operations of any type shall commence, or equipment, machinery or materials be brought onto site until a scheme for the protection of all existing trees and hedges has been submitted to and approved in writing by the local planning authority. The tree protection measures shall include:
  - a) The submission of a Tree Protection Plan and appropriate working methods - the Arboricultural Method Statement in accordance with BS5837:2012 Trees, in relation to design, demolition and construction - Recommendations.
  - b) The scheme must include details of the erection of stout protective fencing in accordance with British Standard BS5837:2012, Clause 6.2.
  - c) Fencing shall be shown on the Tree Protection Plan and installed to the extent of the tree Root Protection Area (RPA) as defined in BS5837:2012 and as agreed in writing by the local planning authority.
  - d) No equipment, machinery or structure shall be attached to or supported by a retained tree.
  - e) No mixing of cement or use of other contaminating materials or substances shall take place within, or close to, a root protection area (RPA) such that seepage or displacement could cause them to enter a root protection area.
  - f) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree within or adjacent to the site.

The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed from the site.
- 8) No later than 6 months prior to the expiry of the planning permission or within 6 months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, a detailed site restoration scheme for the removal of all solar panels and associated apparatus, structures and access tracks hereby permitted and for the restoration of the land to a condition suitable for exclusive agricultural use shall be submitted to and approved in writing by the local planning authority. The site restoration scheme shall include a timetable for the completion of restoration works and shall be implemented wholly in accordance with the agreed restoration details and timetable. The operator of the solar farm shall notify the Council in writing no later than five working days following the cessation of electricity generation.
- 9) No later than 6 months prior to the expiry of the planning permission or within 6 months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, a detailed Decommissioning Statement (in accordance with the general principles of the Construction Method Statement for the site) including safeguards for protected species, a HGV routing plan, details of traffic management measures and measures to

prevent mud and debris on the public highway, and identifying suitable areas for the parking of contractors and visitors and the loading of materials during decommissioning shall be submitted to and approved in writing by the local planning authority. The Decommissioning Statement shall include a timetable for the completion of decommissioning works and shall be implemented wholly in accordance with the agreed decommissioning details and timetable. The operator of the solar farm shall notify the Council in writing no later than five working days following the cessation of electricity generation.

- 10) Notwithstanding the approved drawings contained in Condition 3, prior to their erection on site, details of the proposed materials and finish, including colour, of all solar panels, frames, ancillary buildings, equipment and enclosures including boundary treatments, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and be retained as such for the lifetime of the proposed development.
- 11) No external lighting shall be erected or used on site unless precise details of any lighting are first submitted to and approved in writing by the local planning authority. The lighting shall be installed and thereafter retained in accordance with the approved details for the lifetime of the development.
- 12) Notwithstanding the information submitted with the application, full details of the direction and field of vision of the CCTV cameras shall be submitted to and approved in writing by the local planning authority. The cameras and poles shall thereafter be installed wholly in accordance with these agreed details in accordance with Policy CS.5 and CS.9 of the adopted Stratford-on-Avon Core Strategy (2011-2031).
- 13) No development shall take place until the applicant, or their agents or successors in title, has secured and had implemented a programme of archaeological work in accordance with a written scheme of investigation and timetable which has been submitted to and approved in writing by the local planning authority.
- 14) The development hereby approved shall be carried out in full accordance with the avoidance and protection measures for badgers contained in the Badger Report by Avian Ecology, version 3, report dated 25/09/2020.
- 15) The development hereby approved shall be carried out in full accordance with the ecological mitigation and enhancement measures contained in the Biodiversity Management Plan by Avian Ecology, version 2, report dated 18/09/2020, the Biodiversity Metric 3.0 Report by Avian Ecology dated 27/02/2022 and Drawing 7782/ASP3/LSP Rev C – Landscape Strategy Plan.
- 16) No construction shall be undertaken until the existing northern vehicular access to the site has been remodelled in accordance with drawing number P20-0362 FIGURE 3 of the Construction Traffic Management Plan (CTMP) by Pegasus Group, dated September 2020, and the existing southern vehicular access to the site has been remodelled in accordance with drawing number P20-0362 FIGURE 5 of the same CTMP.
- 17) No construction shall be undertaken until visibility splays have been provided to the northern vehicular access to the site in accordance with

drawing number P20-0362 FIGURE 3 and Designer's Response document P20-0362 dated May 2021. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

- 18) No construction shall be undertaken until visibility splays have been provided to the southern vehicular access to the site in accordance with drawing number P20-0362 FIGURE 5. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
  - 19) Within six months of the commencement of the development hereby permitted, all parts within the public highway of the proposed northern bell mouth access shall be closed and a verge crossing access shall be reinstated in accordance with the standard specification of the highway authority.
  - 20) No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan has been provided to and approved by the local planning authority in consultation with the lead local flood authority (LLFA). Such maintenance plan should:
    - a. Provide the name of the party responsible, including contact name, address, email address and phone number;
    - b. Include plans showing the locations of features requiring maintenance and how these should be accessed;
    - c. Provide details on how surface water at each relevant feature shall be maintained and managed for the lifetime of the development;
    - d. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.
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## **APPEARANCES**

### FOR THE APPELLANT:

Ms Thea Osmund-Smith	Of Counsel
Mr Rhys Bradshaw BA(Hons) MSc MRTPI	Director, DLP Planning Ltd
Mr Ben Wright BA(Hons) DipLA CMLI	Director, Aspect Landscape Planning Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

Mr J Brooke	Stratford on Avon District Council
Dr David Hickie BSc(Hons) MA PhD	Managing Director, David Hickie Associates

### INTERESTED PERSONS:

Ms Cynthia Bettany	Vice Chair, Burton Dassett Parish Council
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## **DOCUMENTS HANDED IN AT THE HEARING**

- 1 Confidential Badger Report by Avian Ecology
- 2 Statement of Cynthia Bettany