

**Philip Isbell - Chief Planning Officer**  
**Sustainable Communities**

**Mid Suffolk District Council**  
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



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## **PLANNING PERMISSION**

### **TOWN AND COUNTRY PLANNING ACT 1990**

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**Correspondence Address:**

Lichfields  
The Minster Building  
21 Mincing Lane  
London  
EC3R 7AG

**Applicant:**

Conrad Energy (Developments) Ltd  
C/O Agent: Lichfields

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**Date Application Received:** 27-Mar-23

**Application Reference:** DC/23/01494

**Date Registered:** 28-Mar-23

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**Proposal & Location of Development:**

Application under Section 73 of The Town and Country Planning Act 1990 - Variation of Condition 2 (Approved Plans and Documents) of Planning Permission DC/22/04021 dated: 20/02/2023 - Construction and operation of Synchronous Condensers with ancillary infrastructure, and associated works including access and landscaping.

Land At The Leys And Ivy Farm , Mellis Road, Yaxley, Suffolk IP21 4BT

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled YAX-SYNCO-LP-002-A received 27/03/2023 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Application Form - Received 27/03/2023  
Defined Red Line Plan YAX-SYNCO-LP-002-A - Received 27/03/2023  
Site Plan YAX-SYNCO-PP-003-B - Received 27/03/2023  
Elevations - Proposed YAX-SYNCO-SEL-008 - Received 27/03/2023  
Sectional Drawing YAX-SYNCO-SEL-RP-006-A - Received 27/03/2023  
Drainage Details Drainage Statement 306/006-RP03 - Received 27/03/2023  
Proposed Landscaping Plan 03 E Landscape Mitigation - Received 27/03/2023  
Noise Impact Assessment 22-213 v6- Received 27/03/2023  
Preliminary Ecological Appraisal V5 February - Received 27/03/2023  
Transport Statement v2 2023-03-01 - Received 27/03/2023  
Landscape and Visual Impact Assessment 59-12-03 Rev B - Received 27/03/2023  
Landscape and Visual Impact Assessment Methodology APPENDIX A - Received 27/03/2023  
Landscape and Visual Impact Assessment Landscape Planning Designations and Constraints

01 Rev B APPENDIX B - Received 27/03/2023

Landscape and Visual Impact Assessment YAXLEY DRAWING 02 ZTV REV C - APPENDIX B - Received 27/03/2023

Landscape and Visual Impact Assessment Photomontages APPENDIX C - Received 27/03/2023

Landscape and Visual Impact Assessment Viewpoints' Photographs APPENDIX D - Received 27/03/2023

Construction Method Statement Construction Management Plan - Yaxley Synchronous Condenser Development 6148 v2.0 - Received 17/04/2023

General Details Access Track Reinstatement Drawing No. 059-12-05 - Received 21/04/2023

General Details Access Track Culvert Details Drawing 059-12-06 - Received 21/04/2023

General Details Access Track Specification Drawing 059-12-07 - Received 21/04/2023

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## Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:  
COMMENCEMENT SECTION 73 TIME LIMIT

The development hereby permitted must be begun not later than 20th February 2026.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Reason: For the avoidance of doubt and in the interests of proper phased planning of the development.

3. ACTION REQUIRED: CONSTRUCTION MANAGEMENT PLAN

The development shall be constructed in accordance with the Construction Management Plan - Yaxley Synchronous Condenser Development Version 2.0 dated 14/04/2023 and received on 17th April 2023, as approved pursuant to discharge of condition application DC/23/01811, or as may otherwise be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

4. ACTION REQUIRED: ACCESS DETAILS

No part of the development shall be first used until details of the proposed vehicular access off Leys Lane (including the position of any gates to be erected and visibility splays to be provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out as per Suffolk County Council's standard access drawing DM04 and constructed in its entirety before the occupation of the building. Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate and acceptably safe specification and made available for use at an appropriate time.

5. ACTION REQUIRED: VISIBILITY SPLAYS

Before the vehicular access is first used for the purposes of the operation of this development, clear vehicular visibility at the height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 59 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension) [or tangential to the nearside edge of the metalled carriageway, whichever is the more onerous]. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely, including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

6. ACTION REQUIRED PRIOR TO COMMENCEMENT: SURFACE WATER DRAINAGE DETAILS

No development above slab level shall commence until a strategy for surface water drainage, including implementation, maintenance and management, has been submitted to and approved, in writing, by the Local Planning Authority. The surface water drainage strategy shall be implemented and maintained as approved.

Reason: To safeguard the ground water environment and minimise the risk of flooding.

7. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE - SURFACE WATER DRAINAGE VERIFICATION REPORT

Within 28 days of practical completion of the development a surface water drainage verification report shall be submitted to the Local Planning Authority. The report shall detail and verify that the surface water drainage system has been inspected and that it has been built and functions in accordance with the drawings and documents as may have been approved pursuant to condition 7 of this permission. The report shall include details of all SuDS components and piped networks in and agreed form for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk  
<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

8. ACTION REQUIRED PRIOR TO COMMENCEMENT: CONSTRUCTION SURFACE WATER MANAGEMENT PLAN

No development above slab level shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including site clearance operations) is submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater  
<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/constructionsurface-water-management-plan/>

9. ACTION REQUIRED: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

Before the development is first brought into operation a lighting design scheme for biodiversity as recommended in section 7.2 of the Preliminary Ecological Appraisal (A1 Ecology Ltd., November 2022) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. 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 Local Planning Authority 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)

10. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (A1 Ecology Ltd., November 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority 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).

11. ACTION REQUIRED PRIOR TO OPERATION: NOISE ASSESSMENT

Before the development is first operated, a noise assessment shall be undertaken by a competent individual to demonstrate that the rating level of sound emitted from the development shall not exceed background sound levels taken as a one hour LA90 during the day (07:00-23:00) and 15 minute LA90 during the night (23:00-07:00) at the nearest sound sensitive premises. All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. In the event that the sound emitted from the development is shown to exceed the background sound levels an attenuation scheme, to ensure the sound level is mitigated to no greater than background levels, shall be submitted to and agreed in writing with the Local Planning Authority. The attenuation scheme as may be agreed shall be carried out in its entirety before the first operation of the development and shall be retained throughout the lifetime of the development.

Reason: In the interest of the amenity of neighbouring residents.

12. ACTION REQUIRED: USE AND REINSTATEMENT OF TEMPORARY ACCESS TRACK

This permission shall allow the temporary use of the existing track from the A140 to Leys Lane for the construction phase of the development only. The access shall be decommissioned and reinstated in accordance with Access Track Reinstatement Drawing No. 059-12-05, Access Track Culvert Details Drawing 059-12-06 and Access Track Specification Drawing 059-12-07 received on 21st April 2023, as approved pursuant to discharge of condition application DC/23/01935, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the temporary access works are removed and land reinstated following the completion of works for the construction of the development which would require the temporary access, in the interests of the preservation of the character and appearance of the locality and highway safety.

13. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: SUBMISSION OF LANDSCAPE DETAILS

Notwithstanding the submitted details, prior to commencement of landscape works hereby approved, details comprising plans and particulars shall be submitted to the Local Planning Authority showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority shall show the existing trees, shrubs, and hedgerows on the site where to be retained and shall include details of:

- a. A specification of soft landscape works (in accordance with British Standards), including a schedule of species, size, density and spacing of all trees, shrubs and hedgerows to be planted.
- b. Areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment.
- c. Paved or otherwise hard surfaced areas including the extent and specification for footways and kerbing, together with the type and specification of all permeable paving and asphalt surfaces.
- d. Existing and finished levels shown as contours with cross-sections, if appropriate.
- e. All means of enclosure and all boundary treatments.
- f. Details relating to the protection and enhancement the existing retained vegetation on site, or if applicable adjacent to the site which may be reasonably effected by the proposed development and any ongoing management of these features over the lifetime of the proposed use.

Such details as may be agreed, shall be implemented in their entirety during the first planting season (October to March inclusive) following approval, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in an agreed location, in the first available planting season following removal.

Reason: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity.

14. ACTION REQUIRED PRIOR TO COMMENCEMENT: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

A Landscape and Ecological Management Plan (LEMP), based on section 7.2 of the Preliminary Ecological Appraisal (A1 Ecology Ltd., November 2022), shall be submitted to, and be approved in writing by, the Local Planning Authority prior to commencement of the development above slab level. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the Local Planning Authority 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)

### **SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:**

NPPF - National Planning Policy Framework  
NPPG-National Planning Policy Guidance  
CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS03 - Reduce Contributions to Climate Change  
CS05 - Mid Suffolk's Environment  
FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
CL03 - Major utility installations and power lines in countryside  
CL08 - Protecting wildlife habitats  
CL11 - Retaining high quality agricultural land  
HB01 - Protection of historic buildings  
HB14 - Ensuring archaeological remains are not destroyed  
H16 - Protecting existing residential amenity  
RT12 - Footpaths and Bridleways  
T10 - Highway Considerations in Development  
SP03 - The sustainable location of new development  
SP09 - Enhancement and Management of the Environment  
LP15 - Environmental Protection and Conservation  
LP16 - Biodiversity & Geodiversity  
LP17 - Landscape  
LP19 - The Historic Environment  
LP24 - Design and Residential Amenity  
LP25 - Energy Sources, Storage and Distribution  
LP27 - Flood risk and vulnerability

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: [infrastructure@baberghmidsuffolk.gov.uk](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/23/01494

**Signed: Philip Isbell**

**Dated: 26th June 2023**

**Chief Planning Officer  
Sustainable Communities**



## **Important Notes to be read in conjunction with your Decision Notice**

### **Please read carefully**

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

**Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development.** Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

### **Discharging your obligations under a condition:**

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

### **Building Control:**

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

## Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990  
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements\*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

\*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

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### Babergh District Council

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Telephone: (0300) 1234 000

[www.babergh.gov.uk](http://www.babergh.gov.uk)

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