

To: The Deputy Leader and Members of the Planning and Development Board

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719237 via e-mail – democraticservices@northwarks.gov.uk

For enquiries about specific reports please contact the officer named in the reports.

The agenda and reports are available in large print and electronic accessible formats if requested.

PLANNING AND DEVELOPMENT BOARD AGENDA

4 MARCH 2024

The Planning and Development Board will meet on Monday, 4 March 2024 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The meeting can also be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

REGISTERING TO SPEAK AT THE MEETING

Anyone wishing to speak at the meeting, in respect of a Planning Application, must register their intention to do so by 1pm on the day of the meeting, either by email to democraticservices@northwarks.gov.uk or by telephoning 01827 719237 / 719221 / 719226.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber; or
- (b) attend remotely via Teams.

If attending in person, precautions will be in place in the Council Chamber to protect those who are present however this will limit the number of people who can be accommodated so it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so, they may need to mute the sound on YouTube when they speak on the phone to prevent feedback). The Chairman of the Board will invite a registered speaker to begin once the application they are registered for is being considered.

- 4 **Minutes of the meeting of the Board held on 5 February 2024** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Consultation on Strengthening Planning Policy for Brownfield Development** – Report of the Chief Executive

Summary

This report seeks Members support for the comments in the report along with any other comments on the consultation by Government on “Strengthening planning policy for brownfield development”.

The Contact Officer for this report is Dorothy Barratt (719250).

6 **Planning Applications** - Report of the Head of Development Control

Summary

Town and Country Planning Act 1990 – applications presented for determination.

6a Application No: PAP/2022/0606 - 22 Church Lane, Middleton, B78 2AW

Erection of single storey ancillary outhouse to rear garden

6b Application No: PAP/2023/0056 - Land At Junction Lichfield Road, Watton Lane, Water Orton

Battery Energy Storage Site, substation compound, with associated infrastructure, fencing, access off Watton Road, drainage and landscaping

6c Application No: PAP/2023/0439 – Land Between Holmfield And Oakdene, Bennetts Road North, Corley, Warwickshire

Erection of 3 bedroom dormer bungalow

6d Application No: PAP/2023/0110 - Mill Field Farm, Mill Lane, Fillongley, CV7 8EE

Stationing of a twin unit mobile home for occupation as a temporary rural worker's dwelling

6e Application No: PAP/2023/0461 - Land To The Rear Of 113 And 115, Victoria Road, Hartshill

Siting of one pre-fabricated mobile home for residential occupation

6f Application No: PAP/2023/0488 - Woodstock, 19, Cottage Lane, Whitacre Heath, Coleshill, B46 2EJ

Erection of a detached granny flat, ancillary to the main dwelling

6g Application No: PAP/2023/0071 - Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley

Construction of a temporary Solar Farm, to include the installation of ground-mounted solar panels together with associated works, equipment and necessary infrastructure

6h Application No: PAP/2021/0663 - Land On The North East of J10 M42, Dordon/A5, Polesworth

Outline planning permission for development of land within Use Class B2 (general industry), Use Class B8 (storage and distribution) and Use Class E(g)(iii) (light industrial), and ancillary infrastructure and associated works, development of overnight lorry parking facility and ancillary infrastructure and associated works. Details of access submitted for approval in full, all other matters reserved

The Contact Officer for this report is Jeff Brown (719310).

7 Appeal Update - Report of the Head of Development Control

Summary

The report updates Members on recent appeal decisions.

The Contact Officer for this report is Jeff Brown (719310).

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

5 February 2024

Present: Councillor Simpson in the Chair

Councillors Bates, Bell, Chapman, Dirveiks, Fowler, Gosling, Hayfield, Hobley, Humphreys, Jarvis, Parsons, H Phillips, Ridley and Ririe

Apologies for absence were received from Councillor Riley (Substitute Clews)

69 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared.

70 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 8 January 2024, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

71 **Review of Fees for Local Land Charges**

The Head of Development Control reported on the increase of charges for applications for the local Land Charges service provided by the Council.

Resolved

- a That the increase of fees for the Local Land Charges search activity in accordance with the schedule set out in Paragraph 5.1.2 of the report of the Head of Development Control , effective from 1 April 2024 be approved;**
- b That the effects of the revised charging schedule be reported back to the Board after six months; and**
- c That an explanatory note clarifying the technical terms within the Officer report be circulated to the Members of the Board.**

72 General Fund Revenue Budget – 2023/24 Revised and 2024/25 Estimates, Fees and Charges

The Interim Corporate Director – Resources (Section 151 Officer) reported on the revised budget for 2023/24 and an estimate of expenditure for 2024/25, together with forward commitments for 2025/26, 2026/27 and 2027/28. It also included a review of the fees and charges for Planning and Development with recommendations for increases.

- a That the revised budget for 2023/24 be accepted;**
- b That the fees and charges, as set out in Appendix C and section 5 of the report of the Interim Corporate Director - Resources, be approved; and**

Recommendation to Executive Board:

- c That the 2024/25 estimates be approved, as submitted in the report of the Interim Corporate Director – Resources (Section 151 Officer), be included in the budget to be brought before the meeting of the Executive Board on 12 February 2024.**

73 Planning Applications

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

- a That in respect of Application No PAP/2022/0423 (Land to the South of Watling Street, Caldecote, CV10 0TS)**
 - a) Planning permission be granted subject to:**
 - i) the withdrawal of all objections from the three Highway Authorities;**
 - ii) agreed planning conditions, and**
 - iii) the completion of a Section 106 Agreement including the Heads of Terms as outlined in this report;**
 - b) That the planning conditions referred to in (ii) above, be delegated to officers in consultation with the Chairman, the Opposition Spokesperson and local Ward Members; and**

- c) **That in the case of continued objections from any of the three Highway Authorities, the application be referred back to the Board for further consideration.**

[Speakers Graeme Warriner and Andy Macdonald]

74 Street Votes Development Orders – Consultation Paper

The Head of Development Control detailed the Government's consultation paper on the introduction of Street Votes Development Orders.

Resolved:

That the Paper be noted and the representations, as set out in the report of the Head of Development Control, be forwarded to the Government.

75 The Rugby Local Plan Review Issues and Options (Regulation 18) Consultation (October 2023)

The Chief Executive sought Members' consideration of the Rugby Local Plan Review Issues and Options (Regulation 18) Consultation (2023).

Resolved

a That the observations raised on the Rugby Local Plan Review Issues and Options (Regulation 18) Consultation (2023) be noted; and

b That additional comments raised following consideration at this Board be forwarded to Rugby Borough Council.

76 Appeal Update

The Head of Development Control brought Members up to date with recent appeal decisions.

Resolved:

That the report be noted.

M Simpson
Chairman

Agenda Item No 5

Planning & Development Board

4 March 2024

Report of the Chief Executive

Consultation on Strengthening Planning Policy for Brownfield Development

1 Summary

- 1.1 This report seeks Members support for the comments in the report and to make any further comments on the consultation by Government on “Strengthening planning policy for brownfield development”.

Recommendation to the Board:

- a That the comments in the report be supported; and**
- b That the report be sent along with any other comments Members may wish to make as the Council’s response on the consultation.**

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Introduction

- 3.1 The Government is consulting on changes to national planning policy to support brownfield development. The consultation closes at 11:45 pm on 26 March 2024. The consultation seeks views on changes to national policy to support brownfield development, and ensure the best use is made of land. The document can be found at: [Strengthening planning policy for brownfield development - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/strengthening-planning-policy-for-brownfield-development)
- 3.2 As Members will recall the NPPF was updated in December 2023. Alongside the publication of the updated Framework, the Secretary of State used a speech on 19 December 2023, Falling Back in Love with the Future, to set out the important role played by the cities in boosting economic growth, driving forward urban regeneration and delivering on long-term housing ambitions. In particular, he emphasised the critical role of London in providing the homes for those who wish to live and work in the capital, and the importance of delivering in line with housing requirements. In order to address these challenges, the Secretary of State commissioned a review of the London Plan, to identify changes to policy that could speed up the delivery of homes in the capital. The review was led by Christopher Katkowski KC, Cllr James

Jamieson, Paul Monaghan and Dr Wei Yang. The singular recommendation from this review was a presumption in favour of brownfield development – specifically for authorities who have under delivered against their London Plan housing requirement, to ensure more homes are delivered where they are needed. The London Plan Review was published on the 13 February 2024.

- 3.3 The Government supports the spirit of the recommendation made in the London Plan Review, but believes it is important to identify and tackle under delivery both in London, and also in other major towns and cities, given the role they play in creating jobs and growth across the country. They see this will also help with the Levelling Up agenda. They are therefore seeking views on two proposals, which are informed by both the London Plan Review and responses received to past consultations:
- a first, a change to national planning policy that would expect local planning authorities to give significant weight to the benefits of delivering as many homes as possible, and to be flexible in applying policies or guidance on the internal layout of developments especially for proposals on brownfield land. This policy would apply to all authorities; and
 - b second, the application of the presumption in favour of sustainable development in respect of previously developed land only for those 20 towns and cities subject to the urban uplift, where their Housing Delivery Test score falls to 95% or below.
- 3.4 It is expected that any changes made to national planning policies for making planning decisions as a result of this consultation would become part of the proposals for National Development Management Policies. Proposals for National Development Management Policies would be subject to further consultation as part of their preparation.
- 3.5 This report will focus on the first change listed above in paragraph 3.3 and touch on the second change.

4 Internal layout

- 4.1 Government proposes a change to national planning policy to make clear that when considering planning applications, local planning authorities should give significant weight to the benefits of delivering as many homes as possible, especially where this involves land which is previously developed. Furthermore, that local planning authorities should take a flexible approach in applying planning policies or guidance relating to the internal layout of development in these circumstances, where they would otherwise inhibit making the most efficient use of a site. This would extend existing national policy related to the consideration of daylight and sunlight, and the efficient use of land, when determining planning applications.
- 4.2 National policy would continue to expect that new development would provide acceptable living standards. In addition, it does not remove legal requirements, nor the importance of other considerations relating to beauty or

undermine wider considerations of character as part of the plan-making process.

- 4.3 Government makes clear that they consider this change should only apply to policies and guidance related to internal layouts of development, and not apply to external design or layout standards of development. However, if they were to make a change to policy, they would welcome views on whether they should extend the additional flexibility to matters concerned with external, as well as internal layouts of development.
- 4.4 Suggested additional wording is provided to paragraph 129(c) of the Framework as shown below:

*“Local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework, **especially where this involves land which is previously developed**. In this context, when considering applications for housing, authorities should **give significant weight to the benefits of delivering as many homes as possible and take a flexible approach in applying planning policies or guidance relating to daylight and sunlight and internal layouts of development**, where they would otherwise inhibit making **the most** efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”*

5 Towns and Cities with housing uplift

- 5.1 This change relates to two things. The first is the Housing Delivery Test and the second is the 35% uplift for urban areas. This particular change has come as a result of the report on the London Plan Review as outlined in paragraph 3.2 above.
- 5.2 The Housing Delivery Test (HDT - [Housing Delivery Test - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/housing-delivery-test)), assesses how well local authorities are delivering against their housing requirement. Currently, for applications involving the provision of housing, any local authority that scores below 75% in the Housing Delivery Test is subject to the presumption in favour of sustainable development.
- 5.3 Both Coventry and Birmingham are two of the 20 towns and cities required to uplift their housing delivery by 35%. The proposal is to make these towns and cities if they fall below 95% in the HDT to then have a presumption in favour of the brownfield development. It is suggested that this change could be made through amendments to footnote 8 of the Framework. The consequences are shown in Table 1 below:

Table 1: Consequences of Housing Delivery Test Score

HDT Score	Consequence
95% or over	None
Between 85% and 94%	Authority must produce action plan and is subject to presumption on previously developed land.
Between 75% and 84%	Authority must produce action plan, apply a 20% buffer to their housing land supply, is subject to the presumption on previously developed land.
Below 75%	Authority must produce action plan, apply a 20% buffer to their housing land supply, and is subject to the presumption in all cases.

6 Observations

- 6.1 Brownfield or previously developed land being used before greenfield land is an existing requirement in the NPPF. This is carried forward into the adopted Local Plan. Policy LP2 states, *“In Categories 1 to 4 settlements development within development boundaries will be supported in principle.”* Maximising the amount of development is therefore supported in general, especially if development is being delivered in the most appropriate and sustainable locations. Therefore, at a strategic level, it is welcomed that the major urban areas will deliver more homes taking the pressure away from the surrounding shire districts.
- 6.2 However, notwithstanding the benefits of a presumption in favour of brownfield land this should not come at the price of poorly designed developments. A poorly designed site may bring with it problems and it is concerning that sub-standard developments could be allowed. Although the changes would only relate to the internal layout of a scheme these could affect parts of the scheme such as parking, bin storage, emergency access, refuse lorry access and security. It is important to try to make a scheme as workable and liveable as possible without issues spilling over into the neighbouring streets and communities. As the pandemic showed it is important that living conditions are good and someone can live and work from their home. It seems to be a retro step to allow properties to be built with less requirements and seems to be at odds with the principles of making places beautiful and providing a sense of placemaking. It is interesting that Government does not see the internal layout of a development contributes to beauty or character of an area.
- 6.3 Clarity needs to be provided as to the interplay with the national space standards which are the internal space standards for homes. It is presumed that the internal space of the development is only the area external to the home so circulation space around the buildings, parking, open spaces. Any changes should make this clear.

7 Report Implications

7.1 Safer Communities Implications

7.1.1 The proposed change to the internal layouts may impact on the ability to ensure that housing developments consider the safety of both the occupiers and those travelling through the site.

7.2 Environment, Sustainability & Health Implications

7.2.1 Ensuring Brownfield sites are utilised prior to greenfield sites can ensure that greenfield sites remain available for biodiversity, carbon sequestration and climate adaptation measures.

7.2.2 Should new homes be built to updated sustainable homes standards it is expected that the annual carbon emissions of such homes will be reduced due to higher building fabric efficiency.

7.3 Legal Implications

7.3.1 There are no legal implications directly arising from this report. However, the content of the updated NPPF is a material consideration in the determination of planning applications from the date of publication and in future reviews of the adopted Local Plan.

The Contact Officer for this report is Dorothy Barratt (719250).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

Agenda Item No 6

Planning and Development Board

4 March 2024

Planning Applications

Report of the Head of Development Control

1 Subject

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

2 Purpose of Report

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications.

3 Implications

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 Site Visits

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 8 April 2024 at 6.30pm in the Council Chamber

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:
https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
6/a	PAP/2022/0606	1	22 Church Lane, Middleton Erection of single storey ancillary outhouse to rear garden	General
6/b	PAP/2023/0056	23	Land At Junction Lichfield Road, Watton Lane, Water Orton, Battery Energy Storage Site, substation compound, with associated infrastructure, fencing, access off Watton Road, drainage and landscaping	General
6/c	PAP/2023/0439	41	Land between Holmfield and Oakdene, Bennetts Road North, Corley Erection of three bedroom dormer bungalow	
6/d	PAP/2023/0110	72	Mill Field Farm, Mill Lane, Fillongley Stationing of a twin unit mobile home for occupation as a temporary rural worker's dwelling	
6/e	PAP/2023/0461	83	Land to the rear of 113 and 115 Victoria Road, Hartshill Siting of one pre-fabricated mobile home for residential occupation	
6/f	PAP/2023/0488	97	Woodstock, 19 Cottage Lane, Whitacre Heath Erection of granny annexe flat ancillary to main dwelling	
6/g	PAP/2023/0071	104	Land 800 metres south of Park House Farm, Meriden Road, Fillongley Construction of a temporary Solar Farm to include the installation of ground-mounted solar panels together with associated works, equipment and necessary infrastructure.	

6/h	PAP/2021/0663	196	<p>Land on the north east of J10 M42 Dordon A5</p> <p>Outline planning permission for development of land within Use Class B2 (general industry), Use Class B8 (storage and distribution) and Use Class E(g)(iii) (light industrial), and ancillary infrastructure and associated works, development of overnight lorry parking facility and ancillary infrastructure and associated works. Details of access submitted for approval in full, all other matters reserved</p>	

General Development Applications

(6/a) Application No: PAP/2022/0606

22, Church Lane, Middleton, B78 2AW

Erection of single storey ancillary outhouse to rear garden, for

A Coates

Introduction

This application was referred to the 2023 July meeting of the Board, but determination was deferred in order to enable officers to see if an appropriate condition could be agreed which would ensure demolition and removal of the building once the need for the accommodation ends.

The previous report is attached in full at Appendix A.

Further Information

Notwithstanding this resolution, there has been ongoing discussion about the scale of the accommodation that might be provided. As a consequence, an amended plan has now been submitted showing a much smaller building and for this to be located on the footprint of the existing wooden shed in the rear garden. The brick-built accommodation would comprise just a bedroom and bathroom and be three metres tall.

The amended plan is at Appendix B and original submission is within Appendix A.

Re-consultation

This amendment has been circulated and three representations have been received at the time of preparing this report. These refer to the following planning considerations:

- Alternatives should be considered - an extension or a loft conversion.
- Loss of privacy and additional disturbance.
- Loss of light to rear gardens.
- It's of poor design and too big.
- It will create a precedent for "back-yard" development.
- Building works will cause disruption.
- There is no parking provision.
- Its overdevelopment.

Several other matters have been raised but these are not planning considerations and thus are not reported here.

If others are received they will be reported to the Board at the meeting.

Other Changes

There has been no change to the Development Plan since last July, but the National Planning Policy Framework (the “NPPF”) was updated in December 2023. The changes do not affect this application.

Observations

The revised plan is materially different to that which Members have previously looked at. The building is smaller, re-located to the footprint of an existing shed and contains limited accommodation such that it could not be used independently. Moreover, it should not have adverse impacts in terms of overlooking or loss of privacy because of its proximity to the main dwelling. Members are also reminded that there is still the “fall-back” position in respect of permitted development. A reduction in height of 0.5 of a metre would result in no planning application being needed for this building.

In respect of the representations received for the latest amendment, then:

- This is not an independent living unit and thus no additional parking is required.
- Permitted development rights enable buildings and structures to be erected in a rear garden such that there is a “fall-back” position here of substantial weight. That could lawfully add buildings to the rear garden in any event.
- Alternatives have been considered, assessed and dismissed - see one of the Appendices in Appendix A.
- It is not considered that the proposal would materially add to activity in, or use of the rear garden than presently occurs.
- A building could be constructed here under permitted development with as height of 2.5 metres. The additional 0.5 metres here is not considered to materially reduce light affecting neighbouring rear gardens.
- Permitted development rights enable different designs and structures to be erected here notwithstanding their appearance. A pitched roof here would have a greater impact on neighbouring residential amenity.
- Building works will be for a temporary period.

As a consequence, it is considered that the proposal does accord with the relevant planning policies in the Local Plan.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. Standard three-year condition
2. Standard plan number condition - The site location plan received on 17/11/22 and plan number 21/001 received on 25/1/24.
3. The building hereby approved shall be constructed in a facing brickwork that matches that on number 22 Church Lane in colour, size and texture.

REASON

In the interests of the visual amenities of the area.

General Development Applications

(5/d) Application No: PAP/2022/0606

22, Church Lane, Middleton, B78 2AW

Erection of single storey ancillary outhouse to rear garden, for

A Coates

Introduction

This application was referred to the February Board meeting, but determination was deferred in order to see whether there were alternative schemes that could provide the accommodation proposed. A site visit was also agreed.

The previous report is attached at Appendix A with a note of the visit at Appendix B

Updated Information

The design of the proposal first shown to Members in February is at Appendix C. The applicant has submitted an amended plan which shows a different design of fenestration to the outhouse's front elevation. This is attached at Appendix D. He has also submitted a short statement setting out the position. This is at Appendix E.

The revised plan has been circulated to those who submitted representations to the original scheme.

A total of 26 objections have been received in respect of this application - 22 about the original proposal and 4 in respect of the amended scheme.

The matters raised by these include the following planning matters:

- Loss of privacy and additional noise and disturbance
- Loss of light to neighbouring gardens
- Poor design not being in keeping
- The building is too big
- This is over-development in a rural village
- It will create a precedent for further backyard development
- There is no parking provision.
- Building works will cause disruption

A number of matters were raised that are not planning matters – anti-social behaviour and queries about how the Council manages its finances and its housing stock.

The additional four objections repeat the matters raised above.

The Parish Council also objects as set out in Appendix F.

5d/75

Observations

The additional statement explains why an extension to the house would not be practical and thus why the proposal remains as a separate building. The amended fenestration is welcome.

The Board is reminded that the amended application before Members should be determined on its planning merits alone. All other matters raised through the representations should be given no weight in assessing the planning balance here.

There are four planning matters to consider.

- The site is in the Green Belt, but it is also within the “infill” boundary defined for the village within the Local Plan. Policy LP3 of the Plan says that “limited infilling in settlements washed over by the Green Belt will be allowed within the infill boundaries as defined on the Policies Map”. As a consequence, there is no objection in principle to this proposal.
- There are a number of factors involved with the impact of the proposal on the residential amenity of neighbouring occupiers. These would include shadowing, loss of light and loss of privacy. The building would stand on slightly higher ground at the rear and the existing garden is small. However, the setting is open with fields at the rear and as such there is limited loss of light or over-shadowing. The change in the amended plan to the front elevation will remove any grounds based on the loss of privacy. There is also limited scope for adding screening along any shared ownership boundaries and this would adversely affect the amenity of those neighbours. There are already fences and hedgerows along these boundaries.
- Members will be aware of the “fall-back” position here in respect of Permitted Development. This building requires the submission of a planning application because it would be three metres in height and located within two metres of the curtilage boundary. A reduction in height to 2.5 metres on the same footprint would thus be “permitted development”, thus requiring no reference or application to the Council. It is not considered that the additional 0.5 metres in height would result in material harm.
- Notwithstanding these matters, the conditions that are recommended in Appendix A, include one – number 4 - which limits the occupancy of the building. This could be extended so as to require the removal of the building once that occupation ceases.

As indicated before there are not considered to be any material planning reasons that would be supported by planning policy and the receipt of the amended plan re-enforces this position.

5d/76

6a/5

Recommendation

As set out in Appendix A, but with condition 2 updated to refer to the amended plan and an addition being included in Condition 4, requiring removal of the building after this occupancy ceases.

5d/77

6a/6

APPENDIX A

General Development Applications

(10/b) Application No: PAP/2022/0606

22, Church Lane, Middleton, B78 2AW

Erection of single storey ancillary outhouse to rear garden, for

A Coates

Introduction

This application is reported to Board due to the property in question being in the ownership of the Council.

The Site

The application site is a two storey, semi-detached property on the north side of Church Lane within a frontage of similar properties. The rear of the property backs on to an open farmland.

A site location plan is shown at Appendix A

The Proposal

The proposal is to construct an ancillary outbuilding at the rear of the garden.

This is illustrated at Appendix B with the proposed plans and elevations at Appendix C.

The outbuilding would be single storey with a flat roof and have a maximum height of 3 metres, a width of 5 metres and a length of 6 metres. The proposed brickwork will match that of the existing property.

The building would be used as an annex to the main house as accommodation for a disabled family member.

Representations

At the time of writing this report, one representation had been received expressing concern about potential overlooking. The Board will be updated at its meeting should additional representations be received.

Development Plan

The North Warwickshire Local Plan (2021) – LP3 (Green Belt); LP29 (Development Considerations), LP30 (Built Form) and LP34 (Parking)

Other Relevant Material Considerations

10b/5

5d/78

6a/7

National Planning Policy Framework 2021 - (the "NPPF").

Supplementary Planning Guidance: A Guide to the Design of Householder Developments, adopted September 2003.

Observations

The site is in the Green Belt where the construction of new buildings is defined as being inappropriate by the NPPF. However, in this case Middleton has an "infill boundary" as defined by the Policies Map in the Local Plan. As such, the proposal would accord with Policy LP3 of the Local Plan.

Local Plan Policy LP30 requires that all development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. The design of the proposed annex is considered to be sympathetic to the host dwellinghouse and the surrounding properties. The height and proposed materials mean that the outbuilding would not be out of place here.

Policy LP29 (9) states that developments should amongst other things, avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution. It is considered that given the size, scale and location of the proposed outbuilding that there will be no material adverse impact on the amenities of the neighbouring properties. It is acknowledged that the annex will provide living accommodation and that the front openings will face the rear elevations of neighbouring properties. There is thus the potential for overlooking. However, the rear gardens here are already overlooked, there too would be some overlooking of the building from existing properties and an outbuilding could be constructed here under permitted development rights with such a building being regularly used household members. It is in these circumstances that any impact is considered to be immaterial.

Policies LP29(6) and LP34 require development proposals to have particular regard to highway safety, service requirements and the capacity of the local road network and the adopted parking standards set out of the Local Plan. It is not considered that the proposed annex will increase traffic flow to and from the site, with on street parking already provided to the front of the property.

A planning condition is considered reasonable here to prevent the annex being used as a separate residence.

10b/6

5d/79

6a/8

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan, the existing and proposed floor plans and sections, titled Site Location Plan and NAB021/22CL/001 (Proposed Plans and Elevations) all received by the Local Planning Authority on 17 November 2022.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The new works shall be carried out with facing brickwork of a similar style, colour and texture to those present on the host dwelling.

REASON

In the interests of the amenities of the area and the building concerned.

4. The accommodation hereby approved shall be occupied solely in connection with, and ancillary to the main dwelling at 22 Church Lane, Middleton, B78 2AW, and shall not be sold off, sub-let or used as a separate unit of accommodation.

REASON

To prevent unauthorised use of the property

10b/7

5d/80

6a/9

Appendix A

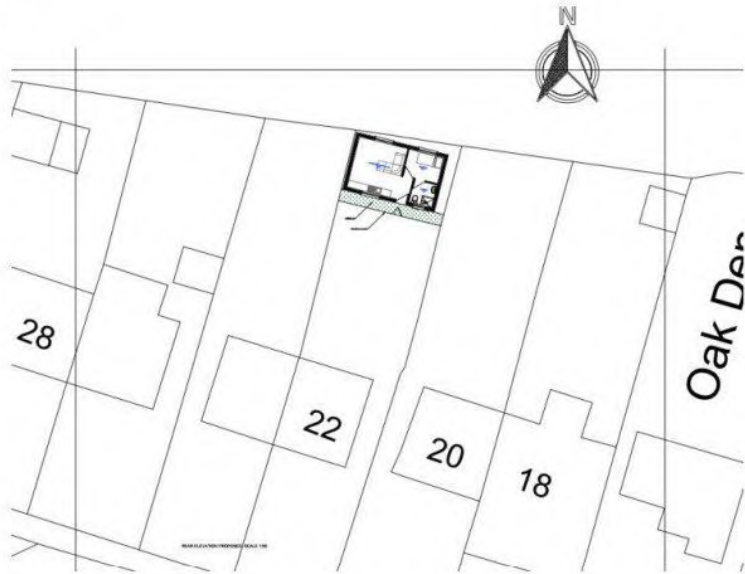


10b/8

5d/81

6a/10

Appendix B

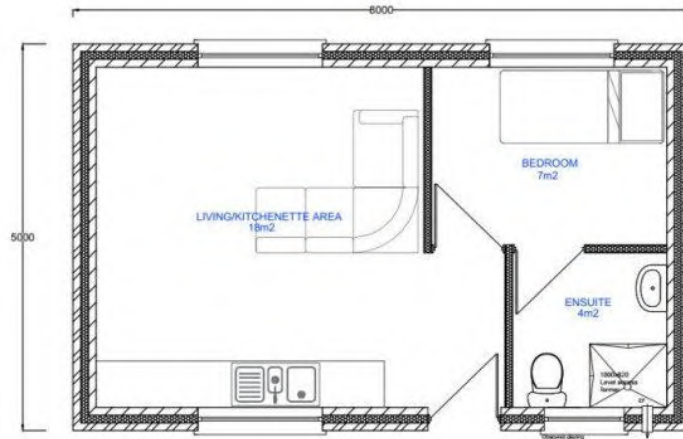


10b/9

5d/82

6a/11

Appendix C



FLOOR PLAN PROPOSED- SCALE: 1:50



FRONT ELEVATION PROPOSED- SCALE 1:50

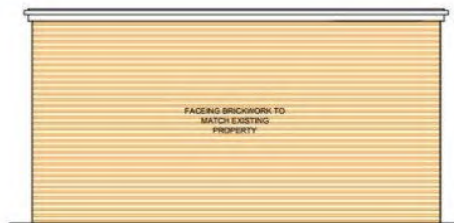
10b/10

5d/83

6a/12



REAR ELEVATION PROPOSED- SCALE 1:50



SIDE ELEVATION PROPOSED- SCALE 1:50

10b/11

5d/84

6a/13

PAP/2022/0606

22 Church Road, Middleton – Board Site Visit

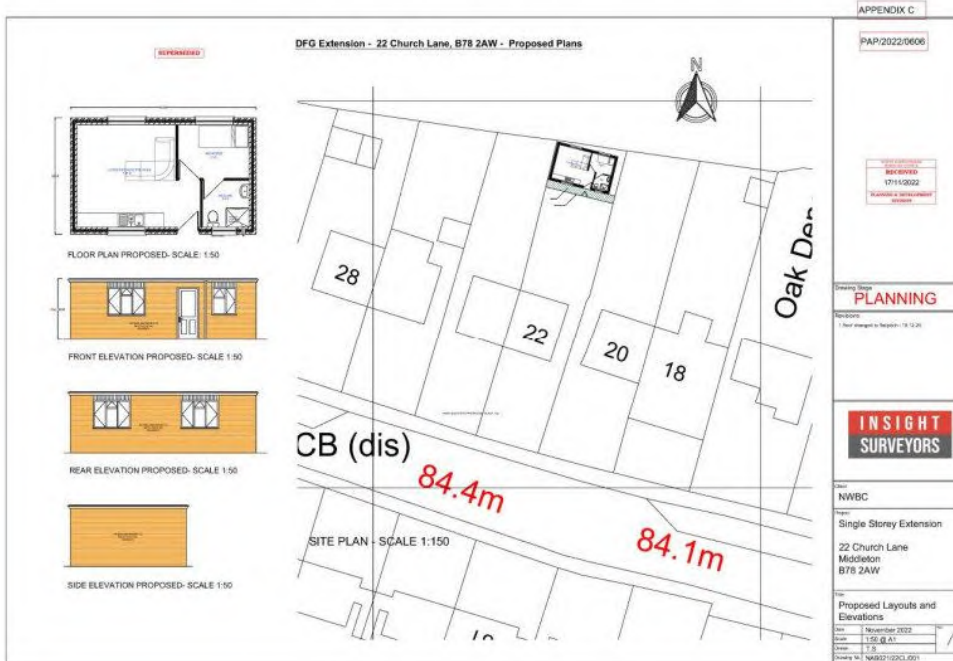
Tuesday 20 June 2023 at 1200

Present: Cllr's Bell, Humphries, Parsons and Reilly together with the occupier and J Brown

1. Members met outside the property and walked to the rear.
2. Here they were shown plans of the building as originally submitted together with the amended ones, which are now the subject of the case.
3. The differences were pointed out
4. Members could see the ground levels, the boundary treatments as well as the relationship with the neighbouring properties.
5. Members walked to the rear of the garden so that could overlook the rear hedgerow as well as look back at the house and its neighbours, noting the position of the windows on those rear elevations.
6. On the way out, Members saw the present wooden shed that is currently being used as sleeping accommodation.
7. The site visit ended at around 1215

5d/85

6a/14



5d/86

6a/15

Planning Supporting Statement

Project:

Erection of single storey ancillary outhouse to rear garden.

Address:

22 Church Lane
Middleton
B78 2AW



On Behalf Of:

North Warwickshire Borough Council

Prepared by:

Tom Saunders BSc (Hons) MRICS
of Insight Surveyors Ltd

Email:

tom.saunders@insightsurveyors.co.uk

Date:

April 2023

REF:

21

**INSIGHT
SURVEYORS**

Friars House, Floor 1, Manor House Drive,
Coventry, CV1 2TE

<https://insightsurveyors.co.uk>

5d/87

6a/16



CONTENTS

1	Introduction	1
2	Supporting Documents.....	1
3	Alternative options Considered	1
4	Option Proposed	2
5	Design and Access Statement.....	2
6	Conclusion.....	3

1 INTRODUCTION

- 1.1 The proposal is to create an additional separate habitable space to assist with overcrowding in the main property.
- 1.2 An application has been made under planning reference number PAP/2022/0606.
- 1.3 The site is a two-storey, semi-detached property on the north side of Church Lane within a frontage of similar properties. The rear of the property backs on to an open farmland.
- 1.4 The outhouse will consist of one bedroom with ensuite and a small kitchen-diner.
- 1.5 The proposed location for the ancillary building is separate to the main dwelling, to be at the rear of the garden, but within and linked to the main curtilage. The extension is to be ancillary to the existing dwelling and not a separate dwelling.
- 1.6 Following the proposal going to planning committee, feedback was given that the extension poses an overlooking risk to the neighbouring properties, and consideration should be given to the extension being linked to the main house.
- 1.7 This statement evaluates the potential options.

2 SUPPORTING DOCUMENTS

- 2.1 Full plans have been submitted for approval, which indicate the extent of the proposed development, documents are list as:
 - Church Lane - Area Plan
 - NAB021_22CL-001 - 22 Church Lane-B78 2AW-Layouts and elevations_Rev.A
 - Board Report - 6 February 2023

3 ALTERNATIVE OPTIONS CONSIDERED

- 3.1 To come to a solution for the requirement a number of options were considered as noted below:
 - 3.1.1 **Loft Conversion (Rejected)**

Consideration was given to utilise a roof extension to convert the loft space allowing for a bedroom, ensuite and small kitchenette.

Due to the construction of the roof and the work required, the property would need to be vacated for the duration of works, this would pose difficulties to find alternative accommodation.

The type of works required would be at a significant cost for the conversion making it un-economical.

The layout required to provide the space needed could not be met by a loft conversion due to space constraints.

This option is not feasible.
 - 3.1.2 **Rear Extension to the rear of premises (Rejected)**

Options to extended from the existing property were reviewed, to provide a bedroom with ensuite, with separate living and kitchenette. The layout of the existing property made this difficult to achieve.

A single storey extension to the rear and side were considered but this could not be achieved

without moving the gas storage tanks located to the rear and blocking light and ventilation to the existing kitchen and bathroom located at the rear of the dwelling.

There was no logical or safe storage area to move the gas bottle supply to.

It was not acceptable from the regulations, or building use point of view to block light and ventilation to the existing rooms.

As such this option is not feasible.

3.1.3 **Separate Extension, closer to the premises (Rejected)**

An alternative option was to keep the proposed design, but move closer to the property.

This would create significant overlooking issues and potentially block light to the existing and neighbouring properties, making this option not feasible.

4 **OPTION PROPOSED**

4.1.1 **Rear Separate Extension to End of Garden (Proposed)**

The proposal meets all requirements and is the most economical option. It also poses minimal effect on the surrounding area and neighbouring properties, as is located to the end of the garden.

The board report states the support for this option, and recommends permission be granted.

Following feedback from neighbouring properties amendments have been made as below:

- Changed the window size and location to the kitchen area to prevent overlooking.
- Changed all glazing to be obscured glazing to the front elevation.

5 **DESIGN AND ACCESS STATEMENT**

5.1 **Existing Use**

The site is currently a residential dwelling consisting of two storey semi-detached house.

5.2 **Background to the Requirement**

The proposal will assist with overcrowding at the premises and meeting the needs of the building users.

5.3 **Materials being used**

Element	Proposed
Roof	Flat roof - felted finish with UPVC fascia and guttering
External Walls	Facing brickwork to match existing property
External Doors	UPVC double glazed
Windows	UPVC double glazed

5.4 **Landscaping and Paths**

Minimal changes to landscaping is proposed. The design includes the addition of a rear garden pathway to access the outhouse and a picket fence to front.

5.5 **Disabled Access**
Not applicable.

5.6 **Traffic**
Neither pedestrian nor vehicular traffic will be increased by the proposal. There are no proposed changes.

5.7 **Architectural and historic Importance**
Not applicable.

5.8 **Wildlife**
It is not anticipated that the proposal will affect any wildlife. The current area is simply turfed, and does not attract significant wildlife.

5.9 **Flooding**
Checks have been made with the Environment agency with regards to the risk of flooding on the site. These show that there is no risk of significant flooding on the site.

6 CONCLUSION

The proposal is required to improve the quality of life of the building users. Other options to extend have been exhausted and are not viable as noted within this statement. The applicant has identified that the proposal is highly beneficial to the property as it will:

- Provide the required alteration to reduce over crowding
- Improve the quality of life of the building user.
- Offer the most economical option.

The chosen area for the annex has taken into consideration alternative locations and options and how it would impact the setting of the site and surrounding areas, deciding that the solution proposed is the best available.

Tom Saunders BSc (Hons) MRICS



For Insight Surveyors Ltd

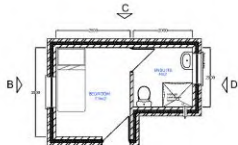
Middleton Parish Council will oppose this planning application and has tremendous local support in doing so. Our Chair or Vice chair would welcome an opportunity to address the planning committee as and when the opportunity arises. Please be in no doubt about the strength of feeling in our community regarding this application and we will fight this application with all and any avenues at our disposal.

This is an internally generated NWBC planning application from within your housing department who we feel have not consulted with or taken note of the very strong local feeling about this issue which will greatly impact how NWBC is regarded within our community should this application succeed. We fear this could be the needs of one overriding the needs of the many, in over 6 years working in the Parish we have never known an issue to have angered so many Parishioners including the unanimous objection of all MPC Councilors.

Tony Harris
MPC Clerk

RECEIVED
25/01/2024
PLANNING & DEVELOPMENT
SERVICES

DFG Extension - 22 Church Lane, B78 2AW - Proposed Plans



FLOOR PLAN PROPOSED- SCALE: 1:50



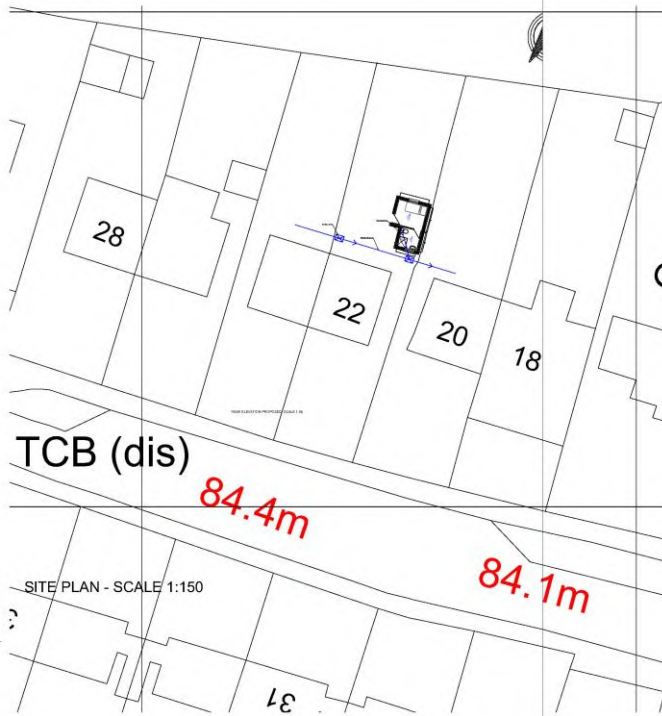
FRONT ELEVATION PROPOSED- SCALE 1:50



REAR ELEVATION PROPOSED- SCALE 1:50



SIDE ELEVATION PROPOSED- SCALE 1:50



SITE PLAN - SCALE 1:150

Drawing Stage	PLANNING
Revisions	
Client	NWBC
Project	Single Storey Extension 22 Church Lane Middleton B78 2AW
Title	Proposed Layouts and Elevations
Date	JAN 2024
Scale	1:50 @ A1
Drawn	T.S
Drawing No	21/001

General Development Applications

(6/b) Application No: PAP/2023/0056

Land At Junction Lichfield Road, Watton Lane, Water Orton,

Battery Energy Storage Site, substation compound, with associated infrastructure, fencing, access off Watton Road, drainage and landscaping, for

- Anglo ES Water Orton Ltd

Introduction

This application was referred to the Board's November meeting and it resolved to grant planning permission subject to completion of a Section 106 Agreement relating to an off-site financial contribution for bio-diversity offsetting. There has been a change in circumstance since then and thus the matter is referred back to the Board.

The previous report is at Appendix A

Additional Information

At the last meeting, Members also asked the applicant to see if additional landscaping could be provided on site which was preferred to an off-site contribution. The applicant has taken this "invitation" on board and has submitted a further plan which enhances landscaping on the site itself – see Appendix B. It is said that this provides sufficient on-site gain, so as to remove the need for the off-site contribution.

Consultation

The County Council Ecologist - It is agreed that there is bio-diversity gain on-site of some 17% and thus there is no requirement for an off-site contribution.

Observations

In light of this new plan and the response from the County Council it is considered that there is now no need for the Agreement. However, an additional condition will be required beyond those outlined in Appendix A, in order to secure a long-term landscape and ecological management plan for the on-site provision.

Recommendation

That planning permission be GRANTED subject to the substitution of the plan at Appendix B in the plans condition number 2 as set out in Appendix A and the substitution of Condition 14 in that Appendix with the following condition:

14. The development hereby permitted shall not be brought into use until a Landscape and Ecological Management Plan ("LEMP") has first been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be in general accordance with the approved Landscape Strategy

Plan approved under condition 2 and shall include reference to the community garden shown on that Plan. The LEMP shall include:

- a) a description and evaluation of the features to be managed;
- b) ecological trends and constraints on site that might influence management,
- c) the aims, objectives and targets for the management,
- d) descriptions of the management operations for achieving the 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 thirty-year period),
- g) Details of the monitoring needed to measure the effectiveness of management,
- h) Details of each element of the monitoring programme,
- i) Details of the persons or organisations(s) responsible for implementation and monitoring,
- j) Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve the required aims, objectives and targets,
- k) Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage,
- l) The legal and funding mechanisms by which the long-term implementation of the LEMP will be secured by the developer and the management body(ies) responsible for its delivery,
- m) How contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (k) above shows that the conservation aims and objectives set out in (c) above are not being met so that the development still delivers the full functioning bio-diversity objectives of the originally approved scheme.

The details in that Plan shall then be implemented on site and be adhered to at all times during the lifetime of the development.

REASON

In the interests of enhancing and protecting bio-diversity.

APPENDIX A

General Development Applications

(5/k) Application No: PAP/2023/0056

Land At Junction Lichfield Road, Watton Lane, Water Orton,

Battery Energy Storage Site, substation compound, with associated infrastructure, fencing, access off Watton Road, drainage and landscaping, for

- Anglo ES Water Orton Ltd

1.Introduction

1.1 This application is referred to the Board at the discretion of the Head of Development Control as the matter may require referral to the Secretary of State as a "Green Belt" development under the 2021 Direction. If the Board is minded to support the proposal, that could trigger a referral, but a resolution to refuse would not.

2.The Site

2.1 This is a rectangular flat parcel of land of approximately 0.7 hectares in size, bounded to the north by the Birmingham/Leicester railway line, to the west by the embankments of the M42/M6 Toll roads and to the south by Watton Lane. There is further open land to the east before the A446 Lichfield Road is reached. There is a hedgerow boundary along the Watton Lane frontage.

2.2 There is a sewer easement running east/west in the northern section of the site.

2.3 Water Orton lies on the other side of the M42/M6Toll road embankment corridor. There is a single residential property around 140 metres away at the junction of Watton Lane with the Lichfield Road.

2.4 The site was used in part in the past for commercial purposes with a number of tin sheds and buildings along the Watton Lane frontage.

2.5 More recently it was acquired by HS2 Ltd for accommodation works and the remains can be seen on site presently.

2.6 The site is illustrated at Appendix A.

3 The Proposals

3.1 The site is to be used as a Battery Energy Storage Site ("BESS") for a period of 40 years. In short, electricity is imported into the site from the National Grid at times of low demand but high production, stored in the battery cells on site and exported back into the Grid at times of high demand. It would have direct connection to the 132kv underground cables within Watton Lane.

5k/72

6b/25

3.2 The substation and transformers (up to 4 metres tall) would be located within an on-site compound set back from the road frontage which would also house switch and control rooms (up to 3.8 metres tall) surrounded by a palisade fence (2.75 metres tall).

3.3 The battery compound would be located behind this comprising 14 battery storage containers (2.7 metres tall) and other plant and equipment also surrounded by a security fence.

3.4 All access would be from Watton Lane.

3.5 Perimeter landscaping is to be provided.

3.6 The proposed layout with the planting is at Appendix B.

3.7 The application is accompanied by supporting documentation.

3.8 A Transport Statement says that the access onto Watton Lane would be 7.3 metres wide with 10- metre, wide bell-mouth radii either side. There are anticipated to be 346 two-way movements over the whole of the construction period of three to five months – around four two-way trips a day. Once operational, the site would be likely to generate four two-way movements a week involving light goods vehicles only. The Statement concludes that there would be no significant highway impact.

3.9 A Flood Risk Assessment identifies the site as being in Flood Zone One, the least likely to be the subject of fluvial flooding and that as the proposal is not a sensitive use such as a residential one, the proposed use is appropriate to the site. In responding to surface water runoff and disposal, the permeable surfacing will result in a moderate impact of surface water run-off. It is thus proposed to use filter drains to attenuate surface water flow and to discharge into the existing combined sewerage network that crosses the northern part of the site. The site is known to be susceptible to groundwater emergence. Ground levels will thus have to be agreed with at least a 150mm increase above existing ground levels including increased levels over the sewer easement to gain access into the northern section of the site.

3.10 A Noise Impact Assessment concludes that there would be negligible impacts for both day and night times essentially because of the high levels an ambient noise in the area.

3.11 A Landscape and Visual Appraisal identifies the site as being in an area dominated by urban and communication networks, predominantly flat, open and barren, with only areas of hardstanding present. The HS2 proposals would add to this infrastructure. As a consequence, the proposal would reduce the openness of the area, but the landscape impacts would be low. There are a limited number of residential buildings or viewpoints. The visual impact would be slightly adverse within the overall setting. The Appraisal concludes that whilst the proposal would cause limited landscape or visual harm here, there would be some benefit arising from new tree and hedgerow planting.

3.12 A Heritage Impact Assessment identified no heritage assets within the site or nearby and recent disturbance and activity will have removed any buried resources.

5k/73

3.13 An Ecological Appraisal and Bio-Diversity Impact Assessment has been submitted. There are two designated sites nearby – the Cole End Nature Reserve (1.7km to the south-east) and the River Blythe SSSI (1.8km also to the south-east). Nine non-statutory sites are within 2km of the site. The majority of the site is modified grassland displaying signs of disruption and with species tolerant of disturbance. The remainder is mixed scrub and unvegetated unsealed surfaces. No identifiable or protected species were noted on site. The mitigation measures proposed, include over 200 metres of new perimeter hedgerow and grassland plus three new broadleaved trees. Even so the proposal would not deliver a nett biodiversity gain and thus an off-setting payment would be needed.

3.14 An Alternative Site Assessment outlines the defining locational requirements for a BESS – namely the proximity to a grid connection particularly to a higher voltage network for both the import and export of electricity; the capacity of the network to accommodate the BESS without the need for development to reinforce that and the need to avoid extensive underground cabling. Once likely connection sites are identified, the usual planning filters are applied – eg. sites free from flooding and not within areas of ecological or heritage protection and physical obstacles for the connection.

3.15 A Planning Statement brings all of these matters together and concludes that the proposal is inappropriate development in the Green Belt, but that there are considerations that amount to the very special circumstances to clearly outweigh the Green Belt and any other harms caused. The considerations advanced are the climate change benefits of the BESS, energy security, national and local planning policy support for renewable energy, the locational requirements for a BESS, investment and new construction jobs.

4. Representations

4.1 One letter of objection has been received referring to:

- Loss of Green Belt
- The site has not been used as industrial land.
- More traffic will be generated.
- Its next to a gas main.
- It will be an eyesore.

5. Consultations

Warwickshire County Council as Highway Authority – It had initial concerns concerning the adequacy of the proposed engineering works at the proposed access. A Road Safety Audit was submitted. This has now been reviewed and there is no objection subject to standard conditions.

Warwickshire Ecology – No objection subject to conditions and to an appropriate off-setting contribution through a Section 106 Agreement

Environmental Health Officer – No objections

National Highways – No objections

5k/74

HS2 Ltd – No comments to make.

Network Rail – Advisory Notes are recommended concerning working close to the line.

Cadent – Advisory Notes are recommended concerning working close to pipelines.

Health and Safety Executive - Advisory Notes are recommended concerning working close to pipelines.

6. Development Plan

The North Warwickshire Local Plan 2021 – LP1(Sustainable Development); LP3 (Green Belt), LP15 (Historic Environment), LP14 (Landscape), LP16 (Natural Environment), LP29 (Development Considerations), LP30(Built Form), LP35 (Renewable Energy) and LP33 (Water Management)
Water Orton Neighbourhood Plan 2022

7. Other Material Planning Considerations

The National Planning Policy Framework 2023

National Planning Practice Guidance

National Policy Statement for Energy (EN1)

The Town and Country Planning (Consultation) (England) Direction 2021

Renewable Energy Directive 2009

UK Security Statement

North Warwickshire Climate Change Action Plan

The North Warwickshire Landscape Character Assessment 2010

The Climate Change Act 2008

The Climate Change Act (2050 Target Amendment) Order 2019

National Infrastructure Strategy 2020

Energy White Paper 2020

The Infrastructure (Electricity Storage Facilities) Order 2020

5k/75

8. Observations

a) Green Belt

8.1 The site is in the Green Belt. Inappropriate development as defined by the NPPF is considered to be harmful to the Green Belt and that harm carries substantial weight. A planning permission should not be granted, unless there are material planning considerations of such weight to clearly override that Green Belt harm and any other harm. In such a case, the very special circumstances will exist to support that proposal.

8.2 The NPPF defines what might be inappropriate development in the Green Belt. In this case the proposal could fall under two of the categories set out in the NPPF.

8.3 In the first instance, if the proposal is treated as the "construction of new buildings" – the plant, structures and equipment – then the proposal might not be inappropriate development by virtue of paragraph 149 (g) of the NPPF, if it is considered to involve the "partial or complete redevelopment of previously developed land". This however is the subject of a condition - the proposal should have "no greater impact on the openness of the Green Belt than the existing development." This will be assessed below.

8.4 The second instance is that if the proposal is treated as a "renewable energy project" then the NPPF at para 151 says that some "elements" will comprise inappropriate development. In such cases the NPPF goes on to say that developers would need to demonstrate "very special circumstances" if projects are to proceed. The NPPF continues by saying that such circumstances "may include the wider environmental benefits associated with increased production of energy from renewable sources."

8.5 It is considered that the overall proposal is not a renewable energy project as it is not a proposal that generates renewable energy. It is designed to import, store and then export existing electricity. The proposal thus needs to be dealt with under paragraph 149 (g) of the NPPF – the redevelopment of previously developed land.

8.6 There are two matters to assess here – whether the site is indeed "previously developed land" and then to undertake the comparison of the respective impacts on the openness of the Green Belt between the existing and the proposed development.

8.7 The NPPF sets out a definition of "previously developed land". This is "land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure". It then excludes several other "uses" including "land that was previously developed, but where the remains of the permanent structure or fixed surface structure have blended into the landscape". Here the site was occupied by permanent structures as indicated above in paragraph 2.4 above. Those have now been removed and thus the exclusion referred to above does not apply. The site is considered to be "previously developed land".

8.8 As such, the comparison referred to in the NPPF condition needs to be considered. That condition refers to the "existing development", not former or original development. The site is presently clear of buildings or structures and thus the introduction of new built development will not satisfy the condition. The proposal therefore does not accord

5k/76

with the paragraph 149(g) exception. The proposal is thus inappropriate development in the Green Belt and that is harmful to the Green Belt with that harm carrying substantial weight.

8.9 This harm is a “definitional” harm under the NPPF. It is also necessary to assess the “actual” harm to the Green Belt – i.e. do the conditions on the ground here lead to a similar weighting. There is no definition of “openness” in the NPPF, but Government guidance indicates that there are four factors to take into account. The first of these is a “spatial” consideration. Here the site is presently open and free from development. It is also part of a wider area of open space – the land to the east up to the A446. However, it is contained by other development – the A446, Watton Lane, the Motorway embankments and the railway line. It too will be materially affected by the HS2 construction. These developments have both two and three-dimensional elements. The loss of the site spatially, will thus have a very limited impact on the openness of the Green Belt hereabouts. The second factor is the visual one. Here too it is the setting of the site that is significant. That is dominated by urban and transport infrastructure and soon to be added to by the HS2 works. The proposal will visually reduce openness here, but that is considered to be of limited local harm, particularly if the proposed landscaping is fully implemented. The third factor is the activity associated with the proposed use. Apart from the construction period this would be immaterial. The final factor is whether the proposal is temporary or permanent. Here that would be for a period of 40 years and thus the development is reversible. When all of these four factors are considered together it is concluded that there would be limited actual Green Belt harm caused.

8.10 The proposal is thus considered to be inappropriate development in the Green Belt causing substantial definitional harm, but limited actual Green Belt harm.

b) Other Harms

i) Landscape Harm

8.11 The site is not within a Statutory landscape designation. It falls within the “Cole Valley” Landscape Character Area defined by the 2010 North Warwickshire Landscape Character Assessment. This is described as being a flat broad valley but dominated by busy roads and substantially influenced by industrial and utilities development, pylons and urban views. The introduction of HS2 here will add to this.

8.12 Local Plan policy LP14 refers to the 2010 Assessment and says that new development should look to conserve and enhance the characteristics of the Landscape Areas and where appropriate, restore landscape character.

8.13 It is agreed that this is a damaged landscape, heavily influenced by transport and urban development. The impact of this proposal on the landscape will be local and limited in scale. It is one that can be absorbed into it without affecting its overall character. The importance of the proposed perimeter landscaping is thus of weight in introducing a degree of mitigation and betterment. Overall, there would be limited landscape harm.

5k/77

ii) Visual Impact

8.14 The site is only really visible to drivers and pedestrians on the roads rather than residents. Any impact will thus be very transitory given the scale of the site and its presence close up to the Motorway embankments within the overall landscape as described above. It is considered that the impact will thus be neutral. Again, the mitigation proposed would bring some improvement.

iii) Ecology

8.15 The County Ecologist is satisfied that sufficient information has been submitted and that its content has been properly produced. As a consequence, it is agreed with the applicant that there would be a bio-diversity loss here, even with the proposed mitigation. In line with Local Plan Policy LP16, in order to provide net gain, an off-setting Agreement will be required through a Section 106 Agreement. Additionally, conditions are recommended by the Ecologist for the preparation and implementation of a Construction Environmental Management Plan to ensure protection of species during construction, to agree the specification of any lighting on the site and a Management Plan for the implementation and ongoing maintenance of the proposed mitigation measures. Given this background, it is considered that there would be no adverse ecological impact.

iv) Heritage

8.16 It is agreed that there would be no adverse impact to any heritage asset and that there is very limited scope for underground archaeological interest.

v) Residential Amenity

8.17 Given the limited residential development in the vicinity of the site and the overall urban and heavily trafficked environment in which the site is located, it is agreed that there would negligible adverse impacts arising solely from this development which would materially worsen this existing environment. The Environmental Health Officer agrees.

vi) Highways

8.18 The initial highway concerns were not to do with the capacity of the local road network as a consequence of the traffic generated here, but with the engineering geometry of the proposed improvements to the existing access. This has now been agreed as a consequence of further discussion.

vii) Drainage

8.19 As indicated in the applicant's supporting documentation the site is in Flood Zone One with the proposal not being a sensitive user. The proposals put forward to deal with discharges are appropriate and proportionate.

5k/78

c) The Harm Side of the Planning Balance

8.20 This report concludes that the cumulative harms caused by the proposal on the harm side of the final planning balance are the substantial definitional Green Belt harm, the limited actual Green Belt harm and the limited landscape harm.

d) The Applicants Considerations

8.21 It is now necessary to identify the considerations put forward by the applicant in support of the proposals on the other side of the planning balance. These have already been initially identified in paragraph 3.15 above.

8.22 His case is essentially based on climate change, the move to zero carbon and to ensure energy security.

8.23 He points to Local Plan policy LP35 which indicates that renewable energy projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. In particular, they will be assessed on their individual and cumulative impacts on landscape quality, sites and features of natural importance, sites and buildings of heritage importance, residential amenity and the local economy. This is supplemented by the NPPF where there are several references to moving towards a low carbon economy – paragraphs 8 (c), 152 and 158. This latter paragraph is significant as it states that applicants for energy development should not have to demonstrate the overall need for renewable or low carbon energy.

8.24 Additionally, the content and scope of the documents referred to in Section 7 above all support this local and national planning policy already set out.

8.25 In this case however it has been pointed out that the proposal is not for the generation of renewable energy, but rather to store and better use the energy already in the system so as to reduce reliance on new energy sources. That storage also allows extra capacity in the network and thus its ability to accommodate electricity generated from renewable sources. Additionally, it provides security for existing energy supplies. The 2020 documents referred to in Section 7 advocate the benefits of energy storage.

8.26 These considerations will carry substantial weight.

8.27 However that does not necessarily by itself override the cumulative level of harm already identified.

8.28 A key consideration of the applicant's case is that if energy storage sites are to be supported, they have to be located where operational criteria require them to be. Essentially this is where they can gain access to the Grid. The applicant's Alternative Sites Assessment explains this in more detail, but the summary in para 3.14 outlines the critical factors and para 3.1 provides detail of the link to the Grid. These criteria limit the scope in the search for sites and given the power transmission infrastructure in the Hams Hall area, it is almost inevitable that a Green Belt location would be identified. The applicant says that this is the case here. In short, the 132kv underground cables in Watton Lane have the capacity to take on additional supply at times of peak demand and they supply power directly into the national network.

5k/79

8.29 This consideration will thus carry significant weight.

e) The Applicant's Side of the Balance

8.31 The report concludes that substantial weight should be given to the applicant's considerations based on need, energy objectives and site location criteria for selecting this site.

f) The Final Planning Balance

8.32 Members are therefore now asked to assess the final balance. The "test" for that assessment is that the considerations put forward by the applicant should "clearly" outweigh the cumulative level of harm caused, if the development is to be supported.

8.33 The harm side of the balance has been set out in para 8.20 above and the other side of the balance is at paragraph 8.31.

8.34 It is considered that the applicant's considerations do clearly outweigh the harm side of the balance. The reasons for this are:

- a) The weights to be apportioned to the various matters identified on both sides of the balance suggest that the final assessment weighs in favour of the proposal.
- b) The national and local planning policy "direction of travel" carries substantial weight.
- c) The locational and functional requirements for this type of development are almost "bespoke". They are not footloose.
- d) In this case, the actual level of Green Belt harm is limited because of the physical and visual setting of the site. This is likely to continue into the future throughout the lifetime of the proposal.

g) The 2021 Direction

8.35 This Direction requires referral of "Green Belt" development to the Secretary of State to see if he wishes to call-in a proposal for his own determination. Hence if the Board was minded to support this proposal that referral might have to take place. However, that referral is also conditional on the scale of the development – there is a threshold under which referral is not mandatory. In this case the threshold comprises two factors either of which triggers the referral. The first is that any floorspace created is less than 1000 square metres and the second is that the development by reason of its scale, nature or location would have a significant impact on the openness of the Green Belt. Here the floor area created is well below the 1000 square metres. The analysis above in paragraph 8.9 concludes that there would not be a significant impact on openness here. As a consequence, it is advised that the Board can grant a planning permission without referral.

5k/80

6b/33

Recommendation

That subject to the completion of a Section 106 Agreement relating to a financial contribution of off-site bio-diversity setting, planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered:

EPC/0331/PL/E/LA/OSL/01; BATT/01, FG01, AUX01, PCS01, CUST/01, AR01, CCTV01, ELV1/01 and ELV2/01, P1871/01B and 02B, 23219/03B, 2114/101E and WOR/BWB/ZZ/XX/DR/CD/001/S2/P3, YE/001/PO3, S2/PO3 and P2/PO1.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The planning permission hereby granted for the battery energy storage system shall be for a temporary period only, to expire 40 years after the date of the first connection to the National Grid. Written confirmation of this date shall be provided to the Local Planning Authority within one month of this event.

REASON

In order to confirm that this permission is for a temporary period only.

4. Within six months of the date of the first connection to the National Grid, a scheme for the de-commissioning of the battery storage system and its ancillary plant and equipment shall be submitted to the Local Planning Authority. The scheme shall make provision for the whole of the above and underground works approved under this permission. The scheme shall also include the details of the management and timing of the de-commissioning works, together with a traffic management plan to address any traffic issues during the de-commissioning period, an environmental management plan to include details of the measures to be taken during de-commissioning to protect wildlife and habitats, as well as details of site restoration measures. For the avoidance of doubt, the landscape

5k/81

planting and bio-diversity improvements approved under this permission shall be excluded from this condition.

REASON

In order to confirm that this permission is for a temporary period only and to ensure the re-instatement of the land following expiration of this period.

5. The scheme as agreed in writing by the Local Planning Authority under condition (4) shall be implemented in full, within six months of the de-connection of the site from the National Grid, whether that occurs under the time period set out in Condition (3) or at the end of any continuous de-connection from the Grid for a period of twelve months.

REASON

To ensure the satisfactory re-instatement of the land.

Pre-commencement Conditions

6. No construction shall be undertaken on site until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan will contain details of:
 - the routing and timing of delivery and other construction traffic to and from the site.
 - suitable areas for the parking of contractors and visitors' vehicles
 - the site of the site compound.
 - the measures to be used to prevent the emission of dust and other debris arising on site.
 - the measures to be used to be used to clean the public highway of debris, waste and detritus.
 - the measures to ensure that the site is secure.
 - the measures to protect existing trees and hedgerows to be retained and
 - named contacts in order to address complaints.

The approved plan shall remain in force throughout construction.

REASON

In the interests of highway safety and to reduce adverse visual and amenity impacts.

7. No development shall commence on site until the finished floor level of the containers, transformer units, control rooms and other equipment have first been submitted to and approved in writing by the Local Planning Authority. The development shall then only be implemented in accordance with the approved levels.

REASON

In order to reduce the risk of flooding

8. No external lighting shall be installed on site until details of the specification and the location of all external light sources has first been submitted to and approved in writing by the Local Planning Authority. Only the approved specifications and locations shall then be implemented on site.

REASON

In the interests of the amenities of the area.

Pre-Commencement Conditions

9. The development hereby permitted shall not be brought into use until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first connection of the site to the National Grid and to the written satisfaction of the Local Planning Authority.

REASON

In the interests of public safety.

10. There shall be no use of the site for the purposes hereby approved until all parts of the existing accesses within the public highway not included within the approved access works, including the vehicular access abutting the western side of the approved access, have all been permanently closed and the highway reinstated to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

5k/83

11. There shall be no use of the site for the use hereby permitted until the whole of the access works as shown on the approved plans together with the whole of the car parking, manoeuvring and service areas have all been laid out and fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

12. There shall be no use of the site for the use hereby permitted until visibility splays as shown on the approved plans have first been provided in full to the written satisfaction of the Local Planning Authority. These splays shall remain unobstructed at all times.

REASON

In the interests of highway safety.

Other Conditions

13. No gates shall be hung within the vehicular access into the site so as to open within eight metres of the near edge of the public highway carriageway.

REASON

In the interests of highway safety

14. The hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding, turfing and soil preparation shall be carried out in the first planting season following the first use of the development hereby approved. Any plants, trees or shrubs which, within a period of five years from completion of the development, die become seriously damaged or diseased, shall be replaced in the next planting season.

REASON

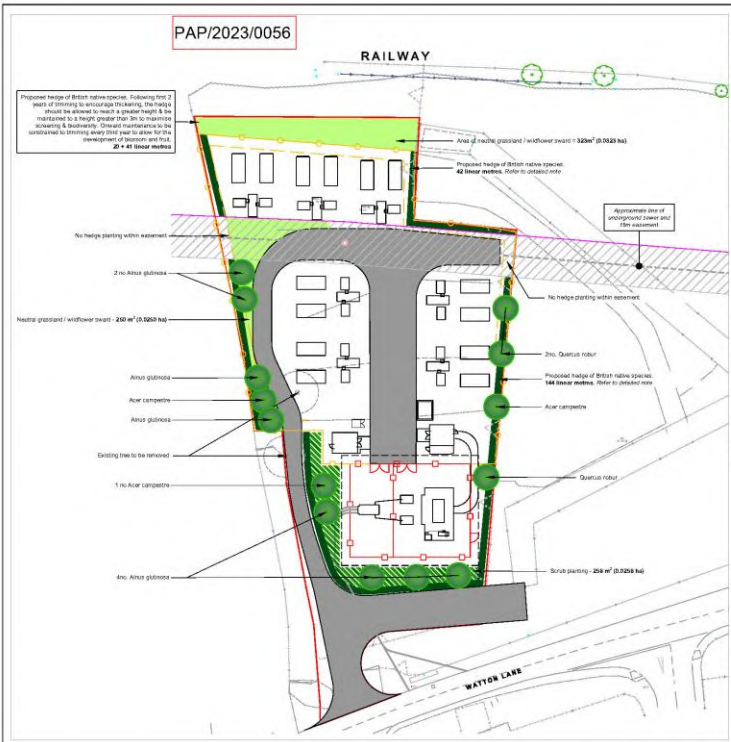
In the interests of the visual amenities of the area.

Notes

1. Attention is drawn to Sections 163 and 278 of the Highway Act 1980, the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Advice on Section 278 can be obtained from the Warwickshire County Council.
2. Warwickshire Fire and Rescue Authority require the inclusion of an advisory note, drawing attention to the need for the development to comply with Approved Document B, Volume 2, Requirement B5 – Access and Facilities for the Fire Service.
3. The Local Planning Authority has met the requirements of the NPPF in this case through the issue of a positive decision following discussion and engagement to overcome initial technical concerns.

5k/85

6b/38



Native Planting Mix (Trees)

No.	Name	Form	Age/condition or x transplanted	Overall height (cm)	Root condition	Habit
1	Acer campestre	Transplant	1x1	60-90	Bare	3-4 breaks
2	Acer platanoides	5x 14-16 girth	5x	330-400	Rootballed	3 breaks
3	Quercus robur	5x 14-16 girth	5x	330-400	Rootballed	3 breaks

Native Hedge

Mix %	Name	Form	Age/condition or x transplanted	Overall height (cm)	Root condition	Habit
5	Acer campestre	Transplant	1x1	60-90	Bare	Branches: 3 breaks
5	Cornus sanguinea	Transplant	1x2	60-90	Bare	Branches: 3 breaks
5	Cornus avellana	Transplant	1x2	60-90	Bare	Branches: 3 breaks
40	Crataegus monogyna	Transplant	1x1	60-90	Bare	Branches: 3 breaks
10	Ligustrum vulgare	Cutting	0/2	60-90	Bare	Branches: 3 breaks
35	Rosa spinosissima	Transplant	1x1	60-90	Bare	Branches: 2 breaks

1.5 metres wide hedge consisting of 4 rows, 200mm between rows and 300mm centres between plants (8 plants per linear metre). Species to be mixed evenly along length of hedge. Reduce height by 30% immediately upon planting to provide increased vigour and encourage branching out during the first planting season.

Scrub Planting Mix

Mix %	Name	Overall height (cm)	Root condition
20	Cornus sanguinea	60-90	Bare
10	Crataegus monogyna	60-90	Bare
30	Ulex europaeus	60-90	Bare
10	Viburnum lantana	60-90	Bare

Planted at 400mm centres.
Rid line area = 0.6880 ha approx.
Neutral grassland / wildflower sward combined area = 0.5573 ha
Scrub planting = 256 m² (0.6256 ha)
Native hedge combined length = 247 Lm



- Notes**
- 1) Do not scale directly from this drawing.
 - 2) This drawing is to be read in conjunction with all other relevant MIP drawings and information supplied by other consultants.
 - 3) Hatch patterns displayed on this drawing are indicative only and do not represent actual paving units or material sizes.
 - 4) All new planting in proximity to buildings to be checked by engineers to ensure foundation stability is appropriate.

Prepared by: Water Orton, Warwickshire
 Client: Anglo Renewables
 Title: Landscape Mitigation strategy plan
 ACAD version:
 Drawing number: 21114-101
 Status: FOR DISCUSSION
 Drawn by: LJK
 Checked by: PH
 Date: 22-07-22
 Scale: 1:500

Water Orton, Warwickshire
 Landscape mitigation strategy plan



General Development Applications

(6/c) Application No: PAP/2023/0439

Land Between Holmfield And Oakdene, Bennetts Road North, Corley, Warwickshire,

Erection of 3 bedroom dormer bungalow, for

Mr Dereck Beverley

Introduction

The application is referred to the Board under the adopted Scheme of Delegation, as local Members consider that greater weight should be afforded to the applicant's case.

The Site

This comprises a 0.3 hectare L-shaped parcel of land situated immediately adjacent to Holmfield at the eastern end of a residential frontage comprising some 35 houses along the north side of the road between Stains Farm and Holly Farm. The surroundings are largely rural in character, appearance and function, with the M6 Motorway 500 metres to the north and Corley around a kilometre to the south-east.

A location plan is at Appendix A.

The Proposals

The proposal is for the erection of 3 bedroom dormer bungalow set back some 35 metres from the road and access shared with a neighbouring property. The bungalow would have accommodation in the roof space and measure 6.13 metres to its ridge.

The layout and elevations are at Appendices B and C.

The applicant's case is that this is for a "self-build bungalow" and he explains this more fully in a supporting statement copied at Appendix D.

Background

Planning permission was refused in 2018 for the demolition of Holmfield to the west and its redevelopment by two replacement detached dwellings. This proposal also extended over the current application site.

Planning permission was subsequently granted in 2019 for a single replacement bungalow for Holmfield. This is the building now on site. A double garage was included.

Planning permission was refused in August 2020 for the erection of a new detached bungalow on the current application site. This proposal was similar to the current application. An appeal was lodged but dismissed in January 2021. The decision letter is at Appendix E.

In 2021, another application for a dwelling and garage on the application site was refused and an appeal again dismissed in 2022 - Appendix F.

Consultations

Warwickshire County Council as Highway Authority – No objection subject to conditions.

Environmental Health Officer - No objection subject to conditions.

Representations

Corley Parish Council has no objection considering it to be an “infill” plot.

Development Plan

North Warwickshire Local Plan 2021- LP1(Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP7 (Housing Development), LP14 (Landscape), LP29 (Development Considerations) and LP30 (Built Form),

Other Relevant Material Considerations

The National Planning Policy Framework December 2023 - (the NPPF”)
National Planning Practice Guidance

The North Warwickshire Five Year Housing Land Supply as at 31 March 2023

The Council’s Register of Self and Custom Build Housing.

Air Quality and Planning Guidance SPG – 2019

North Warwickshire Landscape Character Assessment 2010

The Appeal Decisions at Appendices E and F.

Observations

a) The Green Belt

The site is in the Green Belt. The NPPF states that the construction of new buildings here is not appropriate development and thus by definition is harmful to the Green Belt. This carries substantial weight and thus the presumption here is one of refusal. However, the NPPF does identify a number of exceptions to this and there are two that might apply in this case. Each needs to be assessed.

The first is when the construction consists of “limited infilling in a village”. In this case it is considered that the proposal might well constitute “infill” because of the site’s position vis-à-vis the development to the west. However, the “gap” here is large and visually noticeable; there is a continuous line of development to the west but not to the east, with other sizeable gaps. There is thus some doubt that the proposal would accord with the test of “limited infill” development. However, the matter is settled with the adoption of the 2021 Local Plan. Here Policy LP3 in respect of the Green Belt says that “limited

infilling in settlements washed over by the Green Belt will be allowed within the infill boundaries as defined on the Policies Map.” The site is not within such a defined boundary. Additionally, LP3 says that “limited infilling may also be acceptable where a site is clearly part of the built form of a settlement – i.e., where there is substantial built development around three or more sides of a site.” This does not apply here. Moreover, both Inspectors in the recent appeals concluded that their respective proposals were not limited infilling – paragraph 11 of Appendix E and paragraphs 6 and 7 of Appendix F. It is not considered that there has been any physical change in circumstances at or adjoining the site to warrant a different conclusion. As a consequence of all of these matters, the current proposal does not satisfy this first exception.

The second exception is where the construction consists of the “partial or complete redevelopment of previously developed land” - (“PDL”). There are conditions attached to this exception, but it is first necessary to assess whether the proposal passes the definition of “PDL” in the NPPF. This was a matter that the Inspectors looked at in the recent appeals. Both concluded that the site was “PDL” – paragraph 13 of Appendix E and paragraph 10 of Appendix F.

However, as referred to above and as set out in the appeal decision letters, this does not lead to the proposal automatically becoming appropriate development in the Green Belt. This is because the exception is governed by two conditions. The proposal is not being promoted as “meeting an identified affordable housing need within the area of the Local Planning Authority” and as such it would not accord with this condition. The second is that the proposal should not have a greater impact on the openness of the Green Belt than the existing development. Both Inspectors looked at this condition in dealing with their respective appeals. The first concluded that that “proposal would have a greater impact on the visual openness of the Green Belt than the currently undeveloped land”. As a consequence, “the proposal would have a moderately adverse impact on the openness of the Green Belt” – paragraph 14 of Appendix E. The second concluded that the proposal would “substantially erode the openness of the site in comparison to the existing development on site” - para 12 of Appendix F. Moreover, the second Inspector also added that “the proposed development would introduce built form into this currently open site resulting in encroachment into the Green Belt in conflict with a key purpose of national Green Belt policy” - paragraph 12 of Appendix F. It would thus fail to meet the terms of this exception. The physical characteristics of the site and adjoining land have not changed since the date of these two appeal decisions, and neither is this a materially different proposal in terms of size or scale. As such there is no new evidence to warrant a different conclusion.

In these circumstances, this proposal is not appropriate development in the Green Belt and this harm carries substantial weight in the final planning balance.

b) Other Harms

The Highway Authority has raised no objection subject to standard conditions and this replicates its position with the two appeal cases. The Inspectors also found no evidence to support a highway refusal reason. As such it is acknowledged that the proposal would accord with Local Plan policy LP29 and the relevant section of the NPPF.

To the northwest of Holmfield there are properties which show a variety of built-form, sited within narrow long rear gardens with further properties to the south-east. The immediate property to the west is a newly constructed bungalow. The proposed form would not be materially out of-keeping with the general appearance of the residential frontage here. As such it is acknowledged that the proposal would generally accord with Local Plan Policies LP1 and LP30.

No harm is considered to be caused to neighbouring residential amenity. The low profile of the dwelling and its separation from adjacent properties ensures that light and sunlight losses as well as overshadowing would be minimal. There would be change in that there would be greater levels of activity on the site, but the general locality is not isolated or immune from human or vehicular activity. Because of the size of the site, it is considered that there would be no material adverse impact. The proposal would therefore accord generally with Local Plan policy LP29.

As such it is not considered that there are other harms that amount to them having an adverse impact. It is note-worthy too, that both Inspectors did not raise any other issues.

c) The Harm side of the Planning Balance

As a consequence, the harm side of the planning balance amounts to the substantial Green Belt harm caused by this inappropriate development.

d) The Applicant's Case

The applicant's main argument is that this is a "self-build" project. There is he continues, a need for the Council to identify and plan for smaller building sites, so as to accommodate small house builders. In order to support this case, he refers to the NPPF which at paragraph 70 (b) says that "small and medium sized sites can make an important contribution to meeting the housing requirement" continuing by adding that, "To promote the development of a good mix of sites, Local Planning Authorities should seek opportunities to support small sites for self build and custom build housing". He continues by saying that Local Plan policy LP7 says that "development proposals should make serviced plots available for self-build to address relevant demand identified in the Council's Self and Custom Build Register at the time of the planning application." He concludes by saying that the Council is also required to keep a register of self-build plots for those who wish to build themselves. His statement – Appendix D – indicates that the Council's Register has 39 entries and thus he concludes that his proposal would help with addressing this particular matter. It is agreed that this particular consideration that he has put forward carries moderate weight because the policy background.

Secondly, he refers to the conclusions of both Inspectors that this site is "PDL" and thus redevelopment remains relevant and appropriate. However as indicated above, the "PDL" situation is conditioned in the NPPF and thus this argument carries no weight, unless those conditions are satisfied.

Thirdly, he remains of the view that the site should be treated as an infill site and his Statement at Appendix D expands on this with particular reference to the site being within the village. Unfortunately, two Inspectors have substantially disagreed with him. These two independent conclusions are considered to lend no weight to his case.

e) The Final Planning Balance

Members will be aware that having found that the proposal causes substantial Green Belt harm, the Board had to assess whether the matters put forward by the applicant are of such weight to “clearly” outweigh this harm and thus amount to the very special circumstances necessary to support the application.

It is considered that they do not for the following reasons.

Firstly, the Council has a five-year housing land supply as evidenced in the latest monitoring report – 5.3 years. There is thus no overriding need to boost that supply through just one house. This argument to boost supply by one house was not supported by the Inspector in the 2021 decision – paragraph 25 of Appendix E.

Secondly, the recent changes to the NPPF have not altered or removed the protection to be given to the Green Belt in decision-making – see paragraph 11 (d) (i) and footnote 7.

Thirdly, in respect of the self-build argument, both Inspectors have not given this argument substantial weight in their overall assessments. The first says that only “limited” weight should be given to this argument – paragraph 25 of Appendix E – and the second says that he found “limited to moderate weight” should be given to any benefit.

Finally and most importantly, it is considered that the principle of development on this site overrides other considerations. Whether the development is self-build or market housing is of no weight, as there would be harm caused to the Green Belt through loss of openness and encroachment of the countryside. The greater public interest here rests with the national and local planning policy objectives of retaining the permanence and openness of the Green Belt.

Recommendation

That planning permission be **REFUSED** for the following reason:

1. “The site is located within the Green Belt where the construction of new buildings is considered to amount to an inappropriate form of development. The proposal is not considered to accord with any of the exceptions defined in the National Planning Policy Framework which would make this proposal appropriate development. Moreover, the proposal would introduce built form into a presently open area materially reducing openness from both a spatial and a visual perspective. The matters raised by the applicant are not of sufficient weight to clearly outweigh the harm caused. Accordingly, the proposals do not accord with Policy LP3 of the North Warwickshire Local Plan 2021 and Section 13 of the Framework.

Planning and access statement for Land Between Holmfield and Oakdene.
Bennetts road North, CV7 8BG.

Orchards bungalow.

21.09.2023

—



Mr Dereck Beverley

Proposal:

To build a three bedroom self-build bungalow.

The site:

The site is a residential plot in the settlement of Corley, North Warwickshire. It sits on Bennetts Road North and has been a residential site since 1923 when a member of the Faulconbridge family first purchased the site, his brother purchased the site next to it, the sites remained within the same family until purchased by Mr Beverley in 2017. For planning purposes, the site is located less than 500 metres from the village of Keresley End and all the sustainable amenities it offers, (albeit another authority's responsibility).

Planning history:

PAP/2020/0236 Refused

PAP/2021/0531 Refused

PRE/2023/0084.

Design;

The bungalow will be built using all the latest technology, solar panels with battery storage, air source heat pump, water recovery and filter. No mains gas. The highest levels of all create a highly sustainable and ecologically friendly build. The grounds will be landscaped to further provide habitats for wildlife, the site has already seen over a hundred new trees and bushes planted to create a wildlife haven, some of which have reached a height of nearly 4 metres, this also helps to protect the open green belt behind the site, and the mature hedgerow at the front, some 16 metres long, visually screens most of the site behind.

Access;

The site will have direct access via Bennetts road North, it is a shared access with Holmfield the former bungalow next door, the access has already been passed by highways as conditioned DOC/2022/0005, 08/03/2022.

North Warwickshire local plan September 2021.

Villages & Hamlets.

2.2 There are a number of other settlements, without a development boundary, that do not have the same range of services and facilities but provide significantly to community life within the Borough. With the emphasis in the past for development to be targeted at the main settlements (Atherstone, Mancetter and Polesworth/Dordon, as identified by the Warwickshire Structure Plan 1989) it put smaller villages in a difficult position in that they were losing services and facilities without the support of planning policies, to recognise their importance to the nature of the Borough. Local requirements have changed as the residents of the countryside have changed, but there are many people who live in the smaller settlements and the countryside who have difficulty accessing services and affordable housing. Local planning policies should allow for these needs to be catered for in a sensitive and innovative way. Such settlements include Middleton, CORLEY, Lea Marston and Furnace End. This shows the council recognise Corley as a settlement, hamlet, it also shows like their policy for self-build, custom build they target the larger settlements rather than the rest of the Borough for most of the policy decisions.

LP1. Sustainable development;

The site is located within easy walking distance to Keresley End (another authority) via a public footpath with street lighting, shops, schools, takeaway, garden centre, rugby club, cricket club, pharmacy and doctors, plus bus stops which take you straight into the towns of Nuneaton and Bedworth and the city of Coventry. In a recent granted application

PAP/2017/0308 Rock house farm, Highfield Lane, Corley. CV7 8BJ the case officer wrote The dwelling is sited on a class c road, which is within a long walking distance of Keresley village, which is served with buses. (walking from that site would take three times longer than from the proposal site) he goes on to say the site is within walking distance to Corley services, which has shops. He finishes by saying the scheme will lead to an improvement upon the existing site and therefore acceptable. The proposed new build will use renewable technology, solar, air source heat pump, rainwater harvesting, and modern standards of build and insulation, plus the owner will be growing fruit and vegetables, planting more trees and bushes making it a highly sustainable project. The proposal will also deter crime and antisocial behaviour, local youths using the site as a play area causing nuisance to neighbours and even using it to gain access to burgle the occupiers of Holmfied next door. The proposal will also create a link between the site and the green fields behind with the planting of a wildlife corridor at the rear, trees and bushes and grasses.

5.4 Recognise Regeneration opportunities,

The site is a residential site as long ago as 1923, has its own land registry title and covers this policy opportunity.

Chapter7 Spatial Strategy,

The amount of development now being envisaged means that the Borough Council has had to consider whether it is appropriate or possible that all the required development can fit into the settlement hierarchy. As the hierarchy underpins many of the policies within the plan it is important to ensure there is flexibility to ensure development is delivered. As a result, it is considered necessary to allow developments that may be on the outer boundary of the Borough that are close to sustainable settlements outside of the Borough such as Tamworth and Nuneaton. The site on Bennetts Road North is only 500 metres from Keresley End village, Nuneaton and Bedworth authority, so conforms to this.

LP3. Green Belt;

One of the fundamental aims of the Green Belt policy is to prevent urban sprawl by keeping land permanently open.

The site is and has been since 1923 residential land (deeds attached) it sits in a ribbon development of 35 other houses, the size of the frontage is only 24 metres wide in keeping with the closest neighbours of Holmfied, Oakdene and the Cottage. it also mirrors the opposite end of the ribbon development where the houses, bungalows sit in wider plots.

As the site is previously developed land, North Warwickshire council, planning inspectorate all agree on this, and it sits in the ribbon development of other houses, therefore it can not be classed as encroaching on the countryside, otherwise all of the other houses would be also. The site is washed over by the Green Belt, but there is a clear boundary between it and the open Green Belt to the rear and front, mature hedging at the front with a small open driveway, (North Warwickshire council and the highways department made this a

condition of the planning consent for Holmfield next to the site) and the mature trees and hedges at the rear, this is further added too by the new planning of trees and bushes by Mr Beverley, the applicant. LP3; 4. Limited infilling may also be acceptable where a site is clearly part of the built form of a settlement i.e. where there is substantial built development around three sides of the site. The site sits between two detached properties, in a ribbon development of 35 other houses and has a main road to the front, three sides of development around the site, a road is developed land.

In the appendix A glossary of words of the Local Plan 2021:

Green Belt;

National policy that defines LARGE land areas where the open character will be maintained. Its purpose is to prevent the spread of conurbations, prevent the coalescence of the towns and villages and preserve the individual character of settlements.

The site is not a large land area between any towns, villages or other settlements, it already has houses either side, a main road (class c) to the front and the M6 motorway to the rear, so how can it serve as Green Belt, it is washed over, surrounded by the Green Belt, the site is by definition and is defined as residential by the Government Land registry with its own title deeds, residential since 1923.

National Planning Policy Framework 13 Protecting Green Belt land

137. The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

138. Green Belt serves 5 purposes;

- (a) To check the unrestricted sprawl of large built-up areas;
- (b) To prevent neighbouring towns merging into one another;
- (c) To assist in safeguarding the countryside from encroachment;
- (d) To preserve the setting and special character of historic towns; and
- (e) To assist in urban regeneration, by encouraging the recycling of derelict and urban land.

The site in the ribbon development on Bennetts Road North does not conflict with any of the 5 purposes, as previously explained it is a residential plot with houses either side and a main road to the front, had a house on it, so can not encroach on the open countryside to the rear or front, if the council were to grant planning, it could serve (e) recycling of derelict land.

149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

(b) the provision of appropriate facilities (in connection with the existing use of the land or a change of use)

(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

(e) limited infilling in villages;

The site will only have built form at the front, a replacement house on the original footprint, leaving open views at each side of 5 metres and will facilitate the growing of fruit and vegetables in the garden to the rear, which has already been the case since Mr Beverley purchased the residential site in 2017. The large area of planted new trees and bushes Mr Beverley has already planted as a wildlife haven helps define the site from the OPEN countryside at the rear, from the front the proposed bungalow will neatly fit into the street scene and infill a small gap, replace the original house that was on the site, in Corley, all in accord with national planning policy framework.

Additional information, conclusion;


Corley, this small parish is roughly diamond shaped, being 2 miles from east to west and 1.5 miles from north to south. A survey of the bounds made early in the 15th century begins at the eastern point at the gallows of Corley and runs by woodcock hill wood and Muzzards wood to Daddleys wood and so to Corley Moor, where they follow the road to Little Packington. The 40 acres of the Moor in this parish were enclosed in 1847. The bounds then turned north-eastwards past Falkwood to the highway called le End, past John Catesby's wood called Tackley to a stream Breach Brook, including in the parishes le Hayle, part of Holly Farm. Holly Farm is part of the ribbon development which is where the site (Orchards) Land between Holmfield and Oakdene sits. Thus as the site is part of the village Corley (parish) and its hamlets, it can be said the policy of limited infilling in a village could apply, the map of this is attached along with the designation of Corley neighbourhood by North Warwickshire council. Also attached are maps of Corley and the text that go with these, all showing the village spread out past the development site on Bennetts Road North. Also attached a recent planning appeal which would support this conclusion, APP/x4725/w/20/3252232 Winterset farm court, Ferry Top Lane, Winterset, Wakefield. WF4 2EB. Plus appeal App/R0660/W/19/3233911 Land off Park Lane, Pickmere WA16 oLH.

Size of the small gap between Holmfield and Oakdene Bennetts road North is only 24 metres wide at the front, the view from the road, similar gaps, size of plots along the same

ribbon development are in-keeping with this, there are about ten properties with this size frontage or bigger.

Self-build, the proposal will be a self-build bungalow designed by Mr Beverley for him and his wife to live in; he will also help build and oversee the whole project. Mr Beverley has been on the North Warwickshire council's register since 2018 and updated this in 2022. Attached is a copy of the register, 39 persons on the list as of 2022, not yet updated. The council says 5 planning applications for self-build have been passed since the register started? Government list of council self-build allowed attached. The government says councils should support self-build custom build in their areas, it also says councils in their area must give suitable development permissions to enough suitable serviced plots of land to meet the demand for self-build and custom build in their area. The level of demand established by reference to the number of entries added to an authority's register during a base period. At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land which are suitable for self-build and custom build as there are entries for that base period. North Warwickshire council can not and have not adhered to this. This proposal will go some way to help reach the government policy, it will also redevelop a brownfield site that is an eyesore to neighbours.

This proposal will enhance the street view, regenerate a neglected residential site, and like the permission granted for Holmfield, will take away an eyesore. It is supported by neighbours and the Corley parish council, the local community, those that live and who see the site regularly. There is no benefit to the local community to keep the site as it is, it is not really Open Green Belt, yes it is surrounded by Open Green Belt, the fields to the front and rear are. It seems people have forgotten the true meaning of the Green Belt and what its purpose is, Green belts are a buffer between towns, and towns and countryside. The green belt designation is a planning tool and the aim of the green belt policy is to prevent urban sprawl by keeping land permanently open. Why is alright for North Warwickshire council to support another council to develop the Green Belt right up to their own boundary, land that was truly open fields, and yet can refuse the reuse of a previously developed residential site, and class this as Open Green Belt? The North Warwickshire council also nearly always use the quote; we can show we have a 5 year housing land supply as a means to refuse, but can show no evidence to support the people who wish to self build and custom build, this is a fundamental government planning policy, North Warwickshires policy on the matter is, sites of 100 houses or over have to set aside provision for self-build custom build, who wants to have a self build on an estate? In discussions with Mr Ian Griffin, planning officer, he said I should look at the brownfield register for a plot, these are mainly larger sites already bought by developers such as O'Flanagans and Cassidy group, or rejected because of the problems from these types of sites. I have a brownfield site, previously developed land, as acknowledged by North Warwickshire council and the planning inspectors. I am even willing to split the site into three serviced plots which would allow the council to help fulfil its obligations to help self-build and custom build in its area,

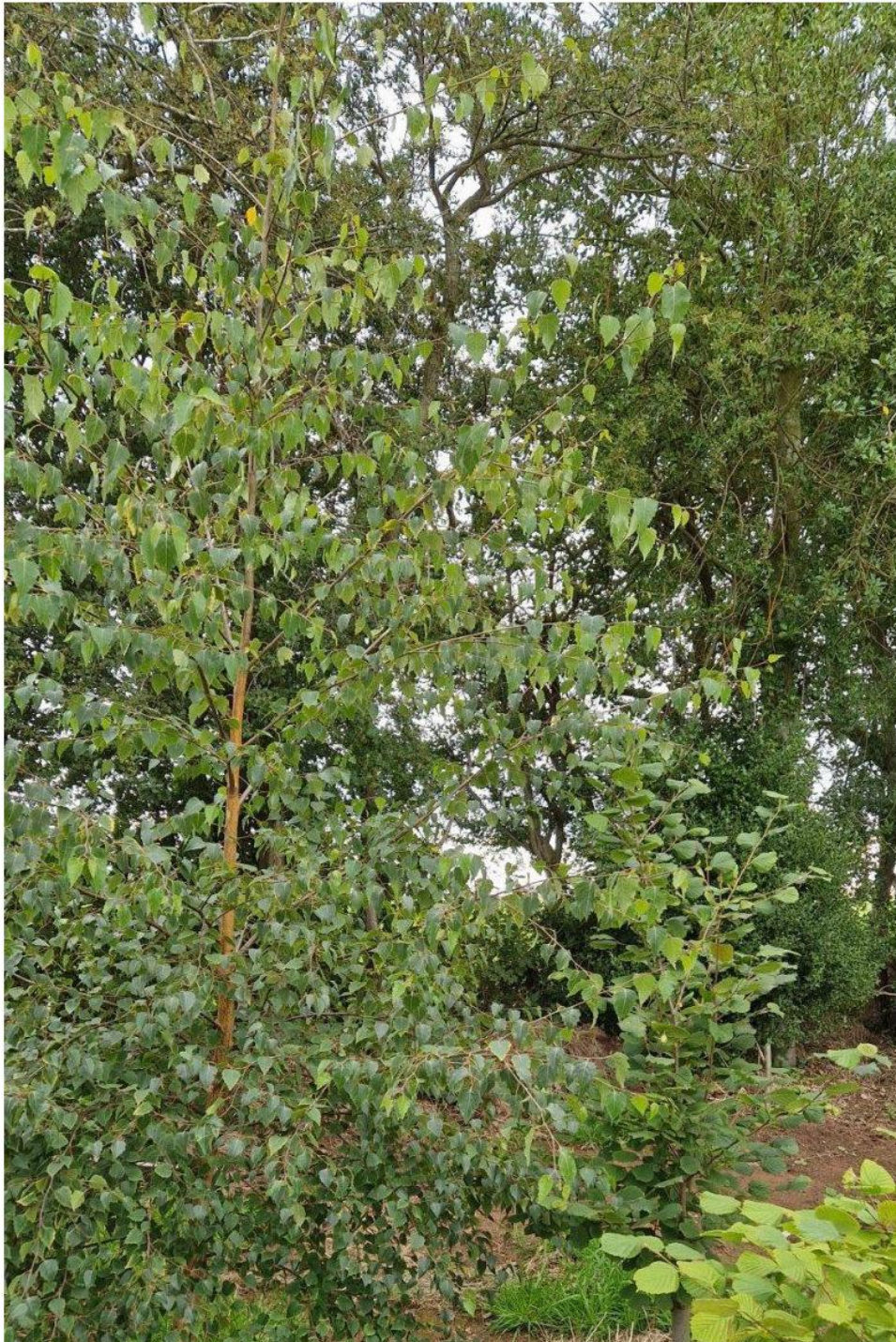


if the council would allow these. As of the end of 2022 the councils self-build custom build register has 39 persons on it, and out of these only 5 want to self-build in the areas the council have allocated, H1 Atherstone, self-build, H4 Polesworth and Dordon, only custom build plots, H5 Tamworth, so how can the North Warwickshire council fulfil its duty to provide self-build and custom build where people would like to live, not all stuck in the two locations the council want to put them?

I know there have been 2 refusals and turned down on appeal applications on the site, but both inspectors said only moderate harm would be caused, and now with the new application and evidence, the site is part of Corley, council can not show support for self-build custom build, environmental and ecology enhancement of the site and the fact the local community supports it, permission should be granted. The government levelling up planning policy states local planning policy takes precedence over national policy, I reiterate Corley parish council support the application to build on the site, they even submitted a letter of support to the council and the planning inspectorate on appeal APP/R3705/W/22/3304390, also in this appeal the inspector said 17. The council is not fulfilling it's duty to provide a suitable number of serviced plots to meet requirements, and as other appeals have been passed because of this, APP/J3720/W/22/3297821 Land north of Millers close, Welford-on-Avon, CV37 8QG. APP/T0355/ 23/3314990 Land adjoining Pondview, Stuart Green, Holyport, Berkshire SL6 2JH.

Finally Mr Beverley is an ex service personnel having served in the Royal Navy between 1979 and 1984, this will be his only means to have an affordable home in the countryside, doing a self-build, it will give him the quiet and fulfilling lifestyle (being able to be almost self sufficient) and away from the everyday pressure of life, helping with his mental health and wellbeing.













Appeal Decision

Site Visit made on 8 December 2020 G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2021

Appeal Ref: APP/R3705/W/20/3258573

Orchards, Bennetts Road North, Corley CV7 8BG

- 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 Mr Dereck Beverley against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2020/0236, dated 19 May 2020, was refused by notice dated 20 August 2020.
- The development proposed is new build bungalow.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan documents.
 - ii. Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate development

4. Paragraph 143 of the National Planning Policy Framework (the Framework) identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that new buildings should be regarded as inappropriate in the Green Belt, save for a limited number of exceptions. The exceptions include, under paragraph 145 (e), limited infilling in villages.
5. There is no specific definition of 'limited infilling' within the Framework or the North Warwickshire Local Plan Core Strategy (adopted 2014) (CS) and,

<https://www.gov.uk/planning-inspectorate>

similarly, what constitutes a 'village' is not defined. The site is not located within any of the defined settlements referred to in Categories 1 – 4 in Policy NW2 of the CS and, in terms of planning policy, is outside of any defined settlement boundary within the countryside that is washed over by the Green Belt. However, category 5 of the policy identifies that there are settlements within the district that are washed over by the Green Belt where no settlement boundary has been identified. Whether any given settlement or location would amount to a 'village' is not specifically defined within the settlement hierarchy of the development plan.

6. Policy NW3 of the CS sets out the Council's approach to development in the Green Belt in more detail and states that infill boundaries will be brought forward to indicate where infill and limited redevelopment would be permitted. I understand that the Council is seeking to identify 'infill boundaries' within an emerging plan which has reached examination stage. The Council have indicated that village locations have been identified and that the appeal site falls outside an area where infill would be permitted. Notwithstanding that point, no extracts from the plan have been provided and it is not clear if there are any outstanding objections to it. As such, I can give little weight to emerging policy and it is necessary to exercise planning judgement to ascertain whether the proposal would amount to 'limited infilling' within a 'village'.
7. Infilling is normally associated with the completion of an otherwise substantial built up frontage of several buildings or at the very least, the consolidation of a largely built up area.
8. The site is located between two dwellings within a run of ribbon development along Bennetts Road North which is located to the north of Coventry but outside of the settlement boundary for the city. The site and the wider ribbon development is washed over by the Green Belt and other than the line of houses, there does not appear to be the services and facilities that would typically be associated with a village.
9. The prevailing character of the immediate area is semi-rural with rural roads featuring ribbons of primarily single depth residential development interspersed with fields and countryside. The site is located towards the end of a row of development on such a road. The dwellings either side of the appeal site create a built-up frontage and the site is capable of accommodating a single dwelling in such a way as to continue the built-up frontage. Accordingly, the proposal would fall within the scope of the 'limited infill' aspect of Paragraph 145 (e) of the Framework.
10. However, whilst there are other residential properties nearby, the presiding character around the site remains semi-rural. The site is physically and visually disconnected from Coventry as well as any other settlements nearby. Residents would have to travel to reach the services and facilities available in Coventry City centre or the suburbs to the north of Coventry. Given the separation and the absence of nearby local services or facilities, this leads me to conclude that the location of the infill would not be within a 'village' for the purposes of Paragraph 145 (e).
11. For the reasons outlined above, I do not consider that the appeal scheme represents a limited infill development in a village. It cannot therefore be

treated as being within the exceptions identified in paragraph 145 of the Framework. Consequently, I conclude that the proposal would not meet criterion (e) of paragraph 145 of the Framework.

12. Paragraph 145 (g) permits the infilling or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.
13. The appellant notes that there was a dwelling on the site that has since been demolished but the remains of foundations are still in place. Third party comments support that position and noted that the house was demolished in the late 1980s. Having viewed the site there is evidence of previous development in terms of the composition of the base material on the ground. As such, despite the site being presently free of built form, there was in all likelihood a dwelling on the site and I am satisfied that the site is previously developed land having regard to the definition within the Framework.
14. Nevertheless, the dwelling has been demolished and as such, the size is now open and undeveloped. The proposed dwelling would introduce new built form into the Green Belt where there is none above ground level. This would have a harmful impact upon the spatial openness of the Green Belt. Furthermore, whilst the site is bounded by hedgerows and the proposal would be a single storey dwelling with a garage, the buildings would be seen over the hedges as well as through the driveway for the proposed dwelling. As such, the proposal would have a greater impact on the visual openness of the Green Belt than the currently undeveloped site. As a consequence, the proposal would have a moderately adverse impact on the openness of the Green Belt.
15. The appellant also notes that the site could be considered previously developed land because it is garden land located outside of the built-up area. Notwithstanding whether or not the site is garden land, as noted above, the proposal would have a greater impact on the openness of the Green Belt and as a result, the proposal would fail to meet criterion (g) of Paragraph 145 of the Framework.
16. Given that the proposal would infill the gap between two existing dwellings, and that the site represents previously developed land, I am satisfied that it would not result in encroachment in the countryside. Nonetheless, that does not affect my conclusions on whether the proposal amounts to inappropriate development, having regard to the specific criteria within paragraph 145 of the Framework.
17. Therefore, the proposed development would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal

18. The appellant has referred to paragraph 79 (e) of the Framework which permits isolated homes where the design of the dwelling is of exceptional quality in that

it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

19. Notwithstanding whether or not the dwelling would be truly outstanding or innovative, the proposed dwelling is located within run of ribbon development with dwellings either side of it. As such, it cannot be considered isolated in either a physical or a functional sense for the purposes of Paragraph 79 (e) of the Framework. Consequently, the proposal would fail to meet criterion (e) of the Paragraph 79 of the Framework.
20. The surrounding dwellings are a mix of two storey and single storey dwellings, some of which have garages and because the dwelling would be located within a run of ribbon development a single storey dwelling, with a garage, in this location would not appear out of character. Most of the dwellings locally are rendered, although the neighbouring dwelling is a red brick building. The proposed buff stone is not commonly used within the immediate street scene but its use here would not be unduly harmful given the existing range of materials used within the immediate area. The bungalow itself would include a central glass aperture which would separate the two side sections of the dwelling. This would create an interesting architectural feature that is not common within the area. Nonetheless, the built form either side of the glass aperture would have the appearance of a relatively standard bungalow, with some modern elements. Consequently, whilst the dwelling would be attractive, the design of the dwelling would not be exceptional. For this reason, a single storey dwelling with a garage would not appear out of character for the area and the appearance of the dwelling, whilst not exceptional, would not harm the character or appearance of the street scene. Nevertheless, good design would be an expectation of any development, having regard to local and national planning policy and this does not amount to a positive effect in favour of the proposal.
21. The appellant has provided an email where they have offered to contribute to a local project if the Council agreed. Whilst I note that offer, no legal agreement under section 106 of the Town and Country Planning Act 1990 has been provided with the appeal and the email cannot be relied upon to guarantee any contribution. In any event, it would only be possible to take into account any contributions that are necessary to make a development acceptable in planning terms. In other words, matters that would be required to mitigate the harmful impact of the scheme. I can see no obvious connection between the suggested offer of a contribution to a local project and the harm that would arise in terms of inappropriate development within the Green Belt and the harm to the openness of the Green Belt. As such, I attach no weight to that matter.
22. The appellant, as well as third parties, note that because the site has been vacant it has been used for anti-social purposes and by developing the site, the proposal would stop such behaviour from taking place in the future. Whilst the proposal could stop the anti-social behaviour from taking place, a similar outcome could be reached through appropriate security measures around the site that would not require the erection of a permanent structure which harms the openness of the Green Belt. Accordingly, I attribute very limited weight to this consideration.

23. The appellant has referred to a number of residential applications and appeals that were allowed in the Green Belt. As set out by the Council, the approved applications and appeals were substantively different to these proposals, including extensions to existing dwellings and sites located in identified settlements in Policy NW2 of the CS. Because those proposals were in the Green Belt, the assessment of each proposal is site specific and conclusions, in terms of openness, are generally unique to each proposal. As such, there are limited comparisons that can be drawn between those schemes and this one. Furthermore, each case must be assessed on its own merits and the Council or the Planning Inspectorate permitting schemes elsewhere would not justify these proposals.
24. The appellant has highlighted that the dwelling would be a self-build project, although limited supporting information in that respect has been provided. However, I have no reason to doubt that position. The Council are required to keep a register of self-build plots and the proposed dwelling would help to the Council to deliver one additional self-build plot. To that end, I attach limited weight to this positive consideration.
25. The proposal would deliver an additional dwelling which would provide a modest contribution towards the Council's 5-year housing land supply and I attach limited weight to this positive consideration having regard to the scale of the development.

Conclusion and Green Belt balance

26. Paragraph 143 of the Framework identifies that inappropriate development in the Green Belt should not be approved except in very special circumstances. Paragraph 144 states that substantial weight must be given to any harm to the Green Belt and that very special circumstances will not exist unless that harm, and any other harm arising from the proposal, is clearly outweighed by other considerations. The proposed development would cause harm to the Green Belt by reason of inappropriateness and would result in a reduction in the openness of the Green Belt, which would conflict with one of the key purposes of designating land within the Green Belt and the relevant policies of the development plan. I attach substantial weight to those matters.
27. Whilst I have found no harm to the character and appearance of the area, that would be an expectation of any development and does not amount to a positive effect in favour of the proposal. On the other side, the redevelopment of the site would stop the site being used for anti-social behaviour and the proposed dwelling would contribute towards the Council's 5-year housing land supply and redevelop a previously developed site. To these considerations I collectively attach moderate weight.
28. The other considerations in support of the appeal do not, on balance, clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
29. Having regard to the above, the identified conflict with the development plan and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

30. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR



Appeal Decision

Site visit made on 12 December 2022

by **Ben Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th December 2022

Appeal Ref: APP/R3705/W/22/3304390

Orchards, Bennetts Road North, CORLEY, West Midlands CV7 8BG

- 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 Mr Dereck Beverley against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2021/0531, dated 9 September 2021, was refused by notice dated 2 August 2022.
- The development proposed is a new build bungalow and single garage.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. An appeal was dismissed¹ for the erection of a bungalow on the site in early 2021. It appears that the siting and scale of development was similar to the dwelling proposed in this appeal. The Inspector found that the proposal would not constitute 'limited infilling' within a village in accordance with paragraph 145(e) of the National Planning Policy Framework (the Framework). The Inspector also found that whilst the site was deemed to be Previously Developed Land (PDL) the proposal would have a greater effect on the openness of the Green Belt than the existing development.
3. Since this decision was made, the Council adopted the North Warwickshire Local Plan (2021) (LP). Consequently, local policies have changed, creating a new policy context for the scheme. Furthermore, a revised version of the Framework was published in July 2021. However, its Green Belt policies have not materially changed between versions. As such, the appeal decision remains an important material consideration for this appeal.

Main Issues

4. The main issues are;
 - whether the proposal would be inappropriate development in the Green Belt and its effect on openness having regard to the Framework and any relevant development plan policies;
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

¹ Planning Appeal Decision: APP/R3705/W/20/3258573

Reasons

Inappropriate development

5. The Framework explains that the Government attaches great importance to the Green Belt and that substantial weight is to be afforded to any harm. Paragraph 149 establishes that new development would be inappropriate development in the Green Belt unless it would meet a listed exception. Paragraph 149(e) states that limited infilling in villages is not inappropriate development.
6. LP Policy LP3, bullet point 3, states that limited infilling, in settlements washed over by the Green Belt, will be allowed within infill boundaries as defined on the Policies Map. At bullet point 4, the policy also identifies that 'limited infilling' may also be acceptable where a site is clearly part of the built form of a settlement, such as where there is substantial built form on three or more sides of the site. This provides a useful understanding as to how the Council applies the policy. Nevertheless, the question of infilling is also a matter of planning judgement, taking into account the size and location of the development and its relationship to existing built form.
7. The site consists of a deep plot that is L-shaped and wraps around the adjacent residential plot of Holmfield. To the northwest the pattern of development consists of a close-knit and regular form of linear housing. To the south-eastern side of the site development becomes more dispersed. Although there are two houses adjacent to the eastern side of the site, these are separated from the nearby linear form of development. The site is not therefore within an established row of linear development, but a point of transition where development becomes more dispersed.
8. The area is 'washed over' by the Green Belt. The site is relatively wide, with the open countryside beyond its rear and front boundaries. The site is not within a designated settlement infill boundary and has built form to only two sides. Consequently, the proposed site would not fulfil the definition of limited infilling advanced local policy. Furthermore, based on my own observations of the site and its context, the site is not within the built form of a settlement and instead at an edge beyond the close-knit linear form of development. Accordingly, whilst limited, the proposed site would not constitute an infilling plot within a village by virtue of paragraph 149(e) of the Framework.
9. Paragraph 149(g) of the Framework supports limited infilling of PDL which would not have a greater impact on the openness of the Green Belt than the existing development.
10. The site shows some signs that it was previously developed, with an access point and gap in the front boundary hedge. There is also evidence that parts of the middle of site have been turned over and there are some small piles of rubble evident elsewhere. A land registry title plan has also been submitted that shows that a property was previously located on the site. I have also noted the comments from an interested party, the Council and the previous appeal decision. These all help me to conclude the site would constitute PDL.
11. Paragraph 137 identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. The openness of the Green Belt has both spatial and visual dimensions. The existing development

amounts to an extremely limited form of development. The house that previously stood on the site has been fully cleared with limited elements of this development remaining as 'existing'. In contrast, the proposed dwelling would be clearly viewed from the highway, and the countryside to the rear, through gaps in the boundary hedging. The proposed dwelling would also be overlooked by the occupiers of adjacent dwellings.

12. Spatially the proposal would have a large footprint, covering a large proportion of the site's width. Visually, whilst relatively low-lying, it would substantially erode the openness of the site in comparison to the existing development on site. New landscape planting, whilst providing some screening, would not mitigate the visual effect of development or the identified loss of openness. Consequently, the proposal would have a moderately adverse effect on the openness of the Green Belt and therefore would fail to satisfy the requirements of paragraph 149(g). Furthermore, whilst relatively discrete, the proposed development would introduce built form into this currently open site resulting in encroachment into the Green Belt, in conflict with a key purpose of national Green Belt policy.
13. The supporting text for LP policy LP3 explains, at paragraph 7.24, that redevelopment within the lawful use of the PDL is acknowledged as being appropriate development. However, this in itself is not policy. The assessment of the redevelopment of PDL in the Green Belt would be subject to the criteria of paragraph 149(g) and LP policy LP3(e), that includes consideration of the visual impact of the proposed development.
14. As it has not been demonstrated that the proposal would be any of the exceptions, listed in Paragraph 149 of the Framework, or comply with LP policy LP3, it would amount to inappropriate development which is, by definition, harmful to the Green Belt.

Other considerations

15. The Appellant asserts that the proposal would be close to Kersley End, offering future occupiers access to a range of goods and services, accessible by a footway. Furthermore, I understand that the proposed dwelling would include a ground source heat pump, solar panels, rainwater harvesting and highly insulated building techniques. These benefits are in favour of the proposal but are collectively of only limited weight.
16. The Self-Build and Custom Housebuilding Act 2015 has placed a statutory duty on 'relevant authorities', including district councils, to keep a self-build and custom register. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and grant sufficient permissions to meet the identified demand. The benefits of custom or self-build housing are recognised by the Planning Practice Guidance in finding that it helps to diversify the housing market and increase customer choice. The Framework also supports the delivery of a variety of land coming forward to meet the needs of groups with specific housing requirements including for those people wishing to commission or build their own homes.
17. The appellant asserts that the Council has not approved any self-build housing sites and there are currently 22 people on the Council's self-build housing register, this has not been disputed by the Council. It therefore appears that the Council is not fulfilling its duty to provide a suitable number of serviced

plots to meet this requirement. Consequently, this benefit affords moderate weight in favour of the proposal.

Whether there would be Very Special Circumstances

18. Paragraphs 147 and 148 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
19. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in moderate harm to the openness of the Green Belt and would result in encroachment. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
20. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Other matters

21. A recent planning approval² for extensions to the adjacent property of Oakdene enabled the dwelling to be substantially increased in size. Extensions to buildings in the Green Belt are governed by paragraph 149(c) of the Framework. This states that an extension to a building would not be inappropriate development provided it would not result in disproportionate additions over and above the size of the original building. The Council explain that the approved extension was off-set by the demolition of existing workshops resulting in a net gain that was not significantly greater than its 30% guidance for such extensions. As such, the proposed extension did not amount to inappropriate development and would not therefore affect the openness of the Green Belt.
22. In the case of the approval³ for an extension at Little Hurst the officer report explains that whilst the extension would be inappropriate development, it would have a limited effect on openness. It was also noted that the fall-back position, of the implementation of permitted development rights, provided a material consideration that enabled the scheme to be allowed. These considerations are not engaged in the case of the current proposal.
23. The Appellant also refers to other cases of extensions to dwellings in the area. However, the assessment of such schemes in the Green Belt is subject to different requirements and these are markedly different to considerations associated to those for a new dwelling.

² Planning Application Reference: PAP/2019/0115

³ Planning Application Reference: PAP/2022/0303

24. The proposed dwelling would be a bungalow consisting of brick and tile. It would generally accord with the design and form of neighbouring development and be in keeping with the character and appearance of the area. However, this conveys only a neutral affect in respect of the merits of the case. Also, such an absence of harm would not result in 'no harm' to the openness of the Green belt.

Conclusion

25. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Ben Plenty

INSPECTOR

General Development Applications

(6/d) Application No: PAP/2023/0110

Mill Field Farm, Mill Lane, Fillongley, CV7 8EE

Stationing of a twin unit mobile home for occupation as a temporary rural worker's dwelling, for

MC and MG Peebles Farm Services

Introduction

The application is referred to the Board under the Scheme of Delegation as local Members consider that greater weight should be afforded to the applicant's case.

1.The Site

1.1 The application site is around 0.1 hectares of land on the south-eastern side of Mill Lane around 200 metres from its junction with the Coventry Road. There is a small group of residential properties opposite an access onto Mill Lane. The Lane itself is a single carriageway with high banks and bends. The actual site is immediately to the east of a collection of established agricultural buildings. The surrounding land is generally open and undulating pasture, defined by mature native hedgerows interspersed with trees.

1.2 The site is illustrated on Appendix A.

2. The Proposal

2.1 This is as described above and comprises a three-bedroom single storey wooden cabin.

2.2 The proposal is to accommodate an agricultural worker's family within that part of the holding on the land off Mill Lane. This comprises 12 hectares of owned land on which there are presently four agricultural buildings, used for livestock and storage purposes, one of which has recently been erected.

2.3 The applicant is a partnership between Mark Peebles and his father with the proposed dwelling to be occupied by Mark and his family. They currently reside at Fillongley Mill Farm which is on the Coventry Road just over a kilometre to the east of the current application site.

2.4 In addition to the land owned by the Partnership, there is other land which is farmed as itemised below. The majority of this is predominantly grass with 7 hectares being arable which is used as feed for the livestock enterprise. The grassland is used for hay both for sale and for the livestock.

- 40 acres (16 ha) rented on a long-term rental agreement.
- 16 acres (7ha) owned by another family member and

- 80 acres (32ha) rented on an annual keep basis, but which has been rented continually for 3 - 4 years.

2.5 The livestock enterprise is presently concentrated on the land at the application site off Mill Lane. It comprises of around 50 breeding ewes; 350 to 400 cade (orphan) lambs that are purchased and reared, four batches of 85 Billy Goats are purchased each year, reared and then sold and 55 calves are purchased each year, reared and then sold on. It is proposed to expand the breeding ewes on site to 75 and to increase the calf rearing activity to 75 a year.

2.6 The applicant considers that the enterprise was able to be managed from a more remote location with daily visits and with longer periods on site due to seasonal requirements. However, given the present scale of animal husbandry and welfare needs of the livestock, its proposed expansion and the viability of the business, an on-site residential accommodation has now become essential. He says that there is evidence of a “firm intention” to grow the enterprise and that the recent history shows the ability to do so. Additionally, he says that the labour requirement as measured by Standard Man Days exceeds one labour unit. He provides a Business Plan which reference profits from 2022/23 towards 2024/25. He says that the proposal is for temporary accommodation to support the business during this three year growth phase.

2.7 Plans illustrating the proposal are at Appendix B.

3. Background

3.1 The relevant background confirms the grants of permission for the current on-site buildings.

3.2 An earlier 2021 application for a similar development was withdrawn.

4. Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP7 (Housing Mix), LP11 (Economic Development), LP13 (Rural Employment), LP14 (Landscape), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP32 (New Agricultural, Forestry and Equine Buildings) and LP34 (Parking)

Fillongley Neighbourhood Plan - FNP04 Housing

5. Other Material Planning Considerations

National Planning Policy Framework 2023 – (the “NPPF”)

National Planning Practice Guidance - (the “NPPG”)

6. Consultations

Warwickshire County Council as Highway Authority – No objection subject to conditions.

Environmental Health Officer – No objections subject to conditions.

The Council's Rural Planning and Land Consultant – He concludes that there is no essential requirement for an agricultural worker's dwelling at the site. In short, he considers that existing residential arrangements meet the agricultural need of the livestock enterprise. The reasons are set out in the report below as are the rebuttals from the applicant.

7. Representations

Fillongley Parish Council – No objection

8. Observations

a) Green Belt

8.1 The site lies within the Green Belt. Inappropriate development here is defined as being harmful to the Green Belt and thus carries a presumption of refusal. It should not be approved, except in very special circumstances. What is, or is not, inappropriate is defined in the NPPF and so it is first necessary to establish whether the proposal is inappropriate development or not.

8.2 The proposal is for the construction of new building. The NPPF defines such development as being inappropriate development. However, the NPPF goes on to outline a number of exceptions. One such exception is when the building is "for agriculture and forestry". This is not the case here as the proposal is for a residential building, not an agricultural building. As such, the proposal is inappropriate development by definition and should not be supported unless there are "very special circumstances". The remainder of this report will assess this matter before looking at the final planning balance.

8.3 Whilst the Green Belt harm caused by reason of its inappropriateness by definition, is to be given substantial weight, it is also necessary to assess what the actual Green Belt harm might be on the ground. An essential characteristic of Green Belt land is its openness, which is generally taken in planning terms to be the "absence of built form". There is no definition in the NPPF, but National Planning Guidance does recommend that it should be looked at in terms of four elements. The first is the spatial element. Here the proposed site is on the southern perimeter of the range of existing buildings and hard-standings. Whilst the proposal would be a single storey building and thus be lower than these existing buildings, it would stand proud of them, occupy an existing open area and have a different appearance and character. It would not be contained within the existing range of buildings thus representing an extension of built-form.

Overall, it is considered that the spatial impact of this extension into open land would be moderate. The second element is the visual impact on openness. The site would only be partially visible from the road, but it would be very visible from two nearby footpaths – the M373 and M352 - which run alongside the site. This impact would be transitory and whilst the building would be seen against the backdrop of the larger existing buildings, it would still stand apart from them adding visually to the amount of built development in the area. Overall, the visual impact on the openness of the wider setting would also be moderate. The third element is to look at the activity associated

with the proposal. Here there would be unlikely to be a material increase in either human or vehicular activity given the use and scale of the adjoining farm premises. The final element is that the proposal would be temporary, not permanent. This would count in support for the proposal in Green Belt terms. In all of these circumstances it is considered that overall, the proposal would have moderate actual Green Belt harm.

8.4 In conclusion therefore, the proposal is inappropriate development in the Green Belt causing substantial definitional harm, but moderate actual Green Belt harm.

b) Other Harms

8.5 The Highway Authority has not objected to the application in respect of the details submitted with the application. Policy LP29 (6) of the Local Plan requires proposals to provide safe and suitable access for all users. Paragraph 115 of the NPPF makes it clear that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the scheme are severe. Given the Highway Authority's position, it is not considered that the proposal would have unacceptable highway impacts.

9.7 Local Plan policy LP16 seeks to protect and enhance the natural environment and to provide net gains for biodiversity where possible, reflecting the wording of the NPPF at paragraph 186. Given the significance of bio-diversity as a material consideration of significant weight, it is not considered that the proposals have shown that there would be a net gain in biodiversity. However, this could be off-set through the provision of hedgerow and tree planting on adjoining land owned by the applicant through appropriate conditions. With this, the proposal can accord with Policy LP16.

9.8 It is acknowledged that there would be no harm caused to existing heritage assets or that there would be any drainage issues.

9.9 The most significant other harm that could be caused, would be whether the proposal accords with Local Plan Policy LP2. This is because the proposal is for a new residential property outside of any named settlement in that Policy. As such, the proposal is in a Category 5 location as defined therein. Here new development is not generally acceptable. However new residential development to meet rural workers' needs, as is the case with this proposal, will have to be justified. This is also reflected in the NPPF - para 84 (a) - which says that the development of isolated homes in the countryside should be avoided unless, amongst other cases, "there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside." NPPG expands on this by outlining considerations that might apply in such a case. These include the viability of the enterprise; evidence of necessity to live at or near their place of work, whether other accommodation is available and the potential for a temporary consent. The assessment associated with this will be explored below.

c) The Applicant's Case

9.10 The applicant's case is essentially that the considerations set out above are satisfied and that there is a case for essential accommodation on site, thus according with the NPPF and Policy LP2. It is this case which he says would provide the weight to

“clearly” outweigh the Green Belt harm caused and thus amount to the very special circumstances necessary to support the proposal.

9.11 The key consideration here is whether there is evidence to demonstrate that it is essential from an agricultural point of view, to have a permanent residential presence on the site. There is no guidance contained within the NPPF on how to assess an essential need, but the NPPG as indicated above, does set out a number of considerations that are relevant in any assessment. Each will be looked at in turn.

9.12 The first is that there should be “evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance where farm animals or agricultural processes require on-site attention 24 hours a day and where otherwise there would be a risk to human or animal health, or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products).”

9.13 It is of significant weight that the Council’s Consultant concludes that there is limited evidence for a rural worker to live at their place of work in this case. He says that both partners live in two separate dwellings at Fillongley Mill Farm, a short distance from the site. In this regard he says that the functional need can be fulfilled by the existing property. In other words, continuing the existing arrangement, as this property is just a short distance away - a kilometre distant. The applicant’s response is that this does not provide on-site supervision or meet the specific functional need of this livestock enterprise. Moreover, he continues by saying that the existing dwelling has no tangible connection to the farm business as it is the private ownership of one of the partners and not subject to an agricultural occupancy condition. It thus cannot be relied on as a suitable long-term option to support the growth of the business. Members attention is drawn to the NPPF wording in para 9.12 above and to that in Local Plan policy LP2. This refers to the necessity for a rural worker “to live at, or in close proximity to their place of work”. The applicant does acknowledge that the current dwelling is in close proximity but says that the wording does not preclude consideration of a dwelling “at” their place of work provided that there is the evidence to support relocation. Given the short distance involved here, that this is the current working arrangement and that there is limited evidence to show that this is causing material detriment to the enterprise, it is considered that the proposal would not accord with this criterion.

9.14 The second one is “the degree to which there is confidence that the enterprise will remain viable for the foreseeable future.” The Council’s Consultant has reviewed earlier accounts and Business Plans from the 2021 withdrawn proposal and compared them with those now submitted. He concludes that profits would actually fall to a position where they may not be able to support a minimum wage. As such he can’t say that this consideration is satisfied. The applicant confirms that as at April 2022, the profit was £9k in round terms and that the three year Business Plan projects a profit of £31k for 24/25. The consultant says that the £9k profit in 2022 should be compared with the budgeted figure of £29k in the 2021 application. As such he considers that there is a material doubt about the achievement of the submitted three-year business plan figures. In other words, there is “no confidence that the enterprise will remain viable”. In response the applicant points out that the proposal is for a temporary dwelling and thus “viability” can be tested in that period, and that it is unreasonable to judge current performance against a business plan which is based on residential accommodation on

site. In all of these circumstances, it is considered that doubt does still remain about the viability in the foreseeable future.

9.15 The third criterion is “whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process”. The Council’s consultant says that as there are currently two dwellings at Fillongley Mill Farm which are fulfilling the essential/functional needs of the enterprise, this consideration is also not satisfied. It is agreed that this conclusion carries weight.

9.16 The fourth is “whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context.”. The consultant says that as the occupants of the proposed dwelling already only live in most circumstances around two minutes’ drive away from the existing dwellings, that the existing arrangements are satisfactory. This is agreed.

9.17 The final one is, “In the case of new enterprises, whether it is appropriate to consider granting planning permission for a temporary dwelling for a trial period.” As this is not a new enterprise and there is already a permanent dwelling on part of the holding, this consideration is not considered to carry any weight.

9.18 Taking all of these matters into account, it is considered that there is not an essential agricultural need for a full-time worker to live at this site. As a consequence, the proposal would not accord with Local Plan policy LP2.

d) The Final Planning Balance

9.20 The Board is asked to assess the final planning balance. The “test” for this assessment is whether the considerations put forward by the applicant “clearly” outweigh the cumulative harms caused on the other side of the balance, such that they amount to the “very special circumstances” necessary to support the proposal.

9.21 It is considered that they do not. The doubts about the essential agricultural need weakens the applicant’s case. Whilst the actual Green Belt harm might be moderate in scale, it is therefore not outweighed by the applicant’s case. The weakness of the case does neither suggest that a temporary permission should be considered. In this case as Members are aware, the NPPF states that the Green Belt is a protected area and thus the greater public benefit here is to uphold that protection.

Recommendation

That planning permission be **REFUSED** for the following reason.

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that there is a demonstrable essential need for a temporary agricultural worker's dwelling at the site and as such, the proposal would not accord with Policies LP1, LP2 and LP3 of the North Warwickshire Local Plan 2021 and paragraph 84 (a) of the National Planning Policy Framework 2023.



SITE LOCATION PLAN
AREA 5 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 427349, 288330



Millfield Farm
Mill Lane
Fillongley
CV7 8EE



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20/03/2023
PLANNING & DEVELOPMENT
DIVISION

Clive Miller Planning 
town planning & development consultants

APPENDIX B

PAP/2023/0110



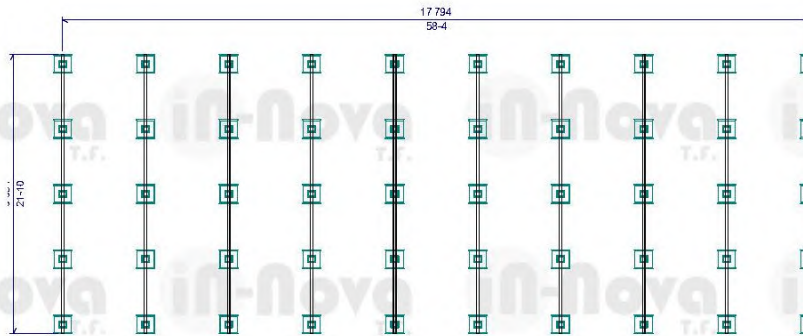
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DIVISION



Becky Peebles
version v1r2, February 04, 2021

Impression view

This plan set is meant for 3D visualisation and impression only.
It is not precise to execution level and not contractually binding.
The effective unit may vary in look, colour and slightly in size.

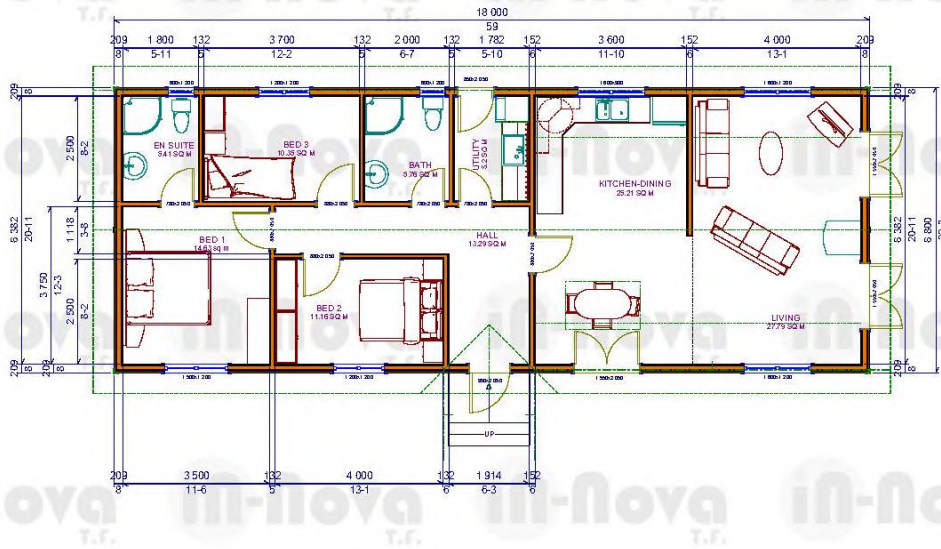


Easy-pads, to provide by the client, timber joist by IN-NOVA.
Ground works, leveling, soil mechanics to be provided by the client.



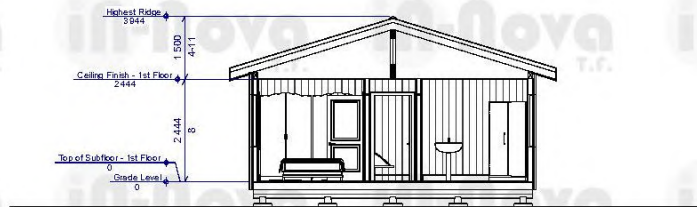
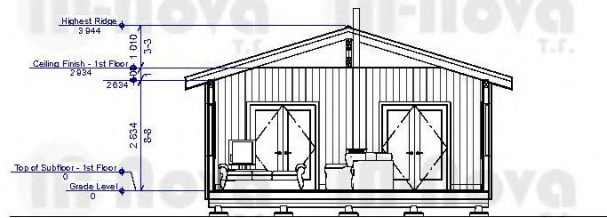
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Foundations plan
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Above the lines in millimeters
below, in feet - inches



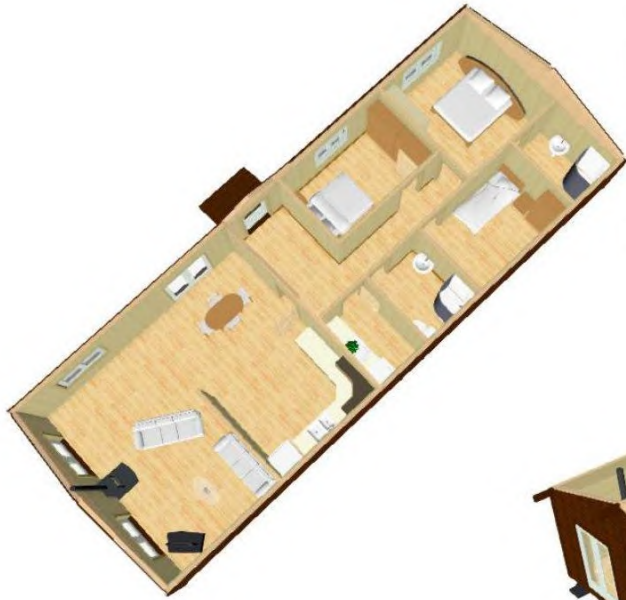
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Ground floor plan
scale: 1 : 100@A4
Above the lines in millimeters
below, in feet - inches



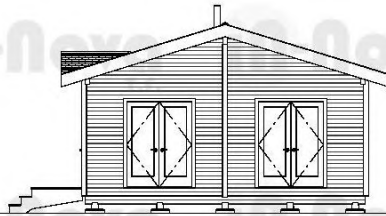
Becky Peebles
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Section
scale: 1 : 100@A4
Above the lines in millimeters
below, in feet - inches



Becky Peebles
version v1r2, February 04, 2021

Impression ground floor

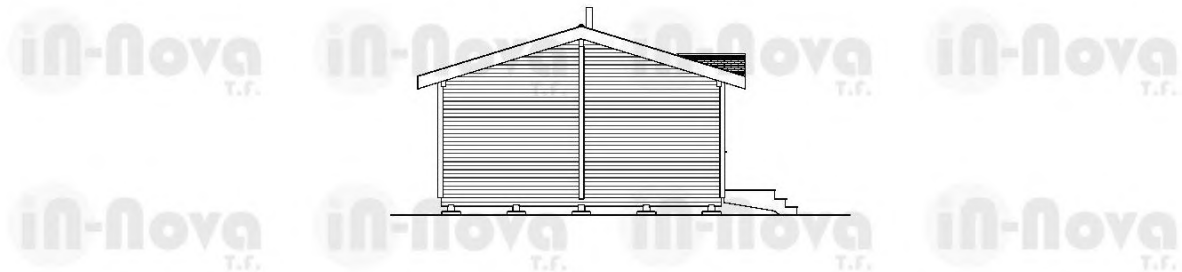


PLEASE OBSERVE WINDOWS AND DOORS OPENING OR FIXED TYPE



Becky Peebles
version v1r2, February 04, 2021

Elevations
scale: 1:100@A4
Above the lines in millimeters,
below in feet-inches.



PLEASE OBSERVE WINDOWS AND DOORS OPENING OR FIXED TYPE



Becky Peebles
version v1r2, February 04, 2021

Elevations
scale: 1:100@A4
Above the lines in millimeters,
below in feet-inches.



Becky Peebles
version v1r2, February 04, 2021

Two halves

General Development Applications

(6/e) Application No: PAP/2023/0461

Land To The Rear Of 113 And 115, Victoria Road, Hartshill,

Siting of one pre-fabricated mobile home for residential occupation, for

Ms Sarah Hall-Craggs

Introduction

This application is reported to the Planning and Development Board at the request of local members concerned with the highway safety and amenity implications of the proposed development.

The Site

The application site comprises a small parcel of vacant land situated to the rear of Victoria Road and Church Road, within the village of Hartshill. The site consists of managed grassland bordered by hedgerows and trees to its eastern and southern boundaries and fencing to the northern and western boundaries. A narrow paved access serves the site, running between 115 Victoria Road and 2 Church Road. No's 10 and 12 Church Road benefit from a right of access along the track to the rear of the properties. Hartshill Academy lies to the north, separated from the site by a footpath, with Nathaniel Newton Infant School and the Links Daycare Centre found to the west.

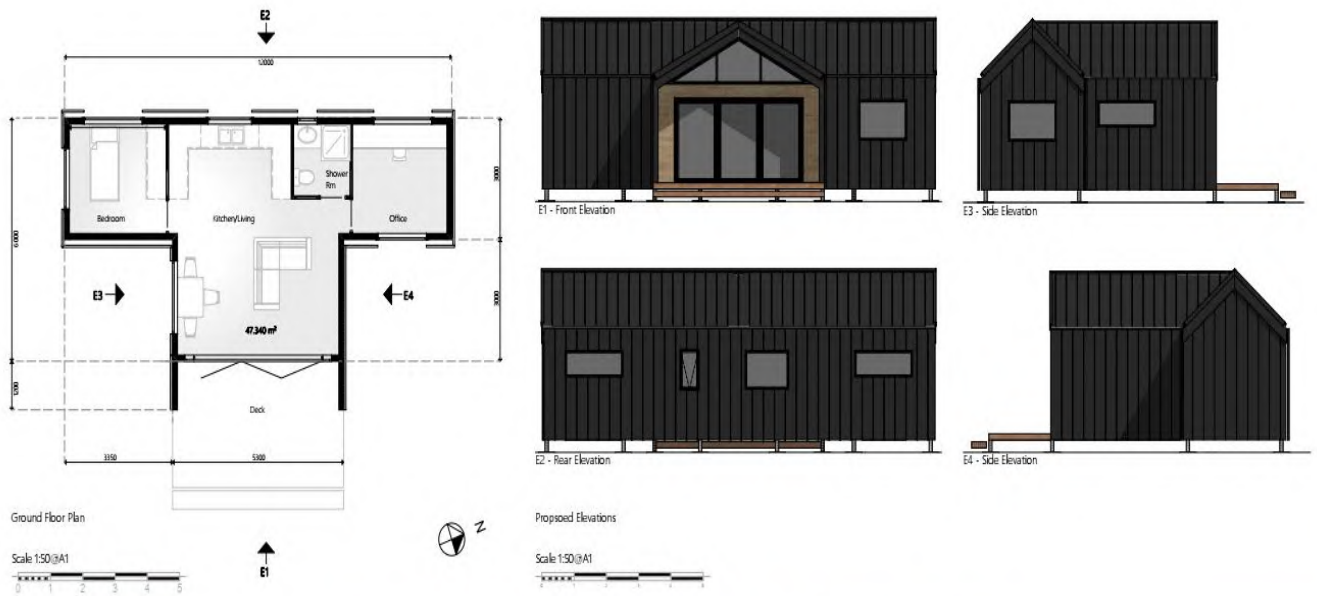
The site lies within the Hartshill Development Boundary. Its context and relationship to neighbouring buildings is illustrated within figure 1 below.



Fig 1. Proposed Site Layout

The Proposal

Planning permission is sought for the siting of a single-storey, prefabricated dwellinghouse. The building would be raised 300mm off the ground and set on square pad foundations, standing 4.5m tall to the apex of a gabled roof. The dwelling has a ‘t-shaped plan’ form with an east-facing wing and decking projecting into the site. The internal floor area is c47m². Grey zinc cladding is proposed for the exterior walls and roofing, with a single parking space laid out to the south of the building. New hedgerows are to be planted along the northern, eastern and western boundaries, the latter wrapping around the parking area.




x1 Mobile/ Pre Fabricated House
 Plot to be divided up to accommodate x1 1 bedroom pre prefabricated mobile home. The idea is to turn this land into a wildlife friendly habitat garden. The building will be small, lightweight and raised off the ground. It will also feature the following sustainable features:
 Higher than standard spec insulation throughout.
 Air Source Heat Pumps.
 Heat Exchange Ventilation.
 LED Lighting.
 New Triple glazed window/ doors.
 Raised 300mm off the ground and set on 500x500x500mm square pad footings.



Fig 2. Proposed building design

Background

Planning permission was granted in early 2006 for a three-bed dormer bungalow on the site, reference PAP/2005/5117. The permission was not implemented.

Development Plan

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Amount of Development), LP7 (Housing Development), LP8 (Windfall), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

Hartshill Neighbourhood Development Plan 2017 - H4 (Good Quality Design in Hartshill); H6 (Housing Mix), H7 (Traffic and Transport in the Village) and H13 (Health and Well-Being)

Other Relevant Material Considerations

National Planning Policy Framework December 2023 (NPPF)

Planning Practice Guidance (PPG)

MHCLG National Design Guide

Natural Environment & Rural Communities Act 2006

Conservation of Habitats and Species Regulations 2017

Equality Act 2010

Air Quality SPD (2019)

Provision of facilities for waste and recycling for new developments and property conversions SPD (2023)

Car Parking Standards (Local Plan 2021)

Consultations

Warwickshire County Council (Highways) - No objection, subject to conditions

NWBC Environmental Health - No objection subject to conditions.

Representations

Hartshill Parish Council - It objects as below:

“The Parish Council, although appreciative of the efforts made to reduce the number of buildings, the entrance and exit point is still unsafe due to it being on the corner of a very busy junction, which is also a bus route. With road already heavily populated with parked cars, it would be dangerous to add an entrance/exit point here so close to a junction”.

Observations

a) Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, in this instance the 2021 North Warwickshire Local Plan (NWLP) and Hartshill Neighbourhood Plan 2017 (HNP) unless material considerations indicate otherwise.

NWLP policy LP2 (Settlement Hierarchy) defines Hartshill as a category 3 settlement, affirming that new development inside its development boundary will be supported in principle. The application site falls within a residential setting inside the Hartshill development boundary. Accordingly, the principle of new residential development is deemed to be acceptable.

Consideration of the application now extends to the details of the scheme.

b) Highway Safety

Policy LP29(6) of the NWLP states that new development should provide 'safe and suitable access to the site for all users'. Paragraph 115 of the NPPF makes clear that development should only be refused on highways grounds where it would give rise to an unacceptable impact on highway safety, or in situations where the residual cumulative impacts on the road network would be severe.

Officers acknowledge that the access arrangements to and from the site would not meet relevant highway standards – the access is narrow (less than 3m in places), and visibility is limited upon egressing from the site onto Victoria Road. On-street parking is also prevalent along Victoria Road, a road which is well-used by both motorists and pedestrians, particularly during school opening and closing hours.

However, it is pertinent to note that the access exists and is in lawful use by the occupants of 10 and 12 Church Road to provide rear access to the dwellings, as well as owners of the application site. Use of the site for a single-bedroomed dwelling would give rise to a limited increase in trip generation and it is the view of the Local Highway Authority that this would not pose an impact on highway safety sufficient enough to warrant a refusal in accordance with the NPPF. This observation and their consultation response of no objection carries substantial weight. The site is also sustainably located and within a reasonable walking distance of a range of services and facilities, encouraging active travel.

Further concerns surrounding access to and from the site by emergency services are noted. However, Manual for Streets sets out the usual carriageway width requirement of 3.7m for operating services to reach a fire can be reduced to 2.75m provided a pumped appliance can get to within 45m of dwelling entrances. The dwelling is located c.50m from the highway and, again, it is material that WCC Highways have offered no concerns on fire safety grounds. Waste collection arrangements are to be dealt with through condition with a single-parking space also conditioned to ensure compliance with NWBC's parking standards. Subject to conditions, the development accords with NWLP policies LP29 and LP34.

c) Design

The NPPF identifies that good design is a vital component of sustainable development, setting out that proposals which are poorly designed and fail to reflect local design policies and government guidance should be refused (p139). At the local level, several policies demonstrate the council's aim of securing high-quality developments within the borough.

Hartshill Neighbourhood Plan policy H4 (Good Quality Design in Hartshill) states that development should respond positively to local character and distinctiveness, listing a set of nine criteria, including: contextually responsive layout, scale, siting, proportions, detailing and massing, ensuring no adverse impact on residential amenity, utilising sustainable construction methods and minimising resource use.

NWLP Local Plan policy LP1 declares that all development must demonstrate a high quality of sustainable design that positively improves an individual settlement's character, appearance, and environmental quality.

LP30 (Built Form) requires all development to 'respect and reflect the existing pattern, character, and appearance of its setting', reflect characteristic local architecture, and ensure that buildings and spaces connect to the surrounding environment.

Specific guidance is also provided for back-land development:

'Back-land development should be subservient in height, scale, and mass to the surrounding frontage buildings. Access arrangements should not cause adverse impacts to the character and appearance, safety, or amenity of the existing frontage development.'

The dwelling is a single-storey construction with an inherently limited height, scale and massing, with the access arrangements not considered to give rise to adverse character, safety, or amenity impacts, the latter discussed in more detail later in this report. It is considered that the development would accord to the back-land development policy requirements of LP30.

It is, nevertheless, acknowledged that the general form and construction materials utilised within the development would contrast with neighbouring built forms; however, there is limited public visibility of the site given the narrowness of the access, the single-storey height of the development and visual containment provided by the surrounding built form and boundary treatments. The street scene implications of the development would be limited. Moreover, the style of housing in the immediate vicinity is an eclectic mix of architectural forms with variable-facing materials, roof types and elevation treatments.

Additionally, the dwelling is a relatively sustainable prefabricated construction, incorporates methods which seek to reduce energy demand (triple-glazing, air-source heat pumps, heat exchange ventilation) and responds positively to the site's characteristics through orientation, form, scale, massing, and new soft landscaping provision. It is therefore considered that the development would accord to the provisions of policy H4 of the Hartshill Neighbourhood Plan and, on balance, NWLP policy LP30.

d) Residential amenity

NWLP policy LP29 (9) requires all development proposals to avoid and address unacceptable impacts on neighbour amenity (emphasis added) with Hartshill Neighbourhood Plan H4 requiring new development to 'have no significant adverse impact on residential amenity or existing and future residents.

Separation distances of over 30m are provided to 113 and 115 Church Road to the south, ensuring that privacy is maintained – 21m is the minimum standard commonly applied by North Warwickshire Borough Council. Moreover, the development is single storey with views and resultant loss of privacy restrained by boundary treatments and vegetation.

The minimal trip generation over and above the current lawful usage of the access is not considered to give rise to unacceptable impacts on the amenity of 2 Church Road and 115 Victoria Road by reason of disturbance from traffic and noise. The heavy use of Victoria Road and associated noise of cars parking and manoeuvring is not unusual in this setting. NWBC's Environmental Health Officer has raised no concerns in respect of noise generation through use of the access.

12, 10, 8 and 6 Church Road lie to the west. Again, the suitable separation distances and single storey nature of the proposal ensures that no adverse impacts by reason of overshadowing, and losses of privacy, sunlight and daylight would occur. Hartshill Academy is not considered to be adversely implicated given the separation distances involved. The impacts on other education providers are discussed in more detail below.

Potential noise and vibration emanating from the proposed air source heat pump and heat exchange ventilation, and lighting within the development, will be conditioned for assessment at a later date.

The proposed dwelling would accord with the Nationally Described Space Standards for a property of its size with suitable external amenity space provided, ensuring that a good standard of amenity is delivered from the outset.

The proposals are considered to accord with policies LP29 and H4.

e) Public Sector Equality Duty

Section 149(1) of Equality act, known as the Public Sector Equality Duty (PSED), requires local authorities to, in the exercise of their functions, have due regard to the need to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share protected characteristics and those who do not.

Age is recorded as a protected characteristic under Section 149(7) of the Equality Act, and the site adjoins Nathaniel Newton Infant School and the Links Daycare Nursery. The education establishments benefit from outdoor space along the boundary to the application site, and windows in the buildings provide a line of sight into the application

site. Accordingly, there is the potential for the development to give rise to adverse effects on the pupil's reasonable enjoyment of the school and daycare centre and also lead to issues surrounding safeguarding, particularly so given the current low-level, visually permeable picket boundary fencing and the location of outdoor space for the pupils.

In the interests of securing safeguarding and privacy of the pupils, a robust boundary treatment should be provided to enhance the existing screening. A new hedgerow is currently proposed along the boundary and hard and soft landscaping will be conditioned, allowing for consideration of the appropriate treatment at a later date. Officers thus consider that due regard for the PSED has been demonstrated.

f) Natural Environment

Policy LP16 of the North Warwickshire Local Plan seeks to, amongst other matters, protect and enhance the quality, character, diversity, and local distinctiveness of the natural environment. The policy requires all applications affecting the natural environment to provide sufficient information and assessment of the effects of the proposals on such an environment.

Section 40 of the Natural Environment and Communities Act (NERC) 2006, as amended states that a public body must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to furthering the biodiversity objective of protecting and enhancing biodiversity in England. In addition, protection is afforded to habitats and species by the Wildlife and Countryside Act 1981 (as amended) and European protected species have full protection under The Conservation of Habitats and Species Regulations 2017.

The application is accompanied by a Preliminary Ecological Appraisal (PEA). The PEA concludes that the site is of low ecological value with no impacts anticipated on invertebrates, birds, reptiles, badgers, and dormouse populations. The report provides recommendations (precautionary working practices, low-level lighting, habitat enhancement measures etc), which can be conditioned, ensuring that the quality of the Natural Environment would be protected and enhanced, in line with policy LP16.

NWLP policy LP14 requires new development to retain existing landscaping where possible and encourages new planting to incorporate native species and provide biodiversity benefits. Existing landscaping is retained with additional landscaping proposed, ensuring that a net-gain is achievable. The development would, subject to conditions, accord with the requirements of LP14.

g) Other matters

Disruption from construction – This is not a material planning consideration. A construction management plan will be conditioned.

Flooding/surface water drainage/odours – As above, surface water and foul drainage details will be conditioned for approval at a later date via a planning condition. The limited scale of the development is unlikely to pose substantive issues in this respect.

Identity of occupants - not a material planning consideration.

h) Conditions

The recommendation below includes the use of pre-commencement condition(s) (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun). The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition. The applicant has been sent a notice of the intention to attach pre-commencement conditions but has declined to respond within the 10 day time limit.

The proposed conditions may be attached in these circumstances.

Recommendation

That planning permission is: **GRANTED**, subject to the below conditions:

Standard Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the Site Location Plan received by the Local Planning Authority on 19 October 2023, the Proposed Drawings (2328) received by the Local Planning Authority on 10 December 2023, and the Proposed Site Plan (2328-03) received by the Local Planning Authority on 24 January 2024.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

Pre-commencement conditions

3. No development shall commence, including demolition and any site clearance, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall provide for:
 - The routing and parking of vehicles of HGVs, site operatives and visitors;
 - Loading and unloading of plant/materials.

- Hours of deliveries.
- Storage of plant and materials used in constructing the development.
- The erection and maintenance of security hoarding.
- Wheel washing facilities to prevent mud and debris being passed onto the highway.
- Measures to control the emission of dust during construction.
- Noise control during construction in accordance with BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites
- Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council, and the public during the construction period.
- A scheme for the protection of the retained trees and hedgerows based on best practice as set out in British Standard 5837:2012 (or equivalent document which may update or supersede that Standard) and ensure that no vehicles can access, and no storage of materials or equipment can take place within, the root and canopy protection areas.
- Details of precautionary working practices in accordance with Section 4 of the arbtech Preliminary Ecological Appraisal (dated 7 February 2024).

The approved Construction Management Plan shall be adhered to throughout the construction period of the development.

REASON

In the interest of neighbouring amenity, local ecology and highway safety

Pre-occupation conditions

4. Prior to the first occupation of the new dwelling hereby approved, drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

5. Notwithstanding the approved plans, prior to the first occupation of the new dwelling hereby approved, a scheme for the provision of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority.

All hard landscaping shall be carried out in accordance with the approved details whilst all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling. Any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Any boundary treatments provided within the development shall be retained at all times unless, prior to their installation, alternative provisions have been first submitted to and approved in writing by the Local Planning Authority, whereafter such approved details shall be implemented and retained at all times.

REASON

In the interests of the visual amenity of the area and to safeguard the amenity of adjoining occupiers.

6. The unit shall not be occupied until details of biodiversity enhancement measures on the site have been submitted to and approved in writing by the local planning authority. The approved measures shall be installed prior to the first occupation of the dwelling and once installed, the measures shall thereafter be retained.

REASON

In order enhance habitat on site to secure an overall biodiversity gain.

7. The unit shall not be occupied until the proposed waste and recycling management arrangements for the development have been submitted to and approved in writing by the Local Planning Authority. Such details as may be agreed shall then be implemented prior to first occupation and retained thereafter.

REASON

To ensure appropriate waste/refuse facilities are provided for the occupiers of the development.

8. Notwithstanding the approved plans, prior to their incorporation into the building(s) hereby approved, details and/or samples of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved facing materials.

REASON

In the interests of the visual amenities of the area.

9. The development shall not be occupied until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes at all times.

REASON

In the interests of Highway Safety and to secure an acceptable level of parking provision.

Other conditions

10. Prior to the installation of any air source heat pumps and heat exchange ventilation measures, a noise assessment shall be carried out by a suitably qualified professional to characterise and assess the potential noise impact from the installation and operation of the air heat pump source and heat exchange ventilation. The report shall be submitted in writing to the local planning authority for approval. Where mitigation measures are required, a verification report shall be submitted to the local planning authority for approval prior to installation. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

REASON

In the interests of the amenity of neighbouring occupiers.

11. Prior to installation of any external lighting, details of all external lighting, whether fixed to the building or free standing, shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall also provide information about the siting, positioning and the luminance of the proposed lighting. The development shall thereafter be completed in accordance with the approved details and permanently retained as such unless the prior written approval of the Local Planning Authority has been obtained for any variation.

REASON

In the interests of the amenity of neighbouring occupiers and future land users from glare and light pollution.

12. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, a written scheme to identify and control that contamination shall be submitted to and approved in writing by the Local Planning Authority prior to any further works taking place on the site. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA (or equivalent guidance which may subsequently update or replace it), and appropriate remediation/mitigation proposals. The approved scheme shall be implemented in accordance with the approved remediation/mitigation proposals.

REASON

To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

13. No development whatsoever within Class A, AA, B and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to, and approved in writing by, the Local Planning Authority.

REASON

To maintain control in the interest of the character and residential amenity of the area and occupants of the building concerned, having regard to the setting and size of the development.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, there shall be no additional windows or door openings in all elevations and roof plains shall be made, other than as shown on the plans hereby approved, nor shall any approved windows or doors be altered or modified in any manner without the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

REASON

To safeguard the amenities of neighbouring occupiers.

15. Except in an emergency, no demolition, site clearance, construction, site works or fitting out shall take place other than between 08:00 hours and 18:00 hours Mondays to Fridays, and between 08:00 hours and 13:00 hours on Saturdays. There shall be no such activities whatsoever on Sundays, public holidays, and bank holidays.

REASON

To safeguard the amenities of nearby occupiers.

Notes

1. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with Nuneaton and Bedworth Borough Council. For further information please see https://www.nuneatonandbedworth.gov.uk/info/20025/planning_and_building_control and https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations ; guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from

<https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>

2. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work, or call 0800 688 588
3. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £145. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

5. Prior to the occupation of the approved dwelling(s), please contact our Street Name & Numbering officer to discuss the allocation of a new address on 01827 719277/719477 or via email to SNN@northwarks.gov.uk. For further information visit the following details on our website
https://www.northwarks.gov.uk/info/20030/street_naming_and_numbering/1235/street_naming_and_numbering_information
6. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the proposal and quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2023/0461

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19.10.23-24.01.24
2	WCC Highways	Consultation Response	31.01.24
3	NWBC Environmental Health	Consultation Response	08.02.24
4	Hartshill Parish Council	Representation	29.01.24
5	Third Party	Representations	06.11.23-15.12.23

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

General Development Applications

(6/f) Application No: PAP/2023/0488

Woodstock, 19, Cottage Lane, Whitacre Heath, Coleshill, B46 2EJ

Erection of a detached granny flat, ancillary to the main dwelling, for

Mrs Julie Westwood

Introduction

The application for a residential annexe is brought to Board in accordance with the adopted Scheme of Delegation because a Unilateral Undertaking has been submitted.

The Site

The application site is an annexe to an existing two storey, detached dwellinghouse with outbuildings and adjacent stables and paddock and lies within the West Midlands Green Belt, and within the flood plain, as identified in the adopted North Warwickshire Local Plan 2021.

A site plan is attached at Appendix A.

The Proposal

The proposal is to demolish an existing dilapidated single-storey outbuilding to the rear of the house and erect a new annexe in its place. The proposed single-storey 2-bedroomed annexe has a smaller footprint than the building that it replaces.

The annexe is required to accommodate relatives of the applicant who require constant care and are currently residing within the host dwelling. It is proposed that the accommodation be provided in the form of an annexe within the rear garden of the existing residential property.

The option for the annexe to be attached to the host dwelling as an extension has been considered, but there is a contemporary traditional style stable building between the proposed site of the annexe and the host dwelling. This prevents the proposed annexe from being attached as an extension to the existing dwellinghouse and is also unsuitable for conversion. Therefore, the annexe is proposed to occupy the site of an existing dilapidated outbuilding to the rear of the site, that was approved in 1962. The proposal would be of a similar scale and on a slightly smaller footprint. There is no alternative access to the site, and the access to the annexe can only be from the access to the host dwelling.

A photograph of the existing building to be demolished - the glass fronted one - is at Appendix B and the proposed replacement is at Appendix C.

Development Plan

The North Warwickshire Local Plan 2021 - LP3 (Green Belt); LP29 (Development Considerations) and LP30 (Built Form)

The Nether Whitacre Neighbourhood Plan - 2024

Other Relevant Material Considerations

National Planning Policy Framework 2023 - (the "NPPF")

Representations

Nether Whitacre Parish Council – No objection provided that the proposed annexe remains ancillary to Woodstock.

Observations

The site is in the Green Belt.

Whilst the construction of new buildings is inappropriate development by definition on the NPPF there are exceptions. One of these is where that construction is for a replacement building, provided that it is in the same use as that which it replaces and also and not materially larger.

In this case the existing building is an ancillary outbuilding within a lawful residential curtilage and the proposed replacement would also be within this same use. As illustrated above the new building will be smaller and on the same footprint. As a consequence, it is considered that the new building does satisfy these conditions and is thus appropriate development.

In terms of its appearance under Local Plan policy LP30 then the annexe is designed to have a low level dual pitched roof with white rendered walls to closely match the character of the host dwelling and the adjacent stable building. It replaces an existing low-level outbuilding that was approved in 1962.

In respect of its potential impact on the residential amenity of neighbouring occupiers then the building is on the same footprint as an existing building, at the rear of the range of existing buildings and set away from existing dwellings. It is noteworthy that no representations have been received.

Whilst this assessment indicates that there is no objection in principle, the local concern is that any approval here should not result in a new independent dwelling becoming established. The applicant has offered a Unilateral Undertaking under Section 106 of the Planning Act as a consequence. This would tie the occupation of the building to being ancillary residential accommodation to the main host dwelling.

In all of these circumstances the proposal can be supported

Recommendation

That planning permission be **GRANTED** subject to the receipt of the Unilateral Undertaking as referred to in this report and the following conditions.

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the Proposed Plan, received by the Local Planning Authority on 31 October 2023; and the Location Plan and Block Plan, received by the Local Planning Authority on 22 November 2023.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The new works shall be carried out with white rendered cavity block walls and a Rosemary clay tiled roof, all to closely match the colour, shape, size and texture of those materials used in the host dwelling.

REASON

In the interests of the amenities of the area and the building concerned.

4. The annexe hereby approved shall not be used for any purpose other than for purposes incidental to the enjoyment of the dwelling known as Woodstock, as such, and shall not be sold off, sub-let or used as a separate unit of accommodation..

REASON

To prevent unauthorised use of the property.

5. The floor level of the proposed annexe must not be lower than the ground floor level of the main house.

REASON

To ensure that the proposed annexe is at no greater risk of flooding than the host dwelling.

6. No development whatsoever within Class E of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

To minimise the impact on the openness of the Green Belt and to prevent over development of the residential part of the site.

Notes

1. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
2. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work, or call 0800 688 588
3. This application is subject to a Unilateral Agreement attached to the Deeds to the property known as Woodstock, as such, that the annexe will not be sold off as a separate unit of accommodation, in perpetuity.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, and seeking to resolve planning objections, suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.



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REVISED 1/1250 SCALE MAP

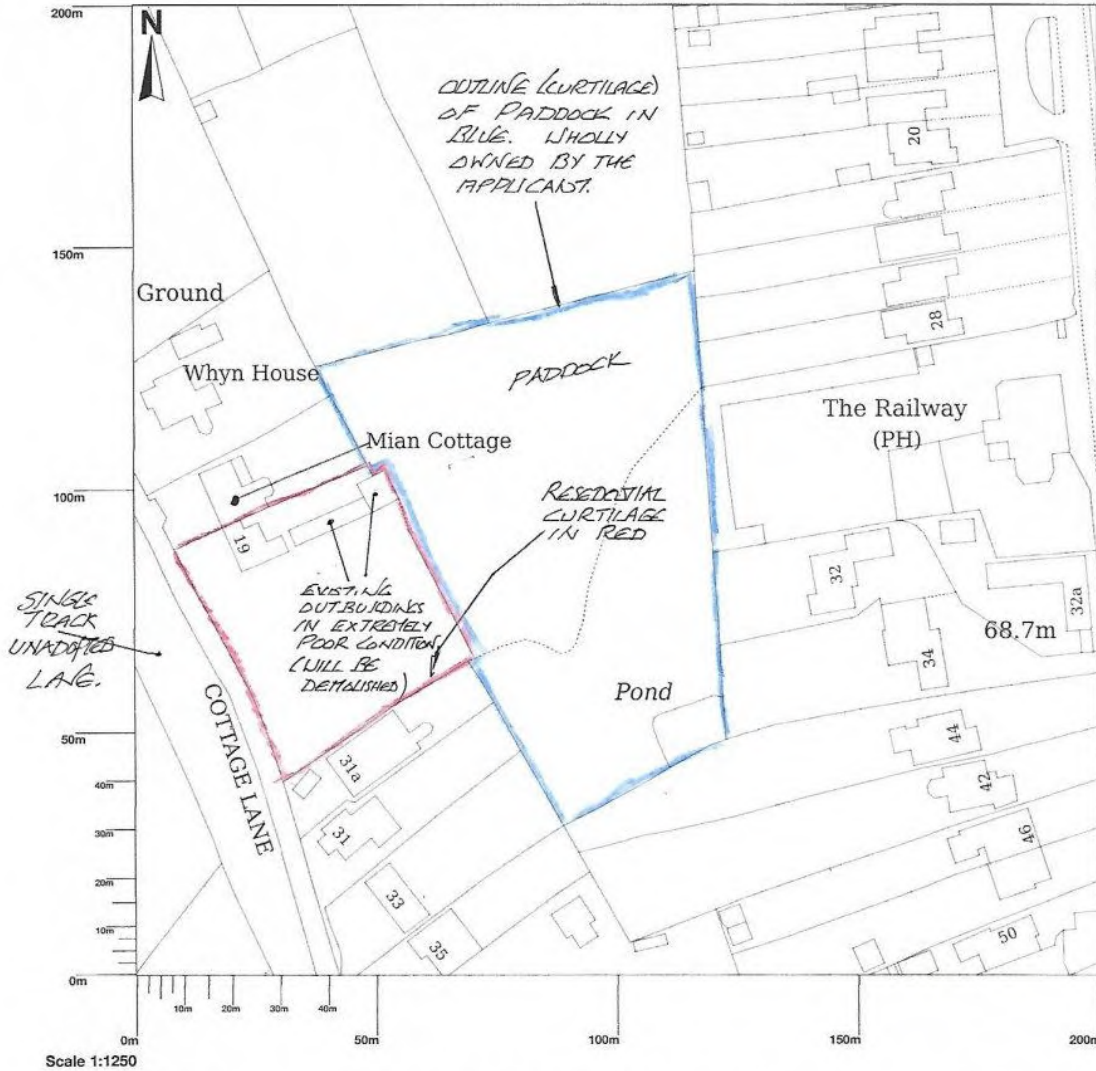
APPENDIX A

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
22/11/2023
PLANNING & DEVELOPMENT
DIVISION

K. J. [Signature] 21-11-2023

PAP/2023/0488

Woodstock, 19 Cottage Lane, Coleshill, Birmingham, B46 2ES
(WHITACRE HEATH)



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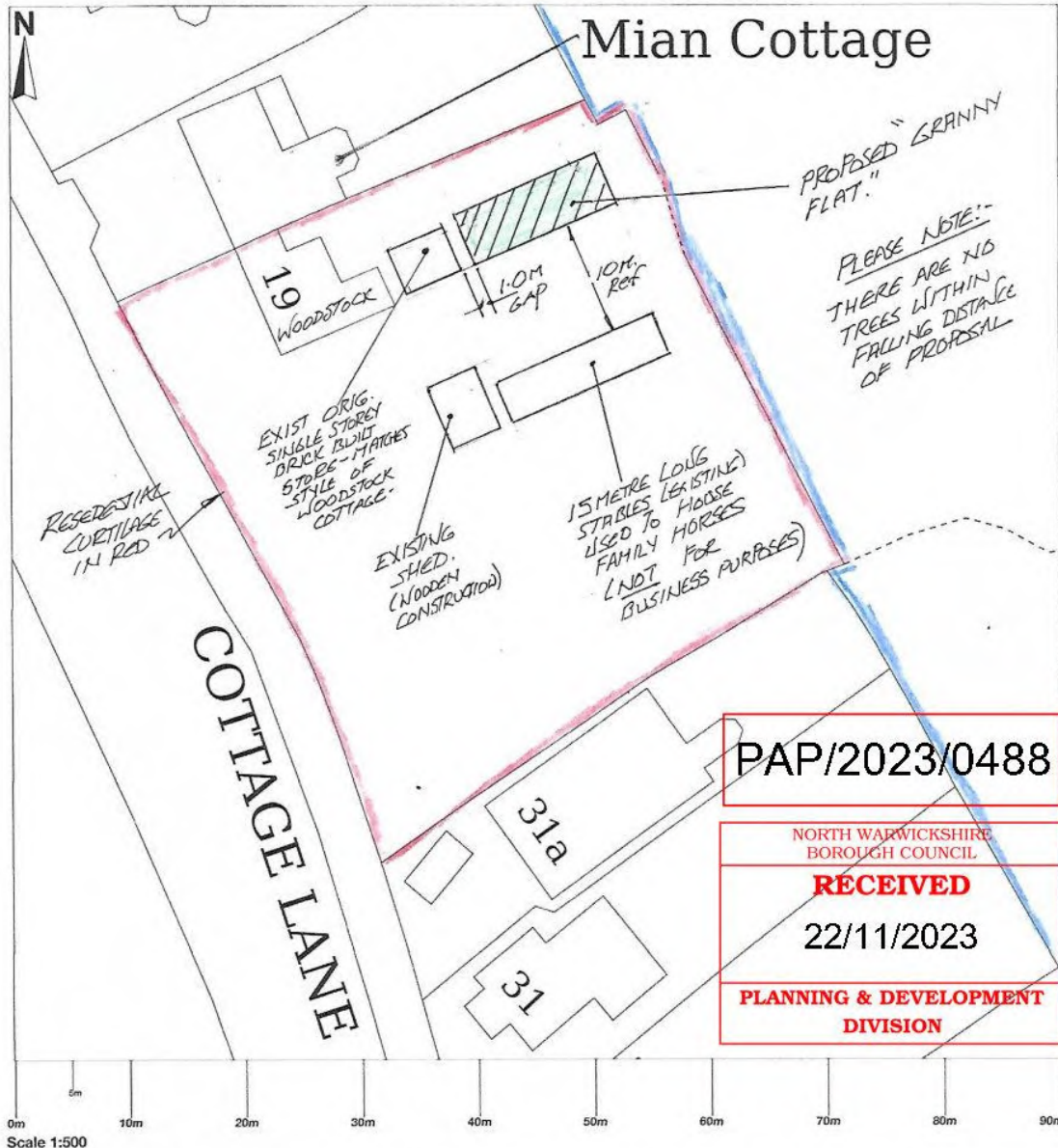


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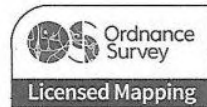
REVISED 1/500 SCALE MAP

K. [Signature] 21-11-2023

Woodstock, 19 Cottage Lane, Coleshill, Birmingham, B46 2ES
(WHITACRE HEATH)



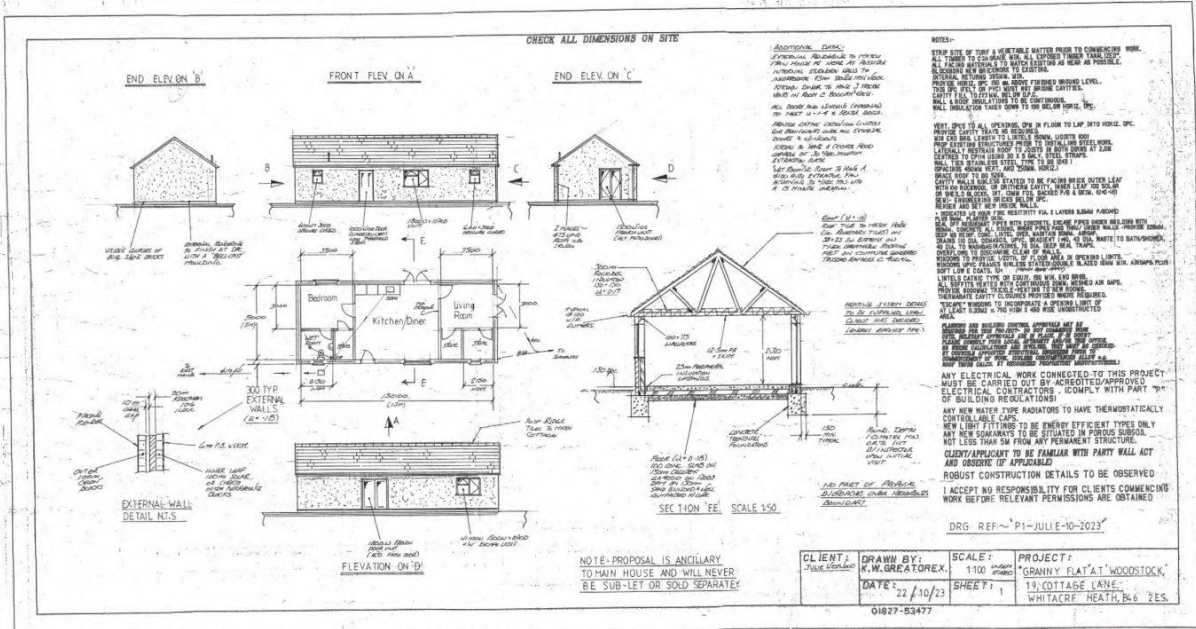
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APPENDIX B



APPENDIX C PAP/2023/0488



General Development Applications

(6/g) Application No: PAP/2023/0071

Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley,

Construction of a temporary Solar Farm, to include the installation of ground-mounted solar panels together with associated works, equipment and necessary infrastructure., for

- Enviromena Project Management UK Ltd

1. Introduction

- 1.1 The receipt of this application was reported to the Board in May last year. That report is attached as Appendix A. The Board resolved to visit the site and a note of that visit is attached at Appendix B. Both Appendices should be treated as an integral part of this current report.
- 1.2 The Board should be aware that the following changes have been made to the details of the proposals since that May meeting. Apart from the first of these identified below, the remainder all relate to increased hedgerow and tree planting. The changes are:
 - a) Reducing the angle of tilt of the panels from 25 degrees to 20 degrees which also reduces the height of each panel from 2.7 to 2.3 metres.
 - b) Increased planting along the M6 boundary and in the south-east corner of the site together with additional tree and hedgerow planting in the north-east and north-west corners.
 - c) Division of the central large area with new hedgerows, extended hedgerows and tree planting.
 - d) All new hedgerows to be maintained at a height of 2.5 metres.
 - e) A “clump” of new tree planting on the highest part of the site.
 - f) Widening the corridors either side of the public footpath crossing the site enabling hedgerow and tree planting.
 - g) The provision of a small community garden in the far north of the site adjacent to the stream that runs through the site.
- 1.3 For the benefit of Members, the latest layout plan is at Appendix C. There has been re-consultation with the Fillongley and Corley Parish Councils on this Plan together with those who submitted objections following the initial submission.
- 1.4 Additionally, the applicant was asked to respond to the proportion of Best and Most Versatile Land within the site. This is at Appendix D.
- 1.5 The applicant has also provided a response to the earlier representations made by the Fillongley and Corley Parish Councils – see Section 3 below. This is at Appendix E.

- 1.6 Whilst there has been no change to the Development Plan since the last meeting, Members should be aware of the following changes to other material planning considerations.
- a) The National Planning Policy Framework (the “NPPF”) was updated in late December 2023. References in this report will thus be to that edition.
 - b) The Bio-Diversity Gain Requirements (Exemptions) Regulations came into effect in February 2024. These define a number of exemptions for the mandatory requirement for new development to provide a 10% nett bio-diversity gain. These exemptions and the mandatory requirements do not cover the current proposal, as it was submitted prior to the introduction of these Regulations.
 - c) The Town and Country Planning (Consultation) (England) Direction of 2021 was updated in early 2024. The proposal is “Green Belt” development as defined by that Direction. This means that should the Council be minded to support the proposal, it would need to be referred to the Secretary of State to see if he would call-in the proposals for his own determination. If the Council resolves not to support the proposal, it can do so without referral.
 - d) Objectors have referred to a document from February 2024 on “Planning for Solar Farms” which is in the House of Commons Library. It provides an overview of current planning guidance. Its summary is attached at Appendix F. The current proposal is a “small-scale” solar farm for the purposes of this document.
- 1.7 Members will be aware of similar proposals that the Board has recently considered. As they will be aware, each application is to be determined on its own merits, but any cumulative impacts whether adverse or of benefit, can be considered as a material consideration in the final planning balance.

2. Consultations

a) Responses

Environment Agency – Solar farms are considered to be low risk developments in respect of whether they have a high level of environmental risk. In the event of fires, the Agency is notified by the emergency services. The Agency will then respond depending on the severity of the risk to potential environmental impact (including the risk of water pollution).

Warwickshire County Council (Public Rights of Way) – Public path M294 passes through the site. There is no objection to the latest plan which shows adequate space between the adjoining stream, the path and the security fencing.

Warwickshire County Archaeologist – No objection subject to conditions

National Highways – No objection following receipt of amended plans showing additional planting close to the M6 Motorway.

Warwickshire County Council as Lead Local Flood Authority – No objection subject to conditions.

Cadent – No objection to the amended plans.

Warwickshire County Arboricultural Officer – No objection.

Warwickshire Fire and Rescue Services - No objection.
NATS Safeguarding – No objection.

Warwickshire Police (Designing out Crime) – No objection.

Warwickshire County Council as Highway Authority – No objection subject to conditions.

Warwickshire County Ecologist – Agrees that there is more than a 10% net bio-diversity gain, but has concerns about the impact on the skylark population. As a consequence, an off-setting contribution is necessary which can be dealt with through a Section 106 Agreement.

Environmental Health Officer – No objection.

Natural England – Its comments are advisory and were received in response to the applicant's statement at Appendix D. "If the proposals are temporary, it is unlikely that they will lead to a significant permanent loss of BMV land. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality, provided appropriate soil management is employed and the development is undertaken to high standards. It is considered that the inherent soil, site and climatic properties required to determine agricultural land classification grading would remain unaffected by solar developments and therefore not alter the grading in the long term. Although some components of the development may permanently affect agricultural land – e.g. substations - this would be limited to small areas. However, during the life of the proposed development, it is likely that there will be a reduction in agricultural production over the whole development area. It is for the Authority to consider whether this is an effective use of land in line with both national and local planning policy and national planning practice guidance which encourages the siting of large-scale solar farms on previously developed and non-agricultural land".

b) Section 106 Matters

The County Council has requested a financial contribution of £79,200 as an off-site bio-diversity contribution to create a minimum of 5 hectares of grassland.

This Agreement would be between the applicant and the County Council.

3. Representations

- 3.1 Fillongley Parish Council objected to the original proposal in May 2023. Its letters are at Appendix G and in summary, the matters raised are:
- The proposal does not enhance or conserve the natural environment.
 - It has an adverse impact on the visual appearance, rural and natural landscape features.
 - It is inappropriate development in the Green Belt.
 - Solar farms should preferably be on areas of poorer quality land. This site is not poor soil.
 - There will be a loss of food security.
 - The proposal will “dwarf” the village changing its character and the settings of its historic assets.
 - The cumulative impact of such developments in the area.
 - There will be impacts from glint and glare.
 - Bio-diversity improvements are not clear.
 - The proposals will exacerbate local flooding issues in the village.
- 3.2 Its further comments on the latest plan referred to at Appendix C, are at Appendix H. These repeat many of the matters raised above but emphasise that the land is good quality agricultural land; that brown field land is to be preferred for proposals such as this and the overriding need to protect the rural environment and the openness of the Green Belt.
- 3.3 Corley Parish Council objected to the original proposal. Its letter is at Appendix I. It refers to:
- The proposal will lead to the loss of good food producing land.
 - A forty-year period is not temporary.
 - The “green” credentials of the site are doubted when the manufacture, transportation and disposal of the panels is taken into account.
- 3.4 Its further comments on the latest plan referred to at Appendix C, are at Appendix J. These repeat the concerns highlighted above.
- 3.5 The Fillongley Flood Group considers that there are inadequate measures to prevent a heightened risk of flooding in the village. This concern is retained following receipt of the amended plan.
- 3.6 Over sixty letters of objection were received following the receipt of the original application. The majority were from Fillongley and Corley residents. The contents generally re-iterate the matters summarised above by the two Parish Councils.

3.7 Additional comments raised refer to:

- The health risks of this type of development
- The increased fire risk and
- The potential for contaminated water from fire-fighting to pollute ground water, particularly here because the aquifer beneath the site.
- There will particularly be an adverse impact on the loss of habitat for skylarks.

3.8 There have been eleven further representations made following re-consultation on the amended plan described in paragraph 1.2 above. These repeat earlier concerns as recorded above indicating that the amendments don't alter those initial objections. New concerns raised are:

- The proposal would "discourage" people from visiting the village.
- The community garden would be unlikely to be used.

3.9 Two letters of support have been received from a Corley and a Fillongley resident referring to the need to improve the amount of solar power produced and indicating that the proposal would have very little impact.

4. Observations

a) Green Belt

4.1 The site is in the Green Belt. Members will be aware that the construction of new buildings is defined by the NPPF as being inappropriate development in the Green Belt. This would therefore include the construction of all of the structures connected to the solar farm in this proposal – e.g., the substation, the panels and the fencing. As such, the proposal is harmful by definition to the Green Belt and should not be approved except in very special circumstances. In respect of "renewable energy projects", the NPPF says that many of the elements of these projects will comprise inappropriate development and thus the applicant has to demonstrate very special circumstances if such proposals are to proceed. The applicant too acknowledges that the proposal is for inappropriate development. Substantial weight is thus to be given to this "definitional" Green Belt harm.

4.2 The Board will now have to assess what the "actual" Green Belt harm is in the circumstances of this particular case at this site. In other words, is there anything on the ground here that might reduce the weight to be given to this harm to the Green Belt.

4.3 The essential characteristics of the Green Belt according to the NPPF are its openness and its permanence. In respect of the former, then the NPPF does not provide a definition of openness, but in planning terms it is usual to treat it as being the absence of development. The National Planning Practice Guidance

however does assist by outlining four elements to openness. The first is a spatial element. The proposal is large in terms of ground cover and there is height to the associated structures and buildings. The setting is within open countryside with an overall undulating land-form. Ground levels rise from the village of Fillongley in a southerly direction towards the M6 Motorway and the site itself is a large “domed” ridge with two valleys on either side, the one to the east being more pronounced. Apart from the Motorway there is very little built form around its perimeter or indeed beyond it. There are some field hedgerow remnants within the site with isolated trees. The surrounding landscape is open with wide ranging views. The proposal would introduce new built development into this setting. Notwithstanding the low levels of the structures, the existing topography would not contain the development spatially. This is because of the extent of the site, the proportion of higher ground within the site and there being no other such land outside of the site to contain or absorb the development. The setting of the site would be materially altered. However, the introduction of tree planting in and around the site, re-instating former field boundaries as well as re-enforcing existing ones, together with the new “landscape feature” of the new copse of trees, significantly reduces the impact on openness. The spatial impact on openness is thus considered to be moderate, because of its size. The second factor is the visual one. There is no residential property around the actual perimeter of the site but there are a few more distant properties that overlook parts of the site – particularly on the Meriden and Green End Roads. There is also visibility from the rear of properties along Coventry Road in Fillongley. The overall impact would however be limited because of the distances involved, the existing landscaping and the proposed mitigation. The site would be visible from the Meriden Road and certainly from the elevated Motorway, but these views would be transitory and mitigated to some degree by the proposed planting. The site would be visible from the public footpath to the east of the site. However, the one through the western part of the site continues for some length and even though transitory, the visual impact would be substantially adverse. Overall, therefore the visual element would result in harm. However, the introduction of tree planting in and around the site re-instating former field boundaries as well as re-enforcing existing ones, together with the new “landscape feature” of the new copse of trees, significantly reduces the visual impact. The visual impact on openness is thus considered to be moderate again because of the size of the proposal. The third element is to assess the activity associated with the proposal. Here the construction period would be short lived and once operational, the use would require minimal activity on the site – perhaps less than the current agricultural levels. The final element is whether the proposal is permanent or not. A 40-year life is being proposed and that is not a permanent loss of openness. When all of these elements are put together it is considered that the openness of the Green Belt would not be preserved. However, over time and with the mitigation measures now proposed, it is considered that the actual Green Belt harm caused would be moderate.

- 4.4 The second characteristic is the permanence of the Green Belt which was referred to above.
- 4.5 The NPPF also refers to development not conflicting with the purposes of including land within it. Of these five purposes, it is only the third – assisting in “safeguarding the countryside from encroachment”- that is relevant here. It is considered that there would be conflict here. In line with the conclusions above, this is due to the addition of a sizeable non-agricultural development on raised ground which alters the surrounding countryside appearance and character. However, given the life-span of the development and the impact of the mitigation measures over time, this conflict is considered to amount to moderate harm.
- 4.6 In conclusion therefore the actual Green Belt harm caused is considered to be moderate.
- 4.7 In making this Green Belt assessment, it is therefore considered that there is substantial definitional harm caused and moderate actual harm.
- 4.8 It is now necessary to assess whether the proposal would cause any other harms which would need to be added to that side of the final planning balance.

b) Other Harms

i) Landscape and Visual Impacts

- 4.9 Policy LP14 of the Local Plan says that new development should look to conserve, enhance and where appropriate restore landscape character so as to reflect that as described on the North Warwickshire Landscape Character Assessment of 2010. This aligns with policy LP1 which says that development must “integrate appropriately with the natural and historic environment”, and also with Policy LP30 which says that proposals should ensure that they are “well related to each other and harmonise with both the immediate and wider surroundings”. The Fillongley Neighbourhood Plan Policy FNP02 says that “development should not have adverse impacts on the visual appearance and important scenic aspects of rural and natural features in the landscape”. These matters are reflected in the NPPF at para 180, which says that planning decisions should “recognise the intrinsic character and beauty of the countryside.”
- 4.10 Looking first at the possible landscape impacts then the site is within the “Church End to Corley – Arden Hills and Valleys” character area as defined by the 2010 Assessment. Here the landscape is described as being “an elevated farmed landscape of low rounded hills, steep scarps and small incised valleys. This landform combined with extensive woodlands and tree cover creates an intricate and small-scale character, punctuated by numerous scattered farms and hamlets. The majority of the character area is deeply rural”. The landscape

management strategies identified include “conserving rural character by restricting changes in the use of rural land”.

- 4.11 The site is very much seen as displaying many of these characteristics and thus does not stand alone within this Character Area. It is part of the much wider Area. Whilst it is not a designated landscape or recognised within the Development Plan as being particularly distinctive, its quality lies in its intrinsic largely unchanged rural character. Whilst the original proposals retained existing field boundaries and would have enhanced perimeter hedgerows, there would still have been a material change in the landscape which would not be contained. This was due to the extensive area of the site, its height and there being no immediate surrounding higher land that would contain the site naturally such that it would retain its openness. The amended plans have sought to address these matters. This is because they have “compartmentalised” the site by re-introducing former hedgerow boundaries, added new site wide hedgerows and strengthened perimeter planting. A notable addition is the proposed “clump” on the highest ground. As a consequence of these measures, the site is divided and the eye drawn to skyline tree planting. The North Warwickshire Local Plan identifies the quality of the Borough’s natural and historic environment as its first “key quality” – para 3.9 - and that is transferred into its spatial vision which is to retain and reinforce its rural character to ensure that it is distinctive from the surrounding urban areas – para 4.2. This is why the significance of adverse change to a largely unchanged rural landscape would be considered to cause significant harm. The amendments here however are material and address the key components of the harm that would have been caused. The landscape harm is thus reduced to moderate in impact.
- 4.12 Turning to the possible visual impacts, it is first proposed to look at impacts from existing residential property before looking at the impacts on footpath users and drivers. Members will be aware that the loss of a view or a change to a view is not necessarily a material planning consideration. In this case the site is not adjacent to and neither does it adjoin established residential property. Surrounding property is either scattered and dispersed or within the village of Fillongley itself. The proposed would be glimpsed from the rear of south facing property on the southern edge of Fillongley some 550 to 600 metres away, seen through existing trees, but constituting a small part of the overall view. Properties on the southern side of the Coventry Road extending eastwards out of the village are on higher ground and would similarly be able to view the eastern most field as well as the higher ground within the site - some 520 metres distant. The whole site would not be visible and thus again the views would be only a small part of the overall extensive panorama from these properties. The closest property is Park House Farm, but this is still some 500 metres from the edge of the site with intervening trees. As it is on elevated land, there would be partial views of the northern slopes of the site. There are residential properties in Green End Road up to some 700 metres from the site and on elevated land. The elevated section of the site would be visible from first floor windows. The higher part of the site would also be visible from White House Farm to the west - some 250 metres - but there is far more in the way of intervening woodland which helps to mitigate

visual impacts. Taken together, and when considered against the original submission, any adverse visual impacts from existing residential property would have been considered to be generally minor. The amended plans address these harms and overall, they would be reduced to having a limited impact.

- 4.13 Looking at the visual impact from drivers, then the Meriden Road runs alongside the western side of the site for its whole length. There is significant existing woodland along part of the boundary – at its southern end – and the remainder to the north is now to be further strengthened thus reducing visibility. The views would now be glimpsed and partial as well as being transitory. The higher level of Green End Road to the west would similarly have views over the higher part of the site. The enhanced planting now proposed would significantly reduce any impacts because of its focus on skyline planting.
- 4.14 There will be glimpsed views of the site by drivers of the M6 motorway due to gaps within the existing tree cover and the motorway's raised level. Whilst additional planting can help here, the impact is very transitory.
- 4.15 In overall terms therefore any adverse visual impacts for drivers of the adjoining highways are considered to be minor.
- 4.16 Finally, it is proposed to look at the potential impact on footpath users. The M294/1 runs north/south through the western portion of the site within a shallow valley over several hundred metres. There would be panels on either side of the retained footpath corridor. Views would be contained and would introduce a wholly urbanised context regardless of the new planting. The experience of walking a rural footpath would be lost. This is a well-used footpath, and it is routed directly into the village centre. The development would significantly reduce the experience of walking in a rural landscape between the M6 Motorway and the village. Because of its length, this experience would be more than transitory and change the character of this part of the footpath. The adverse impacts would thus be major.
- 4.17 The Public footpath M294a/1 passes the eastern side of the site, running north/south from a footbridge over the M6 to the centre of the village. It varies between less than 100 to 400 metres from the site. Whilst the site would only be glimpsed at its northern end as with the residential properties here, it would become visible as one walks south. This is because the eastern field of the site comes into view as well as the higher portions of the site itself. The path here is at a higher level than that eastern field. At the motorway bridge, the site will become quite dominant in the views because of the bridge being at a higher level and the extensive views northwards from there. The enhanced mitigation measures in the amended plans will reduce the overall impact of users of this path which would be moderate in scale.

- 4.18 The Coventry Way is a footpath which runs east/west beyond the eastern side of the site linking up with the M298/1 at its southern end so as to cross the Motorway. The site will be evident to users of this path due to the elevated levels of the path and the highest part of the site itself. However, with the new planting there will be a limited impact.
- 4.19 When these visual impact matters are assessed cumulatively together with the mitigation proposed, it is considered that overall, there are generally minor impacts on residential property and road users, but more moderate impacts on footpath walkers.
- 4.20 These have to be added to the moderate harm to the landscape character as concluded above.
- 4.21 In all of these circumstances, the proposal would not wholly satisfy Local Plan policies LP1, LP14 and LP30 as the landscape character would not be conserved or enhanced and the proposal would not integrate or harmonise well with its surroundings. Neither would it satisfy the Neighbourhood Plan Policy FNP02 on the important scenic aspects of the natural landscape. This means that para 180 of the NPPF is also neither satisfied. However, the degree of non-compliance is moderate in impact.

ii) Heritage Impacts

- 4.22 Local Plan policy LP15 says that the quality, character, diversity and local distinctiveness of the Borough's historic environment will be conserved and enhanced. In order to do so, an assessment has to be made of the potential impact of the proposals on the significance of heritage assets that might be affected by the proposal as set out in Section 16 of the NPPF. Whilst there are no assets on the site, the Fillongley Conservation Area is to the north and there are a number of Listed Buildings in the locality.
- 4.23 The Council is under a Statutory Duty to pay special attention to the desirability of preserving or enhancing the character or appearance of its Conservation Areas. The southern edge of the Fillongley Conservation Area lies around 300 metres to the north of the site. The significance of the Area lies in the recognition of the historic old core of the village and the cluster of historic buildings within it – particularly focussed on the Church. There is however a substantial extension to the south of open agricultural land so as to include the Scheduled Ancient Monument of the earthworks of the former Motte and Bailey Ringwork Castle at Castle Farm. It is the historical significance of the evolution of the village that is the main characteristic. The Area is not tightly drawn around its historic core as it includes the open land to the south leading up to the Monument. The buildings in the village are in-ward looking along the linear street form and there are restricted views in other directions. The topography of the village limits longer distance views, but the church tower is the main feature visible from the northern edge of the site. Due to the intervening topography, vegetation, separation distances and built form of the village, it is considered that the proposal with its additional mitigation, would only have less than substantial harm on the character

and appearance of the Area, as its location has no particular function within its setting.

- 4.24 The Scheduled Monument is a medieval 12th Century Ringwork fortification with retained masonry and earthwork remains of Castle Yard and its associated bailey. It has significant historical significance nationally as well as locally as these constructions are rare. It is to the south of the village and partially located within a small depression bounded by trees and hedgerows. This provides an enclosed setting with the focus on the earthworks themselves through which there are glimpsed views of the surrounding countryside beyond. There are glimpsed views of the far northern end of the site from here, but the intervisibility is essentially limited by the local topography and intervening tree and hedgerow cover. The site itself does not contribute to the historic or visual setting of the Monument which is more focussed to the village itself to the north.
- 4.25 The Council is also under a statutory duty to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. There are such buildings in the vicinity of the site.
- 4.26 Park House Farm is a Grade 2 Listed Building dating from the early/mid-17th Century with early 19th Century additions, about 500 metres to the north of the site. It is set in a working farm complex which also contains other listed buildings as well as hard-standings and other infrastructure. Their close arrangement forms the immediate setting of this group of heritage assets. Their significance lies in the retention of a working group of agricultural buildings with contemporaneous architectural characteristics. There is no direct impact on the fabric of these buildings and the separation distances and intervening tree covers limits the impact of the proposal on this immediate setting. There will be some visibility of the site from them, but these views are part of a very much wider panorama seen from the buildings which when further mitigated through the new planting, would not materially affect the setting, which is considered to be the immediate grouping of buildings.
- 4.27 Fillongley Mount is a Grade 2 Listed Building of 16th Century origin on higher land in Green End Lane. This is a residential building set in landscaped grounds that form its immediate setting which borders the wider agricultural landscape beyond. The application site plays no part in this setting because of separation distances, intervening topography, the local road network and there being no intervisibility.
- 4.28 Manor House Farm and its attached barn is a Grade 2 Listed Building on Green End Lane dating from the 14th and 15th Century with later additions, some 750 metres to the north-west of the site. The immediate setting of this group includes other more modern agricultural buildings. There is very limited if any intervisibility with the site and it plays no part in the wider setting of these assets.

- 4.29 White House Farm House is an early 19th Century Grade Two Listed Building around 250 metres to the west of the site. It too has an immediate setting comprising a number of other buildings and gardens. It has an elevated position and its upper floors do have views over the site. These however are glimpsed views within a wider setting which would be further mitigated through the enhanced planting so that together, the views would not materially diminish its immediate setting
- 4.30 When taken together it is considered that the overall impact on these above ground heritage assets is less than substantial.
- 4.31 It is now necessary to assess the potential archaeological impact. The County Archaeologist considers that the site lies within an area of significant archaeological potential. It is acknowledged that the site is likely to have remained predominantly in agricultural use since the medieval period, but the lack of previous fieldwork undertaken means that the potential of the site for the pre-medieval periods is unknown. As a consequence, it has been agreed with the applicant that evaluative fieldwork will be undertaken in order to establish whether there would be below ground impacts. This would take the form of a phased approach through the site including a programme of geophysical survey and evaluative trial trenching for each phase. This approach has been agreed with the County Archaeologist and could be accommodated by planning condition. As such it is not considered that substantial harm is likely to be caused
- 4.32 Bringing all of these matters together, it is concluded that heritage impacts taken together would cause less than substantial harm. This however does carry weight in the final planning balance as it has to be weighed against the public benefits of the proposal within that assessment.

iii) Highway Impacts

- 4.33 Local Plan policy LP29 (6) says that all developments should provide safe and suitable access for all users. The NPPF says that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe – paragraph 115.
- 4.34 Given this policy background, it is of substantial weight therefore that neither National Highways nor the Warwickshire County Council as the Highway Authority have objected to the proposed access – essentially improvements to the existing access onto the Meriden Road close to the M6 bridge.
- 4.35 It is thus considered that the proposal satisfies Local Plan policy LP29(6).

iv) Drainage and Flooding Impacts

- 4.36 Local Plan policy LP33 requires water runoff from new development to be no more than the natural greenfield runoff rates and developments should hold this water back on the development site through high quality sustainable drainage arrangements which should also reduce pollution and flood risk to nearby watercourses. The NPPF at para 175 says that major developments should incorporate sustainable drainage systems and that these should take account of the advice from the lead local flood authority.
- 4.37 In this case, the policy requirement set out above is particularly significant as the watercourses that run through the site on its western side or alongside beyond its eastern boundary, run into the centre of Fillongley where part of its course is restricted due to engineering works. As such there is frequent flooding within the village to the extent that the Local Flood Authority recognises Fillongley as a flooding “hot-spot” and there is an organised local Flood Group. The prospect of increased surface water run-off from the site running into the watercourses upstream from Fillongley, or through natural infiltration, is thus a substantial consideration here.
- 4.38 The initial proposals included retention of grass/pasture cover throughout the site under and around the panels and a number of interception swales along the rows of panels that are at the lowest levels on the site. The Local Lead Flood Authority requested a more detailed analysis of the proposal which resulted in additional measures being introduced – each transformer unit having its own infiltration trenches to capture and attenuate surface water from them.
- 4.39 It is of substantial weight that the Local Lead Flood Authority has now withdrawn its initial objection as it concludes that the applicant has demonstrated the principles of an acceptable surface water management strategy for the site. However, conditions are needed to require submission of full details at pre-commencement stage. It is understandable that the Local Flood Group expresses concern and caution, but the relevant Statutory Authority has not objected in principle taking into account the particular local circumstances here. As such, and particularly in respect of the NPPF position, it is considered that the proposals do now satisfy Local Plan policy LP33.

v) Ecology and Bio-Diversity

- 4.40 Local Plan policy LP16 says that the quality, character, diversity and local distinctiveness of the natural environment is to be protected and enhanced as appropriate, relative to the nature of the development proposed and net gains for bio-diversity should be sought where possible. The Board is also aware of the new Regulations introduced in February this year. As this proposal was submitted prior to their introduction, there is no mandatory 10% nett gain required. The proposal nevertheless, still has to show a net bio-diversity gain, in order to accord with Policy LP16.

- 4.41 It is of substantial weight that the County Ecologist acknowledges that the appropriate bio-diversity assessment has been undertaken and that this when the additional planting has been included, shows a net gain of 62% in habitat units and a 25% gain in hedgerow units. This is made up as a consequence of the creation of meadow grassland throughout the whole site, the retention and enlargement of arable margins, new hedgerow planting alongside the footpath which crosses the site and the new hedgerow and tree planting throughout and around the perimeter of the site. A number of species enhancement measures are also included – the creation of amphibia refugia, reptile basking areas as well as bird and bat boxes. To this should be added the community garden.
- 4.42 However as recorded in Section 2 above, the County Ecologist raises the issue of the loss of habitat that is “home” to a skylark population. This cannot be compensated within the proposal on-site and thus the appropriate measure is for an off-site contribution in lieu. This approach has been agreed with the applicant
- 4.43 In all of these circumstances the proposals would satisfy Local Plan policy LP16 and the new requirements.

vi) Agricultural Land

- 4.44 Local Plan policy LP16 says that the quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced as appropriate relative to the nature of the development proposed. The NPPF says that planning decisions should contribute to and enhance the natural and local environment, amongst other things by protecting and enhancing soils and recognising the economic and other benefits of the best and most versatile agricultural land – para 180 (a and b). Where significant development of agricultural land is demonstrated to be necessary, the NPPF also states that areas of poorer quality land should be preferred to those of higher quality. The availability of agricultural land for food production should be considered alongside other policies in the NPPF, when deciding what sites are most appropriate for development – footnote 62.
- 4.45 Natural England has published guidance in respect of solar farm development and agricultural land quality. It says that such developments would be unlikely to lead to significant permanent loss of BMV agricultural land as a resource for future generations because the development is reversible with limited soil disturbance. However, it does draw attention to the reduction in agricultural production over the whole development area during the lifetime of the development. National Planning Guidance Practice says that Local Planning Authorities should consider encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value, and where a proposal involves greenfield land, whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land.

4.46 The best and most versatile land (“BMV”) is defined as Grades 1, 2 and 3a in the Glossary to the NPPF. In this case as reported in Appendix A, 24% of the site is in Grade 2 and 71% in Grade 3a. Therefore 95% of the site is BMV. The predominance and value of BMV on this site carries substantial weight in light of Development Plan and National Planning policy. This would be a substantial harmful impact which would need to be considered in the final planning balance.

v) Other Matters

4.47 In light of the responses received from both the Civil Aviation Authority and National Highways, it is not considered that there would a harmful effect from glint or glare arising from the proposals.

4.48 Similarly, the lack of objection from the Environmental Health Officer in respect of potential noise emission from the plant associated with the proposal is significant. This is due to the location of the main plant being in the south-west corner of the site close to the Motorway and the separation distances from there to the nearest residential property.

4.49 There is neither an objection from Cadent as there is sufficient open land left either side of the pipe-line that crosses the site to provide the necessary easement for maintenance purposes

4.50 The Environment Agency has submitted comments, recorded above, in light of representations made concerning the potential contamination of ground water as a consequence of water infiltration following a fire on site. This is an issue here given the aquifer below and close to the site. The Warwickshire Fire and Rescue Service point out that the lack of battery storage systems on site reduces the risk of fire incidents.

c) The Harm Side of the Planning Balance

4.51 From the above assessments, it is considered that the “harm” side of the planning balance in this case comprises the substantial definitional Green Belt harm, the moderate actual Green Belt harm, the moderate landscape and minor visual impacts, the harm caused by the use of Best and Most Versatile Land, as well as the less than substantial harm to local heritage assets.

d) The Applicant’s Case

4.52 The applicant’s case has to provide sufficient weight so as to “clearly” outweigh the cumulative harm caused, if it is to amount to the very special circumstances necessary to support the proposal.

4.53 The key consideration advanced by the applicant is the importance of increasing the production of energy from renewable sources. The proposal would generate clean renewable energy to the Grid. National Energy policies support this objective and Members are referred to the previous report at Appendix A, where this documentation is identified. In a planning context, then the NPPF at para 157 says that “the planning system should support the transition to a low carbon future in a changing climate. It should support renewable and low carbon energy

and associated infrastructure.” Additionally at paragraph 163, the NPPF says that “when determining planning applications for renewable and low carbon development, local planning authorities should not require the applicant to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution, approve the application if its impacts are, or can be made acceptable”. In the case of sites in the Green Belt, the para 156 says that “developers will need to demonstrate very special circumstances if projects are to proceed. Such circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources” The support in principle exhibited by this planning background is also reflected in the Development Plan. Local Plan policy LP35 says that “renewable energy projects will be supported”. There are however conditions attached to that support and these will need to be dealt with in the final planning balance. As a consequence of all of these matters, it is considered that this consideration put forward by the applicant carries substantial weight.

- 4.54 The applicant also points out that any adverse impacts here will be reversible in that the site would be de-commissioned after 40 years. This is acknowledged as a consideration, but this period is lengthy and any residual impacts, even if mitigated, would still be apparent throughout that time. As a consequence, this consideration can only carry moderate weight
- 4.55 A further consideration is that the site would continue to provide an agricultural use, albeit not arable crop production.
- 4.56 In conclusion therefore, the need to provide sustained renewable energy as the key consideration here would outweigh the other matters, such that the applicant’s case would carry substantial weight.

e) The Final Planning Balance

- 4.57 The final planning balance is thus coming to a planning judgement on whether the weight to be given to the applicant’s case, as summarised in paragraph 4.56 “clearly” outweighs the cumulative weight of the harms identified in paragraph 4.51
- 4.58 It would appear that there is a fine balance here with substantial weights appearing on either side. It is therefore proposed to look at this assessment by returning to the Development Plan
- 4.59 This is because planning policy support for the proposal is conditioned. Paragraph 163 of the NPPF clearly conditions support to cases “where the impacts are, or can be, acceptable.” This is put into a local context by Local Plan Policy LP35, which says that such projects will be supported, where they “respect the capacity and sensitivity of the landscape and communities to accommodate them. In particular, they will be assessed on their individual and cumulative impact on landscape quality, sites or features of natural importance, sites of buildings of historic or cultural importance, residential amenity and the local economy”. Each of the elements in LP35 will now be assessed.

- 4.60 Looking first at the impact on landscape quality, then the original proposal did not respect the capacity and sensitivity of the local landscape here for the reasons already outlined – its size, the proportion of raised ground, the lack of compartmentalisation and the lack of containment in the wider setting. The subsequent receipt of the amended mitigation materially affects this conclusion as it addresses these reasons and renders the complete proposal “acceptable” in the terms of the NPPF. It is also acknowledged that there would be no cumulative landscape impact when considered alongside recent planning permissions for similar proposals given the lack of inter-visibility between them and the separation distances. As a consequence, it is considered that the amended proposal, whilst not fully satisfying Local Plan policies LP1, LP14 and LP30, does mean that the degree of non-compliance is not significant.
- 4.61 In respect of heritage impacts, it is acknowledged that the substantial public benefits around from the national energy and planning policy support in principle for the development, would outweigh the less than substantial harm likely to be caused to local heritage assets here. This harm in other words, would not “tilt” the final balance
- 4.62 Turning to the impact on the natural environment, then the issue of the use of BMV arises. In this case, this of substantial weight because of the pre-dominance of such land within the site. The applicant was asked to respond to this concern not only for this site, but also cumulatively given that other recent consents have included BMV land. His response is at Appendix D. This finds that:
- a) North Warwickshire as a whole has a higher proportion of Grade 1 and 2 agricultural land than found in England, the West Midlands and the County generally – 20% of its area compared with 17%, 19% and 12% respectively.
 - b) As a consequence, BMV land is not a scarce resource in North Warwickshire.
 - c) Because of this, the ability to find alternative sites of lesser soil quality to accommodate commercial scale solar farm development is highly constrained.
 - d) The site area is 61 hectares, and thus the BMV land “taken” here would only be 0.22% of the total Authority land area.
 - e) Even when other consented schemes are taken into account, the total BMV land “taken” would amount to 0.3% of the Authority land area.
 - f) The land covered by this 0.3% would not be lost from agricultural use either temporarily or in perpetuity.
 - g) There would bio-diversity net gains which would remain after de-commissioning as would the improvements to soil health.
- 4.63 The applicant supplements these matters by referring to recent appeal decisions. The first involved a similarly sized proposal on a site with 72% BMV in an Authority comprising predominantly BMV land. This was granted a planning permission finding that solar farm developments would be unable to avoid the use of BMV land, particularly as proximity to the National Grid was a limitation. Additionally, the Inspector concluded that “the effect on agricultural land, although lengthy, is ultimately temporary and reversible and would not represent a total loss of agricultural land”. Whilst BMV land was not involved in the second case, the Inspector found that “the specific way agricultural land is used, is not a matter that is subject to planning controls”.

- 4.64 In response, the Board will notice that the areas in paragraph 4.62 above relate to the Borough as a whole. The applicant was asked to assess the areas of Grades One and Two Agricultural land within the existing proposal as a proportion of the total Grades One and Two land in the Borough and the cumulative Grades One and Two land from this, plus other recently consented solar farms. The site amounts to 1.2% to Grades 1 and 2 land in the Borough and 1.27% of the Borough's Grade 2 land when the other sites are included. (There was no Grade 1 land taken in the other sites, hence the reference here is only to Grade 2 land). Whilst the significance of the BMV land taken either by this proposal or cumulatively, may be perceived to carry greater weight than that attributed to it by the applicant, these figures are low. Additionally, Members will be aware from previous cases, that the search for sites is very much conditioned on the points of connection into the National Grid. This why this application is in the same geographic area of the Borough as the others - its south-east corner—with the connection for all being at Nuneaton. It just so happens that this area is in the location of significant areas of BMV land.
- 4.65 Initial consideration of this matter attributed substantial harm because of the predominance of BMV land in the site. This has had to be re-assessed in light of the applicant's rebuttal. As a consequence, it is considered that the assessment of the impact on the natural environment through the use of BMV land should be assessed on the evidence above. It is not considered that that impact is of such weight to warrant a reason for refusal. This is because:
- a) From recent cases in the Borough, the Board is aware that the capacity of local substations to connect to, is limited to the Nuneaton site and thus the search for sites for solar farm projects will be concentrated into its catchment area.
 - b) It is thus very likely that BMV land will be involved in that search.
 - c) In this case, the overall proportion of BMV land "taken" even cumulatively with other permitted projects is not significant, when that is considered against the total amount of BMV land in the Borough.
 - d) The weight in the determination of planning appeals by Inspectors given to there being no permanent loss of BMV agricultural land is substantial.
 - e) There is no agricultural evidence provided by Natural England to add weight to a possible refusal here based on their being a specific loss of land for food production as set out in the NPPF (footnote 62). Nor indeed has evidence been submitted by objectors in respect of a potential material reduction in food production.
- 4.66 When all of the above is taken into account, it is considered that the impact here is "acceptable" in overall planning terms
- 4.67 Finally it was also concluded above that there would be unlikely to be any adverse residential amenity impacts. The applicant is neither promoting benefits in terms of enhancing the local economy.
- 4.68 Drawing all of these matters together, it is concluded that in overall terms the amended proposal would be acceptable under Policy LP35.

- 4.69 As indicated before, the NPPF condition also asks whether these impacts can be made acceptable. It is considered that they can.
- 4.70 The final balance therefore comprises the weight given to the applicant's case for renewable energy and the cumulative weights attributed to actual Green Belt and landscape harm. In this particular case it is considered that the proposals do accord with the relevant planning policies for renewable energy projects as set out in paragraph 4.59 above and thus can be supported.

Recommendation

- a) That the Council is minded to **GRANT** a planning permission subject to the imposition of conditions as outlined below and the completion of a Section 106 Agreement with the Warwickshire County Council in respect of the bio-diversity offsetting contribution referred to in this report, and that as a consequence, the matter be referred to the Secretary of State under the terms of the 2024 Direction.
- b) If the Secretary of State does not intervene and on completion of the 106 Agreement, the Notice be issued.

Standard Condition

1. The development to which this permission relates must be begun not later than the expiration of five years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004, and to prevent an accumulation of unimplemented planning permissions.

Defining Conditions

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents:
- a) The Location Plan P.Nailcote Farm/04 REVA
b) The Planning Layout Drawing P. Nailcote Farm/09 REVD
c) Section Views drawing P. Nailcote Farm/06RevB (sheets 1 and 2)
d) DNO Building - P007039/11/DNO Subsections REVA
e) Access Plan 2210072/05
f) Landscape Strategy Plan 11370/FCPR/XX/XX/DR/L/0001 Rev P14
g) Drainage Strategy (document NFW/BWB/ZZ/XX/RP/CD/0001/DS Rev PO6) prepared by BWB Consulting Ltd

REASON

In order to define the extent and scope of the permission.

3. The planning permission hereby granted shall be for a temporary period only, to expire 40 years after the date of the first commercial export of electrical power from the development. Written confirmation of the first export date shall be provided in writing to the Local Planning Authority within one month after the event.

REASON

In order to confirm that this permission is for a temporary period only.

4. If the solar farm hereby permitted ceases to operate for a continuous period of twelve months, then a scheme for the de-commissioning and removal of the solar farm and all of its ancillary equipment shall be submitted in writing to the Local Planning Authority within six months of the cessation period. The scheme shall make provision for the removal of the solar panels and associated above and below ground works approved under this permission. The scheme shall also include the details of the management and timing of the de-commissioning works, together with a traffic management plan to address any likely traffic impact issues during the de-commissioning period together with the temporary arrangements necessary at the access onto Meriden Road (the B4102) and an environmental management plan to include details of the measures to be taken during the de-commissioning period to protect wildlife and habitats as well as details of site restoration measures. For the avoidance of doubt, the landscape planting and biodiversity improvements approved under this permission shall be excluded from this condition.

REASON

In order to define the scope of the permission and to confirm that it for a temporary period only.

5. The scheme as agreed in writing by the Local Planning Authority under condition 4 shall be implemented in full within twelve months of the cessation of the site for the commercial export of electrical power, whether that cessation occurs under the time period set out in condition 3, but also at the end of any continuous cessation of the commercial export of electrical power from the site for a period of twelve months.

REASON

In order to ensure the satisfactory re-instatement of the land.

Pre-Commencement Conditions

6. Notwithstanding the approved plans defined in condition 2, prior to their erection on site, details of the proposed materials and finish, including colour, of all solar panels, frames, ancillary buildings, equipment, fences and enclosures shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details and shall be maintained as such for the lifetime of the development.

REASON

In the interests of the appearance of the area.

7. Notwithstanding the submitted details, no works or development shall take place until an Arboricultural Method Statement and Scheme for the Protection of any retained trees and hedgerows has first been agreed in writing by the Local Planning Authority. The Scheme shall include a plan showing details and positions of the ground areas to be protected areas and details of the position and type of protection barriers.

REASON

In the interests of the appearance of the area and to ensure that there is no avoidable loss of landscaping and bio-diversity enhancement.

8. No external lighting (other than low level lighting required on ancillary buildings during occasional maintenance and inspection visits) shall be erected/used on site unless details of that lighting have first been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and thereafter maintained in accordance with the approved details for the lifetime of the development.

REASON

In the interests of the residential amenity of neighbouring occupiers.

9. No development shall take place on site including any site clearance or preparation prior to construction, until all three of the following have been completed.
 - a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work over the whole site has been submitted to and approved in writing by the Local Planning Authority.
 - b) The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken and a report detailing the results of this fieldwork and confirmation of the arrangements for the deposition of the archaeological archive has been submitted to the Local Planning Authority.

- c) An Archaeological Mitigation Strategy (including a WSI for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. The Strategy should mitigate the impact of the proposed development and should be informed by the evaluation work undertaken.

The development and archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents shall all be undertaken in accordance with those documents.

REASON

In the interests of the potential archaeological value of the site.

10. No development shall commence on site until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) Evidence to show whether an infiltration type drainage strategy is an appropriate means of managing surface water run-off;
- b) Demonstration of support of the scheme through “feature specific” detailed plans and calculations of the proposed attenuation system, cross sections, attenuation features and outfall arrangements in line with CIRIA Report C753,
- c) Provision of detailed network level calculations demonstrating the performance of the proposed system to include suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a surcharged outfall) with justification of such criteria, simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events, together with results demonstrating the performance of the drainage scheme including attenuation storage, potential flood volumes and network status for each return period,
- d) The provision of plans such as external levels plans supporting the exceedance and overland flow routing provided to date. This overland flow routing should demonstrate how run-off will be directed through the development without exposing properties to flood risk and recognition that exceedance can occur due to a number of factors such that exceedance management should not rely on calculations demonstrating no flooding.

Only the scheme that has been approved in writing shall then be implemented on site.

REASON

To reduce the risk of increased flooding and to improve and protect water supply.

11. No development shall commence on site until the whole of the access arrangements as shown on the approved plan together with the alterations to the highway verge crossing have all been laid out and constructed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

12. No development shall commence on site until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall particularly include measures to prevent the transfer of material from the site onto the public highway, the scheduling of HGV movements to prevent conflict around the access to the site and details of the temporary traffic signals to control vehicle movements within the site access, Meriden Road and Newhall Green Lane. The details included in that Plan so approved shall be adhered to throughout the construction period.

REASON

In the interests of highway safety.

Pre-Operational Use Conditions

13. There shall be no commercial export of electrical power from the site until a Drainage Verification Report for the installed surface water drainage system based on the Drainage Strategy approved under condition 2 and the system as approved under Condition 10 has been submitted to and approved in writing by the Local Planning Authority. It should include:
- a) Demonstration that any departures from the approved design are in keeping with the approved principles.
 - b) As built photographs and drawings
 - c) The results of any performance testing undertaken as part of the application process,
 - d) Copies of all statutory approvals such as Land Drainage Consent for Discharge,
 - e) Confirmation that the system is free from defects, damage and foreign objects.

The report should be prepared by a suitably qualified independent drainage engineer.

REASON

To ensure that the development is implemented as approved and thereby reducing the risk of flooding.

14. There shall be no commercial export of electrical power from the site until a site-specific maintenance plan for the approved surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. It shall include:

- a) The name of the party responsible, including contact names, address, email address and phone numbers.
- b) Plans showing the locations of features requiring maintenance and how these should be accessed,
- c) Details of how each feature is to be maintained and managed throughout the lifetime of the development,
- d) Provide details of how site vegetation will be maintained for the lifetime of the development.

REASON

To ensure that the maintenance of sustainable drainage structures so as to reduce the risk of flooding.

15. There shall be no commercial export of electrical power from the site until a Landscape and Ecological Management Plan ("LEMP") has first been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be in general accordance with the approved Landscape Strategy Plan approved under condition 2 and shall include reference to the community garden shown on that Plan. The LEMP shall include:

- a) a description and evaluation of the features to be managed;
- b) ecological trends and constraints on site that might influence management,
- c) the aims, objectives and targets for the management,
- d) descriptions of the management operations for achieving the 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 thirty-year period),
- g) Details of the monitoring needed to measure the effectiveness of management,
- h) Details of each element of the monitoring programme,
- i) Details of the persons or organisations(s) responsible for implementation and monitoring,
- j) Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve the required aims, objectives and targets,
- k) Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage,
- l) The legal and funding mechanisms by which the long-term implementation of the LEMP will be secured by the developer and the management body(ies) responsible for its delivery,
- m) How contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (k) above shows that the

conservation aims and objectives set out in (c) above are not being met so that the development still delivers the full functioning bio-diversity objectives of the originally approved scheme.

The details in that Plan shall then be implemented on site and be adhered to at all times during the lifetime of the development.

REASON

In the interests of enhancing and protecting bio-diversity.

16. There shall be no commercial export of electrical power from the site until the existing public highway verge crossing has been widened to a width of no more than 18.75 metres, laid out and constructed in accordance with the approved plan including its surfacing with a bound material for a distance of no less than 20 metres as measured from the near edge of the public highway carriageway, all to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

17. Within three months of the first commercial export of electrical power from the site until the extension to the access as shown on the approved plan has first been removed and the public highway verge crossing reduced in width and constructed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

Other Conditions

18. The landscaping scheme as approved under condition 2 shall be carried out within the first planting season following the date when electrical power is first exported, or as otherwise agreed within the approved scheme. If within a period of five years from the date of planting, any tree, shrub hedgerow, or replacement is removed, uprooted, destroyed or dies, then a another of the same species and size of the original shall be planted at the same location.

REASON

In the interests of the appearance of the area and to ensure that this is maintained throughout the life of the permission.

19.No tree works or vegetation clearance shall take place during the bird nesting period (the beginning of March to the end of August inclusive) unless otherwise agreed in writing by the Local Planning Authority on submission of appropriate evidence.

REASON

In the interests of ensuring that the nature conservation value of the site is maintained.

20.No gates shall be located within the vehicular access to the site during the construction and de-commissioning phases so as to open within 20 metres of the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

21.There shall be no vegetation planted within two metres of the edge of the public footpath numbered M294 which crosses the site and neither shall any site security fencing be erected within one metre of the edge of this footpath.

REASON

In the interests of ensuring access to the public footpath network.

Notes:

- a) The Local Planning Authority has met the requirements of the NPPF in this case through seeking amendments in order to overcome objections from the statutory consultations and to mitigate the concerns expressed by the local community in order to result in a positive outcome.
- b) Attention is drawn to the public footpath the M294 which crosses the site. This must remain open at all times unless closed by legal order and neither should it be obstructed by vehicles or materials. Any disturbance to the surface requires prior authorisation from the Warwickshire County Council as does any new gate or other structure on the footpath.
- c) Attention is drawn to the gas pipeline that crosses the site. You should contact Cadent Gas prior to any construction work commencing.
- d) Attention is drawn to Sections 59, 149, 151, 163 and 184 of the Highways Act 1980, the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.

- e) The Lead Local Flood Authority advises that the strategy approved at this time should be treated as the minimum required at this stage. The subsequent “discharge of condition” stage should be approaching a level of detail suitable for tender or construction.

APPENDIX A

General Development Applications

(8/a) Application No: PAP/2023/0071

Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley,

Construction of a temporary Solar Farm providing 47.7 MW output, to include the installation of ground-mounted solar panels together with associated works, equipment and necessary infrastructure., for

Enviromena Project Management UK Ltd

Introduction

This application has been submitted recently and this report provides an outline of the proposal, describes the site and sets out the relevant planning policies in respect of its eventual determination. A further report will thus be referred to the Board in due course.

The recommendation below is that the application's receipt be noted at this time and that a site visit be organised for the Board to better understand the setting of the location. This will take place at a time when the case is ready to be reported for determination.

A significant amount of supporting documentation has been submitted with the application. Whilst this is summarised below, Members are asked to refer to the case file on-line by using the planning reference as set out above, in order to fully understand the applicant's case.

The application falls under the Town and Country Planning (Consultation) (England) Direction of 2009 being "Green Belt" development as defined under the Direction. This means that should the Council be minded to support the proposal, it would need to be referred to the Secretary of State to see if he would call-in the application for his own determination following a Public Inquiry. If the Council resolves not to support the proposal, it can do so without referral.

Members will be aware of similar proposals that have also recently been considered. As they are aware, each application is to be determined on its own merits. However, any cumulative impacts whether adverse or of benefit, can be considered as a material planning consideration in the final planning balance.

The Site

This is roughly a rectangular area of agricultural land comprising six large irregular shaped arable fields and extending over 61 hectares. It is sited immediately north of the M6 Motorway and to the east of the B4102 Meriden Road where it passes under the Motorway. It is around 600 metres south of Fillongley. A water course – the Bourne Brook – crosses the north-western boundary – and a second un-named watercourse runs from the southern boundary towards the south-east. Other on-site ditches drain north to these watercourses.

a/1

The landform is undulating with a relative ridge in the centre of the site running north/south with levels falling away on either side. The lowest point is to the north-east and the fall is around 27 metres.

There is agricultural land around the site with a dispersed pattern of individual residential units and farmsteads. Members will be familiar with nearby commercial enterprises south of the Motorway and also in Corley Moor within a kilometre to the south-east on the other side of the Motorway. The main vehicular access into the site is from field access points along the B4102 frontage. There is a public footpath – the M294 - which runs north-south through the site from the M6 Bridge into Fillongley close to its western boundary. A further footpath - the M294a - runs north/south from Corley Moor into Fillongley, just to the east of the site boundary.

A general location plan is at Appendix A and an aerial photograph which also shows the surrounding public footpath network, is at Appendix B.

The Proposals

The development comprises the solar panels laid out in straight south-facing arrays throughout the site within existing field boundaries. These arrays would have a 5.5 metre gap between the rows and have a maximum height of three metres above ground level. The gap between them and the retained field boundaries would be four metres. The panels would be supported by associated infrastructure, namely inverters mounted to the reverse of the arrays; transformers spread evenly throughout the site and customer switchgear and DNO substations which would be buildings measuring 7 by 2.8 metres and 2.3 metres tall located in the south-west corner of the site close to the access onto the Meriden Road. There would be perimeter deer-proof fencing to a height of 2 metres comprising wooden posts with a wire mesh. Pole mounted CCTV cameras of 3 metres in height would be located at regular intervals along the perimeter fence.

The works will need to connect to the National Grid but that is not included as part of this application as it is said that that connection would be undertaken under “permitted development” rights.

The arrays would leave the line of the M294 footpath unaltered and would neither affect the line of the watercourses that cross the site. Maintenance corridors would be left on either side of these ditches as well as alongside the footpath.

As the panels are to be located within existing fields, their hedgerow boundaries and trees will be retained. There would be enhancements of these features throughout the site. This would also apply along the length of the public footpath. It is also proposed to plant a diverse meadow grassland under and around the panels and where appropriate, bat and bird boxes would be provided.

The proposed construction access would be via the existing field access off Meriden Road close to the M6 bridge. This is already used by agricultural vehicles. It would need to be upgraded to accommodate safe and suitable access for the construction period. The route to be taken by construction traffic would be to and from the south, thus not entering Fillongley. The construction period would be around 30 weeks resulting in an anticipated six two-way movements per day. During the operational period there would be minimal traffic - one van on one or two occasions a month.

a/2

The operational period and lifespan of the development is 40 years. A de-commissioning process would remove all of the infrastructure and panels as described above and have the land fully re-instated and returned to agricultural use.

The proposed layout is illustrated at Appendix C with panels and buildings shown in Appendices D and E.

It is now proposed to summarise the documentation submitted with the application.

A Glint and Glare Assessment considers the potential impacts of the proposals on road safety, residential amenity and aviation activity. The Assessment looks at the potential impact on 134 dwellings and concludes that there could be a low impact on only 18 of these, with the remainder ruled out because of existing intervening screening and the basic geometry. In respect of users of the B4102, it concludes that that solar reflections are geometrically possible along the length of the road alongside the site, but that existing road boundary screening together with the proposed set-back and further enhancements would lead to these being of a low impact. The same applies to users of the M6, but here the Assessment recommends that existing screening is strengthened because of the number of gaps in the existing screen and the difference in height. The Assessment does not consider that there would be any impact on aviation activity.

The Traffic Assessment sets out the background as recorded above. It considers that the existing access proposed for improvement is capable of providing appropriate viability and width in line with standards for the road conditions – a 60mph limited road.

A Flood Risk Assessment identifies the whole site as being within Flood Zone One. However, extents of surface water Flood Zones 2 and 3 are shown at the northwest site boundary associated with the Bourne Brook and the unnamed watercourse to the east of the site. Drainage ditches in the site drain to the Brook and the watercourse. The Assessment concludes that the proposal is at an acceptable level of flood risk subject to recommended flood mitigation measures being implemented. These are the site excluding the buildings and access tracks would be a fully vegetated pastoral grassland, the introduction of interception “swales” along the downstream edge of the arrays and the raising of all ancillary equipment by 150mm above external ground level to prevent water ingress. The location of the swales is shown on Appendix F.

An Ecological Appraisal shows that the site is not subject to any statutory or non-statutory designation, and neither is there such a site within 2 kilometres of the site. There were neither any locally designated habitats found on the site, but there are four within two kilometres of the site. The report considers that there would be no adverse impact on these due to the separation distances, the nature of the proposal and the lack of interconnectivity. There were no notable habitats found on the site and no protected plant species found. There neither are any ponds on the site but there are several within 500 metres where records suggest the presence of greater crested newts. Given the distances and the lack of suitable habitats on-site, the report considers that no mitigation is needed on site, but that precautionary measures should be outlined in the construction management plan. There were signs of bat roosting in some of the on-site trees, but as no trees or hedgerows are to be removed, no direct mitigation is recommended, and the Construction Management Plan can pick up on precautionary measures. The Appraisal found no evidence of on-site badger setts or indications of

a/3

other protected species. As a consequence, the report concludes that the site offers limited opportunities for protected fauna and that any habitats of value are the field boundaries which are to be retained.

A Bio-Diversity Assessment provides an evaluation of the proposed plans compared to the existing ecological baseline and identifies whether there is a net gain or loss to biodiversity. The report concludes that there would be a 12.6% gain for linear features and a 65% gain in overall habitat. The proposed ecological "map" is attached at Appendix G.

An Arboricultural Impact Assessment concludes that no trees will be required to be removed to physically construct the panels and ancillary equipment, or that there would be any indirect adverse impacts. An Arboricultural Method Statement is however recommended for the construction period.

A Ground Conditions Survey concludes that the site is largely covered by glacial drift deposits overlying sandstone. This is a principal aquifer and there is a groundwater abstraction point south of the Motorway. It is not an area affected by shallow coal mining or are there are recorded landfill operations. There are however two unspecified "pits" which may contain organic sediments that could represent a potential source of gas. The conclusion is that a further intrusive ground investigation would be appropriate to verify the risks identified – the potential for gas emissions and the potential risk to the aquifer.

A Heritage Impact Assessment concludes that there would be no direct physical impact on designated heritage assets as a consequence of the development. One non-designated asset is recorded within the site, but that is now demolished and no evidence of the structure remains above ground. The Assessment considers that there will be no impact on the setting or significance on most of the designated assets within a kilometre of the site. Further analysis was however undertaken on four of these as they are visible from the site. Three are grouped together at Park House - around 400 metres north of the site – and the fourth is White House Farmhouse to the west. In both cases this further assessment concluded that the site does not contribute to the setting or significance of these assets and thus the harm would be less than substantial. There is little record of recent archaeological investigations and the Assessment considers the only potential is for relict remains of cultivation furrows and field boundaries. This could be verified through pre-commencement site evaluation.

A Landscape and Visual Impact Assessment concludes that the development would be contained by existing features and the proposed landscaping. The screening elements are hedgerows, trees, topography and the M6 corridor, such that these provide a green framework for the development. It can be absorbed into this setting, giving rise to only a local landscape impact with a moderate to minor adverse impact. The majority of the residential properties that are affected are located along the southern boundary of Fillongley, at Park House Farm and at White House Farm with views available from first floor level, but the development, following additional landscaping is considered to have only a minor adverse impact. However, users of the footpaths will have direct visibility. The transitory nature of this impact would however be affected by the length of path affected, giving rise to major adverse visual impacts. Views from the highway network would be limited with a minor adverse impact. The proposed Landscape Strategy is at Appendix H.

a/4

An Agricultural Land Classification Investigation, including an intrusive on-site survey shows that 24% of the site would be Grade 2 and 71% Grade 3a and thus is predominantly, best and most versatile land.

A Statement of Community Involvement describes the pre-application community consultation undertaken by the applicant. This comprised a leaflet drop (to 900 homes), a project website and a meeting with the Parish Council. This requested responses to three questions. The first was to ascertain support or not for the use of renewable energy. Of those replying, 71% responded positively. The second sought support or not for the proposed development. That resulted in support from 38% of the respondents and 60% opposed. The third question invited further comments. The main issues raised were – loss of agricultural land; loss of Green Belt, questioning the need for further such developments in the area, negative visual and ecological impacts as well on drivers on the M6.

A Planning Statement draws together all this documentation and outlines the planning context in which the case should be determined. It describes the planning considerations which the applicant argues do have sufficient weight to clearly outweigh the cumulative harms caused, so as to amount to the very special circumstances necessary to support the proposal. The overriding matter in his view is the generation of 45.9 MW of clean renewable energy powering the equivalent of 15,800 homes.

Development Plan

The North Warwickshire Local Plan 2021 – LP1(Sustainable Development); LP3 (Green Belt), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP29(Development Considerations), LP30 (Built Form), LP33 (Water and Flood Risk Management) and LP35 (Renewable Energy and Energy Efficiency)
Fillongley Neighbourhood Plan 2018 – 2034 – FNP02 (Natural Environment)

Other Material Planning Considerations

The National Planning Policy Framework 2021 – (the "NPPF")

National Planning Practice Guidance

National Policy Statements EN1 and EN3

National Infrastructure Strategy 2020

Energy White Paper 2020

British Energy Security Strategy 2022

Energy Security Bill 2022

North Warwickshire Landscape Character Appraisal 2010

a/5

Observations

A full determination report will be prepared in due course and that will outline the responses received from the consultation process.

As the site is in the Green Belt, it will follow the sequence with which Members are familiar. The first matter will be to establish whether the proposal is appropriate or inappropriate development in the Green Belt as defined by the National Planning Policy Framework. That approach taken in the remainder of the report will then follow what is concluded on this matter. In the event that the proposal is found to be inappropriate development, then Green Belt harm will be caused by definition. The Board however will also need to establish the degree of actual Green Belt harm caused. Any other harms will need to be identified and weighted. This will enable the Board to identify the "harm" side of the final planning balance.

The applicant's case will then be assessed and the planning considerations which he considers support that case will need to be assessed. This will thus result in the other side of the planning balance being identified and thus weighted. If the cumulative weight of these considerations is such that they "clearly" outweigh the cumulative harm caused, then the very special circumstances will exist for the proposal to be supported.

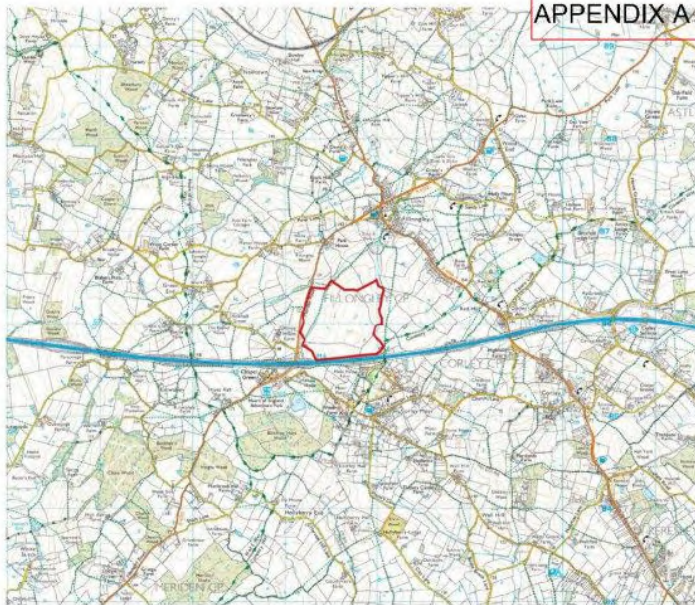
If the proposal is found to be appropriate development in the Green Belt, then there would be no Green Belt harm caused. There will still be a need to identify any other harms that might be caused and these would then sit on the "harm" side of the final planning balance. It will still be necessary to weight the applicant's planning considerations on the other side of that balance. Members are advised that in this circumstance, any harms identified will need to be significant and demonstrably supported by evidence, if they are to "clearly" outweigh the applicant's case.

Recommendation

That the Board notes the receipt of this application and that a site visit be arranged prior to its determination.

a/6

APPENDIX A



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Site Boundary

Enliscamera
Land at Nelscote Farm,
Coventry

fpcc
SITE LOCATION

DATE: 12th @ 04:11 TIME: 10:58 AM DATE: 2 JAN 2023

Figure 1

APPENDIX B



Aerial imagery © 2015 Microsoft Corporation

Site Boundary
PRoW - Footpath
PRoW - Byways Open to all Traffic

Enliscamera
Land at Nelscote Farm,
Coventry

fpcc
AERIAL PHOTOGRAPH

DATE: 17th @ 04:11 TIME: 10:58 AM DATE: 2 JAN 2023

Figure 2

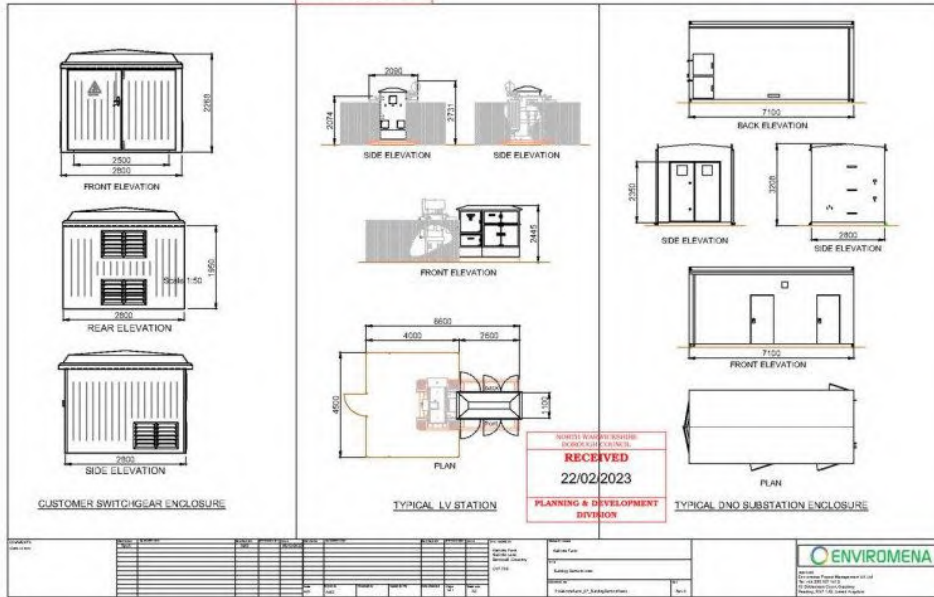
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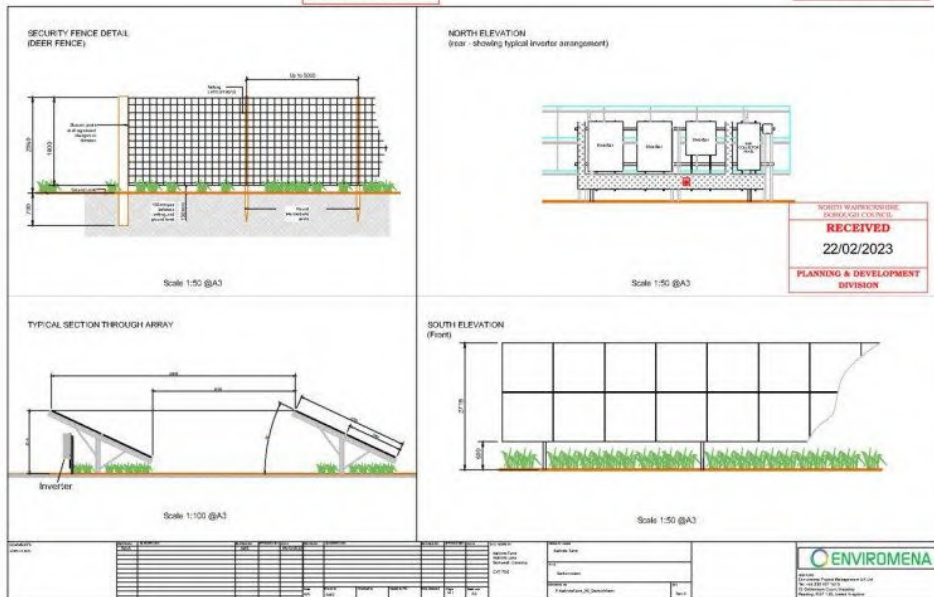
PAP/2023/0071

APPENDIX D



PAP/2023/0071

APPENDIX E



APPENDIX G

BNG at Land at Nailcote Farm CV7 8DW



7th March 2023

File Note: BNG report for Land at Nailcote Farm, Fillongley, Coventry, North Warwickshire, CV7 8DW

Ref: Biodiversity Net Gain (BNG) reporting file note

Site address: Land at Nailcote Farm, Fillongley, Coventry, North Warwickshire, CV7 8DW

National Grid Reference: Centred on SP 276 859

Site area: 62.2ha

Recipients: Enviromena Project Management UKLtd

Record of activity

> Background

Arbtech consulting Ltd were instructed by Enviromena Project Management UKLtd to undertake a Biodiversity Net Gain (BNG) evaluation of a development on the site, subject to a planning application with North Warwickshire Borough Council for:

- Photovoltaic arrays

> Purpose of survey

The National Planning Policy Framework (NPPF) makes it clear (para 170) that "Planning policies and decisions should contribute to and enhance the natural and local environment by; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

Paragraph 174 requires the promotion of "the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity".

Proposals for net gain should be clearly recorded and reported through use of an appropriate metric such as the DEFRA Biodiversity Metric 3.1. Natural England advise that any net gain should be fully secured and funded for the lifetime of the development.

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Therefore, the purpose of this survey report is to provide an evaluation of the proposed plans compared to the ecological baseline, and to report any net gain (or loss) to biodiversity using the DEFRA Biodiversity Metric 3.1 scheme.

➤ **Surveyor and date of survey**

This survey report was carried out by Craig Williams, BSc (Hons), MSc, DIC, MRSB of Arbtch Consulting Ltd. on 7th March 2023. A previous preliminary ecological appraisal (PEA) is used as the ecological baseline and was carried out on 1st December 2022. The baseline habitat map and the current proposed soft landscaping plans are found in appendix 1 and 2.

Summary findings

- The full results of the metric are included in the excel file:

Biodiversity Metric 3.1 (Land at Nailcote Farm CV7 8DW) v2 (11370-FPCR-ZZ-XX-DR-L-0001-P05-Landscape Strategy Plan)

This highlights that the change in biodiversity metrics is:

- +64.99% in habitat units
- +12.67% in linear units

- The results indicate a net gain in area and linear units, contributed to the creation of moderate condition modified grassland underneath the photovoltaic arrays, the retention of arable margins, neutral grass and a woodland copse as well as boundary hedges and tree lines and the planting of a new native hedge through the centre of the site.

The modified grass habitat onsite would need to satisfy the following condition criteria for this gain:

Enhancement details

Modified grassland of moderate condition

Criteria of success:

1. There must be 6-8 species per m2. If a grassland has 9 or more species per m2 it should be classified as a medium distinctiveness grassland habitat type. NB - this criterion is essential for achieving moderate condition.
2. Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm) creating microclimates which provide opportunities for insects, birds and small mammals to live and breed.
3. Some scattered scrub (including bramble) may be present, but scrub accounts for less than 20% of total grassland area. Note - patches of shrubs with continuous (more than 90%) cover should be classified as the relevant scrub habitat type.
4. Physical damage is evident in less than 5% of total grassland area. Examples of physical damage include excessive poaching, damage from machinery use or storage, erosion caused by high levels of access, or any other damaging management activities.
5. Cover of bare ground is between 1% and 10%, including localised areas (for example, a concentration of rabbit warrens).
6. Cover of bracken less than 20%.
7. There is an absence of invasive non-native species (as listed on Schedule 9 of WCA, 1981).

Four of these conditions are to be met for the targeted moderate condition including mandatory condition 1 as well as e.g., 3, 5 and 6.

Discussion

- The creation management of the habitats on site to the appropriate condition would need to be finalised, re-run through the BNG metric to confirm the net gain and then secured for at least 30 years - linked to the application through a planning obligation in Section 106 (S106) agreement. A management and monitoring plan would also be required for this.

Appendix 1: Habitat baseline map



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Appendix 2: Proposed ecological map of the site (based on the site habitats in the metric)



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PAP/2023/0071

Land off Meriden Road, Fillongley

Site Visit – 16th December 2023 at 1000

Present: Cllr's Bell, Dirveiks, Gosling, Reilly, Ririe and Simpson together with J Brown

1. Members met at the proposed vehicular access to the site close to the M6 Overbridge.
2. Members were shown the latest proposed layout together with photographs overlooking the site from a number of viewpoints which showed the situation at present together with CGI's of the same view after five years. These had been prepared by the applicant at officer request.
3. From here they walked onto the site noting the location of the proposed service/parking area and the presence of the Motorway.
4. At this point, there was a general view to the north over the western portion of the site. The track leading to the site of the Shooting Club was also noted. Members also saw the existing trees and hedgerows within the site and visible from this point – towards the north.
5. The contours of the land were noted – the changes in levels on both sides of the footpath and the higher ground on the horizon to the north.
6. Members then walked north along the public footpath running parallel to the Meriden Road to the west. The existing watercourse running alongside was noted together with the line of the road and the copses and hedgerows alongside its eastern boundary.
7. Two stops were made along this path where members saw the line of the gas pipeline, the contours on either side of the path, the trees and hedgerows around the site and properties on the horizon – those along Green End Road.
8. At the northern end of the site Members were shown the location of a possible community garden by the stream.
9. Members looked back to the south to see the rising land to the east and towards the Motorway.
10. Members then walked up the slope along the field boundaries marking the northern extent of the site. Here they were able to see Fillongley and its Church tower, together with the rear of properties running along the Coventry Road. From here Members could also see the site extending over the higher ground towards the M6 – the highest part of the site.
11. Members then walked alongside the main north/south hedgerow dividing the larger western portion of the site with the third field to the east. Here Members could see the line of properties running along the Coventry Road as well as the line of the Coventry Way – the footpath to the east of the site which eventually crosses the M6 and goes into Corley.
12. Members saw the change in levels of this third field running down towards the north-east.
13. Members then approached the area used by the Fillongley Shooting Club. They saw the higher land to the north as well as the field running up to the M6 embankment.
14. Members then returned to the main access having concluded a clock-wise walk around the perimeter of most of the site.
15. The visit concluded at 1110 hours.

APPENDIX D

PAP/2023/0071

Fillongley Solar Farm

Agricultural Land Impact Statement
Enviromena Project management UK Ltd

August 2023



Fillongley Solar Farm
Agricultural Land Impact Statement
Enviromena Project management UK Ltd

Project Ref:	34573	
Status:	Draft	Final
Issue/Rev:	01	02
Date:	April 2023	June 2023
Prepared by:	AH	AH
Checked by:	JH	JH
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Date: June 2023

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CONTENTS

	Page
1.0 INTRODUCTION	1
2.0 THE SITE AND PROPOSED DEVELOPMENT	2
3.0 POLICY CONTEXT	6
4.0 PINS PLANNING DECISION	10
5.0 AGRICULTURAL LAND IMPACT ASSESSMENT	13
6.0 SUMMARY AND CONCLUSION	20

Figure

- 2.1 Application Site
- 2.2 ALC Classification at application Site.
- 5.2 Extract of Defra West Midlands Region Likelihood of Best and Most Versatile (BMV) Agricultural Land map with North Warwickshire authority boundary and location of application Site indicated

Tables

- 5.1 Provisional Agricultural Land Classification – England, West Midlands Region, Warwickshire County and North Warwickshire District
- 5.3 Summary of solar farm schemes in North Warwickshire since 2013

1.0 INTRODUCTION

Background

- 1.1 This Statement has been prepared by Stantec, on behalf of Enviromena Project Management UK Ltd ('the Applicant') to support a planning application (ref: PAP/2023/0071) for a solar farm on land to the east of Meriden Road, Fillongley ('the Site') submitted to North Warwickshire Borough Council ('the Council').
- 1.2 The 'Proposed Development' comprises the construction, operation, management, and decommissioning of a grid-connected solar farm with associated infrastructure to provide a reliable source of clean, renewable energy (48.1MW) to the National Grid.
- 1.3 As the proposals are for non-agricultural development on agricultural land the planning application has been accompanied by an Agricultural Land Classification (ALC) report prepared by Roberts Environmental. The ALC report identified that the Site comprises predominantly of Best and Most Versatile (BMV) agricultural land. As national planning policy seeks to steer development towards land of lesser agricultural quality this Statement has been prepared to assist the Council in their determination of the planning application, by assessing the potential effects the Proposed Development would have upon the supply of BMV agricultural land in North Warwickshire.
- 1.4 This Statement should be read in conjunction with the drawings and information accompanying the planning application to fully understand the Proposed Development, its potential impacts and planning merits.

2.0 THE SITE AND PROPOSED DEVELOPMENT

Soil Quality at the Application Site

- 2.1 The Site is situated approximately 9km north-west of Coventry City Centre and circa 600m south-west of the village of Fillongley. It lies within the administrative boundaries of North Warwickshire Borough Council, within Warwickshire County.

Figure 2.1 Application Site



- 2.2 The Site extends to 66 hectares (163 acres) comprising of several agricultural fields currently in agricultural (arable) productive use.
- 2.3 The quality of land in England and Wales is assessed according to the Agricultural Land Classification (ALC) system, which provides a grading framework to determine how well land can support agricultural use, based on the type of crops that can be grown, the extent and consistency of yield, and costs of production.
- 2.4 The current guidelines and criteria for ALC were published by the Ministry of Agriculture, Fisheries and Food¹ (MAFF) in 1988; '*Agricultural Land Classification of England and Wales: Revised Guidelines and Criteria for Grading the Quality of Agricultural Land*'.
- 2.5 The ALC system uses quality grades for agricultural land, numbered from 1-5, with subdivisions into 3a and 3b, as follows:
- Grade 1: Excellent

¹ MAFF was merged with the part of the Department for Environment, Transport and the Regions that dealt with the environment to create a new government department, the Department for Environment, Food and Rural Affairs (Defra) in 2001.

- Grade 2: Very Good
- Grade 3: Good (3a) to Moderate (3b)
- Grade 4: Poor
- Grade 5: Very Poor

2.6 The higher graded land can typically be used for high value crops such as fruit, vegetables, and cereals, whilst the poorest may only support grassland or rough grazing of livestock. Grades 1, 2 and 3a are classified as 'Best and Most Versatile' (BMV) land for which there is policy preference against loss to non-agricultural development.

2.7 An Agricultural Land Classification Report has been prepared by Roberts Environmental and accompanies the planning application. The ALC Report found that soils on the Site were: 24.24% (16 Ha) ALC Grade 2 and 71.37% (47.1%) ALC Grade 3a. As such the Site comprises predominantly of BMV land. Figure 2.2 provides a full ALC breakdown of soils at the Site.

Figure 2.2 ALC Classification at application Site.

ALC Grade	Area (Ha)	Percentage
Grade 1	0.00	0.00%
Grade 2	16.00	24.24%
Subgrade 3a	47.10	71.37%
Subgrade 3b	2.00	3.03%
Grade 4	0.00	0.00%
Grade 5	0.00	0.00%
Non-Agricultural	0.90	1.36%
Total	66.00	100%
Total BMV	0.00	95.61%

The Proposed Development

2.8 The Proposed Development of the Site comprises of ground-mounted solar photovoltaic arrays together with ancillary infrastructure, landscaping, and biodiversity enhancements.

2.9 To achieve maximum solar gain the panels are laid out in east-west rows with space of approximately 5.3 metres between each row and at least 4 meters with site boundaries to prevent overshadowing and allow space for maintenance. The fixed modules will be tilted at an angle of c.25 degrees and mounted facing due south. The arrays are placed wholly within existing field boundaries, meaning existing trees and hedgerows are retained and will be subject to additional planting and 'gapping-up' to filter views and provide biodiversity net gains.

- 2.10 The solar array will be supported by a galvanised steel frame mounting system which will be secured via short pile foundations. As such the Development has a minimal footprint with over 95% of the ground un-effected by the proposals and is to be retained as mixed meadow grassland.
- 2.11 During the lifetime of the proposed development, across the main body of the Site, diverse meadow grassland mix will be sown under and around the arrays which will be subject to an appropriate maintenance regime to ensure complete green groundcover.
- 2.12 Biodiversity net gains will be delivered through the combination of several measures including the creation of diverse meadow grassland underneath the photovoltaic arrays, the retention of arable margins, neutral grass, and as well as boundary hedges and trees the planting of a new native hedge through the centre of the Site.
- 2.13 Overall, the landscape and ecological enhancements proposed will deliver biodiversity net gains equivalent to:
- +64.99% in habitat units; and
 - +12.67% in linear units (i.e., hedgerows).
- 2.14 At the end of the temporary operational lifespan (40-years) the solar array and other ancillary infrastructure would be removed, and the Site will be fully reinstated and returned to full agricultural use.
- 2.15 The decommissioning process is intended to ensure that the land is restored to the same quality it was previously and can be secured through a suitable condition in the event planning permission is granted.

Why the Site is Appropriate for Solar Development

- 2.16 Solar farms have very specific locational requirements which means they cannot be located anywhere, with suitable locations severely limited around the country.
- 2.17 Principal requirements include:
- Grid Connection Capacity - The DNO must be able to offer a Point of Connection (POC) with capacity to accept the output of the solar park. Finding available capacity is one of the biggest challenges facing renewable energy development.
 - Land Availability: Site options are heavily restrained by land availability. A willing landowner is a major challenge facing renewable energy development.

- Environmental considerations: A search considers proximity to ecological areas like SSSI, RAMSAR, LNR, Special Areas of Conservation, and Special Protection Areas. Development in such areas is to be avoided.
- Sustainable Development: All solar farms must be capable of multifunctional enhancements to support the economic, environmental, and social dimensions of sustainable development. A good site will be able to incorporate visual mitigation to protect and enhance PROWs, and to enable Biodiversity Net Gain.

2.18 In summary, there are very few sites where solar farms can be located when factors such as suitable grid connection, viability and feasibility and environmental designations are considered.

2.19 Whilst it is acknowledged that the Site comprises of BMV agricultural land, it was considered the use of BMV land is necessary in this case for the following:

- Connection to the national grid – There is sufficient capacity at the existing nearby substation and a financially viable and technically feasible route to the Point of Connection is achievable.
- Availability of land – The Site has an interested landowner, who is agreeable in principle to leasing their land for solar for the 40 year period.
- Topography – The Site has a gently undulating topography and open southwest aspect which makes it particularly suitable for solar.
- Accessibility – The Site has good connections to the Strategic Road Network to allow for construction and maintenance operations.
- Planning and environmental considerations – The Site is not subject to any statutory landscape, heritage, or ecological designations.

3.0 POLICY CONTEXT

Legislation

3.1 The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the requirement for consultation with Natural England where development of agricultural land is proposed.

3.2 Natural England should be consulted where:

“development which is not for agricultural purposes and is not in accordance with the provisions of a development plan involves the loss of not less than 20 hectares of grades 1, 2 and 3a agricultural land which is for the time being used (or was last used) for agricultural purposes” or where the loss of less than 20 hectares of BMV agricultural land “is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more” (bullet point ‘y’ of Schedule 4).

National Planning Policy

National Planning Policy Framework

3.3 The NPPF (2021) sets out the Government’s planning policies for England and how these should be applied including in respect of the development of agricultural land and renewable energy.

3.4 The NPPF emphasises the importance of sustainable development. Paragraph 7 states:

“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”

3.5 Paragraph 38 goes on to state that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

3.6 Paragraph 152, states:

“The planning system should support the transition to a low carbon future in a changing climate ... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; ... and support renewable and low carbon energy and associated infrastructure.”

3.7 Paragraph 155 sets out the planning policy perspective with regards to increasing the use and supply of renewable and low carbon energy.

- 3.8 Paragraph 174 highlights that new development should be prevented from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. It identifies how decisions should provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 3.9 Footnote 58 states "*Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be **preferred** to those of a higher quality*" (our emphasis).
- 3.10 Annex 2 of the Framework provides a glossary of terms and defines 'best and most versatile agricultural land' as land in grades 1, 2 and 3a of the Agricultural Land Classification.

Planning Practice Guidance

- 3.11 With regards to the location of solar farms, paragraph 013 (Ref: 5-013-20150327) cites the following factors that local planning authorities should consider:
- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
 - where a proposal involves greenfield land, whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land.

Local Planning Policy

Development Plan

- 3.12 The Development Plan comprises of the North Warwickshire Local Plan (September 2021). Relevant Policies include LP13 *Rural Employment* which supports farm diversification through the introduction of new uses onto established farm holdings subject to their being no significant impacts that are not able to be appropriately mitigated.
- 3.13 Policy LP14 *Landscape* requires development to conserve, enhance and where appropriate restore landscape character as well as promote a resilient, functional landscape able to adapt to climate change. Specific landscape, geo-diversity, wildlife, and historic features are to be protected and enhanced as appropriate.

Other Guidance

Natural England: Guide to assessing development proposals on agricultural land

- 3.14 The "Guide to assessing development proposals on agricultural land", (2018), notes that the aim is to protect BMV land and soils "from significant, inappropriate or unsustainable development proposals". It advises local planning authorities in section 6 to "use ALC survey data to assess the loss of land or quality of land from a proposed development. You should take account of smaller losses (under 20 hectares) if they're significant when making your decision. Your decision should avoid unnecessary loss of BMV land".

Soils Safeguarding Strategy

- 3.15 Aims and objectives for safeguarding and, where possible, improving soil health are set out in the Government's 'Safeguarding our soils: A strategy for England' (Defra, 2009). The Soil Strategy for England, sets out an ambitious vision to protect and improve soil to meet an increased global demand for food and to help combat the adverse effects of climate change.

- 3.16 The Soil Strategy for England states that:

"...soil is a fundamental and essentially non-renewable natural resource, providing the essential link between the components that make up our environment. Soils vary hugely from region to region and even from field to field. They all perform a number of valuable functions or ecosystem services for society including:

- **nutrient cycling;**
- **water regulation;**
- **carbon storage;**
- **support for biodiversity and wildlife;**
- **providing a platform for food and fibre production and infrastructure"**

- 3.17 The vision of the Soil Strategy for England has been developed in the Government's 25 Year Plan for the Environment. Soil is recognised as an important national resource, and the Plan states that:

"We will ensure that resources from nature, such as food, fish and timber, are used more sustainably and efficiently. We will do this (in part) by:....improving our approach to soil management: by 2030 we want all of England's soils to be managed sustainably, and we will use natural capital thinking to develop appropriate soil metrics and management approaches..."

- 3.18 The maintenance, and improvement, of soil health is therefore a material consideration when deciding if a development is appropriate on agricultural land. Soil health can be defined as a soil's ability to function and sustain plants, animals, and humans as part of the ecosystem.

Policy Summary

- 3.19 Best and Most Versatile (BMV) agricultural land is defined as land which falls in ALC grades 1 to 3a.
- 3.20 Where development of agricultural land is demonstrated to be necessary, guidance states that local authorities try to use areas of poorer quality land over high quality, including that which has the least “environmental or amenity value”, whilst seeking to conserve and enhance the natural environment. Importantly, therefore whilst the guidance sets a clear preference for using poorer quality land, the use of BMV land can be acceptable.
- 3.21 The health of soils is also an important consideration. The maintenance, and improvement, of soil health is a material consideration when deciding if a development is appropriate on agricultural land.

4.0 Other PLANNING DECISIONS of Note

Overview

- 4.1 This Section of the Statement provides an overview of recent planning decisions of relevance to the determination of the Proposed Development in relation to how the issue of BMV farmland and solar farm development have been considered.

Bereden Hall Decision

- 4.2 Of relevance to the determination of the Proposed Development is the recently concluded Bereden Hall Farm solar farm application determined by the Planning Inspectorate (PINS) (application ref: S62A/22/0006), given the distinct similarities between the two applications.

- 4.3 The application sought permission for a 49.99MW solar farm development on land at Bereden Hall Farm, Bereden, within Uttlesford District Council area. The Bereden Hall Farm site comprises of 72% BMV agricultural land. The Inspector therefore acknowledged that both local and national policy encourage development to take place on land of poorer quality wherever practicable.

- 4.4 In determining the potential for alternative sites on lower quality land the Inspector acknowledged that Uttlesford District comprises predominantly of BMV land and as such ... *"commercial scale solar scheme would be unable to avoid its use."* (paragraph 61). The Inspector also acknowledged proximity to National Grid connection as further justification limiting potential alternative locations.

- 4.5 The Inspector further commented (paragraph 62, emphasis added):

"I also recognise that planning permission is sought for 40-years from the time of the first exportation of electricity, after which de-commissioning would occur and the land returned to full agricultural use. In that context, the effect on agricultural land although lengthy is ultimately temporary and reversible. The mountings for the solar panels would allow for restoration to full agricultural use, subject to appropriate soil management practices secured by planning condition."

- 4.6 Before concluding (paragraph 64, emphasis added):

"Consequently, I find that the scheme would not represent a total loss of agricultural land... the proposed development is unlikely to lead to significant and irreversible long-term loss of BMV agricultural land, as a resource for future generations. Therefore, I attribute limited harm arising from the uptake of BMV or the principle of using farming land in this particular case."

- 4.7 As detailed further in the subsequent section of this Statement, North Warwickshire Borough Council also comprises predominantly of BMV land which severely limits ability of commercial scale solar developments to avoid such land.

Scruton Appeal

- 4.8 The 50MW solar farm on land near the village of Scruton, North Yorkshire, was successful at appeal (ref: APP/G2713/W/23/3315877) against earlier refusal by Hambleton District Council on basis of impact on agricultural land.
- 4.9 The PINS Inspector found that the majority of land was not BMV but even if it was it wouldn't be "lost" and recognised that neither the development plan nor national policy prevented the use of such land but rather requires that benefits need to justify its loss.
- 4.10 Going further the Inspector commented recognised that whilst the proposal would change the use of the land for a period of 40 years, a significant period of time, it is not permanent and is reversible. They went on to comment that:

"...the specific way agricultural land is used is not a matter that is subject to planning controls...Given this, the fact that the proposal would limit the ability to carry out any arable farming does not, in my opinion, mean that it results in the loss of agricultural land when it can still be used for other agricultural uses." (DL22)

"As such the proposal would not result in either the temporary or permanent loss of BMV land ..." (DL25)

- 4.11 Furthermore, the Inspector considered the requirement for a sequential assessment of alternative sites and concluded:

"I have not been provided with any evidence that indicates that there is any national or local policy requirement to carry out an assessment of alternative sites for solar farm developments..." (DL27)

Minchens Lane Appeal

- 4.12 The appeal (ref: APP/H1705/W/22/3304561) granted permission for the erection of a solar farm and accompanying battery storage facility on land at Minchens Lane, Bramley, Hampshire following earlier refusal by Basingstoke and Deane Council.
- 4.13 Whilst not a key matter in determining the case, impact on agricultural land was considered as approximately half of the site comprises of BMV agricultural land. Echoing the conclusions of Bereden Hall and Scruton appeals the Minchens Lane Inspector placed limited weight on loss of BMV land recognising the temporary and reversible nature of solar farm development and the potential for some agricultural practices to continue which would have additional benefits in terms of soil health:

“The agricultural land would not be permanently or irreversibly lost, particularly as pasture grazing would occur between the solar panels. This would allow the land to recover from intensive use, and the soil condition and structure to improve. The use of the soils for grassland under solar panels should serve to improve soil health and biodiversity...” (DL59)

Summary

- 4.14 National policy does not preclude development on BMV land but rather requires benefits to be demonstrated to justify its loss. In this regard the generation of renewable energy has been established as a significant benefit that can outweigh impact on BMV agricultural land.
- 4.15 Furthermore, it is widely accepted and acknowledged that solar farms are a temporary and fully reversible type of development which can allow for some continued agricultural practices, as such they do not result in either the temporary or permanent loss of BMV land.
- 4.16 There is no national requirement to carry out an assessment of alternative sites for solar farm developments but overall provision of BMV land and proximity to a viable grid connection are recognised as key considerations limiting potential for alternative locations.

5.0 AGRICULTURAL LAND IMPACT ASSESSMENT

BMV Provision in North Warwickshire

- 5.1 Information on ALC coverage is available at the national level via the MAFF 'Provisional 1:250,000 scale Agricultural Land Classification Maps of England' 1:250,000 series (1988).
- 5.2 However, these large-scale maps have limitations. They cannot be used to identify the ALC grade at the local level as this mapping was determined by consulting existing soil maps to formulate the ALC and so does not identify the variations which can occur across an individual site. In addition, many of the surveys underpinning the mapping were undertaken prior to the introduction of the ALC Grade 3a/3b subdivision. As such, the boundary between land which is classified as BMV (ALC Grade 3a) and non-BMV (ALC Grade 3b) is not available. As such they are only suitable for strategic land use planning only.
- 5.3 The proportion of each of the ALC grades, as a percentage of total land area, in England, West Midlands Region, Warwickshire County and North Warwickshire District is shown in Figure 5.12. North Warwickshire has a higher proportion of BMV land compared with the national, county, and regional provision. Notably North Warwickshire has a considerably higher proportion of the Grade 1 (excellent) and Grade 2 (very good) agricultural land than found in England, the West Midlands Region, and Warwickshire County generally.

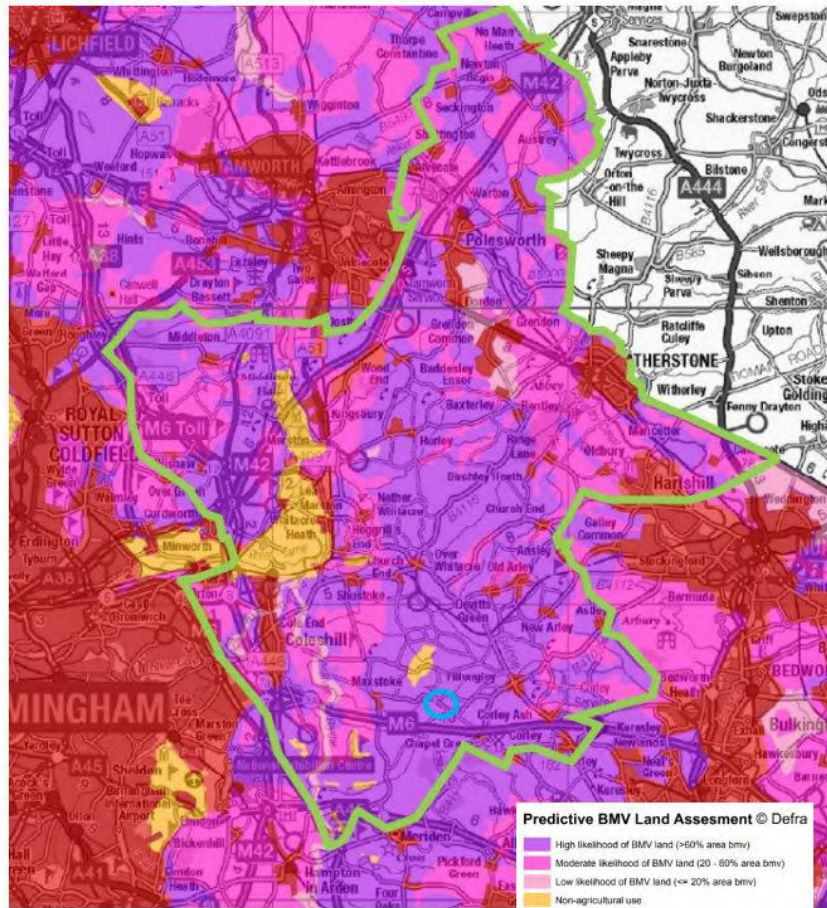
Table 5.1 Provisional Agricultural Land Classification – England, West Midlands Region, Warwickshire County and North Warwickshire District

ALC Grade	England (%)	West Midlands Region (%)	Warwickshire County (%)	North Warwickshire District (%)
1 Excellent	2.7	1.1	0.1	0.4
2 Very Good	14.2	17.7	11.9	19.7
3 Good-Moderate	48.2	53.3	74.5	67.3
4 Poor	4.1	14.6	7.9	7.1
5 Very poor	8.4	2.5	0.1	0.0
Non-Agricultural	5.0	2.3	1.0	3.9
Urban	7.3	8.6	4.4	1.6

² Ministry of Agriculture, Fisheries and Food, Land and Water Service, Technical Notes, Resource Planning (February 1983) 'Agricultural Land Classification of England and Wales – The Distribution of the Grades' (TN/RP/01 TFS 846)

- 5.4 North Warwickshire also has a significant proportion of Grade 3 land which is not differentiated across subgrade 3a or 3b by the Provisional ALC map. In 2001 Defra provided a companion series to the Provisional ALC maps: '*Likelihood of Best and Most Versatile (BMV) Agricultural Land*' strategic maps. These provide the best available estimate of agricultural land quality expressed in terms of the proportion of land likely to be classified as BMV i.e., ALC Grades 1, 2, and 3a.
- 5.5 Three categories illustrate the likely occurrence of BMV agricultural land as:
- **High likelihood** of 'best and most versatile' agricultural land: Areas where more than 60% of the land is likely to be 'best and most versatile' agricultural land.
 - **Moderate likelihood** of 'best and most versatile' agricultural land: Areas where 20-60% of the land is likely to be 'best and most versatile' agricultural land. (Moderate likelihood of 'best and most versatile' agricultural land)
 - **Low likelihood** of 'best and most versatile' agricultural land: Areas where less than 20% of the land is likely to be 'best and most versatile' agricultural land.
- 5.6 The North Warwickshire is included within the '*West Midlands Region Likelihood of Best and Most Versatile (BMV) Agricultural Land*' (2001) Strategic scale map. Figure 4.2 provides an extract from the *West Midlands Region* map with the authority area and application Site location indicated for reference and illustrates the extent of BMV land anticipated across the district. As such it is anticipated that a significant portion of the 67.3% of land in North Warwickshire identified in the Provisional ALC maps as comprising Grade 3 will likely fall within the Grade 3a BMV subcategory.
- 5.7 Overall, proportionally North Warwickshire has a greater provision of BMV land than found generally across the national, regional, or county geographic levels. Most notably it has comparatively a significant provision of the highest Grade 1 and Grade 2 land. BMV land is therefore not a scarce resource in North Warwickshire.

Figure 5.2 Extract of Defra West Midlands Region Likelihood of Best and Most Versatile (BMV) Agricultural Land map with North Warwickshire authority boundary and location of application Site indicated.



Source: Defra (2001) and Barton Willmore, now Stantec

5.8 Consequently, given the coverage of BMV land across the district, it is entirely reasonable to conclude that it would be very difficult to find alternative land of lesser agricultural grade quality to accommodate commercial scale solar development. A point agreed by the Inspector in respect of the Bereden Hall Farm application.

Impact on Availability of BMV Land

5.9 The Site at Fillongley proposed to accommodate the solar farm development extends to 66 Ha (163 acres), of which 63ha (155.6 acres) comprises of BMV agricultural land: 16 Ha (24.24%) of ALC Grade 2 and 47.1Ha (71.37%) of ALC Grade 3a soils.

- 5.10 North Warwickshire Borough Council area covers a total of 284.3sqkm³ (109.8sqm). On this basis BMV from the Site area equates to 0.22% of the local authority area. At this scale, mindful of the overall proportion of BMV land available in the district, any effects will be highly localised and the impact on the availability of BMV agricultural land in North Warwickshire will be negligible.
- 5.11 However, it is also appropriate to consider any impacts arising from the cumulative loss of BMV land to similar schemes in the district. Table 5.3 contains details of consented and pending planning applications for solar farms on agricultural land submitted within the past 10 years to North Warwickshire Borough Council. These schemes have been identified by Officers at North Warwickshire Borough Council for consideration.

Table 5.3 Summary of solar farm schemes in North Warwickshire since 2013

App Ref:	Site	Status	Development	Site Area	BMV coverage
PAP/2015/0459	Land South of Pogmore Spinney, Merevale	Granted: February 2016	Solar Farm	5.2ha	Grade 1: 0 Grade 2: 0ha Grade 3a: 0Ha
PAP/2021/0651	Land North of Park Lane Farm, Astley	Granted: July 2022	Solar farm and battery storage	39.6Ha	Grade 1: 0 Grade 2: 2ha Grade 3a: 9Ha
PAP/2021/0605	Land at Smorrall Lane, Astley	Granted: July 2022	Agricultural building, solar farm, and battery storage	21.5Ha	Grade 1: 0 Grade 2: 0ha Grade 3a: 9Ha
PAP/2022/0544	Land 550 Metres East Of Vauls Farm, Astley	Pending (submitted October 2022)	Solar Farm	28ha	Grade 1: 0 Grade 2: 0.91ha Grade 3a: 3.31Ha
PAP/2022/0374	Land North Of Stone Cottage, Baddesley Ensor	Pending (submitted September 2022)	Solar Farm	10.8Ha	Grade 1: 0 Grade 2: 0ha Grade 3a: 0Ha
BMV Total:				24.22Ha	Grade 1: 0Ha Grade 2: 2.91ha Grade 3a: 21.31Ha

³ Office for National Statistics

- 5.12 Since 2013, five planning applications for solar farms have been submitted to North Warwickshire Borough Council, of which three have been granted permission (one is constructed and operational) and two are pending determination. Based on information provided within Agricultural Land Classification Reports accompanying the planning application submissions, if all five schemes were consented it would result in a total of 24.22ha of BMV land being temporarily taken out of productive use. Comprising 2.91Ha of ALC Grade 2 and 21.31Ha of ALC Grade 3a land. No Grade 1 land is affected.
- 5.13 When the Proposed Development is included, a total of 87.22Ha of BMV land would be temporarily taken out of productive use. Comprising 18.91Ha of ALC Grade 2 and 68.41 Ha of ALC Grade 3a land.
- 5.14 In comparison to the authority area, this equates to 0.3% of the total land coverage. When considered quantitatively and against the overall proportion of BMV land within North Warwickshire, this amount of land is negligible.

No Loss of BMV Land

- 5.15 It is also highlighted that this land is not lost from full agricultural use, either temporarily or in perpetuity.
- 5.16 Solar Farm developments are temporary developments, with planning permission typically granted for 40 years. The granting of planning permission for solar development does not alter the site's designation as agricultural land, and unlike other forms of development such as residential or industrial, a key aspect is that it is wholly reversible. The limited amount of built components and minimal ground intrusion required mean that removing the infrastructure and remediating the Site to its previous state is fully achievable and can be secured through the application of planning conditions.
- 5.17 Furthermore, whilst the land cannot be used for growing crops (at least at present) the minimal footprint of solar farms allows for certain farm practices to continue, with grazing of livestock including sheep, chickens and geese and beekeeping regularly undertaken. As such, the land can continue to provide some productive agricultural function at the same time as being used for energy generation. Points also agreed by the Inspector in respect of the Bereden Hall Farm application.

Soil Health and Biodiversity Net Gain

- 5.18 Enviromena are committed to making a positive and significant impact with regards to achieving biodiversity net gain and environmental improvements. As outlined, the

proposed development has been designed to ensure that, across the main body of the Site, a complete green groundcover is maintained.

- 5.19 The proposed development will also deliver significant biodiversity net gains through the combination of several measures including the creation of diverse meadow grassland underneath the photovoltaic arrays, the retention of arable margins, neutral grass and a woodland copse as well as Site boundary hedges and tree lines and the planting of a new native hedge through the centre of the Site.
- 5.20 The biodiversity net gains created through the proposed development will remain following the decommission of the proposed development and leave the Site in a better condition than pre-development.
- 5.21 In addition, it is recognised that the duration of the proposed development (40-years) provides a valuable opportunity for the soil health and ground conditions to recover. Once the proposed development is operational, most of the soil will be under perennial cover with no ploughing and only non-intensive grazing. This would lead to a soil which would be less vulnerable to wind and water erosion⁴. Leaving the land fallow can have restorative effects on the overall soil health and future agricultural land quality through an increase in soil organic matter, the diversity of soil flora, fauna and microbes, and improved soil structure. After the lifetime of the proposed development the soil health and agricultural qualities of the Site will have improved.
- 5.22 In short, the proposed development will deliver environmental enhancements and biodiversity net gains that will leave the Site in a better condition than pre-development. Not only that but the lifetime of the development provides a valuable opportunity for the soil health to rest. Again, points also agreed by the Inspector in respect of the Bereden Hall Farm application.

Agricultural Land Impact Summary

- 5.23 Overall, it is considered that should the Proposed Development, and the solar farm schemes listed in Figure 4.3, be granted planning permission, there would be negligible impact on the availability of BMV agricultural land in North Warwickshire given the overall proportion of BMV land in the district, the minimal quantum of such land effected, and the temporary and wholly reversible nature of solar development.

⁴ Best highlighted by Inspector P.J.G Ware and confirmed by the Secretary of State with regards to Appeal 3293104, December 2022.

- 5.24 Given the overall proportion of BMV land in the district the likelihood of alternative sites of lesser quality to accommodate commercial solar development is considerably constrained.
- 5.25 Notwithstanding this, solar is a temporary and fully reversible type of development that can permit for some agricultural function from the land to continue. As such it does not result in the temporary or permanent loss of BMV land for future generations. By leaving the Site fallow it is anticipated that soil health will be considerably improved, and other improvements will ensure significant gains for local biodiversity.

6.0 SUMMARY AND CONCLUSION

- 6.1 This Statement has been prepared by Stantec, to support North Warwickshire Borough Council's consideration of a planning application for a solar farm on land south of Fillongley (application ref: PAP/2023/0071).
- 6.2 The application Site comprises predominantly of Best and Most Versatile (BMV) agricultural land. Where development of agricultural land is demonstrated to be necessary, guidance states that local authorities try to use areas of poorer quality land over high quality. Importantly, whilst the guidance sets a clear preference for using poorer quality land, it is also evident that the use of BMV land can be acceptable.
- 6.3 Site selection criteria for solar development are highly constrained by technical and physical requirements that severely limit opportunities. The Site meets these requirements, including importantly a feasible point of connection with the National Grid and a willing landowner. The use of agricultural land is therefore necessary in this instance.
- 6.4 This Statement has demonstrated that the Proposed Development would have a negligible impact on the availability of BMV agricultural land in North Warwickshire based on the following:
- BMV land is not a scarce resource in North Warwickshire. Proportionally North Warwickshire has a greater provision of BMV land than found generally across the national, regional, or county geographic levels. Most notably it has, comparatively, significant provision of ALC Grade 1 and Grade 2 land. The ability to find alternative sites of lesser soil quality to accommodate commercial scale solar development is therefore highly constrained.
 - At 63 ha the Site equates to 0.22% of the total authority area. At this scale impacts will be highly localised and negligible. When other consented and pending solar farm schemes are also considered, a total of 87.22Ha of BMV land would be taken out of productive agricultural use. This equates to 0.3% of the total land coverage of North Warwickshire. When considered quantitatively and against the overall proportion of BMV land within North Warwickshire, this amount of land is negligible.
 - The 87.22Ha of BMV land proposed to accommodate solar development, however, is not lost from agricultural use, either temporarily or in perpetuity. The granting of planning permission for solar does not alter its designation as agricultural land, and unlike other forms of development it is wholly

reversible. Furthermore, the land can continue to provide an agricultural function for light grazing of livestock whilst being used for energy generation.

- Through landscape planting and ecological enhancements proposed significant net gains for local biodiversity will be delivered. In addition, by leaving the land fallow, ensuring constant ground cover of a diverse seed mix it is anticipated that soil health will improve.

6.5 Overall, the Proposed Development is considered to be in accordance with the NPPF, Local Development Plan and the National Soil Strategy, as such the use of the Site to accommodate a temporary Solar Farm can be justified in this instance.



Note

To: Jeff Brown
North Warwickshire Borough Council

From: Stantec/
Enviromena

Project/File: 34573 - PAP/2023/0071

Date: November 2023

Reference: PAP 2023/0071 Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley: Proposed solar farm and associated infrastructure.

Introduction

This Note has been prepared by Stantec on behalf of Enviromena Project Management UK Ltd, the applicant in respect of the above planning application, in response to matters raised by consultees during the public consultation period of the application.

Specifically, the aim of this Note is to provide additional clarity and information to address areas of concern raised by Fillongley Parish Council, Corley Parish Council, and members of the public regarding the proposed development.

Responses to the key matters raised are as follows:

Scale and Need of Development

The Government is clear that an increase in renewable energy generation is of paramount importance if the UK to achieve the legally binding target set under the Climate Change Act, requiring all greenhouse gas emissions to be net zero by 2050.

The development will contribute towards the UK's efforts to tackling climate change and achieving Net Zero emissions and will provide significant environmental benefit by meeting the electrical needs of approximately 17,100 homes providing a CO2 displacement of 11,300 tonnes compared to the same energy from fossil fuel sources.

In this regard the Applicant also acknowledges comments regarding other solar farm proposals in the Borough. If the UK is to meet its climate change targets, then a significant increase in renewable projects is required, all areas of the UK will need to be involved if the carbon-reduction targets are to be reached.

The Applicant also acknowledges that using brownfield land and fitting PV cells and wind turbines on buildings will make a positive contribution to meeting domestic energy needs, however the required upscaling of renewable energy production cannot be accommodated by micro-generation projects alone. Large sites will be required, and inevitably large sites will be in open, less developed locations.

Nevertheless, the Applicant has undertaken everything feasibly available to minimise the impact of the development on residents, the landscape, and local wildlife.

Green Belt Development

It is acknowledged that the Site lies within the Green Belt where new development is restricted by policies set out in the National Planning Policy Framework (NPPF).

Design with community in mind

Reference: PAP 2023/0071

However, the NPPF does allow that when 'very special circumstances' are demonstrated, that certain development can be considered acceptable, namely where the benefits of doing so outweigh the potential harm to the Green Belt¹. The NPPF identifies that the environmental benefits arising from renewable energy generation can be considered as a 'very special circumstance'².

The Planning Statement submitted as part of the application package provides a detailed discussion of the development's impact on the Green Belt and sets out a case for how the development demonstrates very special circumstances. In summary, it is concluded that the development would result in very limited harm to the Green Belt because of:

- The limited landscape and visual impacts, due to containing the arrays within existing field enclosures which will be subject to additional planting;
- The rural location of the Site and the nature of the development will not result in merging of settlements, unrestricted urban sprawl and preserve setting of historic towns;
- The temporary and fully reversible nature of the development i.e., the land is not 'lost' and retains its Green Belt status;
- The potential for continued farming practices allowing for dual agricultural-energy use; and
- Minimal level of activity generated by the development including very minimal traffic generated during its construction and operational phases.

In accordance with local and national policy requirements, very substantial positive weight should be accorded to the scale of generation of renewable energy and associated significant reduction in carbon emissions arising from the proposed development.

This constitutes 'very special circumstances' which significantly outweigh the limited, temporary harm to the Green Belt.

Flood Risk and Drainage

In accordance with national and local policy requirements a Flood Risk Assessment and Drainage Strategy has been prepared by drainage consultants BWB to determine the potential sources of flooding on the Site, impacts on flooding elsewhere and mitigation measures to reduce any impact. BWB have over 20-years' experience in the assessment and management of flood risk and are nationally recognised as prominent experts in the safe delivery of development in the most complex of flood related settings.

The submitted Flood Risk Assessment confirms that the Site is located wholly within Flood Zone 1 and accordingly is at low risk of flooding from fluvial sources. The site is therefore appropriate to accommodate the proposed development from a policy perspective. However, areas at elevated surface water flood risk were identified at the northwest boundary, associated with Bourne Brook and drainage ditches present.

¹ Paragraph 114

² Paragraph 151

Reference: PAP 2023/0071

The proposed surface water drainage strategy developed by BWB takes this into consideration and is based around ensuring that the ground under and around the arrays remains vegetated to allow the site to continue to absorb rainfall as it does at present. As an additional measure interception swales will be implemented at the most downward gradients of the site, ensuring surface run off is intercepted and discharged in a controlled manner should the ground beneath the panels become patchy or bare, further managing flood risk.

The drainage strategy demonstrates that all surface water can be adequately and appropriately dealt with and will not result in increased flood risk on or off-site. The drainage strategy is based upon recognised research and technical guidance for managing surface water at solar farm developments has been developed in accordance with the Lead Local Flood Authority's (LLFA) guidance.

At the request of the LLFA borehole testing has been undertaken to confirm the appropriateness of the proposed drainage strategy. The LLFA have confirmed that they have no objections to the scheme, or drainage strategy proposed. Should planning permission be granted several standard pre-commencement conditions have been agreed with the LLFA to ensure the proposed drainage strategy is implemented.

The Applicant is acutely aware of local flood risk concerns and so has tried on numerous occasions to engage with the Local Flood group to establish if any additional measures could be accommodated on the site to minimise existing off-site flooding issues. However, despite repeated requests no information or meetings have been forthcoming.

In addition, the Applicant has been involved in talks with Warwickshire Wildlife Trust to understand potential for the Site to accommodate flood alleviation measures to minimise existing off-site flood issues including those that would also provide additional ecological benefits. Discussions highlighted that onsite swales and additional planting could help in reduce off-site flooding and as can be seen from the application documents, both are featured in our plans.

To summarise, the drainage strategy proposed ensures that there will be no increased flood risk on or off-site resulting from the proposed development. All surface water can be adequately and appropriately managed within the Site.

Use of Agricultural Land

It acknowledged that the Site comprises predominantly of Best and Most Versatile (BMV) agricultural land, for which national and local planning policy states there is a general presumption against loss to development.

Discussion and justification on the use of the Site to accommodate a solar farm is set out in the planning statement and BMV statement which accompany the application. To summarise these documents, that the temporary use of the site to accommodate the solar farm is acceptable for the following:

- BMV land is not a scarce resource in North Warwickshire. Proportionally North Warwickshire has a greater provision of BMV land than found generally across the national, regional, or county geographic levels. Most notably it has, comparatively, significant provision of ALC Grade 1 and Grade 2 land. The ability to find alternative sites of lesser soil quality to accommodate commercial scale solar development is therefore highly constrained. The Site equates to 0.22%

Reference: PAP 2023/0071

of the total authority area. At this scale impacts will be highly localised and negligible against provision of BMV land across the district.

- Land proposed to accommodate solar development, is not lost from agricultural use, either temporarily or in perpetuity. The granting of planning permission for solar does not alter its designation as agricultural land, and unlike other forms of development it is wholly reversible and can continue to provide an agricultural function whilst being used for energy generation.
- Through landscape planting and ecological enhancements proposed significant net gains for local biodiversity will be delivered. In addition, by leaving the land fallow, soil health will improve.

In short, the development will not result in the temporary or permanent loss of agricultural land. The development is temporary, all equipment can be fully removed, and the site reinstated with benefit of significant ecological gains. Some agricultural practices such as grazing of livestock (sheep, goats, chickens etc.) and bee keeping can continue concurrently with the energy generation ensuring, that the site will continue to fulfil some agricultural purpose.

Public Health Risk

Several comments have been received surrounding public health concerns related to solar farm developments, these are considered below.

Easements

There is no UK or EU legislation or guidance that requires specific easements between residential properties and solar farm developments on grounds of public health risk. Repeated studies have found no causal link between solar farms and ill health.

Proposed developments are however, required to demonstrate that they will not result in unacceptable detrimental impact in respect of amenity or environmental aspects for instance noise, glare, air quality etc. These are grounds that all developments are assessed against and are not specific to solar farms.

The planning application is accompanied by a suite of technical assessments and reports that demonstrate that the proposed development can come forward without significant impact on quality of amenity currently enjoyed by residents. In addition, the proposals include additional landscape planting that will help to screen the development and provide significant local ecological benefits.

Electromagnetic Fields

Solar PV technology uses cells to absorb solar radiation and turn it into electricity. That electricity can then be stored in batteries or in the case of this proposal fed straight into the national power grid.

Electricity from solar panels when transmitted to the power grid emits extremely weak electromagnetic fields. Exposure to low-level electromagnetic fields has been studied extensively, and the World Health Organisation states there is no evidence that it is harmful to human health³.

³ <https://www.who.int/news-room/questions-and-answers/item/radiation-electromagnetic-fields>

There are however significant benefits related to health because of solar energy, most notably by the offset of carbon emissions, reduced air particulates⁴ and helping mitigate the impacts of climate change.

Noise

Solar panels themselves do not generate noise and the proposed arrays do not include any moving parts, therefore the noise generated is very low. The main noise source associated with a solar farm will be within the inverters which are attached the rear of the arrays where small fans operate during daylight hours only and which is unnoticeable beyond several metres.

In this regard the Applicant highlights the proximity of the M6 motorway which generates significant levels of background noise. Against this context the solar farm during its operational hours will not be acutely perceptible, particularly from residential dwellings which are some distance away (a single farmstead is located 650m with next nearest properties 1.1km away).

Furthermore, solar farms once operational require very little maintenance. It is anticipated maintenance checks will be undertaken up to twice a month comprising of a single van. As such there will be very minimal traffic generated and very little mechanical noise during its operation.

Glint and Glare

A Glint and Glare assessment has been carried out and considers the potential impacts on ground-based receptors such as roads and residential dwellings as well as aviation assets. The assessment is based on computer modelling tracking the movement of the sun across the seasons and based upon local topographic data.

The assessment identified several areas where mitigation, in the form of additional landscape planting is required to alleviate potential impacts on road users and occupants of dwellings. The proposed landscape strategy reflects these recommendations and includes extensive new boundary landscape planting including 'gapping up' of existing hedgerows. The species proposed will ensure a sufficient level of screening across all seasons. With the proposed landscape strategy, which can be secured via application of a planning condition should permission be granted, there is predicted to be no unacceptable effects in terms of glare.

Air Quality

The solar arrays do not produce any emissions and once operational require minimal maintenance, on average consisting of 2no. visits a month (by one van), as such there will be no detrimental impact on local air quality arising from the development.

Light Pollution

Solar farms are not required to be lit at night; no flood lighting is proposed at the Site. Should in rare cases maintenance be required out of hours a small extent of LED PIR lighting will be placed at the DNO compound area, i.e., will only be on when triggered.

⁴ World Health Organisation. *Health Indicators of sustainable energy. Initial findings from a WHO Expert Consultation: 17-18 May 2012*. Accessed: https://cdn.who.int/media/docs/default-source/environment-climate-change-and-health/sustainable-development-indicator-energy.pdf?sfvrsn=468084e7_2

As such there will be no light pollution or light spillage from the Site.

Fire Risk and Ground Water Contamination

The Applicant acknowledges concerns raised regarding how any fire incidents will be controlled at the Site, particularly given its location within a ground water catchment zone. Notably, concerns raised surround increased fire risk from battery storage facilities.

In this the Applicant highlights that the proposed development comprises of a solar PV farm only. **No battery storage facility is proposed.**

There is very limited infrastructure or material that is flammable on a solar farm. The panels are made from glass and steel and are supported on steel or aluminium framework. Fire risk is limited to the electrical components ancillary to the development such as transformers or switchgear. In this regard fire risk is not specific to solar development. Fires at solar farms are very rare and when they do happen due to the limited combustible materials present and electrical nature, they tend to be highly localised and small scale.

Should planning permission be granted for the scheme then a requirement for a Construction Environment Management Plan will be conditioned, in which details of fire strategy will be set out. Given the limited overall fire risk posed, it is envisaged the strategy will be similar to the following which has been accepted as appropriate by several other Local Planning Authorities in the country:

"Fire Prevention and safety

Fire Extinguishers shall be made available at the site office, refuelling area and within plant. Quantity, locations, and type of fire extinguishers shall be appropriate to the risks.

All personnel will be briefed on the use firefighting equipment and the reporting process during induction and at frequent "Toolbox" safety meetings.

Emergency procedure and emergency contact telephone numbers are posted within the canteens and office notice board.

All Firefighting equipment (extinguishers) are inspected by Project Manager or designated individual monthly to identify conditions that may prevent the use of the appliance during an emergency.

All deficiencies must be corrected immediately.

Project Manager to keep a consolidated record of the location of all extinguisher's, maintenance received and the conditions relative to the condition and maintenance of fire appliances.

Access to all available fire-fighting equipment shall be maintained at all items.

"What to do in case of fire

In case of fire, call 999, alerting the fire authority to the location and nature of the fire. The emergency services will use the main gate to get to the location of the emergency.

Should a person be on site, they must open the entrance gates to grant free passage to the fire authorities, ground conditions permitting.

Once operational and should there be a potential of fire damage to electrical components on site, the entire site must be isolated at the customer breaker by an SAP onsite or the O&M team via the SCADA system before anyone can access the

Reference: PAP 2023/0071

*site. Emergency services must have confirmation of isolation prior to entering the site.
Even with the site isolated, there may still be DC voltage in the cables between the modules and the inverter. These cables will only truly be at 0v when there is no sunlight."*

The above represents a proportionate and appropriate response to the scale of fire risk from the proposed development. Concerns regarding potential contamination of ground water sources from fire extinguishing compounds are acknowledged but additional measures to mitigate potential impacts are disproportionate to the overall level of fire risk and likely highly localised nature and scale of any potential fire.

Additional measures would be disproportionate and unnecessary given that no battery storage is proposed on the site.

Efficiency of Technology

Despite its reputation for having grey and cloudy weather, the UK has enough sunlight to power solar panels. It gets the same amount of solar irradiation as certain areas in France or Spain, which are typically considered to have a 'Mediterranean climate'. The UK receives around 60% of the solar radiation found along the Equator.

Even though solar panels produce more power during a sunny day, they can still produce a considerable amount of energy when the days are cloudy. Solar PV uses light to produce electricity, not heat. Furthermore, given the frequent windy periods which the UK experiences, this can assist in the efficiency of the solar panels and associated components by minimising debris mount-up on the PV cells.

Property Value

Material planning considerations are issues that should be discussed when deciding whether to grant planning permission. Whilst there is no definitive list, material considerations are generally determined from the viewpoint that planning is concerned with public interest. As such perceived loss of property value is not considered to be material.

In addition, property value is subjective and can be affected by a range of local and national factors. There is no firm evidence on whether solar farms do or do not affect house prices. Potential impact on local properties, in terms of noise, visibility and glint and glare, have been assessed as part of the preparation of this planning application and mitigation measures have been adopted where appropriate to minimise any potential impacts.

Summary

The government set a legally binding target to reduce the UK's greenhouse gas emissions by 100% by 2050, compared with 1990 levels. This is known as the 'net zero target'. To meet this target, the government has set the aim of "a fully decarbonised, reliable and low-cost power system by 2035".

The government said a fully decarbonised power system would be "composed predominantly of wind and solar". It aims to achieve 70 gigawatt (GW) of solar power by 2035 (up from 15.7 GW at the end of 2023).

Planning consent for solar farms

Solar farms usually require planning permission. The size of a solar farm will determine which body decides the application. For example, in England:

- Solar farms with a generating capacity below 50 megawatts (MW) need planning permission from the local planning authority (LPA).
- Solar farms with a generating capacity above 50 MW need development consent from the Secretary of State for Energy Security and Net Zero, because they are nationally significant infrastructure projects' (NSIPs).

Planning is a devolved matter. In the devolved administrations, the size of a solar farm will also determine whether the LPA or the government decide an application. However, thresholds differ across the UK.

Policies for small-scale solar farms (below 50 MW)

LPAs in England will decide applications for smaller-scale solar farms in line with their local plan and the national planning policies. Government guidance advises LPAs to approve renewable energy developments whose "impacts are (or can be made) acceptable".

Government guidance states that there "are no hard and fast rules about how suitable areas for renewable energy [developments] should be identified". It advises LPAs to consider their potential impacts on the local environment and the views of local communities when identifying suitable sites.

However, government guidance generally guides development away from the "best and most versatile" agricultural land and states that many renewable energy developments are not "appropriate" development for green belt land.

Policies for large-scale solar farms (above 50 MW)

The Secretary of State will decide applications for large-scale solar farms in line with [energy national policy statements](#). These were updated in January 2024. They now state that the development of low-carbon infrastructure, such as solar farms, is a “critical national priority”. This means that the Secretary of State should generally grant consent to low-carbon infrastructure.

The updated [national policy statement for renewable energy infrastructure](#) also advises that solar farms should be sited on previously developed and non-agricultural land. However, it does not prohibit the siting of solar farms on agricultural land.

Land use for solar farms

Solar farms are not evenly distributed across the UK. 43% of ground-mounted installations (that have a capacity of at least one megawatt) that are already operational or are awaiting/under construction [are located in the South East and South West of England](#).

It is not possible to calculate how much land is used for solar farms and how much of different types of land are used.

Some organisations, such as the countryside charity CPRE, have expressed concern that “[valuable farmland](#)” is often “[the location of choice](#) for solar developments”. CPRE has said it is “essential” to preserve agricultural land for food production.

Renewable energy groups, such as Solar Energy UK, have argued that “[solar farms pose no threat to the UK’s food security](#)” (PDF). They also point to the multi-functional use of land, for example, grazing sheep on solar farms, to highlight that [solar power and farming are not necessarily mutually exclusive](#).

Barriers to the deployment of solar power

At the end of 2023, the cumulative installed capacity of solar power in the UK was 15.7 GW. The government aims to achieve [70 GW of solar power by 2035](#).

The Environmental Audit Committee, a Commons Select Committee, said meeting this target would be “[challenging given existing barriers and current rates of deployment](#)” (PDF). The government’s advisory Climate Change Committee also said [current deployment rates were “significantly off track”](#).

Two of the main barriers to the expansion of solar power they identified were grid capacity and delays in securing grid connections. The Environmental Audit Committee said “[upgrading the electricity grid is a crucial prerequisite to the achievement of net zero](#)” (PDF).

FILLONGLEY PARISH COUNCIL



Clerk to the Council: Mrs H A Badham, The Crooked Stile, St Mary's Road,
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Mr J Brown
Chief Planning Officer
NWBC
The Council House
South Street
Atherstone
Warks

5th May 2023

Dear Jeff

PAP/2023/0071

This application has been discussed at the Parish Council meetings numerous times and the Parish Council wish to record their OBJECTION to the application.

There are a number of factors that should be considered when making this decision and all have been debated within the meetings.

Fillongley Neighbourhood Plan (FNP) was created by Parishioners to shape the future of the village. It is in the process of being revised and strengthened to include issues that it has not been robust enough to deal with. In the preparation stages of the FNP there was an application for wind turbines within the Parish and there was comment in the evidence that this was not wanted. Due to the explosion of application for solar energy sites and the overwhelming opinion of the Parishioners against these within our greenbelt countryside, FPC are seeking to widen the scope of the FNP to include all industrialisation of the rural landscape. Furthermore, when creating our FNP there was overwhelming evidence that the Parishioners wished to protect our rural environment. FPC were instructed to remove the Greenbelt Policy as it was deemed unnecessary by NWBC as the NPPF would protect our Green Belt. The proposal is however still contrary to FNP02; It does not enhance or conserve the Natural Environment and it does have an adverse impact on the visual appearance and other rural and natural features in the landscape. FPC would ask that you stand up for the policies and for that decision taken, protect our Green Belt, and refuse this application.

Openness of the Green Belt. We are in rural parish surrounded by open farmland. We are led to believe that the surrounding land is protected Green Belt legislation. The size and scale of the proposal is completely inappropriate development. The solar park would overwhelm the area. For an idea of please see the picture adjacent. This is same size and approximately the same as the solar park, superimposed onto the of our village. It completely dominates The solar park is just to the south of the outline and due to the topography of the would be visible to many, many properties.



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There has been great discussion as to the term **solar "farm"** when the result is a physical blot on the landscape which pays business rates just as any other business does. Farming produces food that we need to survive. Food cannot be grown on factory rooves, school rooves or warehouse rooves; most food needs to be grown in the ground. We have already established that this is good fertile land. Further loss of farmland and reduction in crops is unnecessary and will lead to a further lack of **food security** and **increase in prices of food** in the shops. The application should be refused.

Fillongley is a large rural parish with dispersed settlements. We are centred around a **medieval castle** and have another, older castle site in the village too. We are proud of **our historic settings and our Conservation Area**. The proposal will have a significant detrimental impact to the setting both of the Castle (which is 545 metres away and an Historic England site) and the wider village. The scale of the proposal will dwarf the Parish – most of it will be very visible from properties, from footpaths and roadways. It is contrary to FNP01 in that it will affect the setting of the Church as it will dominate the view of the Church on the approach into the Parish from Meriden which is the main view of the Church. It is also contrary to FNP06. This proposal will **change the character** of the village and should be refused.

North Warwickshire appears to have been targeted by solar park developers who are wishing to profit from the ease of developing our open countryside rather than fitting solar panels to existing buildings. There are already other, **significant sized solar parks** which have been given permission within a small radius of Fillongley. It is an ongoing situation and gathering pace with constant new applications. The cumulative impact on our local area is horrific and overwhelming and the application should be refused.

There are ongoing issues with “**glint and glare**“. This is the name given to the light effects reflecting on the panels. This is a no-win location. Either they will face the motorway (providing distraction to the drivers), or they will face residents houses providing them with an inherent nuisance. Any direction will cause problems, specifically for nocturnal birds being confused by glint from the lights of traffic on the motorway reflecting off the panels.

Increasing “**bio-diversity**“ is a real buzzword of the moment. When you carefully examine the proposals, there are no new hedges and only some screening trees that will be so small they would not be likely to support the birdlife that is frightened away during the construction process, will not grow fast enough to provide any screening and then will need to be chopped down after the 40 year period. Furthermore, the applicant has said in a public meeting that the site would be “sheep ready, and if the farmer chooses to diversify and have sheep that is up to him“. Of course, if it were grazed that may produce some food, but this is unlikely as the farmer lives a significant distance away and is unlikely to want to come to the site every day to check on his livestock. If the site were not grazed, the likelihood is that the grass and weeds would have to be sprayed off with herbicide to prevent the weeds and grass growing over the panels. This does not benefit bio-diversity or the water quality of the surround brook. The application should be refused.

Fillongley has suffered from 2 “one in a hundred year“ **flooding events**, plus other smaller flooding events in the last 12 years. These have caused untold harm to residents in the affected zone. We are in an unusual situation due to the topography of the parish. A lot of the water is from “flash flooding“, when it rains very quickly either on to saturated ground or onto very dry ground, and is exacerbated by significant run off from the motorway. The passage of water to the village goes directly over the application site. The LFA have already, rightly, objected to the proposal. It would exacerbate the run off from the motorway as there would not be as much absorption across the ground that would normally absorb it as it runs across. There would be additional run off, pooling and rivulets as the rain hits the panels – this would mimic the run off from the motorway and the “flash flooding“ effect. The proposal is contrary to FNP03 as it will exacerbate the flood risk within the village.

For all of the above reasons, FPC would urge that you heed the wishes of the majority of the Parish and the Fillongley Neighbourhood Plan and reject this application.

Yours sincerely

Heather Badham
Clerk to Fillongley Parish Council

PAP/2023/0071 – Solar Farm, Meriden Road, Fillongley

The proposed site is within Fillongley Parish but there are strong feelings regarding this application from other local communities. On this basis Corley Parish Council (CPC) submit the following objections to this proposed solar farm and its impact on our valuable Green Belt land. For the avoidance of doubt all our Parish Councillors were unanimous in voting to OBJECT.

NWBC committed to sending letters to residents in the area to judge the level of support or objection to this application. A question regarding this process follows.

- How wide a circulation was undertaken – the Parish Council’s view is that should not only cover ALL residents of Fillongley but a distribution in the surrounding area as this application has such significant impact on the area. After consultation with NWBC Planning Department additional distribution was undertaken – however given the number of similar applications in our locality this is still deemed to be insufficient.

Fillongley have produced and agreed a Local Plan and its contents should be taken seriously. Our communities work closely with each other and we include comments below regarding this plan that we fully support. Corley Parish Council debated at length whether to create a Local Plan and on balance decided not to proceed. If FPC’s plan is to hold no weight our decision not to extend the effort to compile a plan has been vindicated.

- *Fillongley Neighbourhood Plan (FNP) was created by Parishioners to shape the future of the village. In the preparation stages of the FNP there was an application for wind turbines within the Parish and there was comment in the evidence that this was not wanted. Due to the explosion of application for solar energy sites and the overwhelming opinion of the Parishioners against these within our greenbelt countryside, FPC are seeking to widen the scope of the FNP to include all industrialisation of the rural landscape. Furthermore, when creating our FNP there was overwhelming evidence that the Parishioners wished to protect our rural environment. FPC were instructed to remove the Greenbelt Policy as it was deemed unnecessary by NWBC as the NPPF would protect our Green Belt. The application is however still contrary to FNP02 - It does not enhance or conserve the Natural Environment and it does have an adverse impact on the visual appearance and other rural and natural features in the landscape.*

Fillongley PC, fully supported by Corley PC, have requested that NWBC stand by the Greenbelt Policy and thus protect our Green Belt, and refuse this application.

Our countryside is under threat and the proliferation of many applications for solar farms is exacerbating the situation. We are in rural parish surrounded by open farmland. We are led to believe that the surrounding land is protected by Green Belt legislation. The size and scale of the proposal is completely inappropriate development. The solar farm would overwhelm the area. The solar farm will completely dominate the landscape and due to the topography of the land will be visible to many, many properties.

The Parish Council clearly accepts the drive towards cleaner energy sources but this has to be balanced against the need to use our precious land for food production. We live in an increasingly divided world and the effects of conflict and climate change represent huge challenges for us all. Recent events put in stark reality the need for both energy AND food independence from outside sources.

Climate change around the world will inevitably lead to issues with food produces who we currently rely on – the shortage of salad products recently in our shops because of adverse weather in Europe is only one small example. Conflict in Europe has put tremendous pressure on the price and demand for fossil fuels – a consequence which in itself drives the need for sustainable and renewable energy sources. This, however

does not mean we should use our valuable and fertile land for huge solar farms when there are clearly other much more effective and nonintrusive ways the same goal can be achieved.

All across the UK we have massive industrial units and warehouse facilities which could be an ideal location for solar panels on their massive roofs. Such an initiative would massively help our drive to Net Zero whilst leaving our fertile land for precious food production. Why not incentivise the developers/owners of these units to install such facilities rather than make it more profitable for a farmer to give up land to solar panels rather than food production – this makes absolutely no sense!!

The soil grade standard of the proposed site has been questioned. We are advised that the land is graded as 2a, 2b and 3. It is the same soil that is predominant in the whole of the Borough and the same soil that has been farmed and produced food for generations. It is known to have been a good wheat field, a good potato field and also has cropped onions successfully. The loss of this land for agricultural use is totally unacceptable.

It is noted that the application states that, if approved, the solar panels will be removed after 40 years and the land restored to agricultural use. Please pardon our scepticism but wish to mention another comparable commitment that to date has been worthless.

When the operator received approval for coal mining at Daw Mill a legal covenant was agreed and signed that stated that once mining ceased the land would be returned to its previous Green Belt status. Since mining ceased the operator has continued a legal battle to overturn this covenant and turn the site into an industrial estate. What confidence can we have that in 40 years something similar will happen. Given the demand for renewable energy is only going to increase it is unlikely this land will ever revert to agricultural use.

There are no new hedges proposed and only some screening trees that will be so small they would not be likely to support the birdlife that is frightened away during the construction process and will not grow fast enough to provide any effective screening.

The applicant states that it will be possible for sheep to graze in the area all around the panels. The practicality of this has to be questioned especially as we have seen reports from other sites where the sheep have eaten through the cabling and caused significant damage to the infrastructure.

We are also advised that the farmer lives a significant distance away and is unlikely to want to come to the site every day to check on his livestock. If the site were not grazed, the likelihood is that the grass and weeds would have to be sprayed off with herbicide to prevent the weeds and grass growing over the panels. In no way environmentally friendly.

There are clearly issues relating to glint and glare. This is the result of the effects of light reflecting on the panels. Either the panels will face the motorway providing distraction to the drivers, or they will face resident's houses providing an inherent nuisance. Any direction will cause problems, specifically for nocturnal birds being confused by glint from the lights of traffic on the motorway reflecting off the panels.

If we understand correctly over 80% of solar panels are imported from China. We also understand that no carbon emissions are allocated to the proposed site deriving from the manufacture and transportation of the panels and that the panels lose 15% of their generating power over their life expectancy.

Taking all the above into account, and the loss of good food producing land the overall environmental benefits are at best questionable and at worst totally flawed.

If we understand correctly the energy generated from the solar panels needs to be transferred to a suitable sub-station and the optimum distance from the solar farm is circa two kilometres. We also understand that currently all sub-stations in North Warwickshire are classed as 'red' – meaning they do not have the spare

capacity to take anymore. So, if this application is granted where will the power be transferred to and at what disruption to surrounding land. Or will a new sub-station be required and if so, where on earth will this be located.

We understand right across the country there are significant issues with the National Grid being capable of taking the renewable energy generated by wind and solar farms. In some cases, the delay in creating the infrastructure to take this power is running into literally years.

The applicant needs to provide specific information and timing of when this particular installation can be connected - the Green Belt should not be destroyed on the basis of some unknown future link to the grid.

To summarise it is undoubtedly the case that more renewable sources of energy are required. It is also abundantly obvious we need to be much more self sufficient in our food production.

Producing food on our own land in itself will cut emissions significantly by reducing the need to fly and/or ship food products to us from around the world.

Clearly house developers always prefer Green Belt land over using Brownfield sites – now we have Solar Farm developers adopting the same strategy – both because it's cheaper and easier. The consequences of both are destroying our Green Belt for short term gain with no regard for the long term effect and cost.

The Parish Council therefore request that this application is refused and dialogue entered into with the applicant to encourage more thought and enterprise being given to alternative sites for the solar panels.

Corley Parish Council

14th May 2023

FILLONGLEY PARISH COUNCIL



Clerk to the Council: Mrs H A Badham, The Crooked Stile, St Mary's Road,
Fillongley, Warwickshire, CV7 8EY

clerk@fillongleyparishcouncil.co.uk Telephone 01676 549193

Mr J Brown
Chief Planning Officer
NWBC
The Council House
South Street
Atherstone
Warks

17th February 2024

Dear Jeff

PAP/2023/0071

This amended application has again been discussed at the Parish Council meeting in February and the Parish Council wish to maintain their OBJECTION to the application.

The PC do not feel that the changes make a material difference to the previous Objections.

There are a number of quotes from Ministers over a long period of time that support solar on brownfield and rooftops and not on prime agricultural land such as is proposed here.

Way back in 2014, the Planning Minister Nick Boles said "The policies in the National Planning Policy Framework are clear that there is no excuse for putting solar farms in the wrong places. The Framework is clear that applications for renewable energy development, such as solar farms, should be approved only if the impact, including the impact on the landscape – the visual and cumulative impact – is or can be made acceptable. That is a very high test'

More recently Ministers have also made the following comments;

The Prime Minister (2022) stated "We must also protect our best agricultural land. On my watch, we will not lose swathes of our best farmland to solar farms. Instead, we should be making sure that solar panels are installed on commercial buildings, on sheds and on properties." This replicates the view of FPC.

Former Secretary of State, George Eustice (June 2023) "planning authorities seem to have either forgotten or started to disregard (planning) advice". He went on to say that advice "created a strong presumption against solar farms on Best and Most Versatile land, and that is classified in law as grade 3a or above'

The Secretary of State for Nuclear and Renewables Andrew Bowie said in Parliament, (July 2023) on the record; "It is therefore essential that we have a robust planning system that not only helps to deliver energy security but protects the environment and local communities and supports wider Government ambitions, such as food security. ... we are not able to create new prime agricultural land".... "It is important to stress that this does not mean seizing large swathes of the countryside and turning them into industrial solar farms and storage units.....and we encourage solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement."

Reinforcing this legally, the National Planning Policy Framework 180; "Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland"

The NPPF requires that poorer quality land should be preferred and this is strengthened by the wording of the National Planning Practice Guidance in relation to Renewable and Low Carbon Energy where it is stated that the focus should be on previously developed or non-agricultural land.

FPC believe that local knowledge is a crucial deciding factor and should not be ignored. FPC know that despite the applicants suggestions the site will be permanently and hugely visible from many, many aspects of the Parish (not just the village centre) including over 1 km away, due to the undulating nature of the site and the Parish, as well as from the adjacent roads, Public Rights of Way and the M6. The Council also know that the applicant has not included any flood mitigation, and that this will contribute to more flood events in the centre of the village and downstream in the Parish from the Bourne Brook.

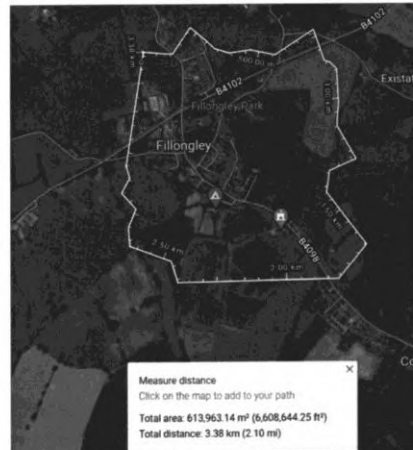
FPC do not believe that "exceptional circumstances" tests are met and the application should be refused.

For the avoidance of doubt, the original reasons for Objections are recorded below;

Fillongley Neighbourhood Plan (FNP) was created by Parishioners to shape the future of the village. It is in the process of being revised and strengthened to include issues that it has not been robust enough to deal with. In the preparation stages of the FNP there was an application for wind turbines within the Parish and there was comment in the evidence that this was not wanted. Due to the explosion of application for solar energy sites and the overwhelming opinion of the Parishioners against these within our greenbelt countryside, FPC are seeking to widen the scope of the FNP to include all industrialisation of the rural landscape. Furthermore, when creating our FNP there was overwhelming evidence that the Parishioners wished to protect our rural environment. FPC were instructed to remove the Greenbelt Policy as it was deemed unnecessary by NWBC as the NPPF would protect our Green Belt. The proposal is however still contrary to FNP02; It does not enhance or conserve the Natural Environment and it does have an adverse impact on the visual appearance and other rural and natural features in the landscape. FPC would ask that you stand up for the

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Openness of the Green Belt. We are in a large rural parish surrounded by open farmland. We are led to believe that the surrounding land is protected Green Belt legislation. The size and scale of the proposal is completely inappropriate development. The solar park would overwhelm the area. For an idea of scale please see the picture adjacent. This is the same size and approximately the same shape as the solar park, superimposed onto the heart of our village. It completely dominates it. The solar park is just to the south of the outline and due to the topography of the land would be visible to many, many properties.



Much has been made of the **soil grade standard** on the targeted land. We know that the land is graded as 2a, 2b and 3. It is the same soil that is predominant in the whole of the Borough and the same soil that has been farmed and produced food for generations and generations. It is known within the Councillors' memory that this has been a good wheat field, a good potato field and also has cropped onions successfully. The loss of this land (assuming an easily achievable yield of 4 tons of wheat per acre) would be the loss of 600 tonnes of wheat per year adding up to 24,000 tonnes in the proposed lifespan of the application. To put it into context that would be a loss of approximately 1,090,800 800g wholemeal loaves of bread per year, or an incredible loss of 43,632,000 loaves of bread over the proposed lifespan. The NPPF (para 170) suggests that solar farms should preferably use land in areas of poorer quality (grades 3b, 4 and 5). This is not poor soil and therefore the application should be refused.

There has been great discussion as to the term **solar "farm"** when the result is a physical blot on the landscape which pays business rates just as any other business does. Farming produces food that we need to survive. Food cannot be grown on factory rooves, school rooves or warehouse rooves; most food needs to be grown in the ground. We have already established that this is good fertile land. Further loss of farmland and reduction in crops is unnecessary and will lead to a further lack of **food security** and **increase in prices of food** in the shops. The application should be refused.

Fillongley is a large rural parish with dispersed settlements. We are centred around a **medieval castle** and have another, older castle site in the village too. We are proud of **our historic settings and our Conservation Area**. The proposal will have a significant detrimental impact to the setting both of the Castle (which is 545 metres away and an Historic England site) and the wider village. The scale of the proposal will dwarf the Parish – most of it will be very visible from properties, from footpaths and roadways. It is contrary to FNP01 in that it will affect the setting of the Church as it will dominate the view of the Church on the approach into the Parish from Meriden which is the main view of the Church. It is also contrary to FNP06. This proposal will **change the character** of the village and should be refused.

North Warwickshire appears to have been targeted by solar park developers who are wishing to profit from the ease of developing our open countryside rather than fitting solar panels to existing buildings. There are already other, **significant sized solar parks** which have been given permission within a small radius of Fillongley. It is an ongoing situation and gathering pace with constant new applications. The cumulative impact on our local area is horrific and overwhelming and the application should be refused.

There are ongoing issues with "**glint and glare**". This is the name given to the light effects reflecting on the panels. This is a no-win location. Either they will face the motorway (providing distraction to the drivers), or they will face residents houses providing them with an inherent nuisance. Any direction will cause problems, specifically for nocturnal birds being confused by glint from the lights of traffic on the motorway reflecting off the panels.

Increasing "**bio-diversity**" is a real buzzword of the moment. When you carefully examine the proposals, there are no new hedges and only some screening trees that will be so small they would not be likely to support the birdlife that is frightened away during the construction process, will not grow fast enough to provide any screening and then will need to be chopped down after the 40 year period. Furthermore, the applicant has said in a public meeting that the site would be "sheep ready, and if the farmer chooses to diversify and have sheep that is up to him". Of course, if it were grazed that may produce some food, but this is unlikely as the farmer lives a significant distance away and is unlikely to want to come to the site every day to check on his livestock. If the site were not grazed, the likelihood is that the grass and weeds would have to be sprayed off with herbicide to prevent the weeds and grass growing over the panels. This does not benefit bio-diversity or the water quality of the surround brook. The application should be refused.

Fillongley has suffered from 2 "one in a hundred year" **flooding events**, plus other smaller flooding events in the last 12 years. These have caused untold harm to residents in the affected zone. We are in an unusual situation due to the topography of the parish. A lot of the water is from "flash flooding", when it rains very quickly either on to saturated ground or onto very dry ground, and is exacerbated by significant run off from the motorway. The passage of water to the village goes directly over the application site. The LFA have already, rightly, objected to the proposal. It would exacerbate the run off from the motorway as there would not be as much absorption across the ground that would normally absorb it as it runs across. There would be additional run off, pooling and rivulets as the rain hits the panels – this would mimic the run off from the motorway and the "flash flooding" effect. The proposal is contrary to FNP03 as it will exacerbate the flood risk within the village.

For all of the above reasons, FPC would urge that you heed the wishes of the majority of the Parish and the Fillongley Neighbourhood Plan and reject this application.

Yours sincerely



Heather Badham
Clerk to Fillongley Parish Council

Jeff Brown

From: Tracey Carpenter <corleyparishcouncil@yahoo.co.uk>
Sent: 15 December 2023 12:01
To: Jeff Brown
Cc: David Wright; Dave Humphreys; Mark Simpson; clerk@fillongleyparishcouncil.co.uk; howard darling
Subject: Re: Proposed Fillongley Solar Farm -- PAP/2023/0071

Caution: Warning external email

Good morning Jeff

Thanks for sending the document from the applicant in response to the concerns and objections submitted by CPC (and as we understand FPC).

Sadly the information and comments makes no difference to our stance in objecting - all of our previously submitted response stands.

We would reiterate that we recognise the need for renewable sources of energy but not at the expense of good food producing land. If sheep are to be grazed presumably the panels would need to be raised to make this practical - vision impact and glare problems being increased.

The applicant says the land could be returned to green belt - while in theory we suppose that could happen it's most unlikely. If this solar farm is approved realistically this will end this parcel of land ever being green belt again.

We have concerns regarding the manufacture and transportation of the panels in the first instance but how will these units be disposed of at the end of their life. Taken together the green credentials diminish.

Our colleagues on FPC (if we understand correctly) still have concerns regarding flooding issues in their parish and we are unsure if sufficient consultation on this has taken place.

Solar facilities are inevitable but finding the right locations for them is quite another matter. In common with house building the easy option is to further destroy our green belt. The more considered approach is to consider brown field areas and the massive warehouse roofs that span many areas of our country.

Time for some more fundamental thinking!

Regards

Corley Parish Council

On 04/12/2023 08:57, Jeff Brown wrote:

We have received the attached Note from the applicant for the above proposal.

You can see that it has been particularly prepared to address areas of concern raised by the two Parish Councils.

I have promised to pass this on to you and would welcome any comments

Many thanks

Jeff



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Follow us on Twitter - [North Warks BC](#)
Like us on Facebook - [northwarksbc](#) Sign up for email updates -
<https://www.northwarks.gov.uk/emailupdates>

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Tracey Carpenter Clerk & RFO Corley Parish Council Tel: 07946 222373

Jeff Brown

From: Tracey Carpenter <corleyparishcouncil@yahoo.co.uk>
Sent: 18 February 2024 09:40
To: Jeff Brown; clerk@fillongleyparishcouncil.co.uk
Subject: Re: FW: Fillongley Solar Farm - PAP/2023/0071

Caution: Warning external email

Dear Jeff

Corley Parish Council have reviewed the amended plans you distributed and see absolutely no reason to change their position of objecting to this application.

All their previously submitted objections stand and they continue to oppose the use of perfectly good agricultural land for this purpose.

The overall green credentials of the proposal are questioned and the statement that the land after 40 years will be returned to its current state - this will never happen.

We are aware of other proposals where even if granted there is no near connection point to the grid for the generated power to connect into. What issues does this application pose and is there potential for further disruption in order for this site to become a contributor?

It is found a little distasteful that money is offered to parish councils in order to remove objections. A planning application should be judge on its merits without any financial inducements.

In summary please take this as maintaining Corley Parish Councils objections and hope our stance is recognised and carries weight.

Regards
Tracey

Tracey Carpenter
Clerk to Corley Parish Council

On 01/02/2024 12:01, Jeff Brown wrote:

Heather and Tracey

We have today received amended plans for this proposal as attached

There are also amended documents attached to the case file on the website (those received on 1/2/24)

I would be grateful to receive your Council's comments on these amendments **BEFORE 16th FEBRUARY if possible**, as the application is likely to be referred to the Planning Board at its next meeting on 4th March

Many thanks

Jeff

Website - www.northwarks.gov.uk
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Tracey Carpenter Clerk & RFO Corley Parish Council Tel: 07946 222373