

**AITCHISON
RAFFETY**



TOWN AND COUNTRY PLANNING ACT 1990

**APPEAL BY ENVIROMENA PROJECT
MANAGEMENT UK LIMITED**

**LAND 800 METRES SOUTH OF PARK HOUSE
FARM, MERIDEN ROAD, FILLONGEY**

**STATEMENT OF CASE
on behalf of**

**NORTH WARWICKSHIRE BOROUGH
COUNCIL**

APP/R3705/W/24/3349391

November 2024 – Final

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CONTENTS

	Summary	5
1	Introduction	14
2	The Site and Surrounding Area	15
3	Evolution and Determination of the Planning Application	20
4	The Decision-Taking Framework: The Development Plan	24
5	Relevant Planning Applications and Decisions	27
6	Main Issues – Introduction & Main Issue 1: Landscape and Visual Impact	31
7	Main Issue 2 – Green Belt Impact	34
8	Main Issue 3 – Development Plan Compliance / Policy Harm	42
9	Main Issue 4 – Planning Balance	55
10	Main Issue 5 – Very Special Circumstances to Allow Inappropriate Development in the Green Belt	63

APPENDICES

1	Board Report Application PAP/2023/0071 dated 22 May 2023
2	Board Report Application PAP/2023/0071 dated 4 March 2024
3	Board Report Application PAP/2023/0071 dated 8 July 2024
4	Application PAP/2023/0071 Decision Notice
5	Extracts from North Warwickshire Local Plan 2021
6	Extracts from Fillongley Neighbourhood Plan 2018 – 2034
7	Application PAP/2014/0483: Land East of Grendon House Farm, Warton Lane, Grendon Application
8	Application PAP/2015/0459: Land South of Pogmore Spinney Merevale Lane, Merevale
9	Application PAP/2021/0562 – Environment Agency Lea Marston Depot, Coton Road, Lea Marston
10	Application PAP/2022/0544 - Land East of Astley Lane, Bedworth
11	Application PAP/2021/0605 – Land 350 metres north-west of Marlwood Bungalow and land east of Breach Oak Lane, Corley, Smorrall Lane, Astley
12	Application PAP/2021/0651 – Land north of Park Lane Farm, Park Lane, Astley
13	Application PAP/2021/0473 – Land east and south east of Dunton Hall, Kingsbury Road, Curdworth
14	Application PAP/2023/0056 – Land at Junction Lichfield Road/Watton Lane, Water Orton
15	Appeal APP/R3705/W/24/3340380 – Orchards, Bennetts Road North, Corley
16	Appeal APP/R3705/W/24/3338275 – The Willows, Tamworth Road, Cliff, Kingsbury
17	Appeal APP/R3705/W/23/3335824 – Old Beretun, Barnes Wood Lane, Whitacre Heath
18	Appeal APP/R3705/W/23/3331258 – Tameview, Cliff Hall, Lane, Cliff, Kingsbury
19	Appeal APP/R3705/W/23/3327296 – Land west of Hams Hall roundabout and south of Marsh Lane, Curdworth
20	Appeal APP/N1920/W/22/3295268 – Land to the north of Butterfly Lane, Land surrounding Hillfield Farm and Land west of Hillfield Lane, Aldenham, Hertfordshire

21	Appeal APP/P3040/W/23/3329235 – Land to the west of Wood Lane and Stocking Lane, Kingston Estate, Gotham, Nottinghamshire
22	Appeal APP/K2420/W/21/3266505 – Hangmans Hall Farm, Twenty Acre Lane, Sutton Cheney, Nuneaton
23	Appeal APP/DO840/W/22/3293079 – Land at Tregorrick Farm, Tregorrick, St Austell, Cornwall
24	Appeal APP/J1860/W/23/3325112 – Birchall Green Farm, Sinton Green, Hallow
25	Appeal APP/D1265/W/23/3317593 – Land at Cruxton Farm, Cruxton Lane, Cruxton
26	Appeal APP/L3815/W/23/3329831 – Land at Lavant Pumping Station, Down Road, Chichester
27	Appeal APP/P1615/W/23/3331416 – Land North of Stream Lane, Upleadon, Gloucestershire
28	Appeal APP/P0119/W/22/3294810 – Land at Elm Farm, Bristol Road, Iron Acton, Bristol
29	Appeal APP/L3245/W/23/3329815 – Land to the South of Hall Lane, Kemberton, Telford
30	Appeal APP/F1040/W/22/3313316 – Land North of Lullington, Swadlincote, Derbyshire
31	Appeal APP/J1535/W/23/3334690 – Land adjacent to Harlow Road, near Roydon, Essex
32	Appeal APP/W1525/W/22/3300222 – Land East and West of A130 and North and South of Canon Barns Road, East Hanningfield, Chelmsford, Essex

SUMMARY

Introduction

1. This appeal relates to the refusal by North Warwickshire Borough Council for a solar farm on 61 hectares of land to the south of Fillongley. It was refused for the following reason on 10 July 2024:

“The proposed development is inappropriate development in the Green Belt. It is not considered that it would preserve the openness of the Green Belt as required by Policy LP3 of the North Warwickshire Local Plan 2021 and the National Planning Policy Framework (NPPF) 2023. It would additionally cause landscape and visual harm such that it does not accord with Policies LP1, LP14 and LP30 of the North Warwickshire Local Plan 2021, or Policies FNP01 and FNP02 of the Fillongley Neighbourhood Plan 2019. The Local and Neighbourhood Plan policies require new development to conserve and enhance the landscape; to integrate appropriately into the natural environment, harmonise with its immediate and wider settings, as well as to protect the rural landscape of the Parish, the scenic aspects of the village and the setting of the Church. The cumulative harms caused are considered to be substantial because of the development's proposed size, its siting on higher land, there being no surrounding higher land and its public visibility over a wide area. It is not considered that this substantial harm is clearly outweighed by any benefits that the proposal might give rise to.”

2. As part of the appeal, the Appellant has indicated that the updated drawings and drainage information to address flood issues claimed by a local flood interest group are not necessary and thus do not comply with the NPPF and Development Plan Policy LP1. A revised plan P007039-09-PlanningLayout_RevH has therefore been provided by the Appellant for consideration by the Inspector.

Landscape and Visual Impact

3. The site is located beyond the limits to development, within the countryside. It is also designated as Green Belt. The proposed development would be located on an undeveloped dome of higher land forming a ridgeline to the north of the M6 motorway, which though audible, does not have a characterising influence on the landscape. This land is locally widely visible, as it faces outwards to all sides. The site is not well contained.
4. The alteration to the skyline and horizon would have an urbanising effect, reducing the attractive scenic qualities of this area of countryside, and making it feel less open and undeveloped. It will alter its character to one of built development and reduce the sense of openness.
5. The landscape of this Green Belt area is rolling farmland across hills and valleys, with areas of hedgerow, tree belt and woodland vegetation. Introducing flat development platforms to accommodate parking and substations would alter the topography. Large-scale areas of solar panels extending across ten fields would be uncharacteristic of the landscape of the area and have an urbanising effect.
6. Ms Oxley considers that important visual effects will arise from Viewpoints 1, 2, 5, 6, 7, 9, 10, 11 and 13, with the following conclusions offered in terms of the development:
 - a. Negatively affect the character and appearance of the rural agricultural farmland by introducing large scale industrial/urban character development into a currently undeveloped area, where it would be incongruous with the farmland character. This would be particularly the case given the site is a dome/ridge of higher land which forms the skyline to views from the east and west. The site is outward facing and not contained as maintained by the Appellant.

- b. Have important adverse visual effects, that should be a key consideration in the appeal decision, on recreational receptors using the well-used PRowS within the Green Belt, notably the Coventry Way to the east of the site.
 - c. The proposed development would also have important adverse effects on residential receptors and road users on the edges of Fillongley along the B4098 including Far Parks, along Meriden Road, and Green End Road - Park House Farm, Home Farm, Fillongley Mount, Manor House Farm and White House Farm.
 - d. Have an adverse impact on the function of the Green Belt by replacing ten open fields with 61ha of solar panels and related development, with deer proof fencing and CCTV. The function of the Green Belt includes safeguarding it from encroachment. Developing the site with solar panels and associated development, which have a built form and do not blend in with the character of the countryside, will result in encroachment and will reduce its openness, as will enclosing it with high hedges, extensive fencing and regularly spaced 3m high poles with CCTV. There are limited existing natural or manmade features / boundaries that would prevent the sense of encroachment of the countryside, given the fact that the site falls across a ridgeline which slopes outwards to the east and west. Planting and reinforcing hedgerows will provide some containment in the long term, but the higher outward facing slopes and hill top that forms a horizon in views will always be visible, in its changed form.
7. Ms Oxley concludes that the landscape and visual effects, and their effects on and harm to the openness of the Green Belt as well as its landscape and visual character (currently undeveloped rural countryside with scenic qualities), are such that significant weight should be given to these matters in the determination of the appeal. This level of harm is considered contrary to the landscape policies of the Development Plan, namely LP14, and FNP02.

Green Belt Impact

8. It is accepted by both the Council and Appellant that the proposal represents inappropriate development in the Green Belt; it does not form one of the exceptions listed in the NPPF paragraphs 154 and 155. The Local Plan through Policy LP3 augments the protection of the Green Belt from inappropriate development.
9. The PPG recognises that there are a number of factors that influence the openness of the Green Belt. These include the spatial and visual aspects of the land, the duration and remediability, and the level of activity generated.
10. Spatially, the site is 61 hectares and incorporates 10 fields. This represents a significant quantum of land, with the majority set to be changed in appearance through the provision of solar arrays across the majority of the site, along with substations, compounds, hardstanding, fencing and CCTV.
11. Whilst the structures are relatively modest in height overall (between 2.3 and 3.0 metres), the extent of these features within the landscape, coupled with the domed topography of the site means that much of the site is widely visible. The linear, regular arrangement of the panels will also appear at odds to the current rolling and irregular field patterns that exist in the area.
12. The spatial impact of the development will therefore have a significant impact upon the setting of the area, with a clear transition of the site from rural and undeveloped to one that is developed across a substantial area.
13. Visually, the number and extent of public and, to a lesser extent, private views underline the significant impact that is still considered to occur once proposed landscaping has matured (year 15). This includes from footpath M294 across the site, and the Coventry Way and footpath M294A to the east of the site. Significant harm is considered to occur to the visual setting of the site.

14. The key difference between the Appellant's and the Council's visual conclusions is the degree of contained visual effects possible; the hill top position of the panels means that it cannot be appropriately screened. The Appellant has either understated or missed the grade and geographical extent of visual impact of the development, which explains the difference in expected landscape and visual impacts.
15. The duration of the site is a temporary period of 40 years. This is still a significant timeframe. However, the manner in which the arrays would be attached to the ground would mean that they could be removed without lasting effects to the land. The quantum of direct hardstanding and structures for the site is less than 5% of the site, and thus the overall *permanent* damage to the site is limited.
16. The degree of activity on a day-to-day basis is low. This needs to be factored into the overall harm to the Green Belt.
17. As a conclusion to the harm to the openness of the Green Belt, this is considered to be 'substantial' weight against this definitional harm by the proposal, and an actual Green Belt harm of 'significant'.

Development Plan Compliance/Policy Harm

18. As outlined above, there is a fundamental issue with the development in respect of the high level of harm to the landscape and visual setting, and the openness of the Green Belt. This underpins the conflict with the Development Plan, whereby the following level of conflict with the various policies are considered as follows:

Policy*	Compliance/Degree of Harm
North Warwickshire Local Plan	
LP1: Sustainable Development	Moderate Conflict
LP3: Green Belt	Significant Conflict
LP14: Landscape	Significant Conflict

LP15: Historic Environment	Limited Conflict
LP17: Green Infrastructure	Complies
LP29: Development Considerations	Limited Conflict
LP30: Built Form	Moderate Conflict
LP33: Water and Flood Risk Management	Complies
LP35: Renewable Energy and Energy Efficiency	Significant Conflict

Fillongley Neighbourhood Plan	
FNP01: Built Environment	Significant Conflict
FNP02: Natural Environment	Significant Conflict
FNP03: Flooding	Complies
FNP06: Heritage	Limited Conflict

19. The development does not therefore accord with the Development Plan and there is substantive conflict with the Development Plan, by way of conflict with a number of policies. The development should therefore be dismissed on appeal, unless material considerations indicate otherwise.

Planning Balance

20. In line with paragraph 11 of the NPPF, a planning balance should be undertaken to establish whether the benefits outweigh the harms. Given that the site is located within the Green Belt, it also needs to be considered whether these benefits amount to very special circumstances to outweigh the harm to the Green Belt.
21. The following benefits and harms are considered to occur as a result of this appeal proposal:

Benefits	Weighting
Generation of renewable energy	Substantial
Biodiversity enhancements	Moderate
Drainage	Neutral/Limited
Economic	Limited
Dual use of land/BMV	Limited

Harms	Weighting
Landscape and visual	Significant
Openness to the Green Belt	Significant
Heritage	Limited

22. The need to deliver renewable energy schemes to meet future requirements is recognised as a nationally important demand. Conversely, the need to protect the countryside for its own sake and the long standing policy protection for Green Belts is also of national importance. In this specific instance, the extent of harm that would be caused by the proposal, due to the land form of the site and surrounding area is considered to be so great that the generation of renewable energy and the other benefits do not outweigh the harms.
23. The proposal is contrary to the Development Plan as a whole for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Very Special Circumstances To Allow Inappropriate Development In The Green Belt

24. Local Plan Policy LP3 reiterates the need for inappropriate development within the Green Belt to demonstrate very special circumstances (paragraph 152 of the NPPF).
25. The Appellant cites the following as the very special circumstances to allow the appeal:
- Wider Environmental Benefits of Renewable Energy including:

- Contribution to radically reducing green house gas emissions (NPPF paragraph 157)
 - Valuable contribution to significantly curtailing greenhouse gas emissions (NPPF paragraph 163)
 - Minimising vulnerability and improve resilience [to energy supply and security issues] (NPPF paragraph 157)
 - Support renewable energy (NPPF paragraph 157)
 - Providing net gains for biodiversity (NPPF paragraph 180d)
 - Achieving multiple benefits from land uses and achieving net environmental gains (NPPF paragraph 124)
 - Achieving Good Design (NPPF paragraph 135 and NPS EN1 paragraph 4.7.2)
 - Economic, Social and Environmental Objectives (NPPF paragraph 8)
26. These matters are all considered as part of the planning balance. The substantial benefits of the development towards the wider renewable energy enhancement are recognised, along with smaller benefits then to biodiversity (moderate), multiple land uses (limited) and the overall social and economic benefits (limited).
27. However, the site specific harms relating to the significant landscape and visual impact that will be retained for the lifetime of the site is considered with the policy and Green Belt harm, along with heritage harm (less than significant) are considered too substantive for the benefits noted to equate to very special circumstances.
28. This appeal represents a significant development on elevated land that cannot be appropriately mitigated. It identifies itself as a scheme that is different to the solar farm approvals which have tended to occupy less of the proposed site; be smaller in scale; and generally capable of being screened such that there is limited landscape and visual harm once proposed planting has matured. This appeal however needs to be determined on its own merits; in this case the harm outweighs the benefits and

these benefits do not extend to being very special circumstances. The appeal should therefore be dismissed.

1. INTRODUCTION

- 1.1 My name is Jonathan Weekes and I am a Technical Director at Aitchison Raffety, Chartered Town Planning Consultants. I am instructed by North Warwickshire Borough Council (the Local Planning Authority) in respect of this appeal. It relates to a planning appeal made pursuant to Section 78 of the Town and Country Planning Act 1990 following the refusal by the local planning authority in respect of land 800 metres south of Park House Farm, Meriden Road, Fillongley, Warwickshire.
- 1.2 I have an Honours Degree in Physical Geography, a Masters in Town Planning and am a Member of the Royal Town Planning Institute.
- 1.3 I have over 20 years' experience in private practice in planning and development management matters. I have acted on behalf of major housebuilders, private individuals, local authorities, Parish Councils, and resident groups on a wide spectrum of planning work for both major and minor residential, employment, commercial, energy and mixed-use schemes. This has included involvement with Hearing and Inquiry appeals both for private and public clients and involvement promoting and opposing sizable renewable energy schemes for solar and battery energy storage.
- 1.4 I will present evidence on planning matters in respect of this appeal. This Statement of Case is to be read in conjunction with the landscape and visual evidence provided by Ms S. Oxley, LUC Ltd, acting on behalf of the Council where relevant concerns are raised and included within the planning balance. I have visited the Site as part of my preparation for the appeal.
- 1.5 The evidence that I have prepared and provide for this appeal by way of this Statement of Case, is true and has been prepared and is given in accordance with the guidance of my professional institution, The Royal Town Planning Institute. I confirm the opinions expressed are my true professional opinions. This Statement is written in respect of the Appellant's Hearing Statement of Case (October 2024).

2. THE APPEAL SITE AND SURROUNDING AREA

- 2.1 The site is a roughly rectangular area of agricultural land comprising ten large irregular shaped arable fields that extend to over 61 hectares. It is sited immediately north of the M6 Motorway and east of the B4102 Meriden Road, where it passes under the Motorway. It is around 600 metres south of Fillongley.
- 2.2 The land undulates, with a relative ridge in the centre of the site running in a north/south direction, with levels falling away on either side. The lowest point is to the north-east, where the fall is around 27 metres. It is currently used for arable crops.
- 2.3 A water course, the Bourne Brook, crosses the north-western boundary. A second unnamed water course runs from the southern boundary towards the south-east. Other on-site ditches drain north towards these watercourses.
- 2.4 There is a public footpath (M294) that runs north/south through the site from the M6 Bridge into Fillongley Close to its western boundary. A further footpath (M294a) runs north/south from Corley Moor into Fillongley, just to the east of the site boundary.
- 2.5 The site is surrounded by agricultural land, with a dispersed pattern of individual residential units and farmsteads. This includes a number of listed buildings, whilst there is a scheduled ancient monument to the north of the site [Ringwork Castle] which contains remnants of the masonry and earthwork of Castle Yard, a ringwork castle and its associated bailey. To the south, beyond the motorway there are commercial enterprises, including at Corley Moor (circa 1km south-east of the Appeal Site).



Site Location Plan; annotated version taken from FPCR's Landscape & Visual Appraisal; numbers and arrows represent locations and directions of photographs below



Photograph 1: View eastwards from Footpath M294 on Appeal Site. Foreground will have parking area and associated buildings with the remainder of the land covered by solar arrays up the horizon



Photograph 2A: View north-east from Footpath M294 on Appeal Site. Meadow grassland strip is retained along the footpath but remainder of view covered by solar arrays with some new hedgerow planting and strengthening of the tree belt in the background



Photograph 2B: View west-north-west from Footpath M294 on Appeal Site. Meadow grassland strip is retained along the footpath but remainder of view covered by solar arrays up to the trees in the background



Photograph 3: View west-north-west from Footpath M294A [located immediately east of the site close to the intersection with the Coventry Way footpath]. Boundary vegetation and trees retained and augmented; harvested yellow field will be largely occupied by solar arrays up to the horizon.



Photograph 4: View looking north-west from bridge over M6 from Footpath M294A. Appeal Site is visible as the yellow cropped fields. All will be filled with solar arrays, but with some additional landscaping included.

Please Note: all photographs taken late summer 2024, and thus are up to date representations of the site's appearance; photographs show trees in leaf and therefore winter views will offer greater visibility.

3. EVOLUTION AND DETERMINATION OF THE PLANNING APPLICATION

- 3.1 The application (reference PAP/2023/0071) was validated on 24 February 2023 and comprised the installation of ground-mounted solar photovoltaic arrays together with ancillary infrastructure, landscaping and biodiversity enhancements. The proposal sought a 40 year temporary consent and will generate 40MW (AC) but is restricted to 49.9 MW (AC).
- 3.2 The panels are to be arranged in east/west rows with approximately 5.3 metres between each row, and at least a 4.0 metre offset to site boundaries in order to prevent overshadowing and allow space for maintenance. The fixed modules are to be angled at circa 20 degrees and mounted facing south, with a maximum height of 2.3 metres above ground level. The solar array will be supported by galvanised steel frame mounting system, fixed using short pile foundations.
- 3.3 There are 13 substations dispersed across the development site, which are expected to be in the order of 2.6 by 1.1 metre in footprint and have a height of 2.445 metres. At the south-western corner of the site, the switchgear and substation enclosures are proposed. The switchgear structures are 2.8 by 2.8 metres footprint by 1.95 metres high (indicatively) and the substation 7.1 by 2.8 metres with a height of 3.2 metres.
- 3.4 The existing boundary vegetation is to be retained and augmented as part of the proposal, along with additional planting. Additional drainage ponds are also included as part of the proposal. The whole site is intended to be enclosed by deer proof fencing at 2.0 metres high. This will be constructed from timber posts with mesh attached. These fences will also run either side of the footpath that traverses the site.
- 3.5 The application was presented to the Planning Board on 22 May 2023, with observations provided and a recommendation that the Board undertake a site visit prior to its determination (see [Appendix 1](#)).

- 3.6 The application was taken back to the Planning Board on 4 March 2024 (see [Appendix 2](#)). This notes that the following alterations had been made to the proposal, reflecting discussions between the applicant (now appellant) and the Council/respective consultees and groups:
- 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.
- 3.7 The Planning Officer’s recommendation, based upon Layout Plan Revision D [subsequently agreed that this should have been Revision E so to error in submission – see Statement of Common Ground] was for conditional approval. The report made clear that this was a ‘fine balance’ based upon judgements of the benefits and harms of the proposal (paragraph 4.58 onwards of [Appendix 2](#)). Harm was noted in terms of policy conflict, landscape and visual impacts, heritage, use of the best and most versatile land, and balanced against the renewable energy benefits.
- 3.8 As part of the Board Meeting in March 2024, concern was still being raised by the Fillongley Flood Group on flood risk matters. The Board deferred a decision, to allow additional consideration of the concerns to be undertaken.

3.9 The application was re-presented to the Planning Board on 8 July 2024 ([Appendix 3](#)). This included an updated layout plan (Revision F) and included additional swales to address previous concerns on drainage. It also included additional landscaping within the north-eastern part of the site. As a consequence of the three additional basins and trees, the biodiversity net gain for habitats as a result of this proposal rises from 62% to 63.17% and from 25% to 25.76% for linear features. It is against this version of the layout plan and drainage scheme that the planning application was determined.

3.10 The Planning Officer's report recommended conditional approval. However, the Board recommended refusal on the following ground:

"The proposed development is inappropriate development in the Green Belt. It is not considered that it would preserve the openness of the Green Belt as required by Policy LP3 of the North Warwickshire Local Plan 2021 and the National Planning Policy Framework (NPPF) 2023. It would additionally cause landscape and visual harm such that it does not accord with Policies LP1, LP14 and LP30 of the North Warwickshire Local Plan 2021, or Policies FNP01 and FNP02 of the Fillongley Neighbourhood Plan 2019. The Local and Neighbourhood Plan policies require new development to conserve and enhance the landscape; to integrate appropriately into the natural environment, harmonise with its immediate and wider settings, as well as to protect the rural landscape of the Parish, the scenic aspects of the village and the setting of the Church. The cumulative harms caused are considered to be substantial because of the development's proposed size, its siting on higher land, there being no surrounding higher land and its public visibility over a wide area. It is not considered that this substantial harm is clearly outweighed by any benefits that the proposal might give rise to."

3.11 The refusal notice was issued on 10 July 2024 and subsequently appealed (see [Appendix 4](#)).

- 3.12 As part of the appeal, the Appellant has indicated that the updated drawings and drainage information to address flood issues claimed by a local flood interest group are not necessary and thus do not comply with the NPPF and Development Plan Policy LP1. A revised plan P007039-09-PlanningLayout_RevH has therefore been provided by the Appellant for consideration by the Inspector.

4. THE DECISION-TAKING FRAMEWORK: THE DEVELOPMENT PLAN AND NATIONAL PLANNING POLICY

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Adopted Development Plan

- 4.2 The Statutory Development Plan comprises the North Warwickshire Local Plan 2021 and the Fillongley Neighbourhood Plan 2018 – 2034. The policies of relevance are set out below, with the key policies highlighted bold.

North Warwickshire Local Plan 2021 (NWLP) (adopted September 2021)

- 4.3 The following policies are of relevance to this appeal:

- **Policy LP1 – Sustainable Development**
- **Policy LP3 – Green Belt**
- **Policy LP14 – Landscape**
- Policy LP15 – Historic Environment
- Policy LP16 – Natural Environment
- Policy LP17 – Green Infrastructure
- Policy LP21 – Services and Facilities
- Policy LP29 – Development Considerations
- **Policy LP30 – Built Form**
- Policy LP33 – Water and Flood Risk Management
- **Policy LP35 – Renewable Energy and Energy Efficiency**

- 4.4 Extracts of the NWLP are provided as [Appendix 5](#).

Fillongley Neighbourhood Plan 2018 – 2034 (Made August 2019) (FNP)

4.5 The following policies are of relevance to this appeal:

- **Policy FNP01 – Built Environment**
- **Policy FNP02 – Natural Environment**
- Policy FNP03 – Flooding
- Policy FNP06 – Heritage

4.6 Extracts of the FNP are provided as [Appendix 6](#).

Other Material Considerations

4.7 In addition to the development Plan, there are a number of other material considerations that need to be taken into account as part of this planning appeal. These include:

- The National Planning Policy Framework (December 2023), particularly Sections:
 - 2: Achieving sustainable development
 - 4: Decision-making
 - 6: Building a strong, competitive economy
 - 8: Promoting healthy and safe communities
 - 9: Promoting sustainable transport
 - 12: Achieving well-design and beautiful places
 - 13: Green Belt
 - 14: Meeting the challenge of climate change, flooding and coastal change
 - 15: Conserving and enhancing the natural environment
 - 16: Conserving and enhancing the historic environment

Statement of Case

Land 800 metres south of Park House Farm, Meriden Road,
Fillongley

- The draft National Planning Policy Framework (July 2024)
- National Planning Practice Guidance
- Ministerial Written Statement – July 2024
- National Policy Statement on Energy – EN1
- National Statement for Renewable Energy Infrastructure – EN3
- Climate Change Act 2008 – Net zero 2050 (2019)
- National Infrastructure Strategy – November 2020
- Energy White Paper December 2020

5. RELEVANT PLANNING APPLICATIONS AND DECISIONS

Other Relevant Decisions within North Warwickshire Borough

5.1 Beyond the current Appeal, the Council have considered six other solar farm applications and two battery energy storage system (BESS) applications. These applications are briefly summarised below, but vary in scale and visual impact, as well as policy basis, with a number located outside of the Green Belt. Each case has been determined on its own merits, but these other applications were approved by the Council:

1. Application PAP/2014/0483: Land East of Grendon House Farm, Warton Lane, Grendon – Approved 14 November 2014 [see [Appendix 7](#)]
14.6 MW solar farm on 32 hectares of land on land outside the Green Belt; 25 year period
2. Application PAP/2015/0459: Land South of Pogmore Spinney Merevale Lane, Merevale – Approved 26 February 2016 [see [Appendix 8](#)]
5 MW solar farm on 5.2 hectares of land outside the Green Belt; 25 year period
3. Application PAP/2021/0562: Environment Agency Lea Marston Depot, Coton Road, Lea Marston – Approved 2 March 2022 [see [Appendix 9](#)]
3MW solar farm on 10.7 hectares of former landfill site (4.4 ha to be developed) within the Green Belt; 25 year period
4. Application PAP/2022/0544: Land East of Astley Lane, Bedworth – Approved 19 July 20023 [see [Appendix 10](#)]
16MW solar farm on 28 hectares of land within Green Belt; 40 year period
5. Application PAP/2021/0605 & PAP/2021/0651: Land 350 metres north-west of Marlwood Bungalow and land east of Breach Oak Lane, Corley, Smorrall Lane,

Astley / Land north of Park Lane Farm, Park Lane, Astley – Both Approved 28 July 2022 [see [Appendices 11 and 12](#)]

Solar and battery energy storage site on five fields amounting to 40 hectares on land within the Green Belt; 40 year period

6. Application PAP/2021/0473: Land east and south east of Dunton Hall, Kingsbury Road, Curdworth – Approved 4 March 2022 [see [Appendix 13](#)]
349.9 MW battery energy storage system on 11 hectares of land within the Green Belt; 30 year period
7. Application PAP/2023/0056: Land at Junction Lichfield Road/Watton Lane, Water Orton – Approved 7 November 2023 [see [Appendix 14](#)]
Battery energy storage system on 0.7 hectares of land within the Green belt; 40 year period

Appeal Decisions

5.2 The following Green Belt appeal decisions within North Warwickshire Borough are relevant to this appeal:

- APP/R3705/W/24/3340380: Orchards, Bennetts Road North, Corley [see [Appendix 15](#)]
- APP/R3705/W/24/3338275: The Willows, Tamworth Road, Cliff, Kingsbury [see [Appendix 16](#)]
- APP/R3705/W/23/3335824: Old Beretun, Barnes Wood Lane, Whitacre Heath [see [Appendix 17](#)]
- APP/R3705/W/23/3331258: Tameview, Cliff Hall, Lane, Cliff, Kingsbury [see [Appendix 18](#)]
- APP/R3705/W/23/3327296: Land west of Hams Hall roundabout and south of Marsh Lane, Curdworth [see [Appendix 19](#)]

- 5.3 These appeals, amongst other things, confirm the conformity of Local Plan Policy LP3 [Green Belt] is compliant with the NPPF.
- 5.4 The following solar farm appeal decisions, as explained within the Main Issue sections, are of particular relevance to this appeal:
- APP/N1920/W/22/3295268: Land to the north of Butterfly Lane, Land surrounding Hillfield Farm and Land west of Hillfield Lane, Aldenham, Hertfordshire [see [Appendix 20](#)]
 - APP/P3040/W/23/3329235: Land to the west of Wood Lane and Stocking Lane, Kingston Estate, Gotham, Nottinghamshire, NG11 0LF [see [Appendix 21](#)]
 - APP/K2420/W/21/3266505: Hangmans Hall Farm, Twenty Acre Lane, Sutton Cheney, Nuneaton, CV13 0AJ [see [Appendix 22](#)]
 - APP/DO840/W/22/3293079: Land at Tregorrick Farm, Tregorrick, St Austell, Cornwall, PL26 7AG [see [Appendix 23](#)]
 - APP/J1860/W/23/3325112: Birchall Green Farm, Sinton Green, Hallow, WR2 6NT [see [Appendix 24](#)]
 - APP/D1265/W/23/3317593: Land at Cruyton Farm, Cruyton Lane, Cruyton, DT2 0EB [see [Appendix 25](#)]
 - APP/L3815/W/23/3329831: Land at Lavant Pumping Station, Down Road, Chichester [see [Appendix 26](#)]
 - APP/P1615/W/23/3331416: Land North of Stream Lane, Upleadon, Gloucestershire, GL18 1EL [see [Appendix 27](#)]
 - Appeal APP/P0119/W/22/3294810 – Land at Elm Farm, Bristol Road, Iron Acton, Bristol [see [Appendix 28](#)]
 - Appeal APP/L3245/W/23/3329815 – Land to the South of Hall Lane, Kemberton, Telford [see [Appendix 29](#)]
 - Appeal APP/F1040/W/22/3313316 – Land North of Lullington, Swadlincote, Derbyshire [see [Appendix 30](#)]
 - Appeal APP/J1535/W/23/3334690 – Land adjacent to Harlow Road, near Roydon, Essex [see [Appendix 31](#)]

- Appeal APP/W1525/W/22/3300222 – Land East and West of A130 and North and South of Canon Barns Road, East Hanningfield, Chelmsford, Essex [see [Appendix 32](#)]

6. MAIN ISSUE – INTRODUCTION & MAIN ISSUE 1

INTRODUCTION

6.1 The Statement of Common Ground’s areas of dispute, coupled with the reason for refusal allows the matters that need to be addressed to be considered under the following headings:

- Landscape and Visual Impact
- Green Belt Impact
- Development Plan Compliance/Policy Conflict
- Planning Balance

MAIN ISSUE 1: LANDSCAPE AND VISUAL IMPACT

6.2 Ms Sam Oxley, LUC limited has reassessed the landscape and visual impact situation in respect of this appeal; I rely on Ms Oxley’s professional position in respect of the landscape and visual impact, and thus this Statement of Case should be read in conjunction with Ms Oxley’s written material.

6.3 Ms Oxley states that the proposed development would be located on an undeveloped dome of higher land forming a ridgeline to the north of the M6 motorway, which though audible, does not have a characterising influence on the landscape. This land is locally widely visible, as it faces outwards to all sides. The site is not well contained.

6.4 The alteration to the skyline and horizon would have an urbanising effect, reducing the attractive scenic qualities of this area of countryside, and making it feel less open and undeveloped. It would not feel like countryside. The development of the site will not safeguard the countryside from encroachment by built development. It will alter its character to one of built development and reduce the sense of openness. It will not be contained within strong boundaries as the site extends over a shallow, domed hill/ridge top which would make this impossible to achieve, given it forms a horizon to

local views. This would be very different if the site was flat or more bowl-like, or indeed if it broadly sloped in one direction rather than several.

- 6.5 The landscape of this Green Belt area is rolling farmland across hills and valleys, with areas of hedgerow, tree belt and woodland vegetation. Introducing flat development platforms to accommodate parking and substations would alter the topography. Large-scale areas of solar panels extending across ten fields would be uncharacteristic of the landscape of the Green Belt in this area. Although planting could help partially filter views of the proposed development in the long-term, it would also reduce open scenic views across the landscape. It will not be effective in filtering views of the higher part of the site which is across a hill top.
- 6.6 Ms Oxley considers that important visual effects will arise from Viewpoints 1, 2, 5, 6, 7, 9, 10, 11 and 13, with the following conclusions offered in terms of the development:
- a. Negatively affect the character and appearance of the rural agricultural farmland by introducing large scale industrial/urban character development into a currently undeveloped area, where it would be incongruous with the farmland character. This would be particularly the case given the site is a dome/ridge of higher land which forms the skyline to views from the east and west. The site is outward facing and not contained as maintained by the Appellant.
 - e. Have important adverse visual effects, that should be a key consideration in the appeal decision, on recreational receptors using the well-used PRoWs within the Green Belt, notably the Coventry Way to the east of the site.
 - f. The proposed development would also have important adverse effects on residential receptors and road users on the edges of Fillongley along the B4098 including Far Parks, along Meriden Road, and Green End Road - Park House Farm, Home Farm, Fillongley Mount, Manor House Farm and White House Farm.

g. Have an adverse impact on the function of the Green Belt by replacing ten open fields with 61ha of solar panels and related development, with deer proof fencing and CCTV. The function of the Green Belt includes safeguarding it from encroachment. Developing the site with solar panels and associated development, which have a built form and do not blend in with the character of the countryside, will result in encroachment and will reduce its openness, as will enclosing it with high hedges, extensive fencing and regularly spaced 3m high poles with CCTV. There are limited existing natural or manmade features / boundaries that would prevent the sense of encroachment of the countryside, given the fact that the site falls across a ridgeline which slopes outwards to the east and west. Planting and reinforcing hedgerows will provide some containment in the long term, but the higher outward facing slopes and hill top that forms a horizon in views will always be visible, in its changed form.

6.7 Ms Oxley concludes that the landscape and visual effects, and their effects on and harm to the openness of the Green Belt as well as its landscape and visual character (currently undeveloped rural countryside with scenic qualities), are such that significant weight should be given to these matters in the determination of the appeal.

6.8 This level of harm is considered contrary to the landscape policies of the Development Plan, namely LP14, and FNP02 which combined seek to protect the undeveloped and open character of the land. It is also contrary to the NPPF which seeks to protect the intrinsic character and beauty of the countryside (paragraph 180 (b)). The fact that the proposal is temporary for a 40 year period does little to offset the extent of visual impact during the lifetime of the development.

7. MAIN ISSUE 2: GREEN BELT IMPACT

NPPF Position

- 7.1 The Appeal Site is located within the Green Belt. The NPPF December 2023 sets out at paragraph 142 that 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. Paragraph 143 sets out the five purposes of Green Belts as:
- 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 other urban land.
- 7.2 NPPF Paragraph 152 notes that inappropriate development in the Green Belt is harmful and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations (paragraph 153).
- 7.3 NPPF Paragraph 154 notes that new buildings should be considered inappropriate in the Green Belt except for specific exceptions. Certain other forms where they preserve the openness of the Green Belt and do not conflict with the purposes of its designation are not inappropriate (paragraph 155). The Appeal proposal does not fall under any of the exceptions allowed within paragraphs 154 and 155.

- 7.4 NPPF Paragraph 156 notes that many renewable energy projects will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances. It should be noted that the draft NPPF (July 2024) does not alter this position in respect of protecting Green Belt land, given that the site has not ever been developed and is not therefore considered to be Grey Belt land.
- 7.5 In terms of harm to the Green Belt functions as set out at paragraph 143 of the NPPF, it is *'clause (c): to assist in safeguarding the countryside from encroachment'* where harm is considered to occur. It is common ground between the Appellant and Council on this position, with it noted in the Statement of Common Ground at paragraph 10.1 points 4 and 5 that the proposal is considered inappropriate development in the Green Belt, and that this harm should be attributed substantial harm in line with the NPPF. A balancing exercise in accordance with the NPPF in respect of the benefits and harms is therefore required to establish whether the harm to the Green Belt is outweighed by the benefits.

NWBC Local Plan Position

- 7.6 Policy LP3 (see [Appendix 5](#)) reiterates the NPPF's intention to protect the Green Belt from inappropriate development and that development should not be approved except in very special circumstances. In respect of the consideration of proposals, points 1 – 5 of the policy sets out how the designation is enacted via the proposals map and the exceptions that are potentially acceptable.
- 7.7 In terms of the application of this policy to considering proposals, it sets out five other points (clauses a – e). Clause e recognises that:

“planning consideration(s), such as the sustainability of the location, landscape and visual appearance or impact, the loss of employment land and impacts on general amenity will all be considered in the final planning balance in respect of proposals to redevelopment of previously development land within the Green Belt.”

- 7.8 Whilst clause e refers to the redevelopment of previously developed land, the impact upon these same factors are still relevant to the consideration of development on greenfield land; the policy is essentially worded in this manner, as general development of greenfield sites in the Green Belt is not expected or supported by policy.
- 7.9 Clause e is essentially seeking to provide additional clarity to the factors to be considered in line with paragraph 143 of the NPPF, with particular reference to clause c – protecting the countryside from encroachment. The reason for refusal is also clear that the conflict with Green Belt policy is that it does not preserve the openness of the Green Belt.

Impact upon the Green Belt

- 7.10 The NPPF notes that ‘substantial’ weight should be given to any harm to the Green Belt. It is common ground between the Appellant and Council that solar farms are considered inappropriate development in the Green Belt.
- 7.11 The NPPF notes the essential characteristics of the Green Belt are their openness and their permanence (paragraph 142). The PPG recognises that where assessing the impact of a proposal on the openness of the Green Belt, judgements need to be made on a case by case basis. It continues, noting that the courts have identified a number of matters which may need to be taken into account, including (but not limited to):
- *“openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
 - *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*

- *the degree of activity likely to be generated, such as traffic generation.*”(paragraph 001 ref ID: 64-001-20190722).

Openness: Spatial element

- 7.12 The Appeal scheme relates to a 61 hectare site that extends over 10 fields. It is currently undeveloped and actively used for arable farming. The extent of land incorporated into the development represents a significant development in terms of its size, with the majority set to be changed in appearance through the provision of solar arrays across the majority of the site, along with substations, compounds, hardstanding, fencing and CCTV.
- 7.13 Other Inspectors have considered sites smaller in size than the current appeal scheme to be ‘significant’ in terms of their scale. This includes the Iron Acton solar farm appeal, with a 38 hectare site (Appeal APP/P0119/W/22/3294810 – see [Appendix 28 para 13](#)); the current Appeal Site is 50% larger again than the Iron Acton site and should therefore clearly represent a significant development from a spatial perspective.
- 7.14 The number of fields/field pattern is also a consideration. The appeal site contains 10 fields, all of which will have solar arrays located within them. The approved solar farms have tended to be located on sites with larger grain field patterns, such as the Kimberton solar farm which at 20 hectares was just 2 fields (Appeal APP/L3245/W/23/3329815 – see [Appendix 29](#)). The overall context and form of solar developments can therefore vary significantly between sites; this represents a clear differentiation between the proposals.
- 7.15 Whilst the structures are relatively modest in height overall (between 2.3 and 3.0 metres), the extent of these features within the landscape, coupled with the domed topography of the site means that much of the site is widely visible. The linear, regular arrangement of the panels will also appear at odds to the current rolling and irregular field patterns that exist in the area. Proposed planting will not adequately reduce or

remove this perception of the development from many locations. Conversely, the provision of substantial planting which would be necessary to screen the development would then remove the distant views across the site. This would completely curtail the views, having an unintended impact upon the openness of the area.

7.16 The Inspector in the Sinton Green solar farm appeal recognised the impact that the regularity of solar panels can have to the character of a site and its contribution to the wider area, whilst also recognising the importance of the topography and how any planting can/cannot be successful in appropriately screening development (Appeal – APP/J1860/W/23/3325112 see [Appendix 24 paras 59 and 63](#));

7.17 The spatial impact of the development will therefore have a significant impact upon the setting of the area, with a clear transition of the site from rural and undeveloped to one that is developed across a substantial area.

Openness: Visual element

7.18 Ms Oxley's Statement of Case highlights the extent of the visual and landscape impact as significant overall. This is identified through the extent of vantage points with a high degree of impact even at Year 15, once vegetation has been established:

- Clear, unrestricted views will be visible as a transient passage along footpath M294 across the site; this generates a substantial impact.
- Transient views will also be possible for large sections of footpaths M294A and the Coventry Way to the east of the site; whilst vegetation will further screen this by Year 15, the topography ensures that the development will still dominate the horizon within which it is positioned. This represents a significant impact.
- Other views from properties will also be possible over the site, although most are set slightly further away from the development and thus the impact is reduced to a mixture of limited and moderate levels of impact.

- 7.19 The number and extent of public and, to a lesser extent, private views underline the significant impact that is still considered to occur from a visual perspective upon openness.
- 7.20 The Appellant also recognises that there would be harm to the openness of the Green Belt and result in a moderate adverse impact upon the landscape character (see Pegasus Green Belt Appraisal and Appellant's Hearing Statement of Case).
- 7.21 Introducing flat development platforms to accommodate parking and substations would alter the topography. Large-scale areas of solar panels extending across ten fields would be uncharacteristic of the landscape of the Green Belt in this area. Although planting could help partially filter views of the proposed development in the long-term, it would also reduce open scenic views across the landscape, particularly if placed close to footpaths and allowed to grow to 2.5 metres in height. It will not be effective in filtering views of the higher part of the site which is across a hill top.
- 7.22 The key difference between the Appellant's and Council's visual conclusions is the degree of contained visual effects possible; the hill top position of the panels means that it cannot be appropriately screened. The Appellant has either understated or missed the grade and geographical extent of visual impact of the development, which explains the difference in expected landscape and visual impacts.
- 7.23 The Appellant has also undertaken two LVAs, using different consultants and these do not align with each other. The reason for the changes in the judgements between the two sets provided by the Appellant is unclear and it is uncertain if SLR support the findings of the original LVA. The changes in grades between the two appraisals are notable, but both increase and decrease. This, together with the recent provision of a more accurate ZTV, which appears quite different from the original, makes me question the robustness of the LVAs. These points all indicate that Ms Oxley's considered level of harm as significant at year 15 is accurate.

Duration of Development and Remediability

- 7.24 The proposal is for a 'temporary' 40 year period. Whilst it is recognised that the development would not be permanent, 40 years can only realistically be considered a significant time period; entire generations would be born, grow up and potentially leave the area within this timeframe, with this development always forming a backdrop to their life.
- 7.25 The Inspector when considering the solar farm at Tregorrick considered a 30 year period as 'significant' (Appeal APP/D0840/W/22/3293079 – see [Appendix 23 para 26](#)); extension of this timeframe by 33% augments this being considered a significant timeframe.
- 7.26 The need to establish additional vegetative planting is also a factor to consider within this temporal matter, given that many hedges and trees will take a long timeframe (15+ years) to become mature and effective (as far as possible) in screening the development.
- 7.27 However, the manner in which the arrays would be attached to the ground would mean that they could be removed without lasting effects to the land. The quantum of direct hardstanding and structures for the site is less than 5% of the site, and thus the overall *permanent* damage to the site is limited. It needs to be recognised though that any harmful effects from the proposal would still occur for a 40 year period, which is a significant period of time but the ability for the site to be largely remediated means that the harm is time-limited. This needs to be factored into the overall harm to the Green Belt.

Degree of Activity on Site

- 7.28 Once established, there would be very low activity associated with the day-to-day operation of the site. This is likely to only be one or two days a month for maintenance

(if that). The site from this perspective would not be having any notable impact upon the level of activity on site, or associated traffic on surrounding roads. Again, this is a factor that needs to be factored into the overall harm to the Green Belt.

Conclusion of Harm to the Openness of the Green Belt

- 7.29 Recognising the scale of the development and the extent to which the site would be visible and impact upon views across the area, even once additional planting has been established, it is considered that significant harm to the openness would occur. The fact that the proposal would be present for 40 years and has little associated activity is considered to temper the harm to the lower end of significant.
- 7.30 This level of harm is elevated compared to that noted in the Board Report (dated 4 March 2024 (see [Appendix 2](#)), reflecting on the additional clarification of the landscape and visual setting provided by Ms Oxley as part of this appeal. This has crystallised the extent of impact that a development of this scale has upon the openness of the landscape when it cannot be appropriately assimilated by additional landscaping.
- 7.31 It is therefore concluded that there is ‘substantial’ weight against this definitional harm by the proposal, and an actual Green Belt harm of ‘significant’.

8. MAIN ISSUE 3: DEVELOPMENT PLAN COMPLIANCE/POLICY HARM

8.1 As set out in Section 4 above, there are a number of key policies that are of relevance to the determination of this appeal. These largely align with the policies included on the decision notice. These key policies are considered initially, with comment then provided on the other relevant policies.

8.2 In terms of the Development Plan, it is considered that all policies accord with the NPPF and are up to date. Therefore full weight can be afforded to all relevant policies.

8.3 In terms of the categorisation of conflict, and subsequently the benefits and harm of the Appeal proposal, the following weighting approach is used:

- Substantial
- Very significant
- Significant
- Moderate
- Limited
- No/Negligible

Key Policies

Local Plan Policy LP1 – Sustainable Development

8.4 Policy LP1 represents an overarching sustainability policy for the Development Plan. It notes that

“all development proposals must:

- *be supported by the required infrastructure*
- *be consistent with the approach to place making set out through development management policies, including, where relevant:*

- *integrate appropriately with the natural and historic environment, protecting and enhancing rights of way network where appropriate;*
- *demonstrate a high quality of sustainable design that positively improve the individual settlement's character; appearance and environmental quality of an area;*
- *deter crime;*
- *sustain, conserve and enhance the historic environment;*
- *provide, conserve and enhance biodiversity; and,*
- *create linkages between green spaces, wildlife sites and corridors."*

8.5 It is the Council's position that the proposal does not appropriately integrate with the natural environment and does not protect the quality of the public footpath M294 that traverses the Appeal Site. This stems from the Landscape and Visual Impact Statement provided by Ms Oxley.

8.6 There is also some recognised harm to the historic environment. This harm is considered in more detail within Policies LP15 and FNP06 which deal specifically with heritage. In line with the NPPF approach to considering heritage assets, the Council and Appellant are in agreement that this represents less than substantial harm (paragraph 10.1 point 9 of the SoCG).

8.7 On the basis of the recognised harm as a result of the proposal, and the 'and' element incorporated into the wording of the policy, moderate conflict with Policy LP 1 occurs.

Local Plan Policy LP3 – Green Belt

8.8 This policy seeks to protect the Green Belt from inappropriate development. Renewable energy developments are considered to be inappropriate development to which substantial weight should be afforded. The proposal directly conflicts with the requirement to protect the open character and appearance of the Green Belt and thus significant conflict with this policy is considered to occur.

Local Plan Policy 14 – Landscape

- 8.9 Although not listed on the decision notice, the impact of the development proposal upon the landscape is of significant importance. Policy LP14 notes that new developments should:

“look 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 which contribute to local character will be protected and enhanced as appropriate.”

- 8.10 In terms of landscaping proposals, this policy notes that new developments should:

“as far as possible, retain existing trees, hedgerows and nature conservation features such as water bodies with appropriate protection from construction where necessary and strengthen visual amenity and bio-diversity through further hard and soft landscaping. The Council will seek replacement or enhancement to such natural features where their loss results from proposed development.

Development proposals should be designed so that existing and new conservation features, such as trees and hedgerows and water bodies are allowed to grow to maturity without causing undue problems, or are not unacceptably compromised by development, for example by impairing visibility, shading or damage.”

- 8.11 It is recognised that there are few existing features of note worthy of protection on site; however, the development seeks to retain the trees and hedgerows that are present and augment these which will strengthen the biodiversity value and quantum

of soft landscaping. This is recognised as a positive attribute of the scheme and in line with Policy LP14.

- 8.12 However, the overarching element of the proposal seeks to ensure that development conserves, enhances and restores landscape character. As noted in Ms Oxley's Statement of Case, and Mr Bainbridge's Hearing Statement of Case for the Appellant (paragraphs 5.75 – 5.81, based upon the findings of the Landscape evidence), some landscape harm will occur. The degree of harm differs between the parties, but substantial harm is noted to still occur in the Council's evidence at Year 15 once proposed vegetative enhancements have matured. As a result, it is considered that there is significant conflict with this policy.

Local Plan Policy LP30 – Built Form

- 8.13 This policy is primarily designed to inform the appearance of buildings. However, it is recognised that ground mounted solar panels represent structures which are considered to be buildings, based upon the Town and Country Planning Act 1990's definition of a building. The Appellant agree with this point at paragraph 5.97 of the Environmena Hearing Statement of Case. Therefore, this policy can legitimately be applied to the development.
- 8.14 Policy LP30 expects all development in terms of its layout, form and density to reflect and reflect the surrounding area. All proposals should:
- a. *“ensure that all of the elements of the proposal are well related to each other and harmonise with both the immediate setting and wider surroundings;*
 - b. *make use of and enhance views into and out of the site both in and outside of the site;*
 - c. *make appropriate use of landmarks and local features;*
 - d. *reflect the characteristic architectural styles, patterns and features taking into account their scale and proportion,*

- e. reflect the predominant materials, colours, landscape and boundary treatments in the area;*
- f. ensure that the buildings and spaces connect with and maintain access to the surrounding area and with the wider built, water and natural environment;*
- g. are designed to take into account the needs and practicalities of services and the long term management of public and shared private spaces and facilities;*
- h. create a safe, secure, low crime environment through the layout, specification and positioning of buildings, spaces and uses in line with national Secured by Design standards;*
- i. reduce sky glow, glare and light trespass from external illumination; and*
- j. ensure that existing water courses are fully integrated into site layout at an early stage and to ensure that space is made for water through de-culverting, re- naturalisation and potential channel diversion.”*

8.15 It is recognised that the design integration is somewhat limited by the necessary appearance and form of the individual arrays. However, the scale of the development, the introduction of regular linear features to a irregular field pattern and its change to the landscape setting means that the proposal does not harmonise with its wider setting. Given the scale of the impacts that will occur (clause a), moderate conflict with this policy is considered to occur.

Local Plan Policy LP35 – Renewable Energy and Energy Efficiency

8.16 Policy LP35 notes 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 impact on landscape quality, sites or features of natural importance, sites or buildings of historic or cultural importance, residential amenity and the local economy.”

- 8.17 It is recognised that there are no site features of merit on the Appeal Site, with the exception of the hedgerows and trees which are to be retained. However, the notable topographic changes of the site are also a feature to consider. The Appeal scheme works with these, which is commended, but this generates the landscape and visual issues as already highlighted. The landscape is not considered capable of accommodating a development of this scale without being significantly affected.
- 8.18 Based against the landscape impact and its harm to the area as a result, the proposal is considered contrary to this Policy. Significant conflict with this policy is considered to occur.

Fillongley Neighbourhood Plan Policy FPN01 – Built Environment

- 8.19 Policy FPN01 seeks to ensure that new buildings do not cause a detrimental change to the overall character of the village, the rural landscape of the parish and the setting of the church.
- 8.20 As with Local Plan Policy LP30 on design, this is a policy founded in ensuring good design to buildings, rather than renewable energy schemes. However, the same principles can be applied in respect of needing to protect the overall character of the area by way of its visual impact.
- 8.21 Specific reference is made in the policy to the impact upon the rural landscape of the parish. As concluded within Ms Oxley's Statement of Case, the proposal will have a substantial impact upon the landscape setting of the parish. Whilst this will not affect the whole parish, it will negatively affect the appearance of the southern part of it, whilst also being visible from some areas to the north of Fillongley village. Whilst the proposal is for a 40 year period, this is still a significant duration and as such the proposal is considered to have significant conflict with this policy.

Fillongley Neighbourhood Plan Policy FPN02 – Natural Environment

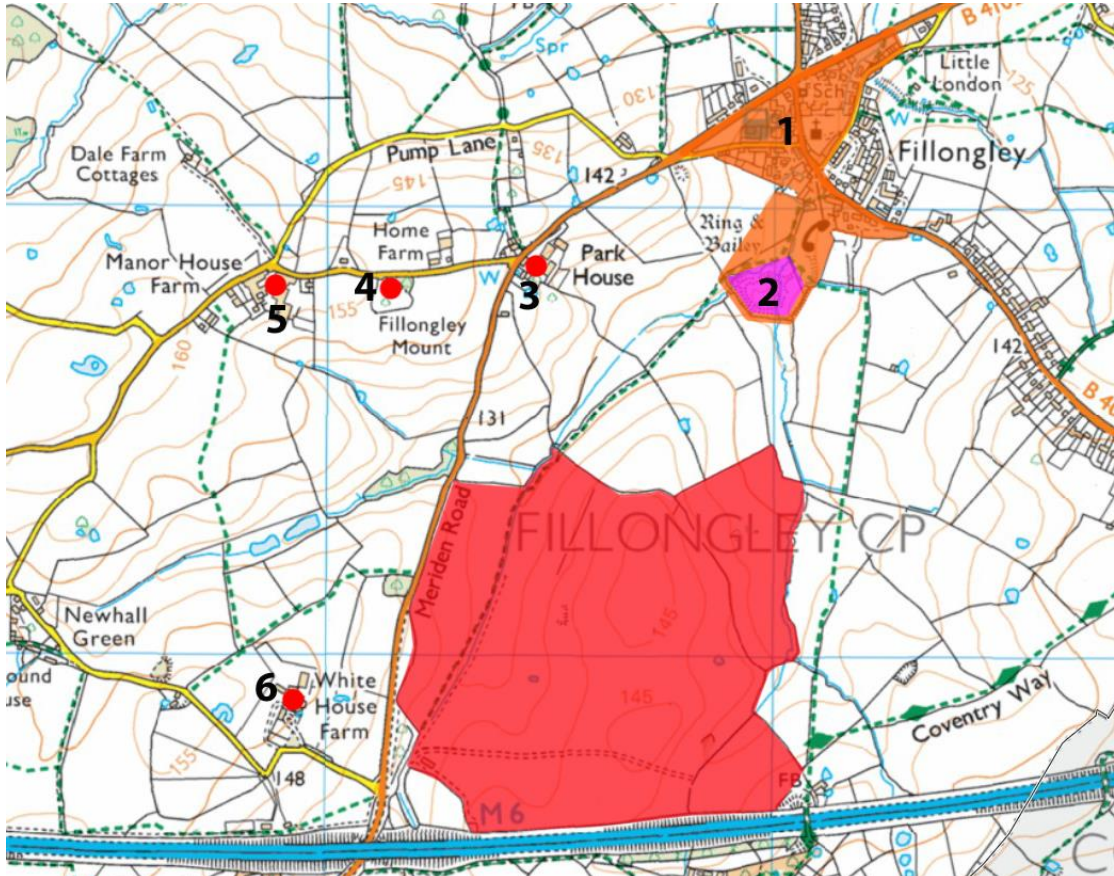
- 8.22 This policy requires development proposals wherever possible to enhance and conserve the natural environment. Proposals will be supported in principle providing they accord with a number of considerations. This includes having no adverse impacts on the visual appearance and important scenic aspects of the village centre and other rural and natural features in the landscape.
- 8.23 Whilst the pre-cursor includes the words ‘wherever possible’, it should not be misconstrued that the content of this policy is optional to comply with. The policy is clear in its intentions to protect the character and appearance of the natural environment within Fillongley Parish.
- 8.24 It is recognised that there may be occasions where some negative attributes of a proposal would occur as a result of a development in respect of the natural environment. However, the provision of 60 ha solar farm on elevated land that is readily visible from the surrounding area and has a massive influence upon the setting of the area cannot be considered to accord with the intentions of Policy FNP02. Significant conflict with this policy is cited.

Other Relevant Development Plan Policies

Local Plan Policy LP15 – Historic Environment

- 8.25 This policy notes the importance of conserving and enhancing where possible the historic environment and the contribution it makes to the character, identity and distinctiveness of the area. The policy dovetails with Section 16 of the NPPF in its aims and the duty placed on the decision maker by the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.26 As recognised in the Planning Officer's Board Report (4 March 2024) at paragraph 4.23 onwards, there are a number of designated heritage assets near to the Appeal Site. The impact upon each of these is considered to be as noted in the Board Report; namely:



Annotated plan showing the heritage assets in respect of the Appeal site

1. Fillongley Conservation Area: less than substantial harm
Located 280 metres to the north of the Appeal Site
Intervening topography, vegetation and physical separation means that intervisibility does not readily occur; only glimpsed views (e.g. of church tower) occur.
2. Scheduled Ancient Monument: 12th Century Ringwork: limited harm
Located 280 metres north of the Appeal Site.

The remaining masonry and earthwork remains of Castle Yard and its associated bailey are only visible in glimpsed views from the northern end of the Appeal Site; the Appeal Site does not contribute to the historic or visual setting of the monument.

3. Park House Farm (Grade II Listed): no material impact

Located 500 metres north of the Appeal Site.

Not part of the same immediate setting and intervisibility is limited. Where visible, it is seen as part of the wider panorama.

4. Fillongley Mount (Grade II Listed): no material impact

Located 440 metres north-west of the Appeal site

Separation distances, topography and road network results in there being no intervisibility.

5. Manor House Farm (Grade II Listed): no material impact

Located 750 metres to the north-west of the Appeal Site.

Very limited if any intervisibility and site plays no part of setting of the asset.

6. White House Farm House (Grade II Listed): no material impact

Located 250 metres to the west of the site.

Upper floors have views over the Appeal Site due to an elevated position. Views are however glimpsed and would see the Appeal Site as part of the wider setting.

8.27 The impact upon these heritage assets are considered to be less than substantial harm. It should be noted that there are other listed buildings within Fillongley, but no harm is considered to occur to these due to a lack of intervisibility with the Appeal site.

8.28 In respect of the impact upon archaeology, it is noted that that land lies within an area of significant archaeological potential. There is potential for pre-medieval remains and

evaluative fieldwork would need to be undertaken. This could be conditioned upon an approval. The approach to dealing with archaeology is agreed with the County Archaeologist and thus less than substantial harm is afforded to this matter.

- 8.29 Overall, the harm to heritage assets needs to be considered within the planning balance. However, in terms of the benefits generated from the collective renewable energy generation benefits are considered to outweigh the heritage harm, when the heritage harm is considered in isolation. It is for this reason that no specific heritage reason for refusal was attached to the decision. Only limited conflict with the heritage policy is considered to occur.

Local Plan Policy LP17: Green Infrastructure

- 8.30 This policy seeks to identify, maintain and enhance Green Infrastructure assets. In this instance, there are no recognised assets that are protected on or adjacent to the site. The scheme does however retain the existing hedges and trees on site, and intends to augment them as appropriate. This can be secured through conditions and the Section 106 legal agreement. As such, the appeal proposal is considered to comply with this policy.

Local Plan Policy LP29: Development Considerations

- 8.31 This policy seeks to meet the needs of current residents and businesses without compromising the ability of future generations to ensure the same quality of life. It sets out 17 points which developments are expected to comply with, covering matters of reusing brownfield land, promoting healthier lifestyles, encouraging sustainable transport, protecting amenity, protecting hydrology and flood risk, protecting mineral reserves, protecting the historic and natural environment and managing the impacts of climate change.
- 8.32 Many of the points contained within this policy are not relevant to this proposal. However, overall the development accords with the intention to protect residential amenity, flood risk and other technical matters. It is also embedded in the concept of

addressing climate change issues through the generation of renewable energy and thus reducing the dependence on fossil fuels.

- 8.33 The only area of conflict is against point 10, protecting and enhancing the historic and natural environment. Harm is identified to both the historic and natural environment, as already outlined above. Limited conflict with this policy is therefore recognised.

Local Plan Policy LP33: Water and Flood Risk Management

- 8.34 This policy seeks to ensure development does not increase flood risk elsewhere, whilst also noting that opportunities to reduce flood risk should be taken. The appeal is considered to accord with this policy, both in respect of the plan determined as part of the planning application, and that subsequently submitted as part of this appeal (reference P007039-09-PlanningLayout_revH). The latter removes the additional ponds included in the application plan, which whilst removing the benefits of additional flood protection to Fillongley, would still accord with Policy LP33.

Fillongley Neighbourhood Plan Policy FNP03: Flooding

- 8.35 The aims of this policy in respect of flooding echo that of Local Plan Policy LP33. No conflict with this policy is therefore considered to occur.

Fillongley Neighbourhood Plan Policy FNP06: Heritage

- 8.36 The aims of this policy in respect of protecting heritage assets echoes that of Local Plan Policy LP15. As noted above, there is less than substantial harm to heritage assets but the benefits overall outweigh the harms. Notwithstanding this, there is limited conflict with the policy due to the identified harm.

Development Plan Compliance/Conflict Conclusion

8.37 By way of a summary, the compliance/degree of conflict with the relevant Development Plan Policies is as follows:

Policy*	Compliance/Degree of Harm
North Warwickshire Local Plan	
LP1: Sustainable Development	Moderate Conflict
LP3: Green Belt	Significant Conflict
LP14: Landscape	Significant Conflict
LP15: Historic Environment	Limited Conflict
LP17: Green Infrastructure	Complies
LP29: Development Considerations	Limited Conflict
LP30: Built Form	Moderate Conflict
LP33: Water and Flood Risk Management	Complies
LP35: Renewable Energy and Energy Efficiency	Significant Conflict
Fillongley Neighbourhood Plan	
FNP01: Built Environment	Significant Conflict
FNP02: Natural Environment	Significant Conflict
FNP03: Flooding	Complies
FNP04: Heritage	Limited Conflict

* Key policies are highlighted in bold.

8.38 There is conflict with North Warwickshire Local Plan Policies LP1, LP3, LP14, LP15, LP29, LP30, LP35 and Fillongley Neighbourhood Plan Policies FNP01, FNP02 and FNP04. The development does not therefore accord with the Development Plan and there is substantive conflict with the Development Plan, by way of conflict with a number of policies. The development should therefore be dismissed on appeal, unless

material considerations indicate otherwise. This planning balance is undertaken below.

9. MAIN ISSUE 4: PLANNING BALANCE

9.1 In line with paragraph 11 of the NPPF, a planning balance should be undertaken to establish whether the benefits outweigh the harms. Given that the site is located within the Green Belt, it also needs to be considered whether these benefits amount to very special circumstances to outweigh the harm to the Green Belt. This is undertaken separately within Section 10.

9.2 In undertaking this assessment, it is recognised that not all benefits and harms are afforded equal importance. Consideration needs to be given to each area by the decision maker to reach an overall decision.

Benefits of the Development

Generation of Renewable Energy

9.3 The UK has signed up to reduce its greenhouse gases by 80% by 2050 compared to 1990 levels (Climate Change Act 2008). The Government's Sixth Carbon Budget report (December 2020) has recommended bringing this forward to a 78% reduction by 2035; this was adopted in 2021. This outlines the Government's intention for a transition towards cleaner, greener energy generation and consumption within the UK.

9.4 The Energy Act 2013 introduced a legislative framework for delivering secure, affordable low carbon energy, decarbonising the industry. The Government reviewed the Energy Act 2013 in March 2022 and concluded that the power sector is vital to meet the UK's net zero emissions target and that renewables will be the foundation of this, alongside the delivery of low carbon generating capacity.

9.5 The National Policy Statements (NPS) also set out an emphasis on meeting net zero by 2050, including through the provision of a significant amount of new energy

infrastructure (paragraph 2.3.4 of NPS EN-1 Overarching NPS for Energy – November 2023).

- 9.6 NPS EN-3 Renewable Energy Infrastructure confirms that the Government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW) and is supportive of solar that is co-located within other functions, including agriculture (paragraph 2.10.10).
- 9.7 These policy documents all seek to support the growth of the energy sector and the need to deliver it to secure a greener future. Other documents such as Powering Up Britain: Energy Security Plan (March 2023) then seeks to ensure that the UK is more energy independent, secure and resilient (page 2).
- 9.8 The provision of renewable energy installations such as the Appeal Site is one piece of the puzzle that assists towards the generation of renewable energy and placing the UK in control of its own energy security, including safeguarding against world politics that affect fuel prices. The Appeal Site represents only a fraction of the infrastructure required and the energy demand to meet future energy requirements for the UK. However, these benefits of renewable energy are afforded substantial positive weight, given the importance placed in addressing the energy crisis in the UK.
- 9.9 This matter has been considered by numerous Inspectors on previous planning appeals, where significant or substantial weight has been afforded to these matters. This includes the Sinton Green solar farm (APP/J1860/W/23/3325112 paragraph 68)(see [Appendix 24](#)), Lullington solar farm (APP/F1040/W/22/3313316 – paragraph 50)(see [Appendix 30](#)) and Harlow solar farm (APP/J1535/W/23/3334690 – paragraph 66)(see [Appendix 31](#)). The position and weight outlined above aligns with these decisions.

Biodiversity Enhancements

- 9.10 The proposal seeks to retain the existing hedgerows and trees on site. These will then be augmented by additional tree planting, plus augmentation of existing hedgerows as necessary along with the planting of additional hedgerows. Overall, the additional planting equates to a 63% increase in habitats and a 26% increase in hedgerow units.
- 9.11 The increase in biodiversity, along with the benefits generated through additional wildlife corridors and appropriate maintenance is considered a notable benefit of the scheme. This is afforded moderate weight, aligning with the view of the Appellant.
- 9.12 The application of moderate weight to delivering Biodiversity Net Gain in excess of the standard 10% has been concluded by other Inspector's for solar farm appeals. This has included the Lullington solar farm which was the subject of a high court judgment (APP/F1040/W/223313316 – paragraph 50)(see [Appendix 31](#)).

Drainage

- 9.13 During the course of the application, the drainage scheme was considered by the Lead Local Flood Authority (LLFA) at the March 2024 board to be acceptable. This design solution effectively matches that of the updated layout plan tabled by the Appellant as part of the appeal (reference P007039-09-PlanningLayout_revH). The LLFAs view of the scheme at March 2024 is relevant as it essentially indicates that the proposed drainage scheme shown on revision H addresses the surface water and flood risks associated with this development, such that it does not increase flood risk elsewhere.
- 9.14 The Local Flood Group's concern during the application lead to the inclusion of additional swales/ponds as part of the scheme that was formally refused by the Council. The inclusion of these swales/ponds represented betterment by the proposal, assisting in hopefully addressing some of the flash flooding that occurs in Fillongley village due to surface water run off. This runs from the M6 down towards the village,

which is at the bottom of the slope. The additional swales and ponds would increase the storage capacity and reduce run off rates.

- 9.15 In terms of the benefit of the scheme to flood risk/drainage, it clearly depends upon the scheme that is to be conditioned. If the latest appeal scheme (revision H) is to be considered, then this essentially offers a neutral impact towards drainage and flood risk. However, the refused scheme represents betterment, and thus is considered to be recognised as a limited benefit.

Economic

- 9.16 The proposal will generate some short-term benefits to the local economy during the construction phase. This will include construction jobs, sourcing of materials and potentially plant/machinery hire. There may also be some local spend by the construction workers, but generally this is lower in rural locations due to the lack of convenient opportunities available.
- 9.17 Once completed, the renewable energy installations on site will need very little on site presence, with it expected to be no more than a few hours each month by a single person. This equates to considerably less than even one employment position. Some agricultural and hedgerow maintenance will be required, but this would occur anyway, and is expected to be undertaken separately to the solar farm operation.
- 9.18 No information has been provided as part of the application or appeal in respect of the cost for construction or the benefits generated to the local area through spend and employment generation. The Appellant's statement makes reference to the overall value of the energy sector, but since the appeal scheme represents just one small part of the whole system to transfer the values and importance of the industry as a whole to a single site would be incorrect.

- 9.19 Given that the financial benefits have not been quantified and the benefits during the construction phase would be negligible, other than assisting in offering security to the cost of electricity within the country (albeit controlled by Central Government), limited weight is afforded to the economic benefits.
- 9.20 This level of weight accords with the conclusions of the Inspector in the Iron Acton solar farm appeal (APP/P0119/w/22/3294810 – paragraph 61)(see [Appendix 28](#)) and the Gotham solar farm appeal (APP/P3040/W/23/3329235)(see [Appendix 21](#)).

Dual Use of Land / Best and Most Versatile Land

- 9.21 The proposal will allow agricultural use of the site to continue in unison with the generation of energy. Currently the site is used for arable farming, which utilises the land in a relatively intensive manner. This cannot occur with a solar farm on the land, and it will thus be transferred to pastoral farming, with livestock grazing the land. This could be argued to reduce the flexibility of the agricultural uses of land and overall productivity (including due to shading of the ground). The design of the scheme would as a matter of principle allow this dual use to occur.
- 9.22 The proposal requires less than 5% of the site to be covered by hardstanding and buildings. This land would effectively be permanently lost, as would the land under new biodiversity planting, but it is relatively small in comparison to the site as a whole and thus has limited impact.
- 9.23 There is a general presumption against development on the Best and Most Versatile (BMV) land, which the NPPF Glossary defines as land within Grades 1 – 3a. The Appeal Site is recognised to be BMV, and thus it should in general be protected from development. Paragraph 180 of the NPPF recognises the need to protect BMV agricultural land. In respect of renewables and low carbon energy, the PPG notes that where greenfield land is included in schemes, proposals should allow for continued agricultural use where applicable (Reference ID: 5-013-20150327 Paragraph 13). This

appeal scheme accords with this aim of the PPG, and thus the use of BMV land in this instance should not be considered contrary to policy or to directly cause harm in this regard.

- 9.24 The appeal scheme is not for permanent fixtures, such that in 40 years time, there is the potential for the site to revert back to just agricultural use. During this time, the less intensive use of the soil will allow it to recover and thus it would be anticipated to be in better condition than it is at present. It has been noted that where additional hedgerow reinstatement has occurred, this may hinder modern approaches to agricultural use in the future, affecting yields as a result.
- 9.25 There are differing opinions from Inspectors as to whether these matters combine to represent limited benefits or harms (see paragraphs 79 – 88 of the Sinton Green Appeal APP/J1860/W/23/3325112 ([Appendix 24](#)) or paragraph 55 of Chelmsford Appeal APP/W1525/W/22/3300222 ([Appendix 32](#)) where the loss of some BMV land is considered a minor harm). In the current appeal, based upon the specifics of this scheme, the dual use of the land / BMV impact is considered to represent a limited benefit.

Harms of the Development

Landscape and Visual

- 9.26 As outlined in Section 6 above, it is considered that the proposal will have a significant impact upon a number of viewpoints around the site, affecting numerous public rights of way. From these viewpoints, the overall rural countryside appearance will be significantly altered, through the provision of extensive rows of solar arrays across 10 fields on rising land that peaks in the centre of the site.
- 9.27 This harm to the landscape and visual setting of the countryside is considered to represent a significant harm.

Openness to the Green Belt

9.28 The impact upon the Green Belt has been considered in detail within Section 7 above. This concluded that the scale of the development and the extent to which the site would be visible and impact upon views across the area, even once additional planting has been established, significant harm to the openness would still occur.

9.29 The fact that the proposal would be present for 40 years and has little associated activity is considered to temper the harm to the lower end of significant.

Heritage Impact

9.30 As considered within the policy compliance section above (Section 8), it is recognised that there would be less than substantial harm to heritage assets. This position is agreed with the Appellant. It is considered to translate into a limited harm associated with the proposal.

Planning Balance Conclusions

9.31 The following benefits and harms are considered to occur as a result of this appeal proposal:

Benefits	Weighting
Generation of renewable energy	Substantial
Biodiversity enhancements	Moderate
Drainage	Neutral/Limited
Economic	Limited
Dual use of land/BMV	Limited

Harms	Weighting
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Landscape and visual	Significant
Openness to the Green Belt	Significant
Heritage	Limited

9.32 The need to deliver renewable energy schemes to meet future requirements is recognised as a nationally important demand. Conversely, the need to protect the countryside for its own sake and the long standing policy protection for Green Belts is also of national importance. In this specific instance, the extent of harm that would be caused by the proposal, due to the land form of the site and surrounding area is considered to be so great that the generation of renewable energy and the other benefits do not outweigh the harms.

9.33 The proposal is contrary to the Development Plan as a whole for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004; there are no other considerations that indicate a decision other than in accordance with the Development Plan should be made.

10. MAIN ISSUE 5: VERY SPECIAL CIRCUMSTANCES TO ALLOW INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT

- 10.1 Local Plan Policy LP3 reiterates the need for inappropriate development within the Green Belt to demonstrate very special circumstances (paragraph 152 of the NPPF).
- 10.2 The Appellant has outlined the very special circumstances as they consider them at paragraph 5.72 of their Statement of Case. These are set out below, with the Council's position on the various matters.

Wider Environmental Benefits of Renewable Energy including:

- **Contribution to radically reducing green house gas emissions (NPPF paragraph 157)**
 - **Valuable contribution to significantly curtailing greenhouse gas emissions (NPPF paragraph 163)**
 - **Minimising vulnerability and improve resilience [to energy supply and security issues] (NPPF paragraph 157)**
 - **Support renewable energy (NPPF paragraph 157)**
- 10.3 These matters are considered in paragraphs 9.3 – 9.8 above which recognises that there is an energy emergency in the UK and that there needs to be additional renewable schemes approved to address this. Stemming from the creation of green energy, there are clear benefits to turning reliance towards clean energy and offering resilience to the system. The conclusion provided that substantial positive weight should be afforded to the wider environmental benefits of renewable energy.
- 10.4 Significant or substantial weight has been afforded to this matter in numerous recent appeal decisions. There is no automatic presumption that the environmental benefits of renewable energy solar farms automatically trump harm to the Green Belt. It needs to be considered on a case by case basis.

- 10.5 Significant harm is considered to occur to the Green Belt in respect of this appeal scheme. This is at the high end of the spectrum and assists in differentiating it from other appeals that have been approved, where the harm to the Green Belt was lower. This includes Harlow Road, Roydon (APP/J1535/W/23/3334690 – moderate harm (paragraph 28)), Kimberton (APP/L3245/W/23/3329815 – slight harm (paragraph 27) and Chelmsford (APP/W1525/W/22/3300222 – moderate harm (paragraph 18).

Providing net gains for biodiversity (NPPF paragraph 180d)

- 10.6 The weight to afford to this benefit has been considered at paragraphs 9.10 and 9.11 to be moderate. This aligns with the view of the Appellant.
- 10.7 Where biodiversity has been notably increased, additional weight has been afforded to it. This included the Harlow Road, Roydon appeal (APP/J1535/W/23/3334690 – see [Appendix 31](#)) where a 70% increase to habitat units and 150% increase to hedgerow units were proposed. Where it is at this level, it supports additional weight being afforded to this benefit. This level of enhancement does not however relate to the appeal site, which differentiates itself from some of the other approved appeal solar farms in the Green Belt.

Achieving multiple benefits from land uses and achieving net environmental gains (NPPF paragraph 124)

- 10.8 This is considered within paragraphs 9.21 to 9.23 above, concluding that this represents a limited benefit. A dual use will occur for the land, but the flexibility of the agricultural use of the land will be reduced for the 40 years that the solar arrays are in situ, yields will effectively be reduced, and a small percentage of the site will be lost from BMV due to the construction of buildings and access roads. These temper the benefit afforded to this, whilst it should be noted that in respect of the loss of BMV land, some Inspector's have considered this as a minor harm overall (e.g. Sinton Green

(APP/J1860/W/23/3325112 – paragraphs 79 – 88 (see [Appendix 24](#)) and Chelmsford (APP/W1525/W/22/3300222 – paragraph 55 (see [Appendix 32](#))).

Achieving Good Design (NPPF paragraph 135 and NPS EN1 paragraph 4.7.2)

- 10.9 The scheme has sought to retain the existing vegetation on site, and provide new planting to reduce the visual impact of the development. However, the overall layout generates one that is dominated by solar arrays, many of which will still be clearly visible even with the additional mature planting due to the position of the public access routes and the topography of the land.
- 10.10 The layout is also questionable in places, where hedges along footpath M294 appear to have been added as an after thought and the offset provided elsewhere between planting and the arrays have disappeared. This will inevitably cause a reduction in sunlight to the arrays closest to the hedge, whilst there may also be issues over maintenance of the hedges.
- 10.11 The scheme has evolved since the initial submission, enabling the vegetation, which is primarily located around the edges of the site to be maintained. This evolution has occurred through discussion with the Council but there are still in-built inherent issues that cannot be readily resolved due to the topography of the land. Limited weight can be afforded to this matter given the issues that still occur as a result of the development on the landscape and Green Belt.

Economic, Social and Environmental Objectives (NPPF paragraph 8)

- 10.12 This is phrased to cover the whole planning balance ingrained within the NPPF. As already captured above in Section 9, the benefits are not considered to outweigh the harms, and thus to suggest that these same benefits would then represent very special circumstances to allow the appeal would be counterintuitive. Appropriate weight is afforded to the various merits of the case, but these are not considered to amount to

very special circumstances. The proposal overall does not accord with the exception to allow inappropriate development in the Green Belt.

Very Special Circumstances Conclusions

10.13 Proposals for solar farms in the Green Belt need to all be considered on a case-by-case basis, with examples of such proposals being dismissed by Inspectors despite the substantial weight towards the delivery of green / renewable energy and the associated benefits to the grid/energy stability. The key differences relate to the specifics of the site.

10.14 In this instance, the topography of the site and surrounding area results in a development that will retain a high level of landscape and visual harm to the area and Green Belt. This occurs due to the crest of the hill running across the centre of the site. The proposed vegetative enhancements do not adequately mitigate this harm and as such has a significant lasting impact upon the area for the lifetime of the development. The benefits of the scheme are not considered to amount to very special circumstances in order to outweigh the in principle conflict of inappropriate development in the Green Belt.



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