


PAP/2021/0605

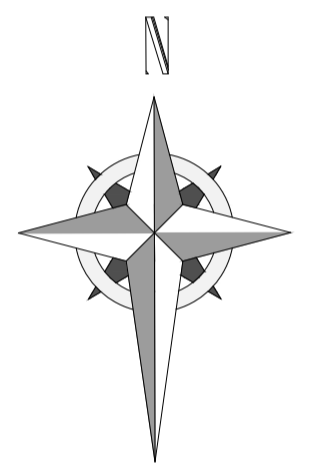
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Revisions:

Revision	Date	Revision Notes	Drawn	Inspected
01	01.10.21	First Issue	MC	TD
02	05.10.21	Change to Red Line Boundary	MC	TD
03	11.10.21	Change to Red Line Boundary	MC	TD
04	14.10.21	Change to Red Line Boundary	MC	TD
05	18.10.21	Change to Red Line Boundary	PE	TD

LEGEND:  
 PROPOSED SITE

NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
**RECEIVED**  
 26/10/2021  
 PLANNING & DEVELOPMENT  
 DIVISION



Total RLB Area: 22.68 Ha

Project:  
**Corley Solar Park**  
 Smorrall Lane, Astley CP  
 Warwickshire, CV7 8AT



IPV Flexgen Limited  
 Nelson House, 2 Hamilton Terrace,  
 Leamington Spa  
 CV32 4LY  
 Tel: +44(0)1926 911282



CADmando Design & Drafting Solutions Ltd  
 The Long Barn, The Courtyard, Severn Drive, Tewkesbury  
 Business Park, GL20 8GD  
 Tel: +44 (0) 1684 850919  
 Mob: +44 (0) 7814436910

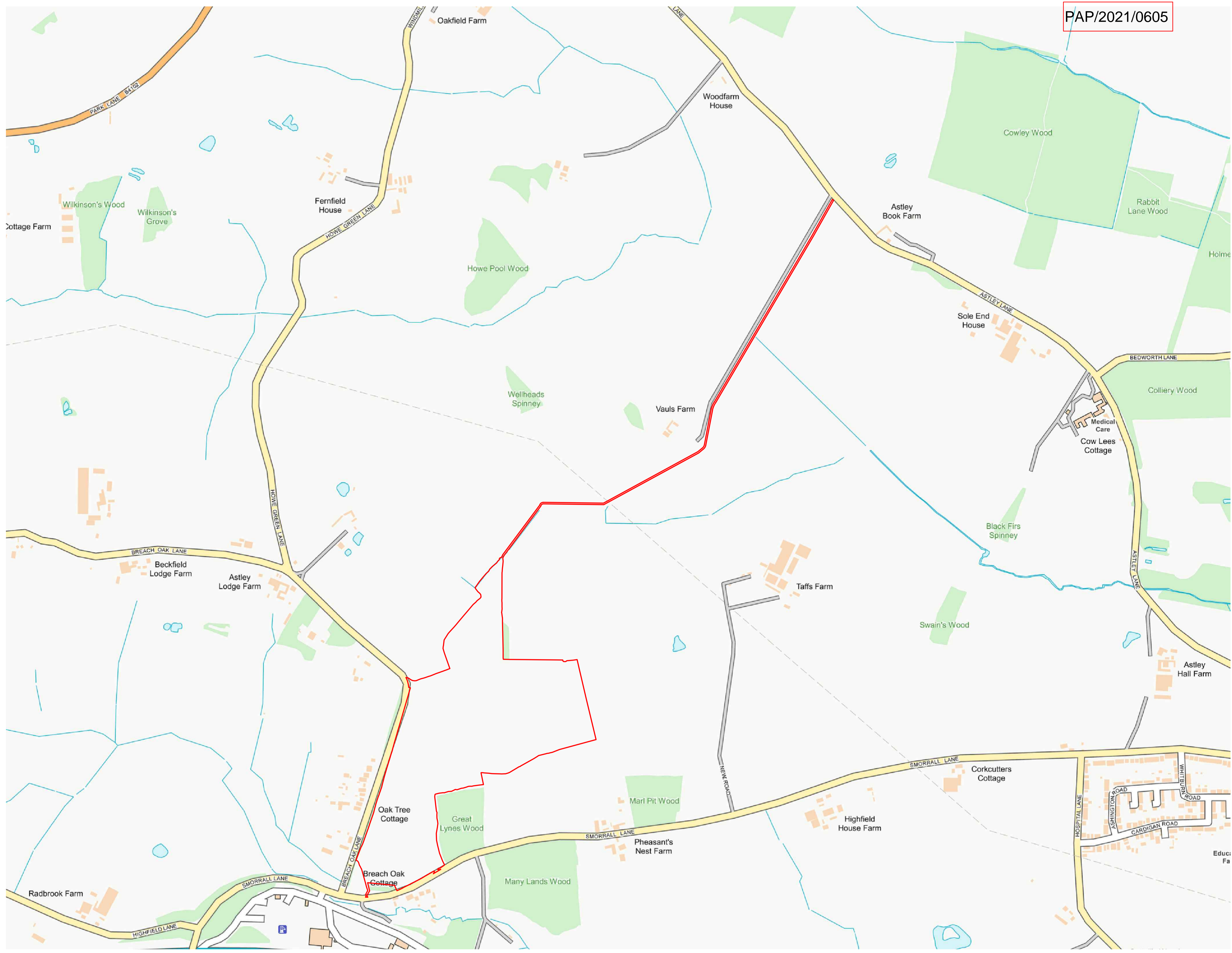
Status:  
**PLANNING**

Drawing Title:  
**SITE LOCATION PLAN**

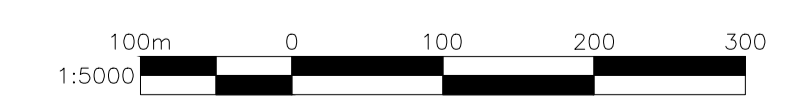
Drawn: MC      Checked: TD      First Issued: 01.10.2021

Project Code: PV1002-      Drawing Number: SP-03

Sheet Size: A1      Scale: 1:5000      Revision: 05



**1 CORLEY SITE LOCATION**  
 Scale: 1:5000@A1



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Revisions:

Revision	Date	Revision Notes	Drawn	Inspected
01	17.05.21	First Issue	RW	TD
02	18.05.21	Revised	RW	TD
03	18.05.21	PROW updated, Panels updated	RW	TD
04	14.09.21	Fence lines & Access Tracks Updated, Panels Updated	MC	TD
05	27.09.21	Battery compound updated and DNO sub relocated, Panels updated to suit	RW	TD
06	28.09.21	Battery compound updated, DNO sub & Customer Sub relocated, EMS added, Panels updated to suit	JS	TD
07	29.09.21	Battery compound updated, DNO sub & Customer Sub relocated, EMS added, Panels updated to suit	MC	TD
08	01.10.21	Amendments to Vegetation and Fence lines, Panels updated	MC	TD
09	04.10.21	Update Track at Customer Substation	MC	TD
10	05.10.21	Amended Access Gates and Proposed Vegetation	MC	TD
11	06.10.21	Amended Access Gates and Red Line Boundary	MC	TD
12	14.10.21	Amended Layout	PL	TD
13	22.04.22	Amendments to Annotation	JM	TD

LEGEND:

	PROPOSED SITE
	NEW 10M SITE ACCESS
	PERIMETER FENCELINE
	ATTENUATION POND FENCELINE
	FOOTPATH

SITE INFRASTRUCTURE:

	PV SOLAR PANEL MODULES		SOLAR INVERTERS
	TRANSFORMER		BATTERIES
	DNO SUBSTATION		CUSTOMER SUB
	ATTENUATION POND		SPARES CONTAINER
	SECURITY GATE		ENERGY MANAGEMENT SYSTEM
	EXISTING FIELD GATE		

SERVICES:

	ELE		HV		ELE		OH ELEC CABLE		ELE		HV		ELE
	CABLE ROUTE												

VEGETATION:

	EXISTING VEGETATION		PROPOSED VEGETATION
	PROPOSED TREE PLANTING		

NORTH WARWICKSHIRE BOROUGH COUNCIL  
**RECEIVED**  
22/04/2022  
PLANNING & DEVELOPMENT DIVISION

Project:  
**Corley Solar Park**  
Smorall Lane, Astley CP  
Warwickshire, CV7 8AT

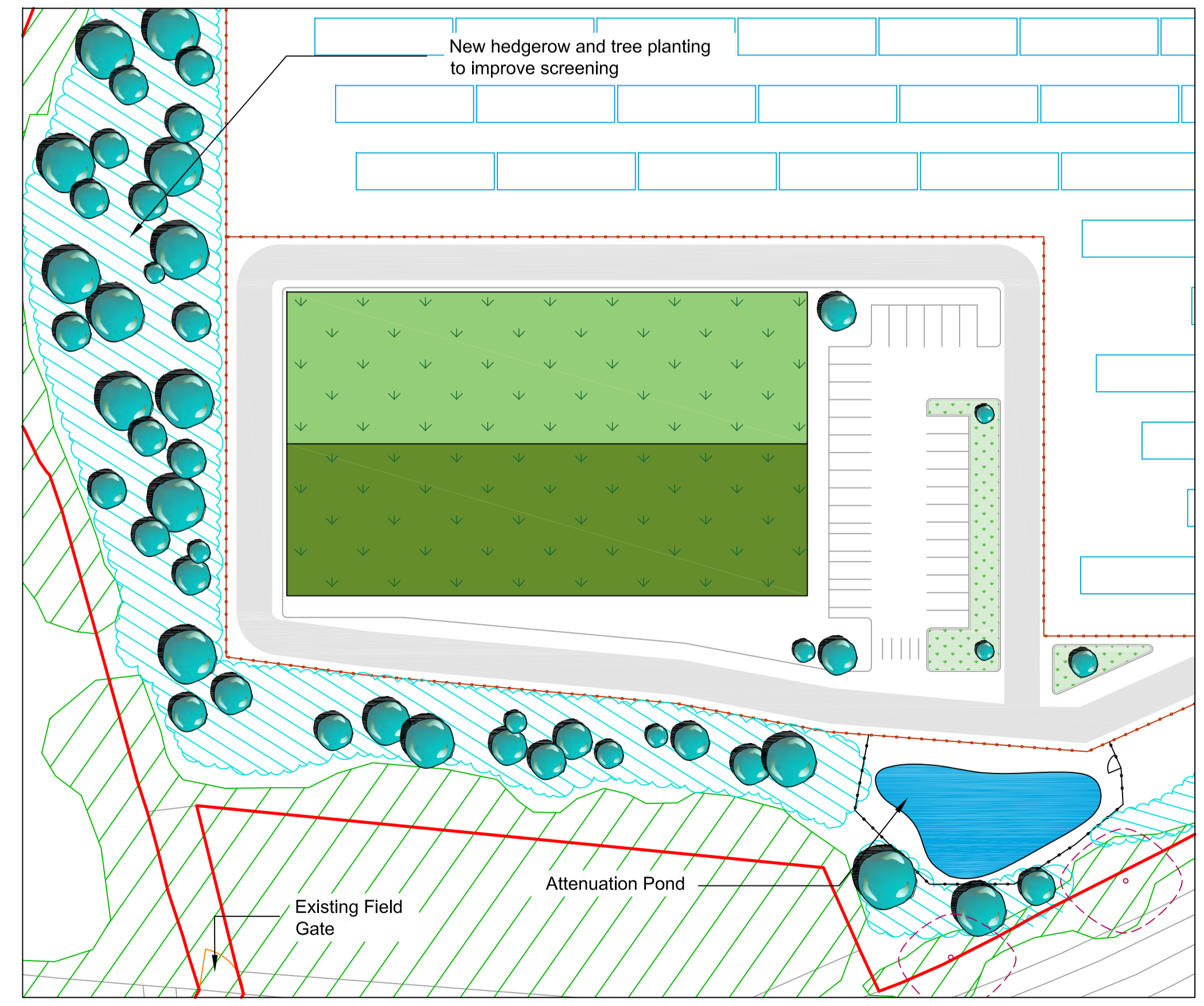
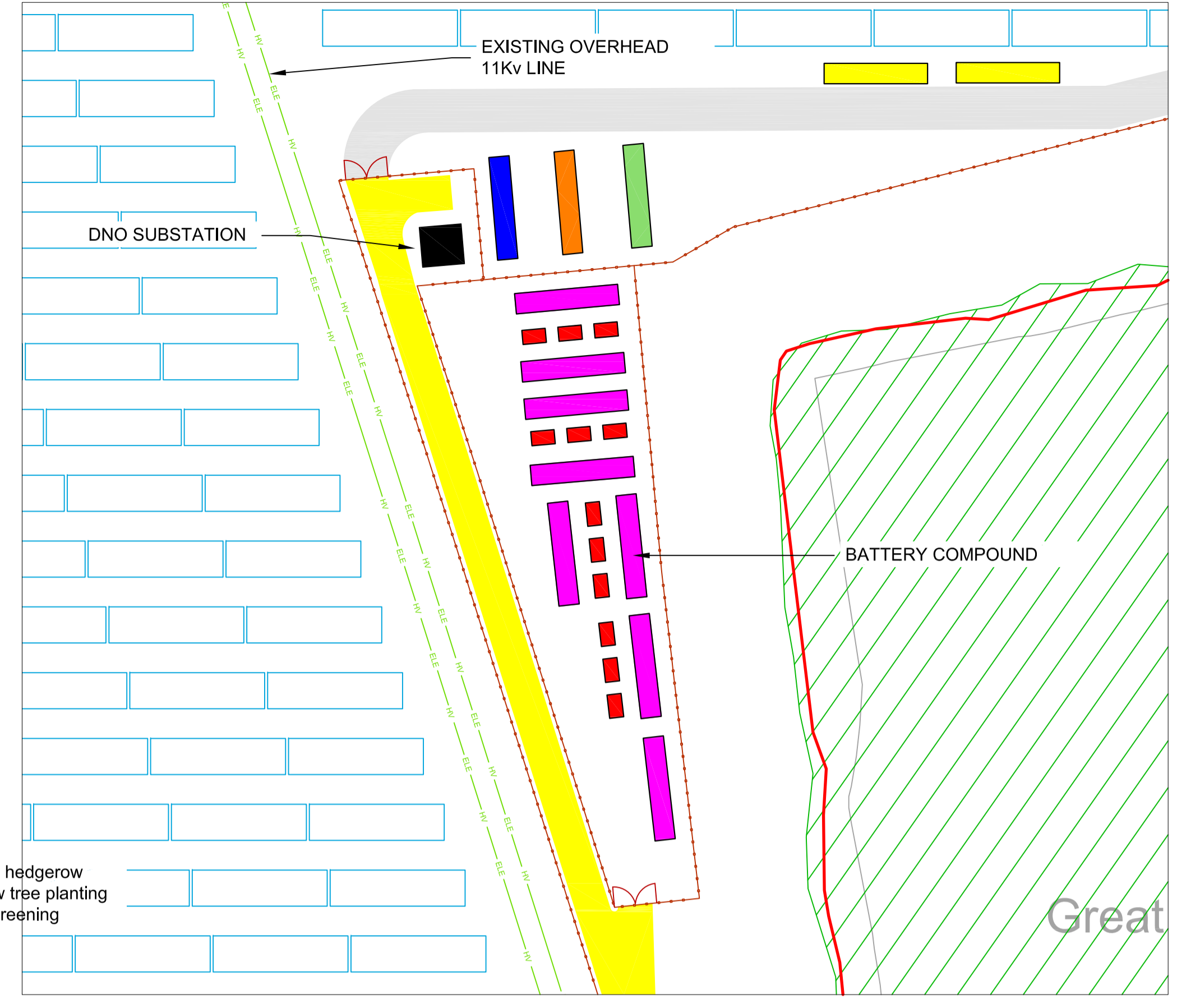
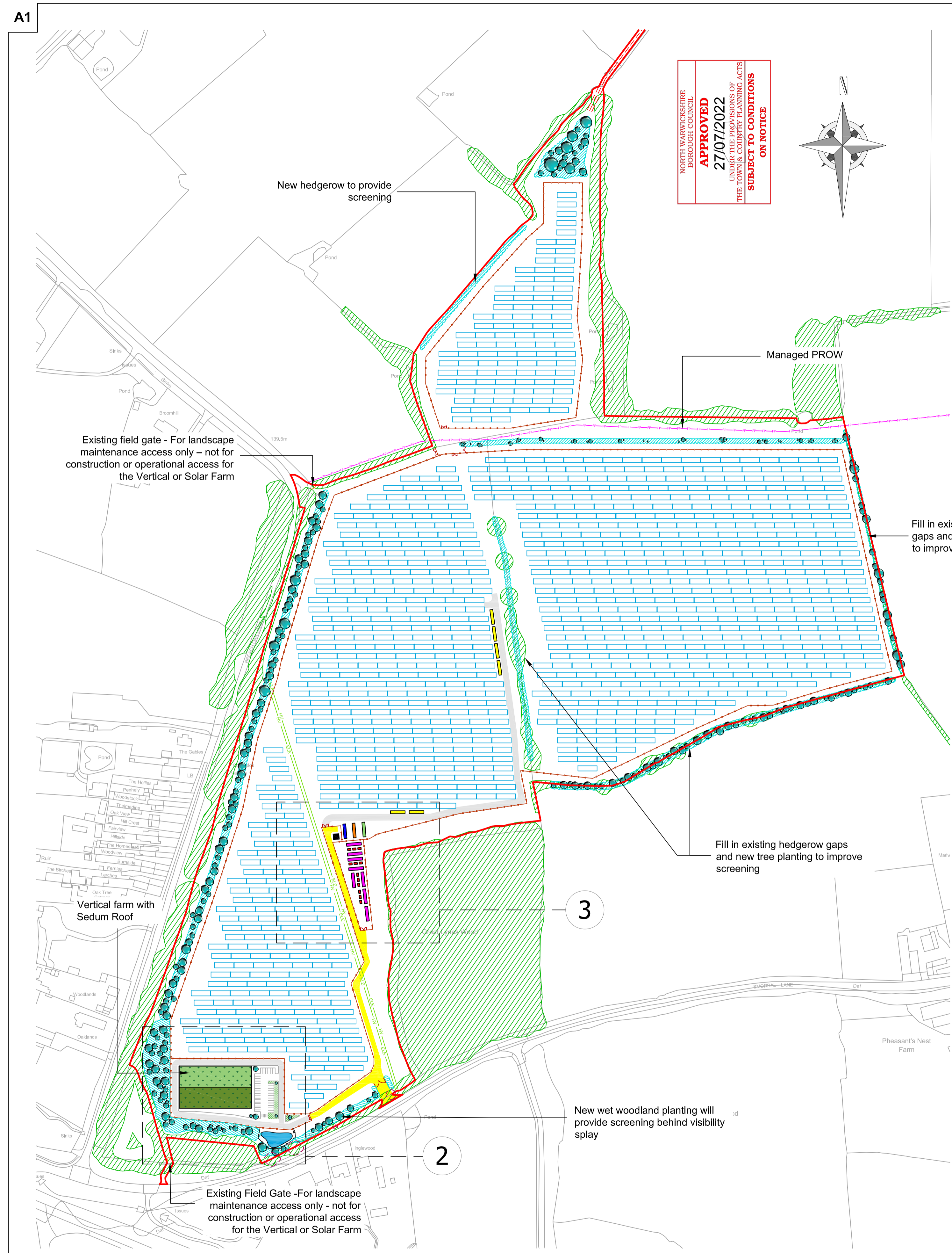
IPV Flexgen Limited  
Nelson House, 2 Hamilton Terrace,  
Leamington Spa,  
CV32 4LY  
Tel: +44(0)1926 911282

Drawn by:  
  
CADmando  
2D, 3D CAD & BIM SERVICES  
CADmando Design & Drafting Solutions Ltd  
The Long Barn, The Courtyard, Severn Drive, Tewkesbury  
Business Park, GL20 8GD  
Tel: +44 (0) 1684 850919  
Mob: +44 (0) 7814436910

Status:  
**PLANNING**

Drawing Title:  
**SITE LAYOUT PLAN**

Drawn: RW	Checked: TD	First Issued: 17.05.2021
Project Code: PV1002-	Drawing Number: PL-03	
Sheet Size: A1	Scale: A.N	Revision: 13



## **General Development Applications**

**(5/f) Application Nos: PAP/2021/0605 and PAP/0651**

**a) PAP/2021/0605**

**Land 350 metres north-west of Marlwood Bungalow and Land east of Breach Oak Lane, Corley, Smorrall Lane, Astley**

**The construction of an agricultural building, renewable energy generating station comprising ground mounted photo-voltaic solar arrays together with substation and inverter/transformer station, grid connection infrastructure, grid cable route, battery energy storage, site accesses, access gates, car parking, attenuation pond, internal access tracks, security measures, other ancillary infrastructure, landscaping and biodiversity enhancements for**

**The Barrs Family Enterprises Ltd**

**b) PAP/2021/0651**

**Land North off Park Lane Farm, Park Lane, Astley**

**Construction and operation of a solar PV farm and battery storage plus ancillary infrastructure and equipment, landscaping and access for Park Lane for**

**TOR Energy Solar Ltd**

### **1. Introduction**

1.1 The receipt of these two applications was referred to the Board in January. Both sites are in the same area of the Borough and thus the possibility of cumulative impacts will be a material planning consideration. The last report is attached for convenience at Appendix A.

1.2 Members have visited both sites and a note of these is attached at Appendix B.

1.3 The publication of the Government's "British Energy Security Strategy" of 7<sup>th</sup> April 2022, is a new planning consideration to be placed in the final planning balance here.

1.4 Members will be aware of the 2009 Direction, where there has to be referral to the Secretary of State, subject to conditions, in the event that a Local Planning Authority is minded to support inappropriate development in the Green Belt. Both proposals would fall under the terms of this Direction.

1.5 In order to assist Members, the matters which the applicants consider are the considerations which amount to the "very special circumstances" necessary to support the cases, are outlined in Appendices C and D.

1.6 Each application will be dealt with on its own merits, but each will also need to look at any cumulative impacts. Members are reminded that they should not "compare" the two cases, nor express any preferences. Similarly, a decision on one application does not mean that the same decision has to be made on the second.

1.7 The Smorrall Lane /Breach Oak Lane will be dealt with first as it was submitted before the other case.

## **2. Development Plan**

2.1 The relevant parts of the Development Plan and the policies within them are the same for both applications and are recorded in Appendix A. They will not be repeated in this report. There have been no changes since the January Board.

## **3. Other Material Planning Considerations**

3.1 Similarly the same material planning considerations as set out in Appendix A apply and will not be repeated. Reference has already been made to the April 2022 Supply Strategy in para 1.4, which will now apply in both cases.

## **4. PAP/2021/0605 - Smorrall Lane/Breach Oak Lane**

### **a) Consultations**

National Highways – No objection

Coal Authority – No comments but refers the applicant to Standing Advice

Western Power Distribution – No comments but offers advice to the applicant  
Warwickshire County Council as Highway Authority – No objection following the receipt of further details including a Road Safety Audit and subject to conditions.

NWBC Tree Officer – No objection

Warwickshire County Council as Lead Local Flood Authority – No objection subject to conditions after the receipt of further information.

Warwickshire County Council (Rights of Way) – No objection subject to advice about the local network

Warwickshire Fire and Rescue Service – No objection subject to conditions

NWBC Environmental Health Officer – No objection subject to conditions

Birmingham Airport – No objection

### **b) Representations**

Corley Parish Council has objected referring to the following matters:

- This is inappropriate development leading to an unacceptable loss of Green Belt especially when HS2 is taking land.
- It's too close to properties in Breach Oak Lane
- Adverse health and safety impacts
- Adverse impacts on wildlife, public rights of way and road traffic safety
- Adverse impacts on adjoining woodland
- Light and Noise Pollution
- The green credentials of solar panels are not proven
- Other locations should be developed first

72 letters of objection have been received from local residents referring to:

- health and well-being implication on the community.
- Potential health issues arising from the battery storage units
- Fire Safety issues
- Residential properties are too close
- There will be an impact on users of the rights of way
- There will be an adverse impact on wildlife
- Traffic will increase and there will be safety issues as well as extra disturbance from the new building
- There will be loss of Green Belt land and open countryside

22 letters of support have been received referring to:

- The UK has a legal agreement to cut greenhouse gases and COP26 set out the need for renewable energy
- There is minimal visual impact due to landscaping
- Solar panels are non-polluting
- It will allow the land to "rest" after years of farming
- It will aid wildlife with bio-diversity gains
- The farm will create jobs and will be home grown food.
- It will help with the move to electric vehicles

Ramblers (Warwickshire Area) – It objects. Although it is acknowledged that the proposal affects neither of the two footpaths here, they are concerned about the loss of countryside protection and loss of Green Belt openness citing the NPPF. Whilst it accepts that there is climate change benefit, it considers that large scale industrial scale solar arrays pose a far more immediate and serious threat to the landscape than will any hazard from climate change within the 40-year life span of the installation.

CPRE – It objects on the following grounds:

- It is inappropriate development in the Green Belt.
- Brownfield sites should be considered first
- The scale is out of all proportion to the rural nature of North Warwickshire

- Infrastructure requirements should be incorporated into new development rather than through proposals such as this.
- There will be a cumulative impact
- A 40-year life is not considered to be temporary.
- Traffic issues

### **c) Observations**

#### **i) Green Belt Harm**

4.1 The site is in the Green Belt. Members will be aware that the construction of new buildings is defined by the NPPF as being inappropriate development in the Green Belt. This would include the construction of all of the structures connected to the solar farm included in this proposal, as well as the agricultural building. As such, this proposal is harmful, by definition, to the Green Belt and should not be approved except in very special circumstances. The NPPF however explicitly exempts agricultural buildings from this definition, and in respect of “renewable energy projects”, it says that many of the elements of these projects will comprise inappropriate development, and thus the applicant has to demonstrate very special circumstances if such projects are to proceed. The NPPF continues by saying that such circumstances, “may include the wider environmental benefits associated with increased production of energy from renewable sources”.

4.2 The NPPF therefore says that agricultural buildings are not inappropriate development in the Green Belt. As such, if this application was solely for the building as proposed, the presumption would be that it should be approved, unless there are shown to be significant other adverse impacts. Potential impacts are considered below, but the agricultural building should be treated as being appropriate development in the Green Belt.

4.3 Turning then to the “renewable energy project”, the NPPF says that elements of these projects will comprise inappropriate development, but this definition not conclusive. This needs to be resolved from the outset. In this case the various elements associated with the proposal – the fences, panels, substations and columns – are all built development and because of the size of the proposal, there is an underlying premise here that this can be reasonably said to constitute inappropriate development. In order to confirm this, it is necessary to see if the proposal preserves the openness of the Green Belt and whether it would conflict with the purposes of including land within it. Members will be aware that there is no definition of openness in the NPPF, but Government Guidance provides four factors to look at. In respect of the first, then spatially, the proposal is large in terms of ground cover and there is also some height to many of these structures. The setting is within open countryside but not wholly, due to the presence of the Motorway and other nearby built development – the houses in Breach Oak Lane and in Smorrall Lane. Former field boundaries have been removed on the site, although not on surrounding land. The land-form here is one of a site sloping towards the south with the highest land being in the north-east corner of the site. This effectively means that the site sits in a shallow “bowl”. There are strong hedgerows along the western and southern boundaries with partial cover to the north. There is woodland immediately to the east and in the north-eastern corner. The proposal would introduce new built development into this setting. However, despite its size, the new development structures are low in height; the existing boundary hedgerows are to be retained as are the surrounding woodland blocks. Because of the topography, the site is

also self-contained and appears as a “compartment” on its own. Given that the proposal includes hedgerow and tree enhancement, the spatial impact on openness would be local in extent, not impacting on the wider landscape. The second factor is a visual one. Here there would be a visual impact from neighbouring residential property because of its proximity on the other side of the western boundary and along Smorrall Lane. There would also be a visual impact as the proposal would be visible from the public domain not only from the two bounding roads, but also from the footpath that runs along the northern boundary. Again because of the topography, these impacts would be local rather than affecting wider visibility. Whilst the impact from the footpath would be transitory, that from residential property would not and this would be adverse. In terms of the third factor then there would be very little activity associated with the proposal once operational. Activity would thus be akin to that associated with the current agricultural use of the site. However, when taken together with the new agricultural building, there would be an increase in activity – both human and vehicular – as well as associated noise and light. Overall, there would be a material increase over and above use as an agricultural field. Finally, the proposal is not permanent, albeit the “life” is said to extend to 40 years. In all of these circumstances, it is considered that the openness of the Green Belt would not be preserved. Additionally, there would be some conflict with one of the purposes of including land within the Green Belt – ie. safeguarding the countryside from encroachment. The applicant has undertaken his own Green Belt Assessment and concludes that there would be “very limited” harm to this purpose because of the site being effectively self-contained. This is considered to be a generous assessment given the overall size of the proposal, that this proposal would add to built development and introduce regular activity into the area and the fact that this is not a countryside use. In conclusion therefore, the proposal does constitute inappropriate development and substantial weight has to be given to this definitional harm. However, the actual Green Belt harm caused is moderate rather than substantial for all of the spatial, visual and activity reasons set out above.

## **ii) Landscape Harm**

4.4 The site is within the “Church End to Corley (Arden Hills and Valleys)” Landscape Character Area as defined by the 2010 North Warwickshire Landscape Character Assessment and Study. This is described as being “an elevated farmed landscape of low, rounded hills, steep scarps and small incised valleys. This landform combined with extensive hilltop woodland and tree cover creates an intricate and small-scale character, punctuated by numerous scattered farms and hamlets”. It continues by saying that “the majority of the character area is deeply rural and the tranquil Ancient Arden Landscape is apparent in the complex pattern of woodland, former wood pasture and heath, frequently sunken hedged lanes and scattered farms and hamlets”. Additionally, “To the south of Ansley and New Arley, numerous hedgerow trees around larger semi-regular arable fields, combine to provide a sense of Parkland character towards Arbury Park located just to the east within the Nuneaton and Bedworth District”.

4.5 The previous report at Appendix A identified the applicant’s conclusion that following an Impact Assessment, there would be local landscape impacts rather than broad landscape impacts. This is because of the topography of this sloping site which tends to separate it from the surrounding wider area and link it more to the built development to the west and south. The impacts would become discernibly less beyond this immediate area. Mitigation measures are proposed so as to reduce this local impact further through the enhancement of existing hedgerows – particularly along the western and

southern boundaries – as well as new tree planting. This overall assessment is generally agreed. However, the landscape impact has to take into account the whole development – that is, including the new building. The site is not within a wholly rural setting and there is a clear southern facing slope to the site. Members saw this on their visit. The landscape here would thus be less sensitive to change. However, whilst there will clearly be change introduced through this proposal, that is not considered to be significant. This is because the solar farm development here is not of significant height; it is spread throughout a self-contained area because of the topography and there are strong hedgerow boundaries which would not be altered. The agricultural building is low in height and is to be located within the south-western corner where there is greater hedgerow and woodland cover. This too is closest to established built development and so is not a free-standing location. The landscape is capable of enhancement too through the proposed mitigation measures which will strengthen the overall landscape character.

4.6 Local Plan policy LP14 says that development should “conserve, enhance and where appropriate restore landscape character”. Additionally, “new development should as far as possible retain existing trees, hedgerows and nature conservation features such as water bodies and strengthen visual amenity through further landscaping”. The proposal does not fully accord with these objectives. However, it is considered on balance, that the overall harm caused to the wider landscape would be local and thus “limited”.

### **iii) Visual Harm**

4.7 The applicant’s assessment comes to a similar conclusion in respect of the visual impacts, for the same reasons. Looking first at the public footpath that runs along the northern boundary – the M 334. Whilst this path does pass through the site, any visual impact would be transitory. Landscape enhancement would reduce, but not remove this impact. It is also likely that the southern parts of the site would be visible by drivers using Smorrall Lane particularly because of the sloping site and the creation of the new access and the new farm building. Drivers using Breach Oak Lane would, even with enhanced planting, have glimpses of the solar arrays and the new farm building would be discernible at the junction with Smorrall Lane. It is agreed that the site presently is visible from the residential properties along the length of the western boundary even with the strong hedgerow here. The proposal is to widen and to enhance this boundary, such that over time there will be less visibility. Residual impacts will however still be likely to be present, particularly in the winter months. There will be greater visibility in the southwestern corner because of the presence of the new agricultural building and its associated yard and activity. Mitigation measures can reduce all of these impacts, but overall, the impact on the visual amenity of the area would be considered to be moderate.

### **iv) Heritage Impacts**

4.8 There are a number of matters to consider here. Members will be aware that heritage harms are defined by the NPPF as being “substantial”, “less than substantial” or no harm. An assessment of the heritage impacts has to be considered in this context.

4.9 The Council is under a Statutory Duty to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area in the



determination of an application within such a designated Area. The nearest Conservation Area to this application site is that in Fillongley. Because of the separation distances and the intervening topography there is no inter-visibility with that Area or any of the buildings within it such that there is no heritage harm caused to its character or appearance.

4.10 The Council is also under a Statutory Duty to have special regard to the desirability of preserving a Listed Building, or its setting or any features of special architectural or historic interest which possesses. There are a number of designated buildings in the vicinity – Breach Oak Farmhouse, Holly Farmhouse and Corley Hall – all Grade 2 Listed Buildings apart from the Hall which is Grade 2 star. These are respectively 300, 800 and 800 metres distant from the application site boundary. There is no direct impact on their architectural and historic fabric, or the special attributes of these buildings as a consequence of the proposals. The main issue is whether it impacts of their setting. It is considered not – even when treated together - because of the limited “setting” around each of these individual sites; the intervening built development, topography and tree cover. As such there would be no harm.

4.11 Arbury Hall and its Park are also heritage assets further to the north. These are of high value – the Hall having a combination of Grade 1, 2 star and 2 Listed Buildings with the Park and Garden being registered as Grade 2 star. Again, there is no direct impact on any of these assets, because of the significant separation distances and intervening topography. The assessment again rests on whether there is any harm caused to the setting of this group of high value assets. It is considered that no harm would be caused because of the substantial buffer of open countryside between the site and the boundary of the Registered Park here. Essentially, this site is visually and topographically linked to the landscape of the valley through which the line of the Motorway passes and not to the “parkland” buffer around the Park to the north.

4.12 There is an Ancient Monument – Corley Camp Hillfort – some 1.2 kilometres to the south on the other side of the Motorway. There is no direct impact on this asset. Much of its significance however lies in its location within the landscape overlooking the small valley here. That will not be substantially harmed as the overall landscape form would not be affected by the proposal and enhanced planting within the site would mitigate any visual connections.

4.13 Finally, it is necessary to look at whether there would be any direct impact on the heritage value of the site itself. The applicant says that the character of the boundaries, historic land use and location relative to other settlements suggests that the area is marginal in terms of archaeological potential. He concludes from his initial survey work and examination of the Historic Records that the archaeological potential of the site is low with any already identified features likely to reflect medieval and post-medieval agriculture. He does say however that earlier pre-historic and Romano-British features cannot be ruled out. He has undertaken some limited trial trenching on the site – three trenches spread at the southern end of the site where the access and new agricultural building are to be located. The results show no features and there were no “finds”. He also concludes from the thin topsoil and the underlying stiff silt clay that historic arable use is unlikely. He therefore concludes that there would be less than substantial harm caused.

4.14 The Warwickshire County Planning Archaeologist disagrees – see Appendix E. On receipt of the application, he lodged an objection to the proposal requesting an evaluation of the whole site with a 4% trial trench coverage before any determination was made. He says that whilst the applicant's evidence at that time was welcome, the potential for archaeological deposits was still unknown. Notwithstanding the applicant's reluctance, as indicated above he did complete a 0.12% coverage, with the trenches being located in the southern part of the site where the major new development would be located. The results were forwarded to the County Council by the applicant, but the County's response was that the coverage was too minimal to come to any conclusions about the site as a whole as they only covered a specific part of the site. The evaluation was not therefore "meaningful" in order to understand the full potential of the whole site and that the lack of existing records is not a reason not to undertake a full evaluation. He refers to the NPPF and to Local Plan Policy LP15 in support of his position and considers that it might be appropriate to recommend refusal unless a 4% coverage is undertaken pre-determination.

4.15 For the benefit of Members:

> Policy LP15 says that "the quality, identity, diversity and local distinctiveness of the historic environment will be conserved or enhanced. All development proposals that affect any heritage asset will be required to provide sufficient information and an assessment of the impacts of those proposals on the significance of the assets and their setting."

> Paragraph 194 of the NPPF says that "In determining applications local planning authorities should require an applicant to describe the significance of any heritage asset, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation".

4.16 The Board is thus confronted with an unresolved objection from the County Archaeologist.

4.17 Local Plan policy LP15 refers to "sufficient information" in order to make an assessment. The NPPF says too that the level of detail should be "proportionate to the asset's importance" and "no more than is sufficient to understand the potential impact". It is matter of planning judgement as to whether the Board has sufficient and proportionate information in this case to understand possible impacts, rather than there being a need to have a complete archaeological understanding of the whole site. On the balance of probability, it is considered that there is in this case. The reasons are that the applicant did consult the County Historic Records; did undertake a walkover survey and has undertaken some trial trenching. These combine to suggest a limited archaeological potential. When taken together with the likelihood of possible sub-surface "damage" that might be caused by the low level structures here – the panels - and the nature of the topsoil and substrata, it is considered that a proportionate response is to recommend further pre-development evaluation through planning conditions. If there are features or "finds" discovered through that additional trial trenching, then appropriate mitigation can

be undertaken – including not developing part of the site. This would be at the applicant's "risk".

4.18 It is thus considered that there is unlikely to be a significant impact here and that the use of planning conditions can satisfy Local Plan policy LP15.

#### **v) Ecology**

4.19 There are no statutorily designated nature conservation sites affected, but there are four non-statutory sites within two kilometres of the site – Newdigate Colliery, Colliery Wood, Cowley Wood and Woodland Buffers – all to the northeast of the site. Due to the separation distances and the nature of the development it is considered unlikely that there would be a direct or indirect adverse impact of these sites.

4.20 It is agreed with the applicant that the site is intensively managed arable land with external hedgerow and woodland boundaries. The ecological value is thus not high. The proposals retain native hedgerows around the site and there is no loss of any of the surrounding woodland blocks. As a consequence, there will be little ecological impact. However, the mitigation measures proposed will lead to a bio-diversity gain through providing enhanced boundaries by widening the established hedgerow along Breach Oak Lane with a planting strip varying between 10 and 15 metres; providing similar corridors and through the inclusion of an attenuation basin towards the south of the site. The land in between and around the panels will be grazed and because of the lack of agricultural activity, the soils will be improved.

4.21 Further survey work can be conditioned in respect of the potential for bats and badgers being present. However, given the nature of the proposal it is unlikely that there would be unacceptable harm caused. Survey work has revealed that the site has negligible potential for amphibians and reptiles.

4.22 Local Plan policy LP16 seeks to protect and enhance the quality, character and local distinctiveness of the natural environment as appropriate to the nature of the development proposed. A bio-diversity net gain is to be sought. It is considered that the enhancements here and the fact that the site is to be left uncultivated, provide the appropriate comfort to conclude that there will be no unacceptable level of harm.

#### **vi) Highways**

4.23 As recorded in Appendix A, all vehicular access into the site for the operation of both the solar farm and the agricultural building would be gained from Smorrall Lane through the provision of a new access close to Great Lynes Wood. This too would be used for the construction period of the building and that for the solar farm. Construction is said to take about six months with around 14 two-way HGV movements a day. The Highway Authority requested further information prior to sending its consultation response and it is now satisfied subject to conditions.

4.24 In light of the amended plans and the final response from the Highway Authority, there is not considered to be an unacceptable highway impact and thus the proposal would accord with Local Plan Policy LP29 (6).

#### **vii) Agricultural Land**

4.25 It is agreed that the land here would be taken out of agricultural production, although there would be the opportunity to graze sheep. As already indicated in Appendix A, some 42% of the site is good quality agricultural land – grade 3a. This would be a harmful impact to be considered in the final planning balance. However, the land would not be permanently lost.

#### **viii) Other Impacts**

4.26 Following the receipt of additional information, the Lead Local Flood Authority is now satisfied and this is of significant weight in concluding that there would be no unacceptable drainage impact. Surface water from the site and particularly from the agricultural building and its yard would be attenuated on site and discharge through appropriate hydro-brakes into the roadside ditch that runs alongside the Smorrall Lane road verge.

4.27 Further information requested by the Environmental Health Officer in respect of potential noise impacts has been submitted, leading to there being no objection subject to conditions. This is of significant weight given the established residential property particularly in Breach Oak Lane. A major consideration in this assessment was the separation distances; the impact of the enhanced planting alongside this boundary and the ambient noise level arising from the Motorway.

4.28 It is acknowledged that there would be some impact on residential amenity but given the separation distances and the proposed hedgerow and planting enhancements, it is considered that there would only be a limited adverse impact.

4.29 It is of note that the Airport has not objected on safety grounds due to potential glint and glare impacts. Similarly, there is no objection from the Fire and Rescue Service.

#### **ix) Cumulative Impacts**

4.30 It is necessary to assess whether there is any cumulative harm caused by treating this and the other proposal in this report together. The two sites are several kilometres apart and there is no visual intervisibility, highway or footpath network connection or nature conservation corridor or linkage between the two sites. In landscape terms they are located in different settings and with no overlapping impacts. However, both sites are in the Green Belt and together it is fair to conclude that would be some loss of openness, but more particularly there would be an encroachment into the countryside. This is not considered to be material in this case, due to the separation distances, the lack of intervisibility and the extensive area of open countryside in which they are both located. The cumulative harm is considered therefore to be very limited.

#### **d) The Harm Side of the Planning Balance**

4.31 From the above assessments it is considered that the “harm” side of the planning balance in this case comprises substantial definitional Green Belt harm, moderate actual Green Belt harm, moderate visual harm, loss of some good quality agricultural land from active production together with limited landscape harm and harm to residential amenity.

#### e) The Applicant's Case

4.32 The applicant acknowledges that his case has to provide sufficient weight to amount to the very special circumstances needed to clearly outweigh the cumulative level of harm caused. He has put forward a number of considerations which he considers do carry that weight when treated together – see Appendix C. It is not proposed to repeat the case as set out in that Appendix.

4.33 The first three considerations relate to the need to increase renewable energy generation and to ensure its supply. The applicant says that energy generation from the site would be 16MWh per hour of electricity a year – equivalent to the use of around 3880 homes. In addition, in this case there are two other benefits. Firstly, there would be a direct underground cable connection to the Corley Motorway Services Area thus enabling greater provision for EV charging points at the Services. Secondly the electricity would also power on-site agricultural production in a more sustainable way. In this regard the applicant says that 40% of the electricity generated would be used by the agricultural building and the Services EV link would account for just over 10%, with the balance being exported to the grid. National Energy and Planning Policy fully support these objectives and Members are referred to Section 4 of Appendix A which identifies the relevant documentation. In a planning context then the NPPF at para 152 says that the “planning system should support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure”. More particularly at para 158 it says that “when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy”, and “approve the application if its impacts are (or can be made) acceptable”. This is complemented by Policy LP35 of the North Warwickshire Local Plan which says 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”. In respect of proposed renewable developments in the Green Belt, then the NPPF at para 151, says that in respect of making a case for very special circumstances, applicants “may include the wider environmental benefits associated with increased production of energy from renewable sources”. Additionally, the most recent Supply Strategy Statement from the Government reflects the focus on renewable sources, as well as sustaining its supply. As a consequence of all of these matters, it is considered that these considerations put forward by the applicant, carry substantial weight.

4.34 The second set of considerations revolve around the use of using the best available technology and good design. This revolves around maximising the productivity of the site for renewable energy whilst minimising visual and environmental harm. This is a relevant consideration as it assists in reducing land take and storing energy on site so as to release it to the grid as and when it might be needed. Additionally in this case, the electricity generated would be put to other beneficial uses. In so doing the design has retained existing field boundaries and tree cover and used ground levels to its advantage. If the renewable energy objective is acknowledged, then it is considered that that these “design” considerations should carry significant weight in order to reduce a range of potential adverse impacts.

4.35 The applicant considers that the impacts here will be reversible in that the site would be de-commissioned after 40 years. This is acknowledged as a consideration, but this period is lengthy and residual impacts even if mitigated, would still be apparent throughout this time. Moreover, the life-span of the agricultural building is not time-limited. As a consequence, this consideration can only be afforded moderate weight.

4.36 The final set of considerations revolve around bio-diversity gain, soil regeneration and farm diversification. It is considered that bio-diversity gain should be given weight, but this objective will become a mandatory requirement in any event next year. Soil regeneration is considered to be a benefit of some weight and farm diversification would accord with Local Plan Policy LP13. As such this set of considerations would carry moderate weight.

4.37 In conclusion therefore, the need to provide sustained renewable energy carries substantial weight and the employment of good design and the best available technology to do so, carries significant weight as do the other benefits that the proposal would bring. Moderate weight is afforded to the time-span of the development and to the ecological benefits associated with the proposal.

#### **f) The Final Planning Balance**

4.38 The final planning balance is thus coming to a planning judgement on whether the weight to be given to the applicant's case as summarised in para 4.37 clearly outweighs the cumulative weight of the harms identified in para 4.31 above.

4.39 It is considered that it does for the following reasons.

4.40 It is recognised that solar farms may result in some landscape and visual harmful impacts, as well as being inappropriate development in the Green Belt. However national and local planning policy adopt a positive approach indicating that development can be approved in very special circumstances and those circumstances can include the benefits arising from renewable energy generation. Here, through a combination of topography, existing screening and landscape mitigation, the adverse effects on the openness of the Green Belt, landscape harm and visual impact would be localised and thus limited. Moreover, as the proposed mitigation progressively matures, there would be a reduction in these residual adverse impacts. Additionally, the bio-diversity gains are a significant benefit. Whilst there would be some localised harm, greater weight is attached to the overall societal and national benefit arising from the need to tackle climate change through support of renewable energy generation and its sustainable supply. Material considerations here are the 40-year life of the project and the very recent Energy Supply Strategy. These would make it unreasonable to limit the life of the development to a shorter period when the technology and design of the proposal ensures a sustainable energy supply.

4.41 It was found that there was less than substantial heritage harm and that this was at the lower end within this definition. The NPPF says that even in this circumstance, the harm still carries great weight. It has to be weighed against the public benefits of the proposal. It is considered that the need to tackle climate change as recognised in legislation, national energy policy and Development Plan policy and the substantial benefits of the scheme, are all factors that do outweigh the less than substantial harm to the heritage assets involved.

4.42 Whilst the proposal would take agricultural land out of active production, there would be no loss of that land given the reversible nature of the proposal, there would be some enhancement through enabling the soil to improve and agricultural production would still continue through the use of the new process in the building and through sheep grazing.

4.43 The proposal would make a contribution to the objective of achieving an increase in renewable energy generation and ensure that this is a sustainable increase with some other benefits. When national and local plan policy is taken together as a whole, the proposal would not conflict with their objectives.

## **5. PAP/2021/651- Park Lane/ Nuthurst Lane**

### **a) Consultations**

Warwickshire County Council as Highway Authority – It objected initially as more information was needed in connection with proposed improvements at the access onto Nuthurst Lane. That has been supplied and there is no longer an objection subject to conditions.

Warwickshire County Council as Lead Local Flood Authority – It objected initially as more information was needed. That has been supplied and there is no longer an objection subject to conditions.

Warwickshire County Council (Rights of Way) – No objection subject to notes being attached to any notice of approval about the nearby footpaths.

Warwickshire Planning Archaeologist – Objection as a full archaeological evaluation over the whole site should take place prior to determination. The full response is at Appendix F.

Warwickshire Fire and Rescue Service – No objection

Environmental Health Officer – Further information on noise impacts was needed and additional analysis has been supplied such that there is now no objection subject to conditions.

Birmingham Airport – No objection

Severn Trent Water Ltd – No objection

Warwickshire Police (Crime Prevention) – No objection but advisory information has been forwarded to the applicant

### **b) Representations**

Two comments have been received.

One says that renewable energy would be provided on this site “which is not an eyesore to houses or the neighbourhood”.

The second is an objection referring to:

- It uses productive agricultural land
- It will be visible from the Astley/Fillongley road as a “blot on the landscape”
- There will be noise pollution
- Brownfield sites should take preference.
- A 40-year horizon is not temporary.

Ramblers (Warwickshire Area) – It objects. Although it is acknowledged that the proposal affects neither of the two footpaths here, they are concerned about the loss of countryside protection and loss of Green Belt openness citing the NPPF. Whilst it accepts that there is climate change benefit, it considers that large scale industrial scale solar arrays pose a far more immediate and serious threat to the landscape than will any hazard from climate change within the 40-year life span of the installation.

CPRE – It objects on the following grounds:

- It is inappropriate development in the Green Belt.
- Brownfield sites should be considered first
- The scale is out of all proportion to the rural nature of North Warwickshire
- Infrastructure requirements should be incorporated into new development rather than through proposals such as this.
- There will be a cumulative impact
- A 40-year life is not considered to be temporary.
- Traffic issues

### **c) Observations**

#### **i) Green Belt Harm**

5.1 The site is in the Green Belt. Members will be aware that the construction of new buildings is defined by the NPPF as being inappropriate development in the Green Belt. This would include the construction of all of the of the structures included in this proposal. As such, this proposal is harmful, by definition, to the Green Belt and should not be approved except in very special circumstances. The NPPF however does explicitly refer to “renewable energy projects”. It states that many of the elements of these projects will comprise inappropriate development, and thus the applicant has to demonstrate very special circumstances if such projects are to proceed. The NPPF continues by saying that such circumstances, “may include the wider environmental benefits associated with increased production of energy from renewable sources”.

5.2 The NPPF therefore says that many of the elements of these projects will comprise inappropriate development, but this definition is not conclusive. Hence it needs to be resolved from the outset. In this case the various elements associated with the proposal – fences, the panels, the substations, the columns – are all built development and because of the size of the proposal, there is an underlying premise here that this can be reasonably said to constitute inappropriate development. In order to confirm this, it is necessary to establish if the openness of the Green Belt would be preserved and whether it would conflict with the purposes of including land within it. Members will be aware that there is no definition of openness in the NPPF, but Government Guidance



provides four factors to look at. In respect of the first, then spatially the proposal is large in terms of ground cover and there is also some height to many of these structures. The setting is one of open countryside and this is expansive. Many of the former field boundaries to the east of the site have been removed emphasising this perception. However, boundary removal has been noticeably less on the application site itself. The proposal would introduce new built development into this setting. However, despite its size, the new development structures are low in height; the existing field hedgerow boundaries are to be retained as are the ponds and their peripheral tree cover such that the site would maintain the compartmentalisation of the current field pattern. Given that the proposal includes hedgerow and tree enhancement, the spatial impact on openness would be local in extent. The second factor is a visual one. Here there would be a very limited visual impact from neighbouring residential property given its absence. There would however be a visual impact as the proposal would be visible from the public domain via the local footpath network. This is particularly the case with the path that is alongside the site's western boundary. There would thus be a local adverse visual impact. In terms of the third factor then there would be very little activity associated with the proposal once operational. Activity would thus be akin to that associated with the current agricultural use of the site. Finally, the proposal is not permanent, albeit the "life" is said to extend to 40 years. In all of these circumstances, it is considered that the openness of the Green Belt would not be preserved. Additionally, there would be some conflict with one of the purposes of including land within the Green Belt – ie. safeguarding the countryside from encroachment. The applicant has undertaken his own Green Belt Assessment and concludes that there would be "very limited" harm to this purpose because of the site being effectively self-contained. This is considered to be a generous assessment given the overall size of the proposal and the fact that this is not a countryside use. In conclusion therefore, the proposal does constitute inappropriate development and substantial weight has to be given to this definitional harm. However, the actual Green Belt harm caused is moderate rather than substantial for all of spatial, visual and activity reasons set out above.

## **ii) Landscape Harm**

5.3 The site is within the "Church End to Corley (Arden Hills and Valleys)" Landscape Character Area as defined by the 2010 North Warwickshire Landscape Character Assessment and Study. This is described as being "an elevated farmed landscape of low, rounded hills, steep scarps and small incised valleys. This landform combined with extensive hilltop woodland and tree cover creates an intricate and small-scale character, punctuated by numerous scattered farms and hamlets". It continues by saying that "the majority of the character area is deeply rural and the tranquil Ancient Arden Landscape is apparent in the complex pattern of woodland, former wood pasture and heath, frequently sunken hedged lanes and scattered farms and hamlets". Additionally, "To the south of Ansley and New Arley, numerous hedgerow trees around larger semi-regular arable fields, combine to provide a sense of Parkland character towards Arbury Park located just to the east within the Nuneaton and Bedworth District".

5.4 The previous report at Appendix A identified the applicant's conclusion that following an Impact Assessment, there would be local landscape impacts rather than broad landscape impacts. These were defined as being more pronounced within a kilometre of the site particularly to the south and east as the topography and woodland cover to the north and west preclude visibility. The impacts would become discernibly less beyond this distance. Mitigation measures to reduce this local impact would be through the

enhancement of existing hedgerows and new tree planting. This overall assessment is agreed. The site is in a wholly rural setting and is within an expansive open area of countryside that is elevated and has extensive views. Members saw this on their visit. The landscape here is thus sensitive to change. However, whilst there will clearly be change introduced through this proposal, that is not considered to be significant. This is because the built development here is not of significant height; it is spread through existing fields which have strong hedgerow boundaries with hedgerow trees and thus the established “compartments” would not be altered. Additionally, the largest field – the westernmost one - is fairly level and not visible from the south or the east. Existing water features and associated tree cover are to be retained. The setting would thus still be one of fields and hedgerow boundaries. Overall, there are no significant changes in ground levels and the Astley Gorse woodland to the north is retained. The landscape is capable of enhancement too through the mitigation measures identified above, which on balance are likely to strengthen the overall landscape character.

5.5 Local Plan policy LP14 says that development should “conserve, enhance and where appropriate restore landscape character”. Additionally, “new development should as far as possible retain existing trees, hedgerows and nature conservation features such as water bodies and strengthen visual amenity through further landscaping”. Whilst the proposal may not fully accord with these objectives, it is considered on balance, that the overall landscape harm caused will be local and thus “limited”.

### **iii) Visual Harm**

5.6 The applicant’s assessment comes to a similar conclusion in respect of the visual impacts, for the same reasons, although it does widen the limits of the impacts to 1.5 kilometres. This is largely because of the public footpath that runs along the western boundary – the M341. Although the visual impacts would be transitory, the path follows the whole of the site’s western boundary over a couple of hundred metres and the development would be noticeable even with enhanced planting. The whole site would not be visible from the M342 to the north-east of the site because of the separation distances and the intervening trees and hedgerows. However, the smaller southern fields of the site would be partially visible. This would be transitory and because of the distances, only limited in extent. It is also unlikely that the southern parts of the site would be visible by drivers using Park Lane because of the separation distances and the road’s hedgerow and tree cover. It is agreed that the site might be visible from the upper floors of residential property along Park Lane, but this is not considered to be a materially adverse impact. The closest residential properties are actually at Sycamore Crescent. However, views are shielded from the site because of woodland and intervening hedgerows. There is likely to be some intervisibility at first floor level. Mitigation measures can reduce all of these impacts such that overall, the impact on the visual amenity of the area would be considered to be limited.

5.7 Local Plan Policy LP15 is again the most relevant policy here and the conclusion on visual impact is also one of limited harm.

### **iv) Heritage Impacts**

5.8 There are a number of matters to consider here. Members will be aware that heritage harms are defined by the NPPF as being “substantial”, “less than substantial” or no harm. An assessment of the heritage impacts has to be considered in this context.

5.9 The Council is under a Statutory Duty to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area in the determination of an application within such a designated Area. The nearest Conservation Area to this application site is that in Fillongley. Because of the separation distances and the intervening topography there is no inter-visibility with that Area or any of the buildings within it such that there is no heritage harm caused to its character or appearance.

5.10 The Council is also under a Statutory Duty to have special regard to the desirability of preserving a Listed Building, or its setting or any features of special architectural or historic interest which possesses. There are a number of designated buildings in the vicinity – the closest being Astley Church and Astley Castle. The former is a Grade 1 Listed Building and the latter is Grade 2 star. Associated buildings such as the stable block and Lodge are Listed under Grade 2. In general terms this group of heritage assets is a kilometre to the east of the application site. There is no direct impact on their architectural and historic fabric, or the special attributes of these buildings. However, their setting does have a cumulative significance. This is because of the combination of historic, architectural and landscape characteristics as well as their community and social value. In this case the prime significance of this group of buildings is the contained and compact settlement of Astley with its surrounding tree cover and the visibility of the Church within a wholly rural and open landscape. The proposal will have no direct impact on this setting because of the intervening separation, topography and tree cover. However, the combined heritage significance of this setting is of high value. The NPPF says that the more important the asset, the greater the weight that should be given to its conservation. Nevertheless, because of the factors identified above, it is considered that any harm to the setting of this group of assets would be at the lower end of less than substantial.

5.11 Arbury Hall and its Park are also heritage assets further to the east. Again, these are of high value – the Hall having a combination of Grade 1, 2 star and 2 Listed Buildings with the Park and Garden being registered as Grade 2 star. Again, there is no direct impact on any of these assets, because of the significant separation distances and intervening topography. The assessment again rests on whether there is any harm caused to the setting of this group of high value assets. It is considered that no harm would be caused because of the substantial buffer of open countryside between the site and the boundary of the Registered Park here.

5.12 Finally, it is necessary to look at whether there would be any direct impact on the heritage value of the site itself. The fields that now comprise the site were created in the last Century through the amalgamation of fourteen smaller fields farmed by Dukes Farm – now demolished but this formerly stood on the site of the construction compound for this site just to the immediate east of the site. The applicant has indicated slight earthworks of some of the former field boundaries as well as infilled remains of several ponds and marl pits are still visible. He says that the character of the boundaries, historic land use and location relative to other farms, suggests that the area is marginal in terms of archaeological potential. He concludes from his initial survey work and examination of the Historic Records that the archaeological potential of the site is low with the already identified features likely to reflect medieval and post-medieval agriculture as well as quarrying activity. He does say however that earlier pre-historic and Romano-British features cannot be ruled out. He has therefore undertaken some limited trial trenching on the site - six trenches spread throughout the site. The results

show the presence of historic field boundary ditches in two trenches together with a “tiny” and a larger pit in two trenches. No “finds” were recorded. The topsoil in the trenches was around 30cm thick and this sat on heavy clay leading to significant underground land drainage features. The applicant considers that such conditions would not indicate that they were favourable for settlement. He therefore concludes that the evaluation does reflect his earlier view that the archaeological potential is low and thus less than substantial harm caused.

5.13 The Warwickshire County Planning Archaeologist disagrees – see Appendix F. On receipt of the application, he lodged an objection to the proposal requesting an evaluation of the whole site with a 4% trial trench coverage before any determination was made. He says that whilst the applicant’s evidence at that time was welcome, the potential for archaeological deposits was still unknown. Notwithstanding the applicant’s reluctance, as indicated above he did complete a 0.13% coverage, with the trenches being located throughout the site – one in each field. The results – as indicated above - were forwarded to the County Council by the applicant, but the County’s response was that the evaluation was not “meaningful” in order to understand the full potential of the whole site and that the lack of existing records was not a reason not to undertake a full evaluation. He refers to the NPPF and to Local Plan Policy LP15 in support of his position.

5.14 For the benefit of Members:

> Policy LP15 says that “the quality, identity, diversity and local distinctiveness of the historic environment will be conserved or enhanced. All development proposals that affect any heritage asset will be required to provide sufficient information and an assessment of the impacts of those proposals on the significance of the assets and their setting.”.

> Paragraph 194 of the NPPF says that “In determining applications local planning authorities should require an applicant to describe the significance of any heritage asset, including any contribution made by their setting. The level of detail should be proportionate to the asset’s importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation”.

5.15 The Board is thus confronted with an unresolved objection from the County Archaeologist.

5.16 Local Plan policy LP15 refers to “sufficient information” in order to make an assessment. The NPPF says too that the level of detail should be “proportionate to the asset’s importance” and “no more than is sufficient to understand the potential impact”. It is matter of planning judgement as to whether the Board has sufficient and proportionate information in this case to understand possible impacts, rather than there being a need to have a complete archaeological understanding of the whole site. On the balance of probability, it is considered that there is in this case. The reasons are that the applicant did consult the County Historic Records; did undertake a walkover survey and has undertaken some trial trenching. These combine to suggest a limited archaeological

potential. When taken together with the likelihood of possible sub-surface “damage” that might be caused by the low level structures here – the panels - and the nature of the topsoil and substrata, it is considered that a proportionate response is to recommend further pre-development evaluation through planning conditions. If there are features or “finds” discovered through that additional trial trenching, then appropriate mitigation can be undertaken including not developing part of the site. This would be at the applicant’s “risk”.

5.17 It is thus considered that there is unlikely to be a significant impact here and that the use of planning conditions can satisfy Local Plan policy LP15.

#### **v) Ecology**

5.17 There are no designated statutory nature conservation sites close by, but there are two non-statutory sites within two kilometres of the site – Daffern’s Wood and the Ansley Cutting. Due to separation distances and the nature of the proposed development, it is very unlikely that there would be any adverse impact on the ecological value of these sites.

5.18 The applicant’s Ecological Appraisal describes the site as being intensively managed agricultural land, predominantly under arable rotation. There are also limited areas of improved grassland within the fields, whilst native hedgerows and mature trees provide field boundaries throughout the site, some of which have associated ditches. Woodland and scrub are also present along with ten ponds within or immediately adjacent to the site. The proposals retain the field hedgerows with no loss to any of the surrounding woodland or that on the site, thus also retaining “green” connectivity. Additionally, the ponds are to be retained. The proposals include enhancement of the field boundaries together with the retention of a buffer alongside between them and the ranges of panels. The land in between and around the panels will be grazed and because of the lack of agricultural activity, the soils will be improved.

5.19 Further survey work can be conditioned in respect of the potential for bats and badgers being present. However, given the nature of the proposal it is unlikely that there would be unacceptable harm caused. Survey work in respect of great crested newts has already found no traces of their presence.

5.20 Local Plan policy LP16 seeks to protect and enhance the quality, character and local distinctiveness of the natural environment as appropriate to the nature of the development proposed. A bio-diversity nett gain is to be sought. It is considered that the enhancements here and the fact that the site is to be left uncultivated, provide the appropriate comfort to conclude that there will be no unacceptable level of harm.

#### **vi) Highways**

5.21 As recorded in Appendix A, all access would be gained from Nuthurst Lane via an existing agricultural access track that already is in use by the farmer. This would need to be strengthened in order to accommodate construction traffic and there would be a temporary construction compound on the site of an existing hard surfaced farm storage area in the north-east corner of the site. Construction would take some 30 weeks and 8 two-way HGV movements are expected daily. Once in operation, the site would require minimum attendance. The Highway Authority has requested improvements to the access point onto Nuthurst Lane including increasing visibility, hard surfacing and

widening. This has resulted in the receipt of amended plans and the Authority now not raising an objection.

5.22 In light of the amended plans and the final response from the Highway Authority there is not considered to be an unacceptable highway impact and thus the proposal would accord with Local Plan Policy LP29 (6).

#### **vii) Agricultural Land**

5.23 It is agreed that the land here would be taken out of agricultural production. As already indicated in Appendix A, some 38% of the site is good quality agricultural land – grades 2 and 3a. This would be a harmful impact to be considered in the final planning balance. However, the land would not be permanently lost and there would still be the opportunity for sheep grazing.

#### **viii) Other Matters**

5.24 Following the receipt of additional information, the Lead Local Flood Authority is now satisfied subject to conditions, and this is of significant weight in concluding that there would be no unacceptable drainage impact

5.25 Further information requested by the Environmental Health Officer in respect of potential noise impacts has been submitted leading to there being no objection subject to conditions.

5.26 Given the separation distances to residential property, the intervening topography and vegetation, it is considered that there would be no adverse impact on the residential amenity of occupiers.

5.27 It is of note that the Airport has not objected on safety grounds due to potential glint and glare impacts. Similarly, the Fire and Rescue Service has not objected.

#### **ix) Cumulative Impacts**

5.28 It is necessary to assess whether there is any cumulative harm caused by treating this and the other proposal in this report together. The two sites are several kilometres apart and there is no visual intervisibility, highway or footpath network connection or nature conservation corridor or linkage between the two sites. In landscape terms they are located in different settings and with no overlapping impacts. However, both sites are in the Green Belt and together it is fair to conclude that would be some loss of openness, but more particularly there would be an encroachment into the countryside. This is not considered to be material in this case, due to the separation distances, the lack of intervisibility and the extensive area of open countryside in which they are both located. The cumulative harm is considered therefore to be very limited.

#### **d) The Harm Side of the Planning Balance**

5.29 From the above assessments it is considered that the “harm” side of the planning balance in this case comprises substantial definitional Green Belt harm, moderate actual Green Belt harm, less than substantial heritage harm, the loss of some good

quality agricultural land from active production, together with limited landscape and visual harm.

#### **e) The Applicant's Case**

5.30 The applicant acknowledges that his case has to provide sufficient weight to amount to the very special circumstances needed to clearly outweigh the cumulative level of harm caused. He has put forward a number of considerations which he considers do carry that weight when treated together – see Appendix D. It is not proposed to repeat the case as set out in that Appendix.

5.31 The first three considerations relate to the need to increase renewable energy generation and to ensure its supply. The applicant says that energy generation from the site would be 21MWh of electricity a year – equivalent to the use of around 5120 homes. National Energy and Planning Policy fully support these objectives and Members are referred to Section 4 of Appendix A which identifies the relevant documentation. In a planning context then the NPPF at para 152 says that the “planning system should support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure”. More particularly at para 158 it says that “when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy”, and “approve the application if its impacts are (or can be made) acceptable”. This is complemented by Policy LP35 of the North Warwickshire Local Plan which says 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”. In respect of proposed renewable developments in the Green Belt, then the NPPF at para 151, says that in respect of making a case for very special circumstances, applicants “may include the wider environmental benefits associated with increased production of energy from renewable sources”. Additionally, the most recent Supply Strategy Statement from the Government reflects the focus on renewable sources, as well as sustaining its supply. As a consequence of all of these matters, it is considered that these considerations put forward by the applicant, carry substantial weight.

5.32 The second set of considerations revolve around the use of using the best available technology and good design. This revolves around maximising the productivity of the site for renewable energy whilst minimising visual and environmental harm. This is a relevant consideration as it assists in reducing land take and storing energy on site so as to release it to the grid as and when it might be needed. In so doing the design has retained existing field boundaries and tree cover and used ground levels to its advantage. If the renewable energy objective is acknowledged, then it is considered that that these “design” considerations should carry significant weight in order to reduce a range of potential adverse impacts.

5.33 The applicant considers that the impacts here will be reversible in that the site would be de-commissioned after 40 years. This is acknowledged as a consideration, but this period is lengthy and residual impacts even if mitigated, would still be apparent

throughout this time. As a consequence, this consideration can only be afforded moderate weight.

5.34 The final set of considerations revolve around bio-diversity gain, soil regeneration and farm diversification. It is considered that bio-diversity gain should be given weight, but this objective will become a mandatory requirement in any event next year. Soil regeneration is considered to be a benefit of some weight and farm diversification would accord with Local Plan Policy LP13. As such this set of considerations would carry moderate weight.

5.35 In conclusion therefore, the need to provide sustained renewable energy carries substantial weight and the employment of good design and the best available technology to do so, carries significant weight. Moderate weight is afforded to the time-span of the development and to the ecological benefits associated with the proposal.

#### **f) The Final Planning Balance**

5.36 The final planning balance is thus coming to a planning judgement on whether the weight to be given to the applicant's case as summarised in para 5.35 clearly outweighs the cumulative weight of the harms identified in para 5.29 above.

5.37 It is considered that it does for the following reasons.

5.38 It is recognised that solar farms may result in some landscape and visual harmful impacts, as well as being inappropriate development in the Green Belt. However national and local planning policy adopt a positive approach indicating that development can be approved in very special circumstances and those circumstances can include the benefits arising from renewable energy generation. Here, through a combination of topography, existing screening and landscape mitigation, the adverse effects on the openness of the Green Belt, landscape harm and visual impact would be localised and thus limited. Moreover, as the proposed mitigation progressively matures, there would be a reduction in these residual adverse impacts. Additionally, the bio-diversity gains are a significant benefit. Whilst there would be some localised harm, greater weight is attached to the overall societal and national benefit arising from the need to tackle climate change through support of renewable energy generation and its sustainable supply. Material considerations here are the 40-year life of the project and the very recent Energy Supply Strategy. These would make it unreasonable to limit the life of the development to a shorter period when the technology and design of the proposal ensures a sustainable energy supply.

5.39 It was found that there was less than substantial heritage harm and that this was at the lower end within this definition. The NPPF says that even in this circumstance, the harm still carries great weight. It has to be weighed against the public benefits of the proposal. It is considered that the need to tackle climate change as recognised in legislation, national energy policy and Development Plan policy and the substantial benefits of the scheme, when taken together do outweigh the less than substantial harm to the heritage assets involved.

5.40 Whilst the proposal would take agricultural land out of active production, there would no loss of that land given the reversible nature of the proposal and there would be some enhancement through enabling the soil to improve.



5.41 The proposal would make a contribution to the objective of achieving an increase in renewable energy generation and ensure that this is a sustainable increase. When national and local plan policy is taken together as a whole, the proposal would not conflict with their objectives.

## **Recommendations**

### **A) PAP/2021/0605 – Smorrall/Breach Oak Lane**

That the Council is minded to support the grant of planning permission for the reasons set out in this report, subject to the final wording of an additional condition in respect of limiting any noise impacts and that the matter be referred to the Secretary of State under the terms of the 2009 Direction for him to consider whether he wishes to call-in the application for his own determination. If not, then officers be authorised to issue the Notice subject to the following conditions.

### **Standard Condition**

1. The Standard three-year condition.

### **Defining Conditions**

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents:

Site Plan Numbers:

PV1002/SP/03Rev05; PL/03Rev13, PL/06Rev04, PL/04/Rev02, PL/05/Rev03, SD/02/Rev01, SD/03/Rev01, SD/04/Rev01, SD/05/Rev01, SD/06/rev01, SD/07/Rev01, SD/08/Rev01, SD/09/Rev01, SD/11/Rev01, SD/12/Rev01, SD/13/Rev01 and SD/14/01 together with landscaping plans ALD897/PL401/RevPO2, 402/RevPO2 and 403/RevPO1.

Documents:

The Construction Traffic Management Plan and access plan numbers PV1002/PL/07Rev03; PV1002/PL/03/Rev13, 5123/SK/03b and 5123/SK/04b  
The Flood Risk Assessment prepared by Hafren Water dated October 2021 and the email of P Dunn dated 16/12/21  
The Landscape and Ecological Management Plan ALD897/RP03/Rev02  
The Tree Survey by Barton Hyett Associates referenced 4550

### **REASON**

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

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

REASON

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

4. Within six months of the cessation of the first export of electrical power from the site, a scheme for the de-commissioning of the solar farm and its ancillary equipment shall be submitted to the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall also include the details of the management and timing of the de-commissioning works, together with a traffic management plan to address any likely traffic impact issues during the de-commissioning period, and an environmental management plan to include details of the measures to be taken during the de-commissioning period to protect wildlife and habitats as well as details of site restoration measures. For the avoidance of doubt, the landscape planting and bio-diversity improvements approved under this permission shall all be excluded from this condition.

~~Reason: REASON:~~

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

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

~~Reason: REASON~~

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

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**Pre-Commencement Conditions**

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

~~Reason: REASON~~

In the interests of appearance of the area.

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

~~7.~~

In the interests of the residential amenity of neighbouring occupiers.

8. No development shall take place on site including any site clearance or preparation prior to construction, until all three of the following have been completed.

- i) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work over the whole site has been submitted to and approved in writing by the Local Planning Authority.
- ii) The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken and a report detailing the results of this fieldwork and confirmation of the arrangements for the deposition of the archaeological archive has been submitted to the Local Planning Authority.
- iii) An archaeological Mitigation Strategy (including a WSI for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. The Strategy should mitigate the impact of the proposed development and should be informed by the evaluation work undertaken.

~~Reason:-REASON~~

In the interests of the potential archaeological value of the site

9. No development shall commence on site until a detailed surface water drainage scheme for the site based on sustainable drainage principle and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority.

~~Reason:-REASON~~

In the interests of reducing the risk of flooding.

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10.No development shall commence on site including and site clearance or preparation work at pre-construction stage until detail surveys have been undertaken and submitted to the Local Planning Authority to establish the presence of badgers and roosting/foraging bats on the site. The submission shall also include details of any recommended mitigation measures proportionate to the findings of the surveys for approval by the Local Planning Authority. Work shall then only commence and continue in full accordance with the mitigation measures, if any, as approved in writing by the Local Panning Authority.

~~Reason:~~ REASON

In the interests of enhancing biodiversity through conserving protected species where possible.

#### **Pre-Operational Use Conditions**

—There shall be no commercial export of electrical power from the site until the requirements of the Landscape and Ecological Management Plan as approved under Condition 2 have been implemented in full. The content of the approved Plan shall be adhered to at all times during the lifetime of the development.

REASON

~~Reason:~~ In the interests of enhancing and protecting biodiversity

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12. There shall be no export of electrical power from the site until all the access arrangements into the site from Smorrall Lane have been fully completed as shown on the plans approved under condition 2, including its bell-mouth and visibility splays to the written satisfaction of the Local Planning Authority.

REASON

~~Reason:~~ In the interests of highway safety

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13. The agricultural building shall not be brought into commercial use, until all of the car parking, manoeuvring and service areas as shown on the approved plan, have been fully surfaced, levelled, drained and laid out to the written satisfaction of the Local Planning Authority. These areas shall then not be used for any other purpose.

REASON

~~Reason:~~ In the interests of highway safety

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14. There shall be no commercial export of electrical power from the development until a Drainage Verification Report has been submitted to and approved in writing by the Local Planning Authority. The report should demonstrate that the surface water drainage system for the site has been fully installed as approved under Condition 2. In particular the Report shall evidence that the following measures have been included:

- i) limitation of the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 1.6 l/s for the site
- ii) The provision of surface water attenuation storage of a minimum of 239 cubic metres.

REASON

~~Reason:~~ In the interests of reducing the risk of flooding

15. There shall be no commercial export of electrical power from the development until a detailed maintenance plan is submitted and provided to the Local Planning Authority giving details of how the surface water system is to be maintained and managed for the life time of the development. The name of the party responsible including contact name and details shall be provided to the Authority within the maintenance plan.

REASON

~~Reason:~~ In the interests of reducing the risk of flooding.

**Other Conditions**

~~15.~~ No gates shall be hung within the vehicular access so as to open within 20 metres of the near edge of the public highway carriageway

REASON

~~Reason:~~ In the interests of highway safety.

~~16.~~ ~~17.~~ No structure, tree or shrub shall be erected, planted or retained within the visibility splays shown on the approved plans which exceed or are likely to exceed a height of 0.6 metres above the level of the public highway carriageway.

REASON

~~Reason:~~ In the interests of highway safety.

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~~17.18.~~ The landscaping scheme as approved under Condition 2, shall be carried out within the first planting season following the date when electrical power is first exported, or as otherwise agreed within the approved scheme. If within a period of five years from the date of planting, any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies, then another of the same species and size of the original shall be planted at the same place.

REASON

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

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~~18.19.~~ No tree works or vegetation clearance shall take place during the bird nesting period (the beginning of March to the end of August inclusive) unless otherwise agreed in writing by the Local Planning Authority on submission of appropriate evidence.

REASON

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

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~~19.20.~~ No construction work will take place, except in emergency, outside of the periods of 0800 hours to 1800 hours (Mondays to Fridays inclusive) and 0800 hours to 1300 hours on Saturdays, with no work at all on Sundays and Bank Holidays. Additionally, no deliveries will not take place outside of the period, except in emergency, of 1000 hours to 1600 hours (Mondays to Saturdays inclusive) with no deliveries on a Sunday or Bank Holiday.

~~—~~ REASON

~~— Reason:~~ In the interests of the amenities of the area and road safety.

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20. For the avoidance of doubt, the access at Breach Oak Lane as shown on the approved plans shall only be used for maintenance of the landscape features hereby approved and specifically not for the construction or operation of the solar farm or the agricultural building.

REASON

~~Reason:~~ In the interests of highway safety.

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Notes:

- 1) The Local Planning Authority has met the requirements of the NPPF in this case through the issue of a positive outcome and engaging with the applicant and other Agencies in order to overcome technical objections to the proposals.

- 2) Attention is drawn to the Warwickshire County Council LLFA's SUDS Guidance for solar farms. Filter drains or trenches, should be incorporated into the scheme beneath each panel drip edge to capture run-off, aid infiltration, and minimise any erosion. Care should be taken to ensure that water infiltrates as close to where it lands, and such filter drains or trenches should not accelerate the transfer of water across the site. Consideration therefore needs to be given to the inclusion of geo-textiles to prevent ingress of fine sediment as set out in the SUDS Manual (CIRIA C753) at graphic 13.3.
- 3) The scheme referred to in Condition 9 shall:
  - i) demonstrate that the surface water system is designed in accordance with "The SUDS Manual" CIRIS Report C753
  - ii) demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme including details of any attenuation system and outfall arrangement. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
  - iii) provide plans and details showing the allowance for exceedance flow and overland flow routing. Overland flow routing should look to reduce the impact of the exceedance event.
  - iv) provide details for the mitigation of how surface water flows may affect the existing ground conditions at the site.
- 4) The report under Condition 14 above shall be produced by a suitably qualified independent drainage engineer.
- 5) The CEMP referred to in condition 2 should include measures to manage siltation of the water courses and drainage features during works to mitigate the impact on the water environment.
- 6) Attention is drawn to Section 23 of the Land Drainage Act 1991.

**B) PAP/2021/0651 – Nuthurst Lane**

That the Council is minded to support the grant of planning permission for the reasons set out in this report and that the matter be referred to the Secretary of State under the terms of the 2009 Direction for him to consider whether he wishes to call-in the application for his own determination. If not, then officers be authorised to issue the Notice subject to the following conditions.

**Standard Condition**

1. The Standard three-year condition.

~~4.~~

## Defining Conditions

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents:

- a) Site plan numbers AEM003/SP/01/Rev04; AEM003/PL/01/Rev04, AEM003/SD/01/rev01, 02/Rev01, 03/Rev01, 04/Rev01, 05/rev01, 06/Rev01, 07/Rev01, 08/Rev01, 09/Rev01 and 13/Rev01 together with ALD904/PL401/RevPO3, 402/RevPO2 and 403/RevPO1.
- b) Access plan number 2105/025/SK01RevC
- c) The Flood Risk Assessment and Drainage Strategy prepared by RMA Environmental referenced RMA/C2287 dated 19/11/21 and the Addendum referenced RMA/LC2287/1 in the email of 7/4/22.
- d) The Construction Traffic Management Plan prepared by TLA dated November 21
- e) The Landscape and Ecological Management Plan (LEMP) prepared by ALD and dated 30/11/21 together with its Appendix RevPO2 received on 2/12/21.

~~Reason:-~~ REASON

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

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

REASON

~~Reason:-~~ In order to confirm that this permission is for a temporary period only.

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

~~Reason:-~~ REASON

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

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

REASON

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

**Pre-Commencement Conditions**

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

~~Reason:~~REASON

-In the interests of appearance of the area.

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

~~Reason:~~REASON

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

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

~~Reason:~~REASON

-In the interests of the residential amenity of neighbouring occupiers.

9. No part of the development hereby permitted shall commence until the access to the site from Nuthurst Lane has been completed in full in accordance with the details shown on plan number 2105/025/SK01C, surfaced in a bound material for a minimum distance of ten metres behind the edge/extent of the public highway, the visibility splays provided and the crossing of the highway and verge is available for use in accordance with details which will have first been submitted to and approved in writing by the Local Planning Authority.

~~Reason:~~REASON

-In the interests of highway safety

10.No development shall take place on site including any site clearance or preparation prior to construction, until all three of the following have been completed.

iv) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work over the whole site has been submitted to and approved in writing by the Local Planning Authority.

v) The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken and a report detailing the results of this fieldwork and confirmation of the arrangements for the deposition of the archaeological archive has been submitted to the Local Planning Authority.

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

~~Reason:~~REASON

:-In the interests of the potential archaeological value of the site

11.No development shall commence on site including and site clearance or preparation work at pre-construction stage until detail surveys have been undertaken and submitted to the Local Planning Authority to establish the presence of badgers and roosting/foraging bats on the site. The submission shall also include details of any recommended mitigation measures proportionate to the findings of the surveys for approval by the Local Planning Authority. Work shall then only commence and continue in full accordance with the mitigation measures, if any, as approved in writing by the Local Planning Authority.

~~Reason:~~REASON

-In the interests of enhancing biodiversity through conserving protected species where possible.

### Pre-operational Use Conditions

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12. There shall be no commercial export of electrical power from the site until a Drainage Verification Report has been submitted to and approved in writing by the Local Planning Authority. The report should demonstrate that the surface water drainage system for the site has been installed as approved based on the Drainage Strategy as approved under Condition 2. It should include:

- Any departures from the approved design and evidence that they are in keeping with the approved principles
- As-built photographs and drawings
- The results of any performance testing undertaken as part of the application process
- Copies of all Statutory Approvals such as Land Drainage Consent for Discharge
- Confirmation that the system is free from defects, damage and foreign objects

~~Reason:~~ REASON

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

13. These shall be no commercial export of electrical power from the site until the actions outlined in the Landscape and Ecological Management Plan as approved under Condition 2, have first been implemented in full. Its content shall be adhered to at all times during the lifetime of the development.

~~Reason:~~ REASON

-In the interests of enhancing and protecting bio-diversity.

### Other Conditions

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14. No construction work will take place, except in emergency, outside of the periods of 0800 hours to 1800 hours (Mondays to Fridays inclusive) and 0800 hours to 1300 hours on Saturdays, with no work at all on Sundays and Bank Holidays. Additionally, no deliveries will not take place outside of the period, except in emergency, of 1000 hours to 1600 hours (Mondays to Saturdays inclusive) with no deliveries on a Sunday or Bank Holiday.

~~Reason:~~ REASON

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In the interests of the residential amenity and in the interests of road safety.

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15. The level of industrial/commercial sound arising from or associated with the approved development, including through the operation of PV Inverters, Battery Storage AC Units and PV Transformers shall not exceed:

- i) To the north of the site, 29dBLAeq (1 hour) measured or predicted at a height of 1.5 metres above ground level at the boundary of any residential dwelling between 0700 and 2300 hours on any day.
- ii) To the north of the site, 16dBLAeq (15 minutes) measured or predicted at a height of 4.5 metres above ground level at the boundary of any residential dwelling between 2300 and 0700 hours on any day.
- iii) To the south of the site, 32dBLAeq (1 hour) measured or predicted at a height of 1.5 metres above ground level at the boundary of any residential dwelling between 0700 and 2300 hours on any day.
- iv) To the south of the site, 19dBLAeq (15 minutes) measured or predicted at a height of 4.5 metres above ground level at the boundary of any residential dwelling between 2300 and 0700 hours on any day.

~~Reason:~~ REASON

To reduce the risk of noise pollution

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

~~Reason:~~ REASON

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

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

~~Reason:~~ REASON

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

18. No gates shall be located within the vehicular access to the site so as to open within 20 metres of the near edge of the public highway carriageway.

~~Reason:~~ REASON

-In the interests of highway safety.

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19. The visibility splays shown on the approved plan shall be maintained at all times during the time period approved under Condition 3.

~~Reason:~~ REASON

-In the interests of highway safety.

Notes:

- 1) The Local Planning Authority has met the requirements of the NPPF in this case through the issue of a positive outcome and engaging with the applicant and other Agencies in order to overcome technical objections to the proposals.
- 2) Reference is made in the approved Flood Risk Assessment and its Addendum, approved under Condition 2 above, to the Warwickshire LLFA's SUDS Guidance for solar farms. Filter drains or trenches, should be incorporated into the scheme beneath each panel drip edge to capture run-off, aid infiltration, and minimise any erosion. Care should be taken to ensure that water infiltrates as close to where it lands, and such filter drains or trenches should not accelerate the transfer of water across the site. Consideration therefore needs to be given to the inclusion of geo-textiles to prevent ingress of fine sediment as set out in the SUDS Manual (CIRIA C753) at graphic 13.3.
- 3) The report under Condition 12 above shall be produced by a suitably qualified independent drainage engineer.
- 4) The CEMP referred to in condition 2 should include measures to manage siltation of the water courses and drainage features during works to mitigate the impact on the water environment.
- 5) Attention is drawn to Section 23 of the Land Drainage Act 1991.
- 6) In respect of Condition 15, the measurements and/or predictions should demonstrate that the noise limits outlined in (i) and (ii) are met within the gardens of the nearest affected noise sensitive receptors at 1.5 metres above the adjacent ground level as a "free field" level as defined by BS7445:2003 "description and measurement of environmental noise (Parts 1 to 3) for an area not less than 75% of any dwelling garden".
- 7) In respect of Condition 15, "To the north of the site", means by drawing an imaginary horizontal line through the centre of the site from west to east within a 180 degree arc, any noise sensitive property to the north of an imaginary line drawn horizontally through the centre of the site ie.- through a 190 degree arc starting from the west, northwest, north, northeast and east.
- 8) In respect of Condition 15, "To the south of the site", means by drawing an imaginary horizontal line through the centre of the site from west to east within a 180 degree arc, any noise sensitive property to the south of an imaginary line

drawn horizontally through the centre of the site ie.- through a 190 degree arc starting from the west, southwest, south, southeast and east.

9) In respect of Condition 15, the day time and night time periods are 1hour LAeq values during the day and 15 minute values at night. Daytime is taken to be 0700 to 2300 hours and night time as 2300 to 0700 hours. "Dwellings" includes residential dwellings, their gardens and external amenity areas.

10) Measurements for Condition 15 should accord with BS7445:2003 and there should be no reference to BS4142:2014 + A1:2019.

## APPENDIX A

### General Development Applications

(5/d) Application No: PAP/2021/0605 and PAP/2021/0651

a) PAP/2021/0605

Land at Smorrall Lane, Astley

The construction of an agricultural building, renewable energy generating station comprising ground mounted photo-voltaic solar arrays together with substation, inverter/transformer stations, grid connection infrastructure, grid cable route, battery energy storage, site accesses, access gates, car parking, attenuation pond, internal access tracks, security measures, other ancillary infrastructure, landscaping and biodiversity enhancements for

The Barrs Family Enterprises Ltd

b) PAP/2021/0651

Land at Nuthurst Lane, Astley

The construction and operation of a solar PV Farm and battery energy storage, plus ancillary infrastructure and equipment, landscaping and access for

Tor Energy Solar Ltd

#### 1. Introduction

The receipt of these two applications is reported together, as they relate to similar proposals and are located within the same general area of the Borough – its south-east corner. Each will have to be determined on its own merits, but the Board should also be aware that there may be cumulative impacts which may amount to material planning considerations in their respective determinations.

Members should also be aware that a third and similar application in the same general location as the two above, is likely to be submitted shortly. The applicant is likely to commence his own public consultation on that scheme prior to submission and it will become public at that time.

At present therefore, it is proposed just to outline the content of the two submitted applications, such that Members are aware of their background as early as possible.

A plan at Appendix A identifies their locations.

## **2. An Outline of Application PAP/2021/0605 - Smorrall Lane**

### **a) The Site**

This site comprises four fields of agricultural land to the north of Smorrall Lane and to the east of Breach Oak Lane where these two roads have a junction, about 100 metres north of the Corley M6 Motorway Services Area. The fields are enclosed with mature tree lined boundary hedgerows. Great Lynes Wood borders the south-east corner of the site.

The site falls from its highest point along its northern boundary towards the south – a fall of around 20 metres. The land rises again on the other side of the Motorway.

There are a few residential properties along Smorrall Lane, but there is a larger frontage of residential property on the other side of Breach Oak Lane more or less extending from its junction along the whole of the site's western and treed hedgerow boundary. An 11kv overhead power line runs south across the site.

A public footpath – the M334 – crosses the northern portion of the site in an east/west direction.

### **b) The Proposal**

The solar array would be oriented west/east across the whole site with the panels being angled so as to face south. These would be 2.5 metres off the ground at their highest point and 800 mm at their lowest. There would be a three and a half metre open corridor between the lines of panels. Other infrastructure would be concentrated to the immediate north west corner of Great Lynes Wood and this would comprise the substation, the battery compound as well as containing the associated electrical infrastructure - inverter and transformer units (2.6 metres tall) and the containers housing the batteries and for storage (2.6 metres tall). The connection to the grid would be made via a new underground cable linking the site to Astley Lane – almost a kilometre and a half to the north-west.

The proposals also contain an agricultural building measuring 60 by 35 metres and 6 metres to its ridge which would have a direct connection to the electricity generated from the solar array. This would be timber clad with a sedum roof. It would be located in the extreme south-west corner of the site at the junction of the two roads. Its "yard", parking and delivery area would be on its east facing elevation. This building is to be used for the growing of green produce "vertically" using some of the electricity generated by the solar arrays, recycled water and no use of pesticides. The applicant suggests the "grow time" for this produce would be between 5 and 25 days, lower than the 6/7 weeks of a conventional greenhouse and with 20 times greater yields and 95% less water. The produce would comprise baby leaf vegetables, greens and herbs.

The building would have a 31 space car park and delivery area on its eastern side and an anticipated 6 to 12 delivery and pick up movements a week using LGV's rather than HGV's. Up to 30 people would be employed occupied during day time hours.



There would also be a direct underground cable connection to the Corley Motorway Services Area to the south, particularly to provide the increased demand for EV charging at the Area.

Access to the farm building would be from a new access onto Smorrall Lane leading to a loss of some hedgerow. Access into the solar farm for maintenance and emergencies once operational would be via the track from the north-east corner of the site to Astley Lane. Construction traffic would use the new access off Smorrall Lane. The gated access at the northern end of the site's western boundary at Breach Oak Lane would not be used.

A two-metre tall deer fence would be constructed around the site's perimeter with a single vehicular access off Smorrall Lane being a five metre deer gate. Pole mounted infra-red CCTV cameras would be located at intervals around the perimeter, mounted on steel poles at three metres above ground level.

It is said that there would be a 44% gain in habitat diversity achieved through providing wild-life corridors both outside and inside of the perimeter fence and through enhancing and infilling existing hedgerows and planting new ones particularly along the northern boundary. Additional tree planting is proposed.

Surface water naturally drains to the south of the site and this together with run-off from the new building is to be collected in a series of attenuation ponds at the extreme south of the site between Smorrall Lane and the proposed farm building, before it is discharged into an existing ditch.

Construction is expected to take six months with HGV traffic amounting to 14 two-way movements a day and hours of operation from 0800 to 1800 on weekdays and 0800 to 1330 on Saturdays. Routing would be along Smorrall Lane to Junction 3 on the M6.

The site is expected to generate 16.5 MW of electricity a year for the Grid which is equivalent to the use of electricity by 3880 households. In addition, the on-site battery storage facility would be utilised to reinforce the power generation of the solar farm – storing energy at times of low demand and releasing it to the grid at other times.

The proposal has a life of 40 years and the development would be de-commissioned at that time.

An illustration the layout and the elevations of the various infrastructure components are at Appendices B to G, with the elevations of the agricultural building at Appendix H.

### **c) Submitted Documentation**

The following documents have been submitted in support of the application.

A Noise Assessment Report details the existing background sound climate at the nearest noise-sensitive properties as well as outlining the impact of the potential noise emissions from the development on that background. This concludes that noise emissions will be equal to or below the measured day and night-time background levels at these properties thus leading to a conclusion of there being no observed adverse effects.

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A Glint and Glare Assessment outlines that there are some 90 residential properties within a kilometre of the site and eight aerodromes within a thirty-kilometre radius. In respect of the dwellings, the assessment indicates that some 32 properties could possibly be affected by solar reflection, but that existing screening and its enhancement would significantly obstruct the views of the panels. There are however three dwellings on Smorrall Lane which would be moderately affected for part of the day. Additional tree screening is recommended at an appropriate height. In respect of the aviation impact, the report concludes that there would be no impact predicted at either Coventry or Birmingham Airports.

A Flood Risk Assessment identifies the closest watercourse as the Breach Brook. It runs from the west of Breach Oak Lane under Smorrall Lane in a culvert 40 metres to the west of its junction with Breach Oak Lane. It then flows on the south side of Smorrall Lane past the application site to pass under the M6 1.5km to the east. A smaller watercourse drains south through the centre of the northern part of the application site passing under Smorrall Lane and into the Breach Brook. There is also a roadside ditch alongside the northern side of Smorrall Lane in the vicinity of the site. This joins the Brook via culverts under the Lane. There is a foul water sewer beneath Breach Oak Lane and Smorrall Lane. The site is in Flood Zone 1 indicating that it is a low-risk area for fluvial flooding but the main concern from flooding is considered to be the capacity of the culverts under Smorrall Lane. Most of the site will be retained as grassland but internal tracks should be of a permeable construction and gravel trenches should surround other structures. However, there will need to be attenuation of surface water arising from the farm building and its surrounds. This has therefore resulted in the attenuation measures in the southwest corner of the site together with valves to control discharge into the ditch. The size of the pond will largely depend on the capacity of the culverts.

An Agricultural Land Classification Note indicates that 58% of the site is Grade 3b and 42% is Grade 3a. It is concluded that there would be no impact as a consequence of this development as the land would not be "lost" from agriculture in the longer term. The Note also states that the management of land under solar PV panels can improve soil health such as increasing soil organic matter and hence soil organic carbon.

An Arboricultural Assessment identifies over 50 trees, 23 group features and 37 lengths of hedgerow, the majority of which are considered to be of high and moderate quality. Great Lynes Wood is an Ancient Replanted Woodland and this designation carries significant weight in planning terms. As such there should be at least a 15-metre buffer between its boundary and the proposed development. Only one individual tree and two small sections of hedgerow are proposed to be removed with the proposal. The tree (an oak) is of moderate quality but is located very close to the overhead line and would in all probability need to be removed as it continues to grow. The hedgerows are of moderate quality and their loss is compensated by the extensive new planting that is proposed. Overall, the Assessment concludes that the proposal would have no or only low potential negative impact on the retained trees provided that precautions are taken during construction to avoid root protection areas.

An Ecological Appraisal describes the site as intensively managed arable land with external hedgerow and woodland boundaries. There are no European or National Statutory Nature Conservation Sites affected, but there are four non-statutory sites within two kilometres of the site – Newdigate Colliery, Colliery Wood, Cowley Wood and

Woodland Buffers all to the north-east. Due to the separation distances and the nature of the proposed development, it is extremely unlikely that there would be any impact on these sites. Great Lynes Wood comprises a pine plantation with very little ground flora. There are however deciduous trees around its perimeter. The proposals retain native hedgerows wherever possible and there is no proposed loss of any of the surrounding woodland or that on site. As a consequence, there is a very limited impact, and the main issues should be mitigation and enhancement of existing habitats as well as providing sufficient buffer zones with hedgerows and around Great Lynes Wood. From a habitat assessment, the site has negligible potential for amphibians, reptiles and riparian fauna. It has greater potential for bat roosts and badger sets. Additional survey work is thus needed in respect of these species. Suitable mitigation measures will be needed commensurate with the conclusions of this work.

A Statement of Community Involvement describes a public consultation events as well as meetings with the Astley and Corley Parish Councils. 40 residents attended a community consultation in May. The Statement says that the draft proposal as presented at that time was then modified so as to move the whole development further away from the Breach Oak Lane boundary by an additional five metres so as to allow more planting alongside the existing hedgerow and secondly to remove solar panels adjacent to the public footpath so as to provide more rough grassland and a new hedge line to the south. There was also an expression of interest to look at community benefit from the electricity generation.

A Heritage Impact Assessment identifies that very little archaeological fieldwork has taken place in this area but the character of the field boundaries, historic land use and location relative to other farms and historic settlements imply diminished archaeological potential. Any identified features are likely to be medieval or post-medieval as well as field systems. A pre-commencement evaluation would be recommended. In respect of indirect impacts, most of the designated heritage assets in the wider area are located some distance away – Corley Camp Hillfort, Breach Oak Farmhouse, Holly Farmhouse and Corley Hall. However, a combination of the high level of several of the assets and their interlinking on a landscape scale, means that some impact is unavoidable, but the overall impact is assessed as being minor.

A Landscape and Visual Impact Assessment has been carried out. This concludes that there would be local landscape impacts rather than broad landscape impacts. This is because of the topography in the area and the degree of self-containment provided by the existing boundary hedgerows and trees as well as by Great Lynes Wood. There are however some direct and filtered impacts within this radius. Such impacts reduce beyond around 1.5 kilometres from the site as although agricultural land remains the dominant landscape type in the area, there has already been a degree of development/urbanisation in the broader area. Mitigation measures to replace, plant new and enhance existing hedgerows and the planting of new trees would assist in reducing the immediate local adverse impacts. The changes consequential to the public engagement events will enhance the value of these measures. Notwithstanding these measures the landscape and visual impacts from the other side of the Motorway remain as residual impacts.

A Green Belt Assessment looks at the impact of the proposals on the five purposes of including land within the Green Belt. It acknowledges that the site lies within Broad Area 10 of the Coventry and Warwickshire Joint Green Belt Study of April 2016. This

concludes that this Area is "considered to make a significant contribution to Green Belt purposes". The applicant's assessment of the impact of the actual proposal on the five purposes concludes that there would be no harm to the purposes of checking unrestricted sprawl of large built-up areas, to preventing neighbouring towns merging or to preserving the setting of historic towns. It concludes however that there would be "limited" harm to the purpose of safeguarding the countryside from encroachment. This is said to arise from the site being visually self-contained to within a kilometre and a half distant and to the impact of the mitigation measures. It is also pointed out that the development is reversible – having a 40 year life.

A Planning Statement brings all of these matters together within the final planning balance. It outlines the Development Plan policies as well as the range of other material planning considerations applicable to the case. The harms are identified and the applicant's considerations are set out. Appendix I is a copy of the applicant's case – the first sections set out the "harm" side of the balance referring to the various conclusions from the documents reported above (paras 5.2 to 5.9.2 of Appendix I). The applicant's case is then outlined in the concluding paragraphs of Appendix I. The considerations that the applicant is advancing are said to cumulatively clearly outweigh the harms. The considerations are increasing renewable energy generation, the climate emergency, energy security, the best available technology, good design, the reversible impacts, net bio-diversity gain, soil regeneration and farm diversification.

### **3. An Outline of Application PAP/2021/0651 – Nuthurst Lane**

#### **a) The Site**

This site comprises five fields of agricultural land on the Arbury Estate amounting to 40 hectares in area, just short of a kilometre to the west of Nuthurst Lane at Astley and around 400 metres north of Park Lane. It is also around 200 metres south of the built-up edge of New Arley.

The site is separated from New Arley by the Astley Gorse Wood which is immediately to the north of the site. A corridor of this wood extends southwards into the site. There is also a smaller area of woodland in the southern portion containing a pond. Hedgerows and small isolated clusters of trees extend out from this woodland. The highest point of the site is in its north-west corner and the land falls towards the south and south-east with a fall of around 15 metres.

Apart from New Arley, the closest residential properties are at Fitzroy Farm (750 metres to the north-east); Holly Bush Farm (900 metres to the east) the hamlet of Astley (900 metres to the east) and Park Lane Farm (200 metres to the south).

There are three overhead lines mounted on low wooden poles crossing the site from north-east to south-west.

Public footpath (M341) runs from Park Lane northwards along the whole of the western boundary to the site and into New Arley. The M342 crosses land to the north of the site running from Hill Top at Arley, south-eastwards towards Nuthurst Lane at Astley.

## **b) The Proposal**

The solar array would be oriented west/east across the whole site with the panels being angled so as to face south. These would be three metres off the ground at their highest point and 800 mm at their lowest. There would be a three-metre open corridor between the lines of panels. Other associated infrastructure is located throughout the site grouped into five general locations – one in each of the five fields. These locations would contain inverter units (2.6 metres tall) and the containers housing the batteries (2.6 metres tall). The connections from the panels and units would link to a substation in the north-east corner of the site measuring 5 metres by 3 and 4 metres tall. The connection to the grid would be made under the access track so as to connect at Nuthurst Lane. A two-metre tall deer fence would be constructed around the site's perimeter with a single vehicular access also in the north east corner being a five metre deer gate. Pole mounted infra-red CCTV cameras would be located at intervals around the perimeter mounted on steel poles at three metres above ground level.

Because of the natural slope of the land surface water drainage would be to the south where a collection of swales would be provided in order to contain surface water prior to discharge into existing ditches.

The perimeter hedgerows are to be enhanced and "filled -in" so as to reach a height of between 2.5 and three metres together with a five-metre wide "buffer" being left open around the inside of the deer fence.

Access to the site for all site traffic would be gained from Nuthurst Lane via existing agricultural access tracks that are already in use by the farmer. These would be strengthened to accommodate the HGV construction traffic. A temporary construction compound would utilise an existing farm storage/set down area at the north east corner. Construction is expected to take around 30 weeks with no working on Sundays and Bank Holidays and 8 two-way HGV movements expected daily.

The site is anticipated to generate some 21 MWh of electricity a year – equivalent to the use of around 5120 homes. In addition, the on-site battery storage facility would be utilised to reinforce the power generation of the solar farm – storing energy at times of low demand and releasing it to the grid at other times.

The proposal has a life of 40 years and the development would be de-commissioned at that time.

A plan at Appendix J illustrates the layout of the proposals and as the infrastructure is the same as reported above for the Smorrall Lane case, Members are referred to Appendices C to G.

## **c) Submitted Documentation**

The application is accompanied by a number of supporting documents.

A Noise Assessment details the existing background sound climate at the nearest noise-sensitive properties as well as outlining the impact of the potential noise emissions from the development on that background. This concludes that noise

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emissions will be equal to or below the measured day and night-time background levels at these properties thus leading to a conclusion of there being no observed adverse effects.

A Glint and Glare Assessment outlines that there are some 46 residential properties within a kilometre of the site and eight aerodromes within a thirty kilometre radius. Analysis was undertaken at half of the properties and at four runways and two air traffic control towers. That concludes that there would be no adverse glint and glare impacts at the residential properties and no impact predicted at Coventry or Birmingham Airports. No mitigation is thus proposed.

A Flood Risk Assessment identifies no rivers within a kilometre of the site but there are a number of ditches within and surrounding the site together with a number of on-site ponds. The natural drainage direction is towards the east because of the sloping topography. The site is in Flood Zone 1 indicating that the entire site is at "low risk" from fluvial flooding. Areas with a higher risk of surface water flooding are within the vicinity of the main ditches in the area – the Astley Gorse Brook in the north eastern corner of the site and the Wood Brook to the south east – together with isolated "ponding" in the vicinity of the existing ponds. However, these are low level risks. As the development is almost wholly elevated above ground level there is a negligible risk of flows being impeded or diverted. The various structures will have gravel perimeter trenches and the access road would be strengthened with impermeable material. No further mitigation is recommended, although some new swales are included along the downslope boundaries of the site.

No Traffic Assessment was included, but a draft Traffic Construction Management Plan was submitted. This outlines the route for both in and outbound traffic which will be from Junction 3 of the M6; the A444, Newton Road, Heath Road in Bedworth, Smorrall Lane, Astley Lane and into Nuthurst Lane. HGV traffic is expected to amount to four HGVs accessing the site daily through the construction period. Working hours are to be between 0800 and 1800 hours on weekdays and 0800 and 1300 on Saturdays.

An Ecological Appraisal describes the site as being an area of intensively managed agricultural land predominantly under arable rotation. There are limited areas of improved grassland within the fields whilst native hedgerows with mature trees provide field boundaries throughout the site, some of which have associated ditches. Woodland and scrub are seen on site plus some scattered trees. There are ten ponds within or immediately adjacent to the site. There are no European or National Statutory Nature Conservation Sites affected but there are two non-statutory sites within two kilometres of the site – Dafferns Wood and Ansley Cutting. Due to the separation distances and the nature of the proposed development, it is extremely unlikely that there would be any impact on these sites. The proposals retain native hedgerows wherever possible and there is no proposed loss of any of the surrounding woodland or that on site. The ponds are to be retained. As a consequence, there is a very limited impact and the main issues should be mitigation and enhancement of existing habitats. Additional survey work is needed in respect of the potential for bats and badgers being present on the site. Suitable mitigation measures will be needed commensurate with the conclusions of this work. Survey work for great crested newts found no traces of their presence on the site.

A Heritage Appraisal concludes that given the historic use of the fields as agricultural land, if archaeological features do survive, they are very likely to be only in the larger and deeper cut examples. However, the land was farmed from the former Dukes Farm – the site of the construction compound – and this could be late 18<sup>th</sup> Century or earlier and linked to the deer park of Astley Castle. This part of the site therefore has greater interest. In terms of indirect impacts, the Appraisal says that the designated assets in the wider area are some distance from the site – Astley Castle and its associated buildings, Astley Church, Astley Lodge, Arbury Hall and its Park. The landscape setting of these assets is such that they are partly or wholly insulated from the effects of the development by intervening trees, topography and modern intrusions. However, a combination of the high value of several of the assets and their interlinking in the landscape means that the scale of the development and its location on higher ground, will have an impact - albeit limited.

An Agricultural Land Classification Note indicates that 60% of the site is Grade 3b; 30% is Grade 3a and 8% is Grade 2. It is concluded that there would be no impact as a consequence of this development as the land would not be "lost" from agriculture in the longer term. The Note also states that the management of land under solar PV panels can improve soil health such as increasing soil organic matter and hence soil organic carbon.

A Landscape and Visual Impact Assessment has been carried out. This concludes that there would be local landscape impacts rather than broad landscape impacts. However, these would be significant within a kilometre of the site because of the change away from an agricultural backcloth. Beyond a kilometre distance from the site these impacts would lessen to moderate to minor and beyond two kilometres they would be minor to insignificant. Mitigation measures to replace and enhance existing hedgerows and the planting of new trees would assist in reducing the immediate local adverse impacts. In respect of visual impacts then the general conclusions reflect those above, but because of the elevated position there would sections of the site that would be visible between 1 and 1.5 kilometres distant. Again, mitigation measures would reduce these impacts.

A Statement of Community Involvement outlines the programme of public consultation that was undertaken. This describes an in-person public exhibition together with engagement with the Astley Parish Council. Additionally, a brochure was circulated to over 1000 residents and to 30 local businesses. There was also a project website. Of the 16 people who attended the exhibition or completed the online survey, 10 were in favour and there were 4 objections with 2 offering no opinion. The key matters raised were – construction traffic and potential visual impact.

A Green Belt Assessment looks at the impact of the proposals on the five purposes of including land within the Green Belt. It acknowledges that the site lies within Broad Area 10 of the Coventry and Warwickshire Joint Green Belt Study of April 2016. This concludes that this Area is "considered to make a significant contribution to Green Belt purposes". The applicant's assessment of the impact of the actual proposal on the five purposes concludes that there would be no harm to the purposes of checking unrestricted sprawl of large built-up areas, to preventing neighbouring towns merging or to preserving the setting of historic towns. It concludes however that there would be "very limited" harm to the purpose of safeguarding the countryside from encroachment. This is said to arise from the site being visually self-contained to within a kilometre

distant and to the impact of the mitigation measures. It is also pointed out that the development is reversible – having a 40 year life.

A Planning Statement brings all of these matters together within the final planning balance. It outlines the Development Plan policies as well as the range of other material planning considerations applicable to the case. The harms are identified and the applicant's considerations are set out. Appendix K is a copy of the applicant's case – the first sections set out the "harm" side of the balance referring to the various conclusions from the documents reported above (paras 5.1 to 5.12.1 of Appendix K). The applicant's case is then outlined in the concluding paragraphs of Appendix K. The considerations that the applicant is advancing are said to cumulatively clearly outweigh the harms. The considerations are increasing renewable energy generation, the climate emergency, energy security, the best available technology, good design, the reversible impacts, net bio-diversity gain, soil regeneration and farm diversification.

#### **4. Development Plan**

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP3 (Green Belt), LP13 (Rural Employment), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP23 (Transport Assessments), LP29 (Development Considerations), LP30 (Built Form) and LP35 (Renewable Energy and Energy Efficiency)

#### **5. Other Material Planning Considerations**

Climate Change Act 2008 (2050 Target Amendment) Order 2019  
Energy Security Strategy 2012  
UK Solar PV Strategy 2014  
National Policy Statements EN1 and EN3  
National Planning Policy Framework  
North Warwickshire Climate Emergency  
North Warwickshire Landscape Character Assessment 2010  
The Coventry and Warwickshire Joint Green Belt Study 2016

#### **Observations**

As explained above, this is an introductory report bringing these applications to the attention of the Board at an early stage. It describes both of the sites as well as the respective proposals for each. They are clearly similar but the Smorrall Lane one has the additional agricultural building. The relevant parts of the Development Plan are identified as well as a number of other material planning considerations.

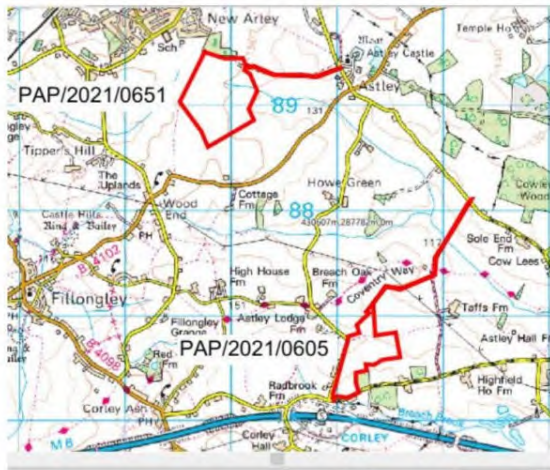
It is considered that the Board would benefit from looking at the two sites in order to best assess their respective impacts as well as to better appreciate any cumulative impacts. A joint visit is thus recommended prior to determination.

#### **Recommendation**

That the Board visits both of the sites prior to determination.

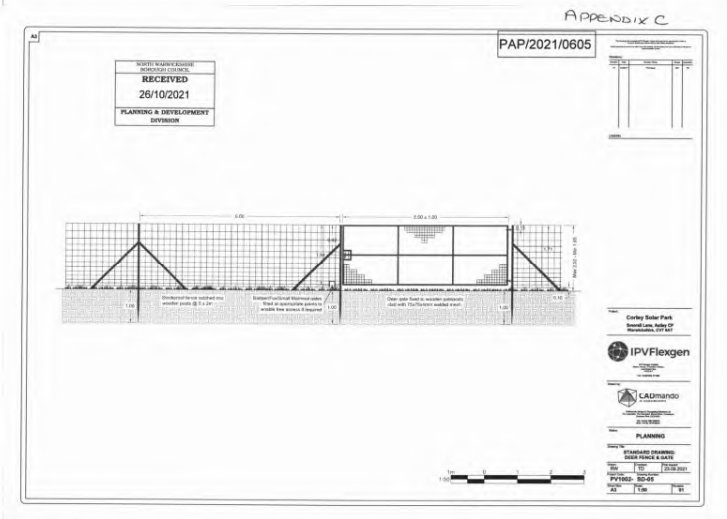
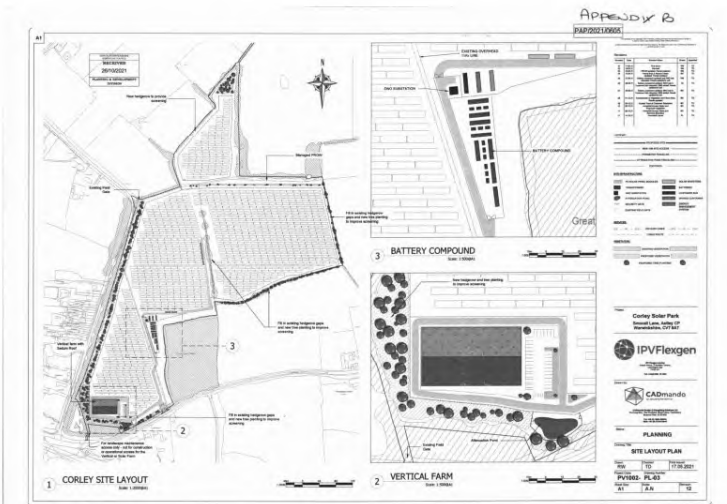


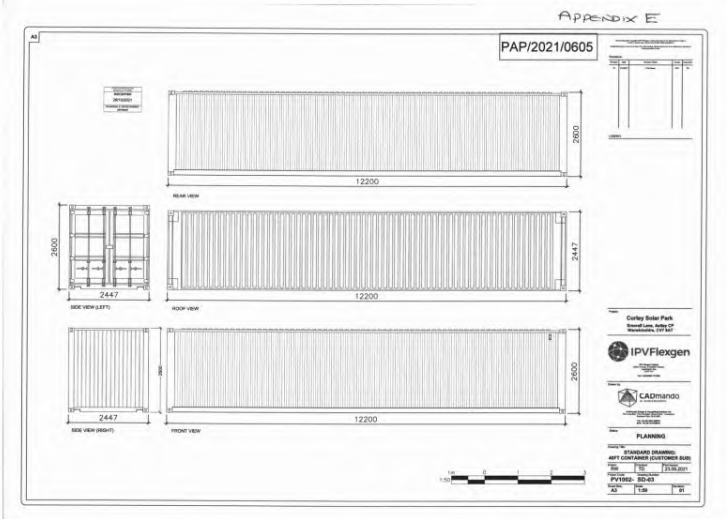
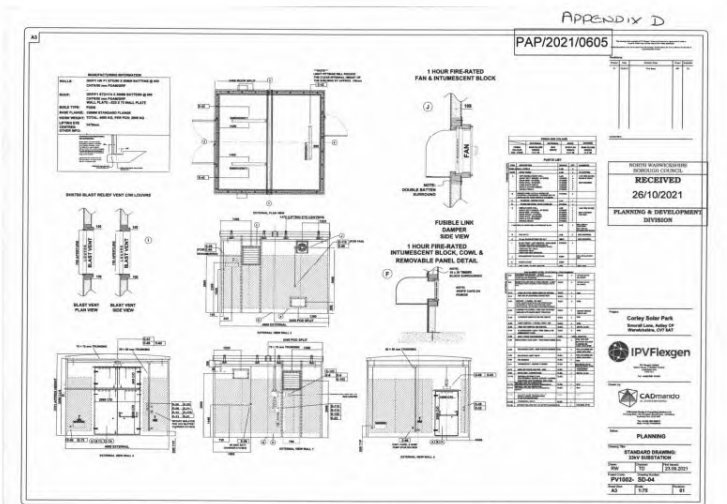
Appendix – A

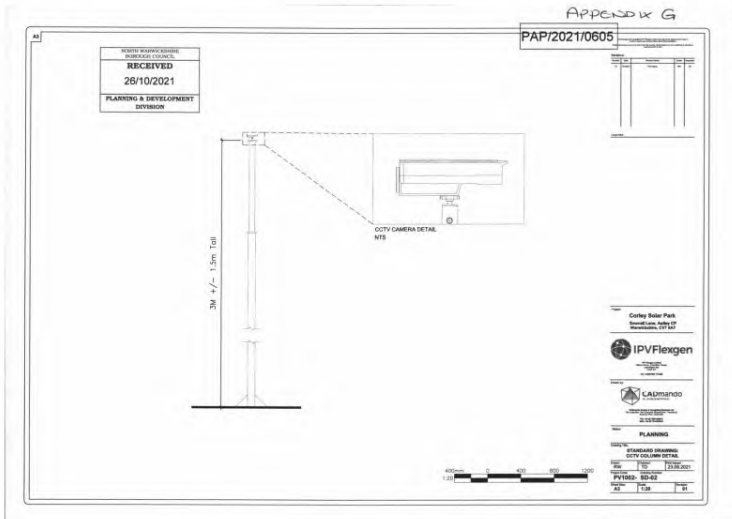
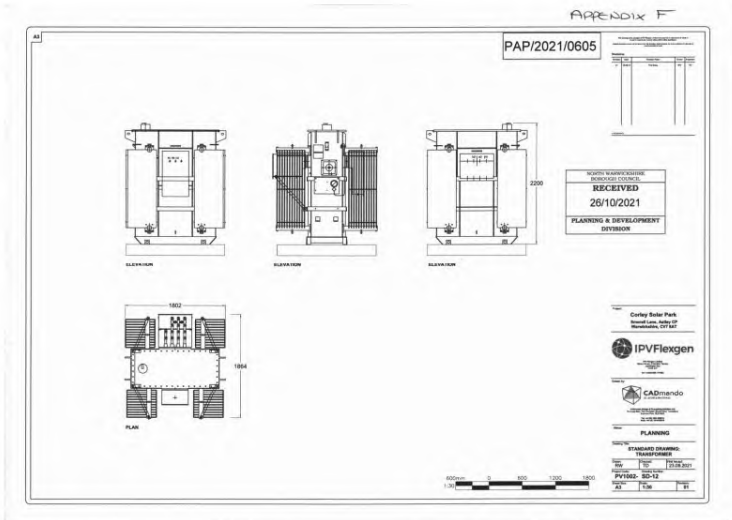


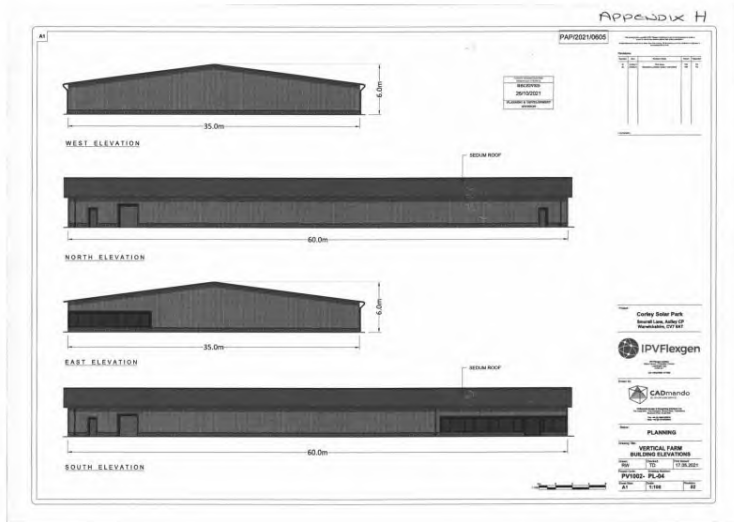
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## Corley Solar Farm and Battery Storage – Planning Statement

In applying the relevant national and local policy therefore regarding the principle of the development for a new agricultural building which will house a modern vertical farm and renewable energy, it is clear that the Proposed Development is fully compliant.

### 5.2 Landscape and Visual

The LVIA submitted with the application found it apparent that the landform, landcover and landscape elements significantly altered and, in some cases, blocked views to the site that were thought to be evident within the desk study assessment and the ZVT. This is especially the case beyond the 1.5km distance with topography, wooded areas, tall hedgerows and buildings forming visual barriers in views towards the site. The most notable impact will be the physical change in landscape character of the proposed development site from an open arable field to a solar farm / vertical farm.

The impact upon the ancient woodland specifically Great Lynes Wood will also be minimal, as the scheme is being held back from the boundary with a buffer zone as per the recommendations in the arboricultural and ecological surveys, to enable sufficient space for protection and conservation.

The impact upon local houses / buildings, initially during the construction of the development will have a significant but temporary short term impact, especially those on Breach Oak Lane and Smorrall Lane who are closest. But once the development is completed due to the mainly static nature of the solar farm, minimal maintenance required plus the screening vegetation both existing and proposed, this will lessen.

Several opportunities exist to reduce the visual impact of the proposed development and improve and conserve the character of the area in line with the recommendations made within the landscape character assessment and have been incorporated into the submitted layout design.

Creating access for the development immediately off Smorrall Lane straight into the site for the duration of the build and lifespan of the development is a positive point, ensuring works will not be undertaken at any distance from the site, limiting the change in character that will be undertaken. The change in character will be contained to the main fields only.

The colour of the proposed vertical farm is an important factor. The appearance of the building should assist in blending the development into its surroundings. The LVIA recommends that potentially on the different aspects of the proposed building different colours/materials could be used to break down further the scale and massing of the proposed development and the applicant is willing to discuss this further and agree the approach to materials and finishes with the Council.

The use of deer fencing as the perimeter fence (2m tall supported by wooden fence posts located at 6m intervals) is a practical option, ensuring it is in keeping with the area and in a natural unobtrusive material as possible.

Land adjacent to the solar panels cannot be densely planted to deflect views and screen the site as this would compromise the solar gain (overshadowing), but space has been left outside of the perimeter fence, and within the site boundary to be planted with grassland seed mixes relevant to the soil types, and where needed the site boundary will be strengthened either by installing new hedgerows, infilling gappy hedgerows, creation of woodland planting and the planting of individual trees.

The proposed planting measures will assist in the integration of the infrastructure into the surrounding landscape and will help to deflect and screen views over time as well as increase the biodiversity and strengthen wildlife corridors.

It is also recommended in the LVIA that all the proposed shrubs / trees planted as part of the site improvements should be selected to complement existing species found within the site and the local

area, with specific shrubs / trees that will bring an even greater benefit to the site having regard to the existing ecology. Evergreen plants will comprise an element of the native / naturalised planting mix. This can be agreed by way of condition for a planting plan to be submitted for agreement by the Council.

Not using external artificial lighting within the larger element that is the solar farm, will ensure that the night scene will not change, and the majority of the field will remain in darkness. The lighting of the entrance and the vertical farm will of course change the night scene, but with the proposed hours of working it is envisaged unless an emergency happens or a movement initiates the lights on site, there should be minimal light pollution from the site.

It is therefore considered in the LVIA that any landscape or visual impacts will be highly localised to the development site or to the adjacent fields around site to a distance of approximately 1.5km as the study suggests and this will be for the 40 year duration only. Any affects beyond this extent will be moderate / minor during construction decreasing to low and negligible on completion.

### 5.3 Heritage

The proposed site lies in the parish of Astley, Warwickshire. This was a Domesday Manor held by the Astley Family for much of the medieval period. Passing to the Greys of Ruthin in the 15th century, it was forfeited to the Crown in the mid-16th century, and sold to the Chamberlaine and then Newdigate Families, the latter holding it into the 20<sup>th</sup> century. The Site is located on the southern edge of Astley parish.

The three fields comprising the Site were created in the later 20th century through the amalgamation of 14 smaller fields; the slight earthworks of some of those lost field boundaries are still visible on the ground. Also visible are the infilled remains of several ponds or marl pits. The character of the field boundaries, historic landuse, and its location relative to other farms and the historic settlement of Astley would imply it was more marginal and thus of diminished archaeological potential. Whilst there is moderate potential suggested by the surrounding landscape, the walkover survey would suggest that the archaeological potential for the site is low, the identified features likely reflecting medieval and post-medieval agriculture and field systems as well as quarrying activity. However, earlier Prehistoric or Romano-British features cannot be ruled out. Any development of the site is likely to encounter and destroy the buried archaeological resource.

In terms of indirect impacts, most of the very few designated heritage assets in the wider area are located at such a distance as to minimize the impact of the proposed development, or else the contribution of setting to overall significance is less important than other factors. The landscape context of many of these buildings and monuments is such that they would be partly or wholly insulated from the effects of the proposed development by a combination of local blocking from trees, topography, buildings, or embankments, or that other modern intrusions have already impinged upon their setting. However, a combination of the high value of several of the assets and their interlinking on a landscape scale means that the scale of the proposed development and its position overlooked by higher ground with surrounding agricultural fields means that impact is unavoidable. There is also the issue of local infrastructure meaning that during the construction phase heavy goods vehicles may be regularly passing close to some of the assets, though this impact will only be temporary.

The overall impact of the proposed development has been assessed as negative/minor. The impact of the development on any buried archaeological resource may be permanent and irreversible but can be mitigated through an appropriate programme of archaeological investigation and recording.

#### 5.4 Use of Agricultural Land

Both the NPPF and Local Plan Policy LP13 supports farm diversification and development of new uses of land supporting the rural economy.

An assessment of agricultural land quality, involving a desktop study and an ALC survey has determined that agricultural land at the Site is limited by soil wetness to Subgrade 3a (42% of the Site) and Subgrade 3b (58% of the Site). Development of the site for a time limited period would not result in the permanent loss of Best and Most Versatile (BMV) agricultural land. The installation of the solar farm is reversible, i.e. the agricultural land can be returned to its former agricultural productivity once the generation of renewable electricity has ceased, and the solar panels and associated infrastructure is removed.

The proposed agricultural building will house a vertical farm which will produce leaf crops all year round going into the local food chain thus reducing food miles, transport costs and emissions by reducing the need for out of season overseas food imports. A grazing management plan for the area between and under the solar panels would allow low intensity livestock grazing for the duration of the development.

Vertical farms are highly energy and space efficient and positively contribute to decarbonisation and the green economy. Vertical farms use no pesticides, no herbicides and 4% of the water that would be in growing the same crop outside.

The diversification of agricultural income can help helping farmers afford to offset land for biodiversity and sustainability measures without relying on government subsidy and will create new green jobs in agriculture at various entry levels in growing, marketing, and the distribution supply chain, improving skills and opportunities in the local economy and positively contributing to regional decarbonisation.

Planning Practice Guidance also recognises that the duration of the development and its remediability, taking into account any provisions to return the land to its original state or to an equivalent state of openness is a factor to be taken into account when considering development within the WMGB.

The agricultural land at the Site is currently used mainly in arable rotation. In many respects, the management of the land under solar panels as grassland can benefit soil health. It is likely that soil health will be improved over the operational life of the generating station, i.e. increase in soil organic matter, increase in the diversity of soil flora, fauna and microbes, and improve soil structure.

Therefore, development of agricultural land at this Site would not significantly harm national agricultural interests in accordance with paragraph 171 of the NPPF.

#### 5.5 Farm Diversification

There is support in national (NPPF paragraph 84 (b)) and Local Plan policy LP13 for farm diversification projects that meet sustainable development objectives and help sustain the rural economy and encourage agricultural enterprise, subject to development proposals being well designed and of a use and scale appropriate to the location when considering landscape, heritage and environmental impacts and safe and acceptable site access and highway impacts.

Due to the relatively low income from farming, many farmers have had to diversify to secure an economically sustainable profit. Farm diversification is broadly defined as '*the entrepreneurial use of farm resources for a non-agricultural purpose for commercial gain*'. Hence, diversification reflects the reduced dependence of farmers on agriculture as a source of income. Diversification also implies entrepreneurial activity on behalf of the farmer.



## Corley Solar Farm and Battery Storage – Planning Statement

The Proposed Development will be an important stream of farm diversification income whilst allow underpinning the continuation of the overall farming businesses.

Farming businesses play a vital role in the rural economy, particularly supporting the agricultural supply chain to include feed merchants, machinery sales, maintenance and repair businesses, local builders, delivery drivers and professional services, to name but a few – therefore farm diversification is key to the long-term overall survival of farms. The Proposed Development would help to support the local agricultural supply chain via the income to the farming business.

Renewable energy is an important form of farm diversification, recognised by the National Farmers Union (NFU) as an important step towards making British agriculture carbon neutral within two decades. As farming is responsible for around a tenth of UK greenhouse gas emissions, supporting renewable energy farm diversification projects will be a vital step to reaching net zero.

### 5.6 Amenity

The need to protect the amenity of the local area and nearby sensitive receptors through minimising visual and noise impacts and effects of glint and glare is a requirement of both national and local planning policy. Visual impacts have been assessed in the LVIA and found to be acceptable, the effects of noise and glint and glare are considered in turn below.

Overall, the Proposed Development is acceptable in amenity terms and meets the requirements of the NPPF and Local Plan Policy.

#### Noise

A Noise Impact Assessment has been produced to accompany the Application.

The assessment considers the potential noise generation from the plant associated with the Proposed Development, with respect to existing sound levels in the area. The assessment methodology contained in British Standard 4142:2014+A1:2019 *Method for rating and assessing industrial and commercial sound* has been used in conjunction with supplementary acoustic guidance.

The assessment identifies that the Proposed Development will give rise to rating noise levels that are typically below the measured day and night-time background sound levels in the area, at the closest assessed residential receptors, thus giving rise to a Low Impact.

Consequently, the assessment demonstrates that the Proposed Development will give rise to noise impacts that would be categorised as No Observed Adverse Effect Level (NOAEL) within the Noise Planning Practice Guidance - Noise.

The amenity of the closest residential receptors would therefore not be affected by noise arising from the Proposed Development.

#### Glint and Glare

Solar panels are made up of silicon based PV cells that are encased in a glass covering. Glass does not have a true specular reflection but does reflect a certain magnitude of light. Reflection of sunlight from PV panels is unwanted by the Applicant. This is because the greater the amount of light which can be captured at the PV cell, the greater the amount of electricity that can be produced. The manufacturers of the panels therefore use anti-reflective coating in the glass that changes the reflectivity from specular distribution to diffuse distribution. Therefore, as light falls onto the PV panels, most of the sunlight is transmitted to the cell beneath the glass with only a small amount reflected back in a multiple of angles and magnitudes. The result is an object that is perceived to have very little glare.



Nonetheless, and for the purposes of completeness and a robust impact assessment of the Proposed Development a Glint and Glare Assessment has been prepared and submitted. The assessment pertains to the possible effects upon surrounding road users and dwellings.

The glint and glare assessment has shown that the proposed landscape screening will be sufficient to remove all views of the reflective areas therefore no impact on dwellings is expected. For road receptors the impact is moderate and mitigation is recommended along Smorrall Lane. The Applicant has proposed strengthening of the site boundaries thereby no impact is expected.

#### **5.7 Flood Risk**

The requirements for Flood Risk Assessment (FRA) are provided in the NPPF and its associated Planning Practice Guidance, together with the Environment Agency's Guidance Notes. This policy and associated guidance have been followed in the preparation of the FRA submitted with the application.

The EA's flood map for planning indicates that the site is at 'low to very low' risk of flooding from fluvial, surface water and other flood sources. Most of the solar array site will retain existing grassland either beneath solar panels or around associated infrastructure. The footprint of ancillary buildings will be small, and it is recommended in the FRA that access tracks are constructed of permeable material.

The proposed layout will not encroach on existing drainage paths through the site. Therefore, run-off conditions from the solar array site are not expected to significantly change from existing greenfield conditions.

The Vertical Farm will create an area of low permeability surfaces and the increased surface run-off will need to be managed to limit increased flood risk to properties along the opposite, southern, side of Smorrall Lane.

Ground conditions at the site are assessed as being unsuitable for soakaways and it is therefore proposed to attenuate run-off from the Vertical Farm by means of an attenuation pond as shown on the site layout plan and in the submitted cross section drawing (Document ref. R003).

Overall, the Proposed Development is acceptable in flood risk terms and meets the requirements of the NPPF and Local Plan Policy on meeting the challenges of climate change and in particular increased risk of flood events.

#### **5.8 Traffic and Access**

A CTMP has been prepared and accompanies the Application. This explains in detail the proposed Site access points, vehicle movements and the construction vehicle route from the strategic highway network to the Site. A temporary construction compound positioned at the southern end of the site on the footprint of the agricultural building near the access from Smorrall Lane will ensure all construction traffic and activities will be within the application boundary.

It is expected that during the main construction phases there will only be approximately five HGVs per day (10 two-way movements) accessing the Site over the construction period. There will also be construction workers arriving at the Site in the morning and departing in the evening, although the numbers involved are forecast to be relatively low on a day-to-day basis and will occur outside of peak hours.

The level of traffic forecast during the temporary construction phase is therefore low. It is concluded that construction traffic associated with the Proposed Development will not have a material effect on the safety or operation of the local highway network. Mitigations measures have also been proposed

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to further minimise impact from resulting construction activities on the local road network and are provided in the CTMP.

Once operational, traffic is very low, at approximately one to two light van maintenance visits per month. As well as the main access to the vertical farm and solar farm from Smorrall Lane, existing farm accesses to the site from Smorrall Lane and Breach Oak Lane will occasionally be used for maintaining the landscape planting and biodiversity benefits.

The existing PRoW that crosses the northern end of the site is not proposed to be diverted or closed and will remain open to users during the temporary construction period and during operations. Once operational there will be a 15m corridor for the PRoW and a new hedgerow planted along the southern side as it crosses the solar site.

Overall, the Proposed Development is acceptable in traffic and access terms and meets the requirements of the NPPF and Local Plan Policy LP23.

### 5.9 Green Belt

In regard to assessing the Proposed Development in the Green Belt (see Appendix 1), the starting point is as set out by the NPPF:

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

Paragraph 138 goes on to state that:

*"Green Belt serves five purposes:*

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

Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 states:

*"When considering any planning application, local planning authorities should ensure that substantial weight is 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."*

Very special circumstances is thereby the outcome of a planning balancing exercise and the harms must be clearly outweighed by the benefits.

The policies in the NPPF set out those types of development that are appropriate (i.e. not inappropriate) in the Green Belt. The Proposed Development does not fall into any of the exceptions listed in paragraphs 149 and 150 of the NPPF. The Proposed Development is therefore considered to be inappropriate development within the LMGB.

The NPPF does however provide provision for renewable energy projects in the Green Belt. At paragraph 151 it states:



*"When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources"* (our emphasis).

Paragraph 145 of the NPPF adds, in relation to the improvement of the Green Belts, "Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land."

Therefore, it is necessary to carry out a planning balancing exercise (which is a matter of planning judgement) to establish whether any harm to the Green Belt is clearly outweighed by other considerations including benefits of the Proposed Development and allowing for mitigation as the NPPF allows; and whether the necessary very special circumstances exist to approve the Application.

The Local Plan specifically relates to development in the Green Belt stating that there is a general presumption against inappropriate development within the Green Belt, as defined on the Policies Map and such development will not be permitted unless very special circumstances exist. In the case of the proposed development the agricultural building is an exception and not considered inappropriate development within the green belt so this section specifically refers to the renewable energy development and associated infrastructure elements of the proposal.

#### 5.9.1 Openness

The concept of "openness" in paragraph 137 of the NPPF is naturally read as referring back to the underlying aim of Green Belt policy that is "to prevent urban sprawl by keeping land permanently open...". Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. It is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development; some forms of development are appropriate and as such are compatible with the concept of openness.

The word 'openness' is open-textured, and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents. Clearly, visual impact is a factor that may be material to the assessment of openness, and it will be for the decision maker to determine whether or not it is to be taken into account in any individual case.

One factor which can affect appropriateness, the preservation of openness and conflict with Green Belt purposes, is the duration of development and the reversibility of its effects. The Application for the renewable energy part of the proposal is proposed for a lifetime of 40 operational years and is therefore considered to be relevant to its acceptability within the Green Belt.

The National Planning Policy Guidance provides further guidance to the decision maker under the heading of:

*"What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?"*

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*“Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are 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 13 of the Planning Policy Guidance also provides specific guidance on solar farms stating that *“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.”*

In so far as visual impacts are considered relevant to the assessment of the impact on openness, it is necessary to draw upon the LVIA. As set out above the Site in general is visually well-contained by a combination of existing hedgerows, tree belt and woodland vegetation that are located within and along the Site's boundaries, which assist in reducing the visibility of the Site.

The Site's visual connectivity to the wider landscape is, in general, limited to its local context up to 1.5km. Coupled with the landscape-led iterative design process, the Proposed Development has sensitivity sited various elements of the scheme to reduce landscape and visual effects and potential harm to the Green Belt. This has involved the confinement of solar panels to the existing fields present within the Site and the siting of the proposed agricultural building, grid infrastructure and battery storage facility at the lower elevation at the southern end of the site.

The Proposed Development would also retain the existing vegetation on-site in-combination with proposals to strengthen it with new planting where necessary. This would be positively managed (through the relaxation of cutting and management) to allow them to grow out and further restrict potential visibility of the Proposed Development. The nature of the Proposed Development means that site fabric and characteristics of the Site such as the vegetative network, field pattern and topography would remain intact and legible.

Notwithstanding the above, the duration of the solar farm would be entirely reversible after its 40-year operational phase.

A comprehensive assessment of the Site in relation to the purposes prescribed under paragraph 134 of the NPPF is provided in Appendix 1 which concludes the Proposed Development would result in limited harm to three of the four relevant purposes of the WMGB, and the strategic performance and function of the remaining WMGB would prevail.

#### 5.9.2 Other Harm

As demonstrated above, consideration has been given to 'other harm' regarding heritage, biodiversity, agricultural land, farm diversification, amenity, flood risk, traffic and landscape and visual impacts which have also been assessed in relation to landscape character and visual receptors.

The supporting assessments are clearly set out below in Table 5.1, indicating mitigation measures taken to reduce harm as part of the Proposed Development.



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Assessment	Mitigation Measures	Harm
Landscape and Visual	Input into the design to strengthen existing vegetation corridors and boundaries, ensure suitable distance from the PRoW, and location of key infrastructure such as the onsite substation and battery storage facility.	Limited Temporary Harm (40 years)
Heritage	The overall impact of the proposed development can be assessed as negative/minor on heritage assets and low on archaeology.	Limited, Indirect and Reversible Harm (40 years)
Biodiversity	Suitable avoidance measures applied for both habitats and species identified. Enhancement measures incorporated within the planting plan 44% habitat biodiversity net gain and 19% hedgerow biodiversity net gain	Enhancement
Use of Agricultural Land	Over 58% of land is not BMV. Land will be retained in agricultural use through grazing. The proposal is a temporary use of the land and fully reversible. Benefits demonstrated to soil health due to change in management of the land.	Enhancement
Farm Diversification	The site would support the rural economy by providing farm diversification for the landowner and direct power supply to a new agricultural facility	Benefit
Amenity	Noise: location of noise generating equipment has been moved as far as practicable from sensitive receptors. Glint and Glare: choice of technology, configuration of technology, site topography, new vegetative screen planting and positive management of existing planting to improve screening	Noise: No Harm Glint and Glare: Limited Temporary Harm
Flood Risk	FRA and drainage strategy undertaken to ensure suitable siting of equipment and sustainable drainage methods.	Limited Temporary Harm
Traffic and Access	Liaison with Highway Authority to agree safe access design. Inclusion of signage, procedures and pre-commencement and post condition	Limited Temporary Harm



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	surveys to further minimise impacts on the local road network.	
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Table 5.1: Mitigation measures taken to reduce harm as part of the Proposed Development

It is concluded from the accompanying assessments that limited weight should be applied to "other harm" when undertaking the planning balance in accordance with paragraph 148 of the NPPF and local policies.

**5.9.3 Very Special Circumstances**

It is a key planning policy requirement that very special circumstances need to exist for inappropriate development to be approved in the Green Belt.

It is incorrect to suggest that every circumstance in itself has to be 'very special'. Some factors which are quite ordinary in themselves could, cumulatively, become very special circumstances. Thus, the correct approach is to consider whether the very special circumstances relied upon by an applicant (and any other identified by the decision maker), when considered as a whole, are sufficient to outweigh any harm to the Green Belt and any other harm arising from the Proposed Development.

The following are considered to be benefits of the Proposed Development:

**5.9.3.1 Increasing Renewable Energy Generation**

The proposed development comprises of a 16.5MWp solar photovoltaic (PV) array, with associated infrastructure and landscaping. Based on the local solar irradiation level data, the development is anticipated to generate approximately 15,646MWh per year (after anticipated system losses). This is the equivalent of 3,887 North Warwickshire homes (4,025 kWh/yr/household) and displacement of 5,601 t/CO<sub>2</sub> (conversion factor 0.358/CO<sub>2</sub>e) compared with conventional fossil fuel generation sources.

As demonstrated extensively above, the UK, Warwickshire and NWBC is at a time of climate emergency and there is an urgent requirement for renewable energy infrastructure, particularly when considered in the context of the June 2019 ambitious target to reduce greenhouse gas emissions to net zero by 2050 in accordance with the Climate Change Act 2008.

Whilst there is no requirement for an applicant to demonstrate the need for renewable energy in planning policy, national energy policy makes clear that renewable and low carbon energy is vital to our economic prosperity and social well-being and that it is important to ensure that the UK:

- Transitions to a low carbon economy and reduces greenhouse gas emissions to address the predominant challenge of our time, climate change;
- supports an increased supply from renewables;
- continues to have secure, diverse and resilient supplies of electricity as the UK transitions to low carbon energy sources and to replace closing electricity generating capacity;
- increases electricity capacity within the system to stay ahead of growing demand at all times whilst seeking to reduce demand wherever possible; and
- delivers new low carbon and renewable energy infrastructure as soon as possible- the need is urgent.



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In the most recent 2020 Progress Report to Parliament, the Committee on Climate Change state that the path to achieving net-zero emissions by 2050 will necessarily entail a steeper reduction in emissions over the intervening three decades and to reach the UK's new Net Zero target, emissions will need to fall on average by around 14 MtCO<sub>2</sub>e every year, equivalent to 3% of emissions in 2019.

The report goes on to state that reaching net-zero emissions in the UK will require all energy to be delivered to consumers in zero-carbon forms (i.e. electricity, hydrogen, hot water in heat networks) and come from low carbon sources (i.e. renewables and nuclear etc).

When located in the Green Belt, paragraph 151 is clear in stating that "Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources".

The NPS EN-1, EN-3 (both current draft consultation versions) and NPPF (2021) state that renewable energy and associated infrastructure should be supported in the planning system, as part of working towards a radical reduction of greenhouse gases to tackle climate change. Paragraph 155 encourages local planning authorities to maximise the potential for renewable energy and to approve such applications where their impacts are acceptable.

This is afforded significant weight in the planning balance.

##### 5.9.3.2 Climate Emergency

In May 2019 a national climate emergency was declared by the UK Parliament. MPs called on Government to make changes that included the setting of a radical and ambitious new target of reaching net zero emissions before 2050.

Warwickshire as a County (including all sub districts) declared a Climate Emergency in 2019.

The Proposed Development would make a significant and valuable contribution to achieving emission targets on a national and local level.

This is afforded substantial weight in the planning balance.

##### 5.9.3.3 Energy Security

The Proposed Development supplies clean renewable energy to a new economic rural enterprise and to the National Grid, comprising secure, distributed and diversified energy generation which accords with the Government's policy on energy security as identified within NPS EN-1 which explains the need for energy security allied with a reduction in carbon emissions.

This is afforded substantial weight in the planning balance.

##### 5.9.3.4 Best Available Technology

The use of best available and state of the art technology on the Site aims to maximise the use and productivity of the land for the generation of renewable energy. The Proposed Development proposes utilising high-efficiency panels at a fixed tilt of between 20-30 degrees and orientated broadly facing south. Modern panels (bifacial) absorb light on both sides of the panel, both directly on the top-side, and reflected light is also absorbed on the rear-side. The panel technology also utilises high efficiency monocrystalline cells meaning fewer panels are required to be installed on the site to achieve the





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target capacity. The combination of high-efficiency bifacial panels and optimised configuration increases the production of electricity from the site by 4% compared to monofacial systems.

The battery storage facility would be utilised to reinforce the power generation of the solar farm, maximising renewable energy production from the Site whilst providing security of supply to the new agricultural facility as well as into the local distribution grid to local residential and commercial properties.

This maximises renewable energy production from the Site whilst providing security of supply in accordance with Government Policy in reducing the reliance on fossil fuel generation as back up, thereby avoiding the adverse environmental and climate effects.

This is afforded significant weight in the planning balance.

**5.9.3.5 Good Design**

In addition to using best available technology, through undertaking an iterative design process and pre-application engagement, as outlined in the Design and Access Statement, the design of the Proposed Development has been a key consideration in the layout of the site to minimise harm and provide significant benefits to the development as a whole, delivering significant biodiversity net gain.

This is afforded moderate weight in the planning balance.

**5.9.3.6 Alternatives**

The Alternatives statement submitted sets out the alternatives considered as part of the evolution of the design and location of the Proposed Development.

Overall, it concludes that within the defined Study Area, there are no alternative sites (in particular brownfield sites) which are suitable and available for the Proposed Development that could accommodate both the agricultural facility and the solar farm proximate to a viable grid connection or other direct connection opportunities such as Corley Services.

This is afforded substantial weight in the planning balance.

**5.9.3.7 Temporary and Reversible Impacts**

The Application is proposed for a lifetime of 40 operational years. After the 40-year period the generating station would be decommissioned. All electricity generating equipment and built structures associated with the Proposed Development would be removed from the Site and it would continue in agricultural use. It is therefore considered that the Proposed Development is considered a temporary development.

This also aligns with paragraph 13 of the Planning Practice Guidance which states that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.

Construction traffic associated with the Proposed Development will be limited to the construction period of approximately 23 weeks and will not have a material effect on the safety or operation of the local highway network.

This is afforded substantial weight in the planning balance.



#### 5.9.3.8 Biodiversity Net Gain

The Proposed Development proposes a significant number of biodiversity benefits within the accompanying LEMP.

This will primarily be achieved through:

- Significantly enhance the overall biodiversity value of the Site, including for protected and notable species and habits and locally designated sites;
- Protect and enhance the existing characteristics and features of value of the Site including the field structure, mature trees, hedgerows and ditches;
- Create a strong structural planting framework and protect, restore and maintain the existing vegetation network, which would also provide enhanced screening of close- and middle-distance views of the Proposed Development.
- Create greater opportunities for protected species' and species of conservation concern;
- Facilitate opportunities for engagement with the natural environment and renewable energy;
- Protect and enhance recreational amenity from Public Rights of Way (PRoW);
- Secure the long-term future management of the Site for the duration of the development.

The significant enhancement of the biodiversity of the Site is demonstrated by the Net Biodiversity Gain Statement which concludes that there will be biodiversity would be significantly improved with a 44% habitat biodiversity net gain and 19% hedgerow biodiversity net gain through the implementation of the Proposed Development.

This is afforded substantial weight in the planning balance.

#### 5.9.3.9 Soil Regeneration

Aims and objectives for safeguarding and, where possible, improving soil health are set out in the Government's 'Safeguarding our soils: A strategy for England'. The Soil Strategy for England, which builds on Defra's 'Soil Action Plan for England (2004-2006)', sets out an ambitious vision to protect and improve soil to meet an increased global demand for food and to help combat the adverse effects of climate change.

As demonstrated within the ALC, the greatest benefits in terms of increase in soil organic matter (SOM), and hence soil organic carbon (SOC), can be realised through land use change from intensive arable to grasslands. Likewise, SOM and SOC are increased when cultivation of the land for crops (tillage) is stopped and the land is uncultivated (zero tillage). Global evidence suggests that zero tillage results in more total soil carbon storage when applied for 12 years or more. Therefore, there is evidence that conversion of land from arable to grassland which is uncultivated over the long-term (>12 years), such as that under solar farm arrays, increases SOC and SOM.

This is afforded moderate weight in the planning balance.

#### 5.9.3.10 Farm Diversification

As demonstrated above, the additional income generated by the Proposed Development will help to secure the farming business. Farm diversification is supported in both the NPPF and local plan policy as a means of securing a robust and strong rural economy.

Renewable energy is an important form of farm diversification, recognised by the National Farmers Union (NFU) as an important step towards making British agriculture carbon neutral within two decades. As farming is responsible for around 10% of UK greenhouse gas emissions, supporting renewable energy farm diversification projects will be a vital step to reaching net zero.

This is afforded moderate weight in the planning balance.

#### 5.9.4 Conclusion

In accordance with paragraph 148 of the NPPF, in addition to the harm by reason of inappropriateness, weight must be attributed to the harm to openness of the Green Belt and other harm presented.

As recognised above the renewable energy elements of the Proposed Development is inappropriate development, thereby it is acknowledged that substantial weight is to be applied to the openness of the WMGB through the imposition of built form, however the reversibility of the Proposed Development and limited impact on the purposes of the Green Belt are a key consideration in the planning balance.

Accompanying assessments have been undertaken to assess "other harm" regarding heritage, biodiversity, agricultural land, farm diversification, amenity, flood risk and traffic and access. Landscape and visual impacts have also been assessed in relation to landscape character and visual receptors. It is concluded from these assessments that limited weight should be applied to "other harm" when undertaking the planning balance.

Paragraph 148 is clear that very special circumstances will not exist unless the potential harm to the WMGB by reason of inappropriateness, and any other harm resulting from the Proposed Development, is clearly outweighed by other considerations. It is a key planning policy requirement that very special circumstances need to exist for inappropriate development to be approved in the WMGB.

The significant public benefits outlined above of the Proposed Development, taking into account the urgent need for renewable energy generation, climate emergency and other key considerations of the Proposed Development such as achieving a 44% habitat biodiversity net gain and 19% hedgerow, all of which are material consideration in accordance with the policy tests identified in paragraphs 148 and 151 of the NPPF.

On balance, it is considered that the benefits of the Proposed Development outweigh the limited, temporary and reversible harm by reason of inappropriateness and any other harm identified. As such very special circumstances exist to justify the Proposed Development in the WMGB.

## 6 Conclusion

For the reasons outlined in this Planning Statement, it is considered that the Proposed Development is in accordance with the relevant planning policies and guidance at both the national and local levels. The Site is located within the Green Belt and therefore in line with policy tests in paragraph 144 of the NPPF, harm resulting from the Proposed Development must be clearly outweighed by other considerations.

The Proposed Development represents a clear form of sustainable development, creating a new modern environmental agricultural facility, creating up to 30 new local job opportunities and drawing on clean renewable energy generated immediately adjacent to it from a new solar PV farm thereby helping reduce carbon emissions which are required to meet the Climate Act 2050 net zero target. Very special circumstances are recognised in National Planning Policy as including the wider environmental benefits associated with increased production of energy from renewable sources as demonstrated in this Proposal.

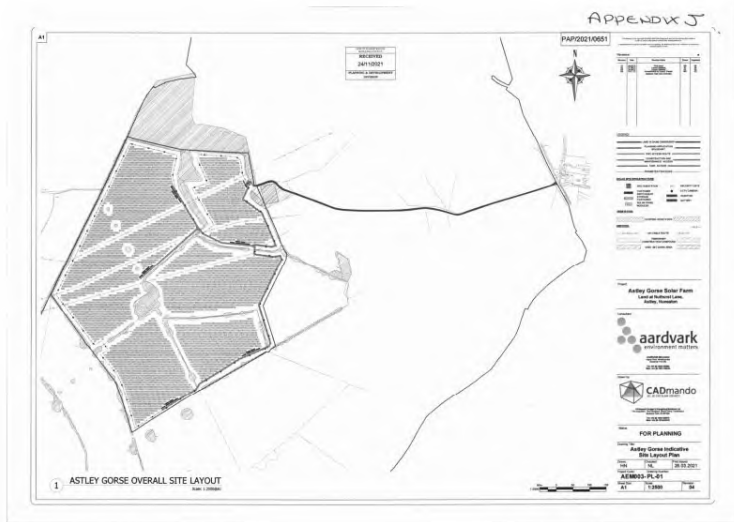
Overall, there is an urgent requirement for the Proposed Development; it is entirely suitable to the Site and its surroundings; it accords with national and local planning policy and all relevant material planning considerations; and will deliver significant environmental benefits.

Given the urgent need to ensure the introduction of measures to meet both government and local Climate Change commitments, NWBC as the Local Planning Authority should interpret its new Local Plan as a means for addressing the urgent need of the nationally and locally declared climate emergency and support this Proposal by approving the application.

In summary, based on the Proposed Development and assessments undertaken, the Site is deemed suitable for a development of this nature in terms of planning policy and guidance and planning permission should be granted. It is considered that in line with paragraphs 11 and 47 of the NPPF (2019) and Section 38(6) of the Planning and Compulsory Purchase Act 2004, when undertaking the planning balance, the Proposed Development would accord with the local development plan and that there are no material considerations which indicate otherwise.

**Appendix 1: Green Belt Statement**





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## Astley Gorse Solar Farm – R003: Planning Statement

**5 The Planning Appraisal**

In determining an application for planning permission, a decision maker is required by Section 70(2) of the Town and Country Planning 1990 Act to have regard to the provisions of the development plan so far as material to the application. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a determination "must be in accordance with the plan unless material considerations indicate otherwise".

The Courts have determined that it is enough that a proposal accords with the Development Plan when considered as a whole. It is therefore not necessary to accord with each and every policy contained within the Development Plan. Indeed, it is not at all unusual for Development Plan policies to pull in different directions<sup>4</sup>.

The local development plan for the purposes of determining the application for the Proposed Development is set out above in so far as they are consistent with the NPPF.

The NPPF is also a key material consideration. It holds a presumption in favour of sustainable development which states that for decision making this means "approving development proposals that accord with an up to date development plan without delay" (paragraph 11c) and in paragraph 12 reminding decision makers that that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

This section contains a detailed analysis of the Proposed Development against the identified relevant national and local planning policies and other material planning considerations. The key issues for the determination of the Application are:

- The principle of the development as renewable energy;
- Landscape and visual impacts;
- Green Belt
- Heritage impacts
- Biodiversity impacts;
- The use of agricultural land;
- Farm diversification;
- Impacts on amenity;
- Flood risk impacts; and
- Traffic impacts and access.

**5.1 The Principle of the Development as Renewable Energy**

The Proposed Development will provide a reliable source of clean renewable energy as a renewable energy generating station supplying up to 30MW of clean energy to the National Grid.

Based on the local solar irradiation level data, the development is anticipated to generate approximately 21,350MWh per year (after anticipated system losses). This is the equivalent of 5,122 North Warwickshire homes (4,025 kWh/yr/household) and displacement of 7,643 t/CO<sub>2</sub> (conversion factor 0.358t/CO<sub>2</sub>e) compared with conventional fossil fuel generation sources.

<sup>4</sup> Laura Cummins and London Borough of Camden, SSETR and Barrett Homes Limited [2001]; R. v Rochdale MBC ex parte Milne [2000] & City of Edinburgh Council v. Secretary of State for Scotland [1997]

**Astley Gorse Solar Farm – R003: Planning Statement**

The battery storage facility would be utilised to reinforce the power generation of the solar farm. Storing energy at times of low demand and releasing to the grid, in periods of higher demand or when solar irradiance is lower, as well as providing balancing services to maintain National Grid stability.

There is an urgent requirement for renewable energy generation which the Proposed Development would help fulfil; whilst being suitable to the Site and its surroundings; according with national and local planning policy and relevant material planning considerations; and delivering significant biodiversity benefits.

The Glossary of the NPPF defines renewable energy as covering those energy flows that occur naturally and repeatedly in the environment including from the sun. The Proposed Development meets the definition therefore of renewable energy as defined in national planning policy.

National policy is strongly supportive of renewable energy as a means of meeting our increasing energy demands, tackling climate change and transitioning to a prosperous and low carbon sustainable economy. Privately funded, large scale solar developments such as the Proposed Development are recognised as being not just necessary but central to meeting an urgent need. Moreover, with the battery storage proposed, the Application goes further by helping to address the intermittency issues associated with renewables generally and will help shift the reliance away from fossil fuels such that the role they play becomes one of a back-up option.

No-where in national or local policy is there a requirement to demonstrate the need for renewable energy development. The urgency of the need for substantially greater quantities of renewable energy (including large scale solar) is self-evident in light of the step change in Government energy policy driven by its declared Climate Emergency to achieve a 100% reduction in greenhouse gas emissions by 2050 (Net Zero). This is a legally binding target.

Warwickshire as a County (including all sub districts) declared a Climate Emergency in 2019, committing to a target of becoming carbon neutral by 2050. Its Climate Change Strategy commits the Council to matching challenging national targets on low carbon and renewable energy.

The NPPF paragraph 11 contains a presumption in favour of sustainable development – meeting the needs of the present without compromising the ability of future generations to meet their own needs (paragraph 7 of the NPPF).

NPPF paragraph 148 states that the planning system should support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure. Paragraph 157 goes on to state that in determining planning applications, local planning authorities should expect new development to "take account of landform, layout, building orientation, massing and landscaping". With paragraph 158 concluding that when determining planning applications for renewable and low carbon development, local planning authorities should "not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions" and "approve the application if its impacts are (or can be made) acceptable".

Making prudent use of natural resources is one of the Government's four aims for sustainable development and is reflected in the objectives of the Core Strategy. It is therefore considered by the Council important for the Local Plan to contain policies, which help to secure a more efficient use of natural resources.

The recently adopted Local Plan stresses that the promotion of renewable energy technology, subject to adequate mitigation of any adverse impacts, is supported by the Council. The Council considers that it is preferable for carbon emissions to be reduced through sustainable design and construction, before requirements for on-site renewable energy generation or allowable solutions are considered. Larger, commercial renewable energy source developments, whilst broadly acceptable in principle,





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will need to be considered on their merits including their impact on designated and non-designated landscapes in the Green Belt. The Council recognises that embracing climate change may require historic notions of urban design to be challenged.

The Proposed Development would supply clean renewable electricity for distribution to the National Grid, contributing to the objective of sustainable development in accordance with NPPF paragraph 11, adopted Local Plan Policy and increasing renewable energy generation in accordance with NPPF paragraph 152. This quantity of additional renewable energy is a significant contribution to meeting both national and local renewable energy targets and presents a significant environmental benefit.

This diversification of agricultural income can help helping farmers afford to offset land for biodiversity and sustainability measures without relying on government subsidy and will create new green jobs in agriculture at various entry levels in growing, marketing, and the distribution supply chain, improving skills and opportunities in the local economy and positively contributing to regional decarbonisation.

The proposed site as mitigated would not significantly adversely affect landscape designations, biodiversity (in fact a significant biodiversity net gain of at least 10% habitat and hedgerow biodiversity net gain would be delivered) or the historic environment. Designated heritage assets are suitably screened and distant from the Site so as to avoid significant adverse impacts. Safe road access is already in place as an established agricultural access on to Nuthurst Lane. The supporting documents demonstrate that residential amenity is protected from noise and glint and glare impacts. Soil health would be improved as a result of the Proposed Development and there would be no significant loss of best and most versatile agricultural land, the site being largely assessed as being Grades 3a and 3b. Livestock grazing around the solar arrays would maintain the land in agricultural use and the temporary (albeit long term) nature of the development means the detail of a consent would secure the return to agricultural land use.

The Proposed Development would offer an important form of farm diversification of benefit to the local economy. The Best Available Technology is being used to maximise the energy efficiency of the Proposed Development. It is therefore, a sustainable form of development.

In applying the relevant national and local policy therefore regarding the principle of the development as a sustainable low carbon renewable energy source, it is clear that the Proposed Development is fully compliant. The assessments undertaken to inform the scheme design have not indicated any material reason to do otherwise than approve this proposal.

#### 5.2 Landscape and Visual

The LVIA submitted with the application found that the proposed development should not cause unacceptable landscape and visual impacts especially in the wider landscape, and that any landscape or visual impacts will be highly localised to the development site or to the adjacent fields around site to a distance of approximately 1km (and for the 40 year duration only). Any affects beyond this extent will be moderate / minor during construction decreasing to low and negligible on completion.

Several opportunities exist to reduce the visual impact of the proposed development and improve and conserve the character of the area in line with the recommendations made within the landscape character assessment and have been incorporated into the submitted layout design.

The use of deer fencing as the perimeter fence (2m tall supported by wooden fence posts located at 6m intervals) is a practical option, ensuring it is in keeping with the area and in a natural unobtrusive material as possible.

Land adjacent to the solar panels cannot be densely planted to deflect views and screen the site as this would compromise the solar gain (overshadowing), but a 5m buffer has been designed in around the outside of the perimeter fence, and within the site boundary to be planted with grassland seed



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mixes relevant to the soil types. Where needed, the site boundary will be strengthened either by installing new hedgerows, infilling gaps in hedgerows, creation of woodland planting and the planting of individual trees.

The proposed planting measures will assist in the integration of the infrastructure into the surrounding landscape and will help to deflect and screen views over time as well as increase the biodiversity and strengthen wildlife corridors.

It is also recommended in the LVIA that all the proposed shrubs / trees planted as part of the site improvements should be selected to complement existing species found within the site and the local area, with specific shrubs / trees that will bring an even greater benefit to the site having regard to the existing ecology. Evergreen plants will comprise an element of the native / naturalised planting mix. This can be agreed by way of condition for a planting plan to be submitted for agreement by the Council.

No fixed external artificial lighting will be installed which protects the night scene, avoids light pollution and retains dark night skies. This has local amenity, character and wildlife benefits for the local area. Some PIR emergency lighting is required to serve the DNO substation, but this will not be in constant use and the location of this part of the site has been selected where it is well screened by existing woodland, hedges and trees.

The NPPF (paragraph 127) and local development plan policy LP32 requires the protection or enhancement of the landscape and visual quality of the area. In particular, within Special Landscape Areas development will only be permitted where the special landscape qualities of the area are maintained or enhanced.

The likely landscape and visual impacts of the Proposed Development have been fully assessed in the submitted LVIA (Document Reference R010).

Both the Design and Access Statement (Document Ref. R004) and the LEEP contained within the LVIA (Document Ref R010) it, make clear that great care has been taken in designing a high-quality proposal, with the site layout taking its lead from the environmental and community sensitivities wherever possible.

#### 5.3 Heritage

A desk-based study, walkover survey and site visits have been carried out in order to identify assets that may be affected by the Proposed Development and establish their current condition and baseline setting. A Geophysical survey has been carried out and interim results have also informed the assessment.

The site lies in the parish of Astley, Warwickshire, on the parish boundary with Arley. Both manors were small Domesday estates of two ploughlands each but sharing extensive woodland resources.

The proposed development is located on the Astley side of the parish boundary with Arley. It covers four fields and part of a fifth, with the access track to the east connecting with Nuthurst Lane. All these fields are large, slightly irregular in shape but with straight field boundaries. The Heritage Assessment considers that these are either late enclosures from waste or the results of complete landscape organisation in the late 18th/early 19th century – but determines that, on balance, it is possible it is the deer park associated with Astley Castle (the 'Great Park' enlarged in c.1500 and located within an extensive area of wood pasture recorded by the Domesday Book).

Most of this area is likely to have been farmed from Duke's Farm, a courtyard farmstead located to the north-east side which was demolished in the late 1970s/early 1980s. The geophysical survey failed to identify anything of archaeological interest in this part of the site and its archaeological potential is assessed to be low to negligible.



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In terms of indirect impacts, most of the (few) designated heritage assets in the wider area are located at such a distance as to minimize the impact of the proposed development, or else the contribution of setting to overall significance is less important than other factors. The landscape context of many of these buildings and monuments is such that they would be partly or wholly insulated from the effects of the proposed development by a combination of local blocking from trees, topography, buildings, or embankments, or that other modern intrusions have already impinged upon their setting. However, a combination of the high value of several of the assets and their interlinking on a landscape scale means that the scale of proposed development and its position overlooked by higher ground with surrounding agricultural fields means that some impact is unavoidable, even though individually the impact on each asset is minimal.

The overall impact of the proposed development is assessed to be negligible to negative/minor. The impact of the development on any buried archaeological resource would be permanent and irreversible but could be mitigated against through an appropriate programme of monitoring and recording, but with the exception of the site of Duke's Farm its archaeological potential would appear to be minimal.

#### 5.4 Use of Agricultural Land

Both the NPPF and Local Plan Policy LP13 supports farm diversification and development of new uses of land supporting the rural economy.

An assessment of agricultural land quality, involving a desktop study and an ALC survey has determined that agricultural land at the Site is limited by soil wetness to just 5% being Grade 2 (very good), Subgrade 3a (23% of the Site) and Subgrade 3b (69% of the Site). Development of the site for a time limited period would not result in the permanent loss of Best and Most Versatile (BMV) agricultural land (Paragraph 175 of the NPPF). The installation of the solar farm is reversible, i.e. the agricultural land can be returned to its former agricultural productivity once the generation of renewable electricity has ceased, and the solar panels and associated infrastructure is removed.

The diversification of agricultural income can help helping farmers afford to offset land for biodiversity and sustainability measures without relying on government subsidy and will create new green jobs in agriculture at various entry levels in growing, marketing, and the distribution supply chain, improving skills and opportunities in the local economy and positively contributing to regional decarbonisation.

Planning Practice Guidance also recognises that the duration of the development and its remediation, taking into account any provisions to return the land to its original state or to an equivalent state of openness is a factor to be taken into account when considering development within the WMGB.

The agricultural land at the Site is currently used mainly in arable rotation. In many respects, the management of the land under solar panels as grassland can benefit soil health. It is likely that soil health will be improved over the operational life of the generating station, i.e. increase in soil organic matter, increase in the diversity of soil flora, fauna and microbes, and improve soil structure.

Therefore, development of agricultural land at this Site would not significantly harm national agricultural interests in accordance with paragraph 175 of the NPPF.

The maintenance, and improvement, of soil health is a material consideration when deciding if a development is appropriate on agricultural land. It is relevant to this assessment that the Proposed Development is temporary and reversible, and that *"the management of the land under solar PV panels as grassland can benefit soil health."* The Assessment explains how soil structure can impact the movement of water through the soil and that well aerated soil encourages healthy plant (crop) growth and an abundance of soil fauna and aerobic microbes and states:

*"Soils are habitats for millions of species, ranging from bacteria, fungi, protozoa, and microscopic invertebrates to mites, springtails, ants, worms and plants. Soil biota are strongly influenced by land*

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*management. Modern farming has led to the loss of soil biodiversity. Changes in land management practice and land use can have large effects on soil biodiversity over relatively short time scales. Reducing the intensity of management, introducing no-tillage management, and converting arable land to pasture, such as grassland under solar PV arrays, has substantial beneficial effects."*

After adjusting the figures in the initial report to account for the amended site boundaries, the additional note provided by Askew Land and Soil (Ref CB15 on 17/11/2021) demonstrates how the site area was refined to impact a smaller proportion of the better grades of land.

Grade	% of Study Area	% Revised of Final Site Area
Subgrade 2 (Very Good)	7.9%	5%
Subgrade 3a (Good)	30.2%	22.7%
Grade 3b (Moderate)	59.8%	68.9%
Other Land / Non-agricultural (woodland, farm tracks)	2.1%	3.4%

**Table 3: Agricultural Land Classification Impacts**

Given that the management of grassland under solar PV panels can improve soil health, such as increasing soil organic matter (SOM), and hence soil organic carbon (SOC), increasing soil biodiversity, and improving soil structure which is consistent with aims and objectives for improving soil health in the Government's 25 Year Plan for the Environment.

**5.5 Farm Diversification**

There is support in national (NPPF paragraph 84 (b)) and Local Plan policy LP13 for farm diversification projects that meet sustainable development objectives and help sustain the rural economy and encourage agricultural enterprise, subject to development proposals being well designed and of a use and scale appropriate to the location when considering landscape, heritage and environmental impacts and safe and acceptable site access and highway impacts.

Due to the relatively low income from farming, many farmers have had to diversify to secure an economically sustainable profit. Farm diversification is broadly defined as '*the entrepreneurial use of farm resources for a non-agricultural purpose for commercial gain*'. Hence, diversification reflects the reduced dependence of farmers on agriculture as a source of income. Diversification also implies entrepreneurial activity on behalf of the farmer.

The Proposed Development will be an important stream of farm diversification income whilst allow underpinning the continuation of the overall farming businesses.

Farming businesses play a vital role in the rural economy, particularly supporting the agricultural supply chain to include feed merchants, machinery sales, maintenance and repair businesses, local builders, delivery drivers and professional services, to name but a few – therefore farm diversification is key to the long-term overall survival of farms. The Proposed Development would help to support the local agricultural supply chain via the income to the farming business.

Renewable energy is an important form of farm diversification, recognised by the National Farmers Union (NFU) as an important step towards making British agriculture carbon neutral within two decades. As farming is responsible for around a tenth of UK greenhouse gas emissions, supporting renewable energy farm diversification projects will be a vital step to reaching net zero.

#### 5.6 Amenity

The need to protect the amenity of the local area and nearby sensitive receptors through minimising visual and noise impacts and effects of glint and glare is a requirement of both national and local planning policy. Visual impacts have been assessed in the Landscape and Visual Impact Assessment (Document Ref R010) and found to be acceptable (refer to section 5.2 above), the effects of noise and glint and glare are considered in turn below.

#### 5.7 Noise

A Noise Impact Assessment has been produced to accompany the Application.

The assessment considers the potential noise generation from the plant associated with the Proposed Development, with respect to existing sound levels in the area. The assessment methodology contained in British Standard 4142:2014+A1:2019 Method for rating and assessing industrial and commercial sound has been used in conjunction with supplementary acoustic guidance.

The assessment identifies that the Proposed Development will give rise to rating noise levels that are typically below the measured day and night-time background sound levels in the area, at the closest assessed residential receptors, thus giving rise to a Low Impact.

Consequently, the assessment demonstrates that the Proposed Development will give rise to noise impacts that would be categorised as No Observed Adverse Effect Level (NOAEL) within the Noise Planning Practice Guidance - Noise.

The amenity of the closest residential receptors would therefore not be affected by noise arising from the Proposed Development.

#### 5.8 Glint and Glare

Solar panels are made up of silicon based PV cells that are encased in a glass covering. Glass does not have a true specular reflection but does reflect a certain magnitude of light. Reflection of sunlight from PV panels is unwanted by the Applicant. This is because the greater the amount of light which can be captured at the PV cell, the greater the amount of electricity that can be produced. The manufacturers of the panels therefore use anti-reflective coating in the glass that changes the reflectivity from specular distribution to diffuse distribution. Therefore, as light falls onto the PV panels, most of the sunlight is transmitted to the cell beneath the glass with only a small amount reflected back in a multiple of angles and magnitudes. The result is an object that is perceived to have very little glare.

Nonetheless, and for the purposes of completeness and a robust impact assessment of the Proposed Development a Glint and Glare Assessment has been prepared and submitted. The assessment pertains to the possible effects upon surrounding road users and dwellings.

The glint and glare assessment has shown that there will be no glint and glare effects for any receptors (residential, road or airport) and so no mitigation is required. The effects of glint and glare and their impact on local receptors has been analysed in detail and the impact on all receptors is predicted to be 'None', and therefore 'Not significant'.

#### 5.9 Flood Risk

The requirements for Flood Risk Assessment (FRA) are provided in the NPPF and its associated Planning Practice Guidance, together with the Environment Agency's Guidance Notes. This policy and associated guidance have been followed in the preparation of the submitted FRA.

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The EA's flood map for planning indicates that the Site is located within Flood Zone 1 (low risk). Considering the lower elevation compared to the Site and the distance of the Flood Zone extents, it is concluded that the Site will remain in Flood Zone 1 for its operational lifetime.

The EA's risk of flooding from surface water mapping identifies that the majority of the Site has a very low risk of flooding from surface water and some areas have up to a high surface water flood risk.

The low-risk depths are almost entirely less than 300 mm with limited areas with depths greater than 300 mm. Where some areas are identified as greater than 600 mm they are in the vicinity of the River Anker and the FRA notes that the surface water flood modelling is unlikely to include the culvert underneath the access road, and those flood depths may be overestimated.

The Site is potentially at risk of flooding from groundwater and sewers; however, flood risk to the Site from these sources are low and a sequential approach has been taken in the layout whereby the most vulnerable parts of the development will be located in the areas at lowest risk of flooding.

Overall the FRA demonstrated that the Proposed Development will be safe and that it would not increase flood risk elsewhere. The Proposed Development is classified as 'essential infrastructure' and is considered appropriate in relation to the flood risk vulnerability classifications set out in Annex 3 of the NPPF. The development should therefore be considered acceptable in planning policy terms.

#### 5.10 Traffic and Access

A CTMP has been prepared and accompanies the Application. This explains in detail the proposed Site access points, vehicle movements and the construction vehicle route from the strategic highway network to the Site.

It is expected that there will be on average six HGVs per day (10 two-way movements) accessing the Site over the construction period. There will also be construction workers arriving at the Site in the morning and departing in the evening, although the numbers involved are forecast to be relatively low on a day-to-day basis and will occur outside of peak hours. The level of traffic forecast during the temporary construction phase is therefore low. It is concluded that construction traffic associated with the Proposed Development will not have a material effect on the safety or operation of the local highway network. Mitigation measures have also been proposed to further minimise impact from resulting construction activities on the local road network and are provided in the CTMP.

Operational traffic is very low, being just one to two light van maintenance visits per month.

The existing PRoW is not proposed to be diverted or closed and will remain open to users during the temporary construction period and during operations.

Overall, the Proposed Development is acceptable in traffic and access terms and meets the requirements of the NPPF and Local Plan Policy LP25.

#### 5.11 Green Belt

In regard to assessing the Proposed Development in the Green Belt (see Appendix 1), the starting point is as set out by the NPPF:

- \* *"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence" (para 133).*

Paragraph 134 goes on to state that:

- \* *"Green Belt serves five purposes:*



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- 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.”

Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 states:

*“When considering any planning application, local planning authorities should ensure that substantial weight is 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.”*

Very special circumstances is thereby the outcome of a planning balancing exercise and the harms must be clearly outweighed by the benefits.

The policies in the NPPF set out those types of development that are appropriate (i.e. not inappropriate) in the Green Belt. The Proposed Development does not fall into any of the exceptions listed in paragraphs 149 and 150 of the NPPF. The Proposed Development is therefore considered to be inappropriate development within the LMGB.

The NPPF does however provide provision for renewable energy projects in the Green Belt. At paragraph 151 it states:

*“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”* (our emphasis).

Paragraph 145 of the NPPF adds, in relation to the improvement of the Green Belts, *“Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”*

It is therefore necessary to apply the two tests of harm set out in the paragraph 148:

- a. The amount of harm (if any) to the Green Belt; and
- b. The amount of other harm (through the impact of development on highways, visual amenity or otherwise).

Thereafter it is necessary to carry out a planning balancing exercise (which is a matter of planning judgement) to establish whether any harm to the Green Belt is outweighed by other considerations including benefits of the Proposed Development and allowing for mitigation as the NPPF allows; and whether the necessary very special circumstances exist to approve the Application.

The Core Strategy specifically relates to development in the Green Belt stating that there is a general presumption against inappropriate development within the Green Belt, as defined on the Policies Map and such development will not be permitted unless very special circumstances exist. Development proposals, including those involving previously developed land and buildings, in the Green Belt will be assessed in relation to the NPPF.



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The Core Strategy does underline that the promotion of renewable energy technology, subject to adequate mitigation of any adverse impacts, is supported by the Council. The Council considers that it is preferable for carbon omissions to be reduced through sustainable design and construction, before requirements for on-site renewable energy generation or allowable solutions are considered. Larger, commercial renewable energy source developments, whilst broadly acceptable in principle, will need to be considered on their merits including their impact on designated and non-designated landscapes in the Green Belt. The Council recognises that embracing climate change may require historic notions of urban design to be challenged.

#### 5.12 Openness

The concept of "openness" in paragraph 137 of the NPPF is naturally read as referring back to the underlying aim of Green Belt policy that is "to prevent urban sprawl by keeping land permanently open...". Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. It is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development; some forms of development are appropriate and as such are compatible with the concept of openness<sup>5</sup>.

The word 'openness' is open-textured, and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs, and factors relevant to the visual impact on the aspect of openness which the Green Belt presents<sup>6</sup>. It is clear from 'Samuel Smith' that visual impact is a factor that may be material to the assessment of openness, and it will be for the decision maker to determine whether or not it is to be taken into account in any individual case.

One factor which can affect appropriateness, the preservation of openness and conflict with Green Belt purposes, is the duration of development and the reversibility of its effects<sup>7</sup>. The Application is proposed for a lifetime of 40 operational years and is therefore considered to be relevant to its acceptability within the Green Belt.

The National Planning Policy Guidance provides further guidance to the decision maker under the heading of: 'What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?':

*"Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are 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;*

<sup>5</sup> R (oao Samuel Smith Old Brewery (Tadcaster) and others v North Yorkshire County Council [2020] UKSC 3 at [22]

<sup>6</sup> per Sales LJ Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466 at [14]

<sup>7</sup> Europa Oil and Gas Ltd v Secretary of State for Communities and Local Government [2013] EWHC 2643 (Admin) at [67], (upheld at [2014] EWCA Civ 825)

<sup>8</sup> Ref. ID: 64-001-20190722 published 22 July 2019





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- *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 13 of the Planning Practice Guidance also provides specific guidance on solar farms stating that “The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.”

In so far as visual impacts are considered relevant to the assessment of the impact on openness, it is necessary to draw upon the LVIA. As set out above the Site in general is visually well-contained by a combination of existing hedgerows, tree belt and woodland vegetation that are located within and along the Site’s boundaries, which assist in reducing the visibility of the Site in all but very local views of the Site.

The Site’s visual connectivity to the wider landscape is, in general, limited to its local context up to 1km. Coupled with the landscape-led iterative design process, the Proposed Development has sensitively sited various elements of the scheme to reduce landscape and visual effects and potential harm to the Green Belt. This has involved the locating the substation where it is screened by existing woodland and selection of fields which offer least impact on local views.

The Proposed Development would also retain the existing vegetation on-site in-combination with proposals to strengthen it with new planting where necessary. This would be positively managed (through the relaxation of cutting and management) to allow them to grow out and further restrict potential visibility of the Proposed Development. The nature of the Proposed Development means that site fabric and characteristics of the Site such as the vegetative network, field pattern and topography would remain intact and legible.

Notwithstanding the above, the duration of the Proposed Development would be entirely reversible after its 40-year operational phase.

A comprehensive assessment of the Site in relation to the purposes prescribed under paragraph 134 of the NPPF is provided in Appendix 1.

**5.12.1 Other Harm**

As demonstrated in the sections above, consideration has been given to ‘other harm’ regarding heritage, biodiversity, agricultural land, farm diversification, amenity, flood risk, traffic and access. Landscape and visual impacts have also been assessed in relation to landscape character and visual receptors.

The supporting assessments are clearly set out below in Table 4: Mitigation measures taken to reduce harm as part of the Proposed Development, indicating mitigation measures taken to reduce harm as part of the Proposed Development:

Assessment	Mitigation Measures	Harm
Landscape and Visual	Input into the design to ensure suitable distances from PRoW, and location of key	Limited Temporary Harm (40 years)



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	infrastructure such as the onsite substation and battery storage facility. Enhancement measures incorporated within the LEMP (See Document Ref. R009)	
Heritage	Undertook a partial geophysical survey and targeted trial trenching prior to submission to identify any unknown archaeology on Site. All trenches were considered archaeologically sterile.	Limited, Indirect and Reversible Harm (40 years)
Biodiversity	Suitable avoidance measures applied for both habitats and species identified. Enhancement measures incorporated within the LEMP (See Document Ref. R008). Minimum of 10% habitat and hedgerow biodiversity net gain	Enhancement
Use of Agricultural Land	Over 70% of land is not BMV. Land will be retained in agricultural use through sheep grazing. Temporary use and fully reversible. Benefits demonstrated to soil health due to change in management of the land.	Enhancement
Farm Diversification	The site would support the rural economy by providing farm diversification for the landowner.	Benefit
Amenity	Noise: location of noise generating equipment has been moved as far practicable from sensitive receptors. Glint and Glare: choice of technology, configuration of technology, site topography, new vegetative screen planting and positive management of existing planting to improve screening	Noise: No Harm Glint and Glare: Limited Temporary Harm
Flood Risk	Liaison with the Environment Agency to ensure suitable siting of equipment and sustainable drainage methods.	Limited Temporary Harm
Traffic and Access	Liaison with Highway Authority to agree safe access design. Inclusion of signage, procedures and pre-commencement and post condition surveys to further minimise impacts on the local road network.	Limited Temporary Harm

**Table 4: Mitigation measures taken to reduce harm as part of the Proposed Development**



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It is concluded from the accompanying assessments that limited weight should be applied to "other harm" when undertaking the planning balance in accordance with paragraph 148 of the NPPF and local policies.

#### 5.12.2 Very Special Circumstances

It is a key planning policy requirement that very special circumstances need to exist for inappropriate development to be approved in the Green Belt.

It is incorrect to suggest that every circumstance in itself has to be 'very special'. Some factors which are quite ordinary in themselves could, cumulatively, become very special circumstances. Thus, the correct approach is to consider whether the very special circumstances relied upon by an applicant (and any other identified by the decision maker), when considered as a whole, are sufficient to outweigh any harm to the Green Belt and any other harm arising from the Proposed Development.

The following are considered to be benefits of the Proposed Development:

#### 5.12.3 Increasing Renewable Energy Generation

The Proposed Development would supply up to 30MW to the National Grid, providing the equivalent annual electrical needs of approximately 5100 family homes. The anticipated CO<sub>2</sub> displacement is around 7,650 tonnes per annum, which represents an emission saving equivalent of a reduction in c.2500 cars on the road every year.

As demonstrated extensively above, the UK and NWBC is at a time of climate emergency and there is an urgent requirement for renewable energy infrastructure, particularly when considered in the context of the June 2019 ambitious target to reduce greenhouse gas emissions to net zero by 2050 in accordance with the Climate Change Act 2008.

While there is no requirement for an applicant to demonstrate the need for renewable energy in planning policy, national energy policy makes clear that renewable and low carbon energy is vital to our economic prosperity and social well-being and that it is important to ensure that the UK:

- Transitions to a low carbon economy and reduces greenhouse gas emissions to address the predominant challenge of our time, climate change;
- supports an increased supply from renewables;
- continues to have secure, diverse and resilient supplies of electricity as the UK transitions to low carbon energy sources and to replace closing electricity generating capacity;
- increases electricity capacity within the system to stay ahead of growing demand at all times whilst seeking to reduce demand wherever possible; and
- delivers new low carbon and renewable energy infrastructure as soon as possible - the need is urgent.

In the most recent 2020 Progress Report to Parliament, the Committee on Climate Change state that the path to achieving net-zero emissions by 2050 will necessarily entail a steeper reduction in emissions over the intervening three decades and to reach the UK's new Net Zero target, emissions will need to fall on average by around 14 MtCO<sub>2</sub>e every year, equivalent to 3% of emissions in 2019.

The report goes on to state that reaching net-zero emissions in the UK will require all energy to be delivered to consumers in zero-carbon forms (i.e. electricity, hydrogen, hot water in heat networks) and come from low carbon sources (i.e. renewables and nuclear etc).



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When located in the Green Belt, paragraph 151 is clear in stating that *"Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources"*.

The NPS EN-1, EN-3 and NPPF state that renewable energy and associated infrastructure should be supported in the planning system, as part of working towards a radical reduction of greenhouse gases to tackle climate change. Paragraph 155 encourages local planning authorities to maximise the potential for renewable energy and to approve such applications where their impacts are acceptable. This is afforded significant weight in the planning balance.

**5.12.4 Climate Emergency**

In May 2019 a national climate emergency was declared by the UK Parliament. MPs called on Government to make changes that included the setting of a radical and ambitious new target of reaching net zero emissions before 2050.

Warwickshire as a County (including all sub districts) declared a Climate Emergency in 2019.

The Proposed Development would make a significant and valuable contribution to achieving emission targets on a national and local level.

This is afforded substantial weight in the planning balance.

**5.12.5 Energy Security**

The Proposed Development supplies clean renewable energy to the National Grid, comprising secure, distributed and diversified energy generation which accords with the Government's policy on energy security as identified within NPS EN-1 which explains the need for energy security allied with a reduction in carbon emissions.

This is afforded substantial weight in the planning balance.

**5.12.6 Best Available Technology**

The use of best available and state of the art technology on the Site aims to maximise the use and productivity of the land for the generation of renewable energy. The Proposed Development proposes utilising high-efficiency bifacial panels at a fixed tilt of between 20-30 degrees and orientated broadly facing south. Bifacial panels absorb light on both sides of the panel, both directly on the top-side, and reflected light is also absorbed on the rear-side. The panel technology also utilises high efficiency monocrystalline cells meaning fewer panels are required to be installed on the site to achieve the target capacity. The combination of high-efficiency bifacial panels and optimised configuration increases the production of electricity from the site by 4% compared to monofacial systems.

The battery storage facility would be utilised to reinforce the power generation of the solar farm, maximising renewable energy production from the Site whilst providing security of supply.

This maximises renewable energy production from the Site whilst providing security of supply in accordance with Government Policy in reducing the reliance on fossil fuel generation as back up, thereby avoiding the adverse environmental and climate effects.

This is afforded significant weight in the planning balance.

**5.12.7 Good Design**

In addition to using best available technology, through undertaking an iterative design process, as outlined in the Design and Access Statement (see Document Ref: R004), the design of the Proposed



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Development has been a key consideration in the layout of the site to minimise harm and provide significant benefits to the development as a whole.

This is afforded moderate weight in the planning balance.

##### 5.12.8 Temporary and Reversible Impacts

The Application is proposed for a lifetime of 40 operational years. After the 40-year period the generating station would be decommissioned. All electricity generating equipment and built structures associated with the Proposed Development would be removed from the Site and it would continue in agricultural use. It is therefore considered that the Proposed Development is considered a temporary development.

This also aligns with paragraph 13 of the Planning Practice Guidance which states that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use<sup>9</sup>.

Construction traffic associated with the Proposed Development will be limited to the construction period of 26 weeks and will not have a material effect on the safety or operation of the local highway network.

This is afforded substantial weight in the planning balance.

##### 5.12.9 Biodiversity Net Gain

The Proposed Development proposes a significant number of biodiversity benefits within the accompanying LEEP (see Document Ref. R010).

The LVIA and accompanying LEEP set out how the Proposed Development would:

- Significantly enhance the overall biodiversity value of the Site;
- Protect and enhance the existing characteristics and features of value of the Site including the field structure, mature trees and hedgerows;
- Create a strong structural planting framework and protect, restore and maintain the existing vegetation network, which would also provide enhanced screening of close- and middle-distance views of the Proposed Development;
- Create greater opportunities for protected species' and species of conservation concern;
- Enhance the Green Infrastructure (GI) connectivity within the Site and wider landscape, contributing positively to aspirations set out within the Thurrock Green Infrastructure Plan;
- Protect and enhance recreational amenity from PRoW; and
- Secure the long-term future management of the Site for the duration of the development.

This significant enhancement of the biodiversity of the Site is demonstrated by the Net Biodiversity Gain Statement Accompanying the Preliminary Ecological Appraisal (Document Ref. R011), which

<sup>9</sup> Paragraph: 013 Reference ID: 5-013-20150327, published 27 March 2015

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concludes that there will be a net gain of over 10% for habitats and hedgerows through the implementation of the Proposed Development.  
This is afforded substantial weight in the planning balance.

**5.12.10 Soil Regeneration**

Aims and objectives for safeguarding and, where possible, improving soil health are set out in the Government's 'Safeguarding our soils: A strategy for England'<sup>104</sup>. The Soil Strategy for England, which builds on Defra's 'Soil Action Plan for England (2004-2006)', sets out an ambitious vision to protect and improve soil to meet an increased global demand for food and to help combat the adverse effects of climate change.

As demonstrated within the ALC report (see Document Ref. R012), the greatest benefits in terms of increase in soil organic matter (SOM), and hence soil organic carbon (SOC), can be realised through land use change from intensive arable to grasslands. Likewise, SOM and SOC are increased when cultivation of the land for crops (tillage) is stopped and the land is uncultivated (zero tillage). Global evidence suggests that zero tillage results in more total soil carbon storage when applied for 12 years or more. Therefore, there is evidence that conversion of land from arable to grassland which is uncultivated over the long-term (>12 years), such as that under solar farm arrays, increases SOC and SOM.

This is afforded moderate weight in the planning balance.

**5.12.11 Farm Diversification**

As demonstrated above, the additional income generated by the Proposed Development will help to secure the farming business.

Renewable energy is an important form of farm diversification, recognised by the National Farmers Union (NFU) as an important step towards making British agriculture carbon neutral within two decades. As farming is responsible for around a tenth of UK greenhouse gas emissions, supporting renewable energy farm diversification projects will be a vital step to reaching net zero.

This is afforded moderate weight in the planning balance.

<sup>104</sup> 4 Department for Environment, Food and Rural Affairs (2009). Safeguarding our soils: A strategy for England

**6 Conclusion**

- For the reasons outlined in this Planning Statement, it is considered that the Proposed Development is in accordance with the relevant planning policies and guidance at both the national and local levels.
- The Proposed Development would supply up to 30MW to the National Grid, providing the equivalent annual electrical needs of approximately 5,100 family homes<sup>11</sup> in North Warwickshire. The anticipated CO<sub>2</sub> displacement is around 7,650 tonnes per annum<sup>12</sup>, which represents an emission saving equivalent of a reduction of over 2500 cars<sup>13</sup> on the road every year.
- The Proposed Development has been designed to a high standard. It will provide significant biodiversity enhancements (minimum 10% net gain), allow for soil regeneration, it does not increase flood risk, will appropriately protect residential amenity, has safe highway accesses and will improve green infrastructure corridors and connectivity benefiting both wildlife and the recreational amenity experience of PRCW users.
- In accordance with paragraph 148 of the NPPF, in addition to the harm by reason of inappropriateness, weight must be attributed to the harm to openness of the Green Belt and other harm presented.
- As recognised above the Proposed Development is inappropriate development, thereby it is acknowledged that substantial weight is to be applied to the openness of the WMGB through the imposition of built form, however the reversibility of the Proposed Development and limited impact on the purposes of the Green Belt are a key consideration in the planning balance.
- Accompanying assessments have been undertaken to assess "other harm" regarding heritage, biodiversity, agricultural land, farm diversification, amenity, flood risk and traffic and access. Landscape and visual impacts have also been assessed in relation to landscape character and visual receptors. It is concluded from these assessments that limited weight should be applied to "other harm" when undertaking the planning balance.
- Paragraph 148 is clear that very special circumstances will not exist unless the potential harm to the WMGB by reason of inappropriateness, and any other harm resulting from the Proposed Development, is clearly outweighed by other considerations. It is a key planning policy requirement that very special circumstances need to exist for inappropriate development to be approved in the WMGB.
- The significant public benefits outlined above of the Proposed Development, taking into account the urgent need for renewable energy generation, climate emergency and delivery of net biodiversity gain, all of which are material considerations in accordance with the policy tests identified in paragraphs 148 and 151 of the NPPF.

<sup>11</sup> Department for Business, Energy & Industrial Strategy, Region and local authority electricity consumption statistics 2020 - <https://www.gov.uk/government/statistical-data-sets/region-and-local-authority-electricity-consumption-statistics>

<sup>12</sup> This metric is aligned with the International Finance Institution (IFI) Harmonisation of Standards for GHG accounting, United Nations, Climate Change - <https://unfccc.int/climate-action/sectoral-engagement/ifa-harmonization-of-standards-for-ghg-accounting>

<sup>13</sup> Department for Business, Energy & Industrial Strategy, Greenhouse gas reporting: conversion factors 2020 - <https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2020>

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- On balance, it is considered that the benefits of the Proposed Development outweigh the temporary and reversible harm by reason of inappropriateness and any other harm identified. As such very special circumstances exist to justify the Proposed Development in the WMGB.





## APPENDIX B

### Site Visit – 20/4/22 at 1800 hours

#### PAP/2021/0605 – Proposed Solar Farm, Breach Oak Lane/Smorrall Lane, Astley

Present: Cllrs Bell, Dirveiks and Parsons together with I Griffin and J Brown

1. Members met at the top of Breach Oak Lane where there were shown plans of the application site and its surroundings. They were able to overlook practically the whole site from here.
2. Members then walked along footpath M334 for around 200 metres where they were able to see the whole site.
3. From here, Great Lynes Wood was identified together with the boundaries of the site including the field to the north of the main area. The western boundary of the site was pointed out as that was where the residential properties closest to the site were located.
4. Members were also able to see the residential property in Smorrall Lane.
5. The lay of the land was noted with Members noting the contours of the site.
6. The higher land to the south was also identified and also the residential properties in that area. The general location on the Service Area was also pointed out.
7. Whilst here the location of the proposed agricultural building was noted as well as that of the battery compound close to Great Lynes Wood.
8. Members then returned to Breach Oak Lane and drove down the Lane to its junction with Smorrall Lane. The houses on the Lane were noted.
9. At the junction Members walked along Smorrall Lane to the existing agricultural access into the site. From here they could overlook the majority of the site; the location of the proposed building and the rise in land to where they had stood earlier. The existing tree cover was noted.
10. Members then walked further east along the Lane in order to get a much clearer view of the site from its southern boundary. Whilst here the position of the new access was pointed out along with identifying where the building would be and the location of the battery compound next to Great Lynes Wood.
11. The visit concluded at around 1830 hours

**Site Visit – 20/4/22 at 1845 hours**

**PAP/2021/0651 – Proposed Solar Farm at Nuthurst Lane Astley**

Present: Cllr's Bell, Dirveiks and Parsons together with J Brown

1. Members met in Astley close to the cross-roads.
2. From here they walked up Nuthurst Lane to the site of the proposed access and the track that would run into the site. Plans of the location of the site were shown to Members, as well as the site layout. A number of features were noted – Astley Gorse, the overhead lines and the general skyline.
3. Members also saw the overall topography of the surrounding area noting the ground levels as well as the tree and hedgerow cover.
4. From here Members were shown the general outline and skyline of Astley.
5. Members then walked up to where the footpath M342 joins the Lane and walked into the field. From here the general setting of the site was visible again with Astley Gorse and the overhead lines being picked out. The contours of the wider setting were also noted.
6. Members returned to Astley and then drove to Sycamore Crescent in Arley.
7. Here they walked south down the footpath M341 to the site and were able to overlook the site from its western boundary.
8. The overall site layout was explained. Members noted Astley Gorse, the line of the footpath, the existing hedgerow boundaries and overhead lines. The southern boundary of the site was noted as well as the clumps of trees within the field closest to the path.
9. The rear elevations of the houses in Sycamore Crescent were noted.
10. The visit concluded at around 1920 hours

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	surveys to further minimise impacts on the local road network.	
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**Table 5.1: Mitigation measures taken to reduce harm as part of the Proposed Development**

It is concluded from the accompanying assessments that limited weight should be applied to "other harm" when undertaking the planning balance in accordance with paragraph 148 of the NPPF and local policies.

**5.9.3 Very Special Circumstances**

It is a key planning policy requirement that very special circumstances need to exist for inappropriate development to be approved in the Green Belt.

It is incorrect to suggest that every circumstance in itself has to be 'very special'. Some factors which are quite ordinary in themselves could, cumulatively, become very special circumstances. Thus, the correct approach is to consider whether the very special circumstances relied upon by an applicant (and any other identified by the decision maker), when considered as a whole, are sufficient to outweigh any harm to the Green Belt and any other harm arising from the Proposed Development.

The following are considered to be benefits of the Proposed Development:

**5.9.3.1 Increasing Renewable Energy Generation**

The proposed development comprises of a 16.5MWp solar photovoltaic (PV) array, with associated infrastructure and landscaping. Based on the local solar irradiation level data, the development is anticipated to generate approximately 15,646MWh per year (after anticipated system losses). This is the equivalent of 3,887 North Warwickshire homes (4,025 kWh/pa/household) and displacement of 5,601 t/CO2 (conversion factor 0.358t/CO2e) compared with conventional fossil fuel generation sources.

As demonstrated extensively above, the UK, Warwickshire and NWBC is at a time of climate emergency and there is an urgent requirement for renewable energy infrastructure, particularly when considered in the context of the June 2019 ambitious target to reduce greenhouse gas emissions to net zero by 2050 in accordance with the Climate Change Act 2008.

Whilst there is no requirement for an applicant to demonstrate the need for renewable energy in planning policy, national energy policy makes clear that renewable and low carbon energy is vital to our economic prosperity and social well-being and that it is important to ensure that the UK:

- Transitions to a low carbon economy and reduces greenhouse gas emissions to address the predominant challenge of our time, climate change;
- supports an increased supply from renewables;
- continues to have secure, diverse and resilient supplies of electricity as the UK transitions to low carbon energy sources and to replace closing electricity generating capacity;
- increases electricity capacity within the system to stay ahead of growing demand at all times whilst seeking to reduce demand wherever possible; and
- delivers new low carbon and renewable energy infrastructure as soon as possible- the need is urgent.

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In the most recent 2020 Progress Report to Parliament, the Committee on Climate Change state that the path to achieving net-zero emissions by 2050 will necessarily entail a steeper reduction in emissions over the intervening three decades and to reach the UK's new Net Zero target, emissions will need to fall on average by around 14 MtCO<sub>2</sub>e every year, equivalent to 3% of emissions in 2019.

The report goes on to state that reaching net-zero emissions in the UK will require all energy to be delivered to consumers in zero-carbon forms (i.e. electricity, hydrogen, hot water in heat networks) and come from low carbon sources (i.e. renewables and nuclear etc).

When located in the Green Belt, paragraph 151 is clear in stating that "*Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources*".

The NPS EN-1, EN-3 (both current draft consultation versions) and NPPF (2021) state that renewable energy and associated infrastructure should be supported in the planning system, as part of working towards a radical reduction of greenhouse gases to tackle climate change. Paragraph 155 encourages local planning authorities to maximise the potential for renewable energy and to approve such applications where their impacts are acceptable.

This is afforded significant weight in the planning balance.

### 5.9.3.2 Climate Emergency

In May 2019 a national climate emergency was declared by the UK Parliament. MPs called on Government to make changes that included the setting of a radical and ambitious new target of reaching net zero emissions before 2050.

Warwickshire as a County (including all sub districts) declared a Climate Emergency in 2019.

The Proposed Development would make a significant and valuable contribution to achieving emission targets on a national and local level.

This is afforded substantial weight in the planning balance.

### 5.9.3.3 Energy Security

The Proposed Development supplies clean renewable energy to a new economic rural enterprise and to the National Grid, comprising secure, distributed and diversified energy generation which accords with the Government's policy on energy security as identified within NPS EN-1 which explains the need for energy security allied with a reduction in carbon emissions.

This is afforded substantial weight in the planning balance.

### 5.9.3.4 Best Available Technology

The use of best available and state of the art technology on the Site aims to maximise the use and productivity of the land for the generation of renewable energy. The Proposed Development proposes utilising high-efficiency panels at a fixed tilt of between 20-30 degrees and orientated broadly facing south. Modern panels (bifacial) absorb light on both sides of the panel, both directly on the top-side, and reflected light is also absorbed on the rear-side. The panel technology also utilises high efficiency monocrystalline cells meaning fewer panels are required to be installed on the site to achieve the

## Corley Solar Farm and Battery Storage – Planning Statement

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target capacity. The combination of high-efficiency bifacial panels and optimised configuration increases the production of electricity from the site by 4% compared to monofacial systems.

The battery storage facility would be utilised to reinforce the power generation of the solar farm, maximising renewable energy production from the Site whilst providing security of supply to the new agricultural facility as well as into the local distribution grid to local residential and commercial properties.

This maximises renewable energy production from the Site whilst providing security of supply in accordance with Government Policy in reducing the reliance on fossil fuel generation as back up, thereby avoiding the adverse environmental and climate effects.

This is afforded significant weight in the planning balance.

### 5.9.3.5 Good Design

In addition to using best available technology, through undertaking an iterative design process and pre-application engagement, as outlined in the Design and Access Statement, the design of the Proposed Development has been a key consideration in the layout of the site to minimise harm and provide significant benefits to the development as a whole, delivering significant biodiversity net gain.

This is afforded moderate weight in the planning balance.

### 5.9.3.6 Alternatives

The Alternatives statement submitted sets out the alternatives considered as part of the evolution of the design and location of the Proposed Development.

Overall, it concludes that within the defined Study Area, there are no alternative sites (in particular brownfield sites) which are suitable and available for the Proposed Development that could accommodate both the agricultural facility and the solar farm proximate to a viable grid connection or other direct connection opportunities such as Corley Services.

This is afforded substantial weight in the planning balance.

### 5.9.3.7 Temporary and Reversible Impacts

The Application is proposed for a lifetime of 40 operational years. After the 40-year period the generating station would be decommissioned. All electricity generating equipment and built structures associated with the Proposed Development would be removed from the Site and it would continue in agricultural use. It is therefore considered that the Proposed Development is considered a temporary development.

This also aligns with paragraph 13 of the Planning Practice Guidance which states that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.

Construction traffic associated with the Proposed Development will be limited to the construction period of approximately 23 weeks and will not have a material effect on the safety or operation of the local highway network.

This is afforded substantial weight in the planning balance.

#### 5.9.3.8 Biodiversity Net Gain

The Proposed Development proposes a significant number of biodiversity benefits within the accompanying LEMP.

This will primarily be achieved through:

- Significantly enhance the overall biodiversity value of the Site, including for protected and notable species and habits and locally designated sites;
- Protect and enhance the existing characteristics and features of value of the Site including the field structure, mature trees, hedgerows and ditches;
- Create a strong structural planting framework and protect, restore and maintain the existing vegetation network, which would also provide enhanced screening of close- and middle-distance views of the Proposed Development.
- Create greater opportunities for protected species' and species of conservation concern;
- Facilitate opportunities for engagement with the natural environment and renewable energy;
- Protect and enhance recreational amenity from Public Rights of Way (PRoW);
- Secure the long-term future management of the Site for the duration of the development.

The significant enhancement of the biodiversity of the Site is demonstrated by the Net Biodiversity Gain Statement which concludes that there will be biodiversity would be significantly improved with a 44% habitat biodiversity net gain and 19% hedgerow biodiversity net gain through the implementation of the Proposed Development.

This is afforded substantial weight in the planning balance.

#### 5.9.3.9 Soil Regeneration

Aims and objectives for safeguarding and, where possible, improving soil health are set out in the Government's 'Safeguarding our soils: A strategy for England'. The Soil Strategy for England, which builds on Defra's 'Soil Action Plan for England (2004-2006)', sets out an ambitious vision to protect and improve soil to meet an increased global demand for food and to help combat the adverse effects of climate change.

As demonstrated within the ALC, the greatest benefits in terms of increase in soil organic matter (SOM), and hence soil organic carbon (SOC), can be realised through land use change from intensive arable to grasslands. Likewise, SOM and SOC are increased when cultivation of the land for crops (tillage) is stopped and the land is uncultivated (zero tillage). Global evidence suggests that zero tillage results in more total soil carbon storage when applied for 12 years or more. Therefore, there is evidence that conversion of land from arable to grassland which is uncultivated over the long-term (>12 years), such as that under solar farm arrays, increases SOC and SOM.

This is afforded moderate weight in the planning balance.

#### 5.9.3.10 Farm Diversification

As demonstrated above, the additional income generated by the Proposed Development will help to secure the farming business. Farm diversification is supported in both the NPPF and local plan policy as a means of securing a robust and strong rural economy.

Renewable energy is an important form of farm diversification, recognised by the National Farmers Union (NFU) as an important step towards making British agriculture carbon neutral within two decades. As farming is responsible for around 10% of UK greenhouse gas emissions, supporting renewable energy farm diversification projects will be a vital step to reaching net zero.

This is afforded moderate weight in the planning balance.

#### 5.9.4 Conclusion

In accordance with paragraph 148 of the NPPF, in addition to the harm by reason of inappropriateness, weight must be attributed to the harm to openness of the Green Belt and other harm presented.

As recognised above the renewable energy elements of the Proposed Development is inappropriate development, thereby it is acknowledged that substantial weight is to be applied to the openness of the WMGB through the imposition of built form, however the reversibility of the Proposed Development and limited impact on the purposes of the Green Belt are a key consideration in the planning balance.

Accompanying assessments have been undertaken to assess "other harm" regarding heritage, biodiversity, agricultural land, farm diversification, amenity, flood risk and traffic and access. Landscape and visual impacts have also been assessed in relation to landscape character and visual receptors. It is concluded from these assessments that limited weight should be applied to "other harm" when undertaking the planning balance.

Paragraph 148 is clear that very special circumstances will not exist unless the potential harm to the WMGB by reason of inappropriateness, and any other harm resulting from the Proposed Development, is clearly outweighed by other considerations. It is a key planning policy requirement that very special circumstances need to exist for inappropriate development to be approved in the WMGB.

The significant public benefits outlined above of the Proposed Development, taking into account the urgent need for renewable energy generation, climate emergency and other key considerations of the Proposed Development such as achieving a 44% habitat biodiversity net gain and 19% hedgerow, all of which are material consideration in accordance with the policy tests identified in paragraphs 148 and 151 of the NPPF.

On balance, it is considered that the benefits of the Proposed Development outweigh the limited, temporary and reversible harm by reason of inappropriateness and any other harm identified. As such very special circumstances exist to justify the Proposed Development in the WMGB.

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It is concluded from the accompanying assessments that limited weight should be applied to "other harm" when undertaking the planning balance in accordance with paragraph 148 of the NPPF and local policies.

#### 5.12.2 Very Special Circumstances

It is a key planning policy requirement that very special circumstances need to exist for inappropriate development to be approved in the Green Belt.

It is incorrect to suggest that every circumstance in itself has to be 'very special'. Some factors which are quite ordinary in themselves could, cumulatively, become very special circumstances. Thus, the correct approach is to consider whether the very special circumstances relied upon by an applicant (and any other identified by the decision maker), when considered as a whole, are sufficient to outweigh any harm to the Green Belt and any other harm arising from the Proposed Development.

The following are considered to be benefits of the Proposed Development:

#### 5.12.3 Increasing Renewable Energy Generation

The Proposed Development would supply up to 30MW to the National Grid, providing the equivalent annual electrical needs of approximately 5100 family homes. The anticipated CO<sub>2</sub> displacement is around 7,650 tonnes per annum, which represents an emission saving equivalent of a reduction in c.2500 cars on the road every year.

As demonstrated extensively above, the UK and NWBC is at a time of climate emergency and there is an urgent requirement for renewable energy infrastructure, particularly when considered in the context of the June 2019 ambitious target to reduce greenhouse gas emissions to net zero by 2050 in accordance with the Climate Change Act 2008.

While there is no requirement for an applicant to demonstrate the need for renewable energy in planning policy, national energy policy makes clear that renewable and low carbon energy is vital to our economic prosperity and social well-being and that it is important to ensure that the UK:

- Transitions to a low carbon economy and reduces greenhouse gas emissions to address the predominant challenge of our time, climate change;
- supports an increased supply from renewables;
- continues to have secure, diverse and resilient supplies of electricity as the UK transitions to low carbon energy sources and to replace closing electricity generating capacity;
- increases electricity capacity within the system to stay ahead of growing demand at all times whilst seeking to reduce demand wherever possible; and
- delivers new low carbon and renewable energy infrastructure as soon as possible - the need is urgent.

In the most recent 2020 Progress Report to Parliament, the Committee on Climate Change state that the path to achieving net-zero emissions by 2050 will necessarily entail a steeper reduction in emissions over the intervening three decades and to reach the UK's new Net Zero target, emissions will need to fall on average by around 14 MtCO<sub>2</sub>e every year, equivalent to 3% of emissions in 2019.

The report goes on to state that reaching net-zero emissions in the UK will require all energy to be delivered to consumers in zero-carbon forms (i.e. electricity, hydrogen, hot water in heat networks) and come from low carbon sources (i.e. renewables and nuclear etc).



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The NPS EN-1, EN-3 and NPPF state that renewable energy and associated infrastructure should be supported in the planning system, as part of working towards a radical reduction of greenhouse gases to tackle climate change. Paragraph 155 encourages local planning authorities to maximise the potential for renewable energy and to approve such applications where their impacts are acceptable.

This is afforded significant weight in the planning balance.

### 5.12.4 Climate Emergency

In May 2019 a national climate emergency was declared by the UK Parliament. MPs called on Government to make changes that included the setting of a radical and ambitious new target of reaching net zero emissions before 2050.

Warwickshire as a County (including all sub districts) declared a Climate Emergency in 2019.

The Proposed Development would make a significant and valuable contribution to achieving emission targets on a national and local level.

This is afforded substantial weight in the planning balance.

### 5.12.5 Energy Security

The Proposed Development supplies clean renewable energy to the National Grid, comprising secure, distributed and diversified energy generation which accords with the Government's policy on energy security as identified within NPS EN-1 which explains the need for energy security allied with a reduction in carbon emissions.

This is afforded substantial weight in the planning balance.

### 5.12.6 Best Available Technology

The use of best available and state of the art technology on the Site aims to maximise the use and productivity of the land for the generation of renewable energy. The Proposed Development proposes utilising high-efficiency bifacial panels at a fixed tilt of between 20-30 degrees and orientated broadly facing south. Bifacial panels absorb light on both sides of the panel, both directly on the top-side, and reflected light is also absorbed on the rear-side. The panel technology also utilises high efficiency monocrystalline cells meaning fewer panels are required to be installed on the site to achieve the target capacity. The combination of high-efficiency bifacial panels and optimised configuration increases the production of electricity from the site by 4% compared to monofacial systems.

The battery storage facility would be utilised to reinforce the power generation of the solar farm, maximising renewable energy production from the Site whilst providing security of supply.

This maximises renewable energy production from the Site whilst providing security of supply in accordance with Government Policy in reducing the reliance on fossil fuel generation as back up, thereby avoiding the adverse environmental and climate effects.

This is afforded significant weight in the planning balance.

### 5.12.7 Good Design

In addition to using best available technology, through undertaking an iterative design process, as outlined in the Design and Access Statement (see Document Ref: R004), the design of the Proposed

## Astley Gorse Solar Farm – R003: Planning Statement

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Development has been a key consideration in the layout of the site to minimise harm and provide significant benefits to the development as a whole.

This is afforded moderate weight in the planning balance.

### 5.12.8 Temporary and Reversible Impacts

The Application is proposed for a lifetime of 40 operational years. After the 40-year period the generating station would be decommissioned. All electricity generating equipment and built structures associated with the Proposed Development would be removed from the Site and it would continue in agricultural use. It is therefore considered that the Proposed Development is considered a temporary development.

This also aligns with paragraph 13 of the Planning Practice Guidance which states that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use<sup>9</sup>.

Construction traffic associated with the Proposed Development will be limited to the construction period of 26 weeks and will not have a material effect on the safety or operation of the local highway network.

This is afforded substantial weight in the planning balance.

### 5.12.9 Biodiversity Net Gain

The Proposed Development proposes a significant number of biodiversity benefits within the accompanying LEEP (see Document Ref: R010).

The LVIA and accompanying LEEP set out how the Proposed Development would:

- Significantly enhance the overall biodiversity value of the Site;
- Protect and enhance the existing characteristics and features of value of the Site including the field structure, mature trees and hedgerows;
- Create a strong structural planting framework and protect, restore and maintain the existing vegetation network, which would also provide enhanced screening of close- and middle-distance views of the Proposed Development;
- Create greater opportunities for protected species' and species of conservation concern;
- Enhance the Green Infrastructure (GI) connectivity within the Site and wider landscape, contributing positively to aspirations set out within the Thurrock Green Infrastructure Plan;
- Protect and enhance recreational amenity from PRoW; and
- Secure the long-term future management of the Site for the duration of the development.

This significant enhancement of the biodiversity of the Site is demonstrated by the Net Biodiversity Gain Statement Accompanying the Preliminary Ecological Appraisal (Document Ref. R011), which

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<sup>9</sup> Paragraph: 013 Reference ID: 5-013-20150327, published 27 March 2015

### Astley Gorse Solar Farm – R003: Planning Statement

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concludes that there will be a net gain of over 10% for habitats and hedgerows through the implementation of the Proposed Development.

This is afforded substantial weight in the planning balance.

#### 5.12.10 Soil Regeneration

Aims and objectives for safeguarding and, where possible, improving soil health are set out in the Government's 'Safeguarding our soils: A strategy for England'<sup>104</sup>. The Soil Strategy for England, which builds on Defra's 'Soil Action Plan for England (2004-2006)', sets out an ambitious vision to protect and improve soil to meet an increased global demand for food and to help combat the adverse effects of climate change.

As demonstrated within the ALC report (see Document Ref: R012), the greatest benefits in terms of increase in soil organic matter (SOM), and hence soil organic carbon (SOC), can be realised through land use change from intensive arable to grasslands. Likewise, SOM and SOC are increased when cultivation of the land for crops (tillage) is stopped and the land is uncultivated (zero tillage). Global evidence suggests that zero tillage results in more total soil carbon storage when applied for 12 years or more. Therefore, there is evidence that conversion of land from arable to grassland which is uncultivated over the long-term (>12 years), such as that under solar farm arrays, increases SOC and SOM.

This is afforded moderate weight in the planning balance.

#### 5.12.11 Farm Diversification

As demonstrated above, the additional income generated by the Proposed Development will help to secure the farming business.

Renewable energy is an important form of farm diversification, recognised by the National Farmers Union (NFU) as an important step towards making British agriculture carbon neutral within two decades. As farming is responsible for around a tenth of UK greenhouse gas emissions, supporting renewable energy farm diversification projects will be a vital step to reaching net zero.

This is afforded moderate weight in the planning balance.

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<sup>104</sup> 4 Department for Environment, Food and Rural Affairs (2009). Safeguarding our soils: A strategy for England

## 6 Conclusion

- For the reasons outlined in this Planning Statement, it is considered that the Proposed Development is in accordance with the relevant planning policies and guidance at both the national and local levels.
- The Proposed Development would supply up to 30MW to the National Grid, providing the equivalent annual electrical needs of approximately 5,100 family homes<sup>11</sup> in North Warwickshire. The anticipated CO<sub>2</sub> displacement is around 7,650 tonnes per annum<sup>12</sup> which represents an emission saving equivalent of a reduction of over 2500 cars<sup>13</sup> on the road every year.
- The Proposed Development has been designed to a high standard. It will provide significant biodiversity enhancements (minimum 10% net gain), allow for soil regeneration, it does not increase flood risk, will appropriately protect residential amenity, has safe highway accesses and will improve green infrastructure corridors and connectivity benefitting both wildlife and the recreational amenity experience of PRoW users.
- In accordance with paragraph 148 of the NPPF, in addition to the harm by reason of inappropriateness, weight must be attributed to the harm to openness of the Green Belt and other harm presented.
- As recognised above the Proposed Development is inappropriate development, thereby it is acknowledged that substantial weight is to be applied to the openness of the WMGB through the imposition of built form, however the reversibility of the Proposed Development and limited impact on the purposes of the Green Belt are a key consideration in the planning balance.
- Accompanying assessments have been undertaken to assess "other harm" regarding heritage, biodiversity, agricultural land, farm diversification, amenity, flood risk and traffic and access. Landscape and visual impacts have also been assessed in relation to landscape character and visual receptors. It is concluded from these assessments that limited weight should be applied to "other harm" when undertaking the planning balance.
- Paragraph 148 is clear that very special circumstances will not exist unless the potential harm to the WMGB by reason of inappropriateness, and any other harm resulting from the Proposed Development, is clearly outweighed by other considerations. It is a key planning policy requirement that very special circumstances need to exist for inappropriate development to be approved in the WMGB.
- The significant public benefits outlined above of the Proposed Development, taking into account the urgent need for renewable energy generation, climate emergency and delivery of net biodiversity gain, all of which are material considerations in accordance with the policy tests identified in paragraphs 148 and 151 of the NPPF.

<sup>11</sup> Department for Business, Energy & Industrial Strategy, Region and local authority electricity consumption statistics 2020 - <https://www.gov.uk/government/statistical-data-sets/regional-and-local-authority-electricity-consumption-statistics>

<sup>12</sup> This metric is aligned with the International Finance Institution (IFI) Harmonisation of Standards for GHG accounting, United Nations, Climate Change - <https://unfccc.int/climate-action/sectoral-engagement/ifs-harmonization-of-standards-for-ghg-accounting>

<sup>13</sup> Department for Business, Energy & Industrial Strategy, Greenhouse gas reporting: conversion factors 2020 - <https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2020>

APPENDIX E

**From:** [njgg@northwarks.gov.uk](mailto:njgg@northwarks.gov.uk)  
**Sent:** 08 April 2022 14:18  
**To:** [planappconsult](mailto:planappconsult)  
**Subject:** Comment Received from Public Access

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Application Reference No. : PAP/2021/0605  
Site Address: Land 350 metres north west of Marlwood Bungalow & Land east of Breach Oak Lane, Corley  
Smorral Lane Astley  
Comments by: John Robinson  
From: Shire Hall  
Archaeological Information and Advice  
PO Box 43  
  
Warwick  
  
CV34 4SX  
Phone: 01926 414122  
Email: [johnrobinson@warwickshire.gov.uk](mailto:johnrobinson@warwickshire.gov.uk)  
Submission: Neither  
Comments: your ref                      PAP/2021/0605  
  
my ref                      JR/nw/NW21\_0605.2  
  
date                      8th April 2022

FAO Ian Griffin

Dear Mr Brown,

Proposed: Construction of an agricultural building, renewable led energy generating station comprising ground-mounted photovoltaic solar arrays together with substation, inverter/transformer stations, grid connection infrastructure, grid cable route, battery energy storage, site accesses, access gates, car parking, attenuation pond, internal access tracks, security measures, other ancillary infrastructure and landscaping and biodiversity enhancements.

Location: Land 350 metres north west of Marlwood Bungalow & Land east of Breach Oak Lane, Corley, Smorral Lane, Astley

ARCHAEOLOGICAL COMMENT

Thank you for your consultation. Further to my previous letter dated 16th December 2021 (my ref. JR/nw/NW21\_0605.1) a report detailing the results from a programme of archaeological fieldwork undertaken at this site by Southwest Archaeology has been submitted to the Planning Authority with this

planning application. The fieldwork comprised the excavation of three 50m trial trenches located at the southern edges of the proposed development site. The trenches appear to have been sited to target the locations of the proposed transformer station and vertical farm and not, as suggested within the trial trenching report any discreet magnetic anomalies identified within the geophysical survey report that has also been submitted with this application.

The programme of trial trenching was not carried out in accordance with any methodology or Written Scheme of Investigation (WSI) that had been agreed with this office. Furthermore, I had previously advised the archaeological contractor undertaking this work that to properly evaluate a site such as this a 4% trenching sample would represent the minimum required to achieve an adequate understanding its archaeological potential and to allow an informed planning decision to be made. The application is c. 22.68 ha, the quantity of trenching undertaken to date represents a trenching sample of approximately 0.12% of the proposed development area.

Whilst no archaeological deposits were identified within the three trenches that were opened I am of the opinion that the adopted strategy was not one that can be considered appropriate to achieve an adequate understanding of the archaeological potential of this site. The trenching only examined a very localised area. The results from this programme of trial trenching cannot be extrapolated to provide any kind of reasonable understanding of the archaeological potential for rest of the site which has not been adequately evaluated.

I would highlight that no opportunity was provided for a representative of this office to undertake a site visit and to monitor the trial trenching. It is also my understanding that the trial trenching was not monitored by any other independent body.

In light of the fact that an adequate programme of evaluation has yet to be undertaken across this site I remain of the opinion that the archaeological implications of this proposal cannot be adequately assessed on the basis of the available information.

I would therefore repeat my previous recommendation that the applicant be requested to arrange for further archaeological evaluation to be undertaken before any decision on the planning application is taken. This will help to define the character, extent, state of preservation and importance of any archaeological remains present and will also provide information useful for identifying potential options for minimising or avoiding damage to them.

The results of this evaluation should be provided before any decision is taken so that an informed and reasonable planning decision can be reached, and the application modified if appropriate.

I would envisage this evaluation as comprising a programme of trial trenching across those parts of the site which have yet to be adequately evaluated.

The results of this work should be supplied prior to the determination of the planning application. If the

applicant is unwilling to supply this information as part of the application, it may be appropriate to consider directing the applicant to supply further information under regulation 4 of the Town and Country Planning (Applications) regulations 1988, or to refuse the application as being inadequately documented.

This recommendation conforms to the approach set out in the National Planning Policy Framework (NPPF) and is consistent with recent advice given in respect of other application sites in the wider vicinity.

If your Council is minded to refuse permission for this development on other planning grounds, and the applicants have not carried out an archaeological evaluation, we recommend that the absence of an evaluation and the possible adverse consequences of the development should be included as a reason for refusal, in order to ensure that the archaeological issues are given adequate consideration in any subsequent appeal. In these circumstances I suggest that the following wording would be appropriate:

Having regard to the provisions of NPPF and Policy LP15 of the North Warwickshire Borough Local Plan the Local Planning Authority, in consultation with the Warwickshire County Council Archaeological Information and Advice Team, raises objection to the proposed development on the grounds that the scheme is not supported by sufficient information which would enable a proper and detailed assessment of the potential impact the proposed scheme is likely to have on archaeological deposits of importance and possibly worthy of conservation in whole or in part or of being fully investigated and recorded.

Please do not hesitate to contact me should you have any further questions.

Yours sincerely

John Robinson  
Planning Archaeologist

APPENDIX F.

**From:** [Jeff Brown](#)  
**Sent:** 03 May 2022 14:40  
**To:** [planappconsult](#)  
**Subject:** FW: PAP/2021/0651 - Land North of Park Lane Farm Park Lane, Astley

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**Categories:** Mandy

Consultation response

Jeff

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**From:** John Robinson <[johnrobinson@warwickshire.gov.uk](mailto:johnrobinson@warwickshire.gov.uk)>  
**Sent:** 03 May 2022 14:28  
**To:** Jeff Brown <[JeffBrown@NorthWarks.gov.uk](mailto:JeffBrown@NorthWarks.gov.uk)>  
**Subject:** PAP/2021/0651 - Land North of Park Lane Farm Park Lane, Astley

OFFICIAL

your ref PAP/2021/0651  
my ref JR/nw/NW21\_0651.3  
date 3<sup>rd</sup> May 2022

Dear Mr Brown,

Proposed: Construction and operation of a solar PV farm and battery energy storage plus ancillary infrastructure and equipment, landscaping and access.

Location: Land North of Park Lane Farm Park Lane, Astley

**ARCHAEOLOGICAL COMMENT**

Thank you for your consultation. Further to my previous letter dated 10<sup>th</sup> March 2022 (my ref. JR/nw/NW21\_0605.2) a report detailing the results from a limited programme of archaeological fieldwork undertaken at this site by Southwest Archaeology has been submitted to the Planning Authority with this planning application<sup>[1]</sup>. The fieldwork comprised the excavation of six 50m trial trenches which appear to have been positioned across the locations of the proposed electrical substations and not, as suggested within the trial trenching report to target any discreet magnetic anomalies identified within the geophysical survey report<sup>[2]</sup> submitted with this application.

The programme of trial trenching was not carried out in accordance with any methodology or Written Scheme of Investigation (WSI) that had been agreed with this office. Furthermore, I had previously advised the archaeological contractor undertaking the work that to evaluate this site a 4% trenching sample would represent the very minimum needed to achieve an adequate understanding its archaeological potential and to allow an informed planning decision to be made. The application site covers c. 40 ha, the quantity of trenching undertaken to date represents a trenching sample of approximately 0.13% of the proposed development area. The amount of trenching undertaken to date does not come close to achieving an adequate trenching sample.

Three relict field boundaries were identified during by trial trenching undertaken. These features did not correspond with any magnetic anomalies which, as highlighted within the evaluation



report, suggests that the geophysical survey has been demonstrated to be a poor guide to the presence of archaeological features across the rest of the site. These results emphasise the point I had previously made that geophysical data cannot be used as 'negative evidence', since the lack of geophysical anomalies cannot be taken to imply a lack of archaeological features. I am of the opinion that the adopted strategy was not one that can be considered appropriate to achieve an adequate understanding of the archaeological potential of this site. The evaluation only examined very localised areas and the results from this programme of trial trenching cannot be extrapolated to provide any kind of reasonable understanding of the archaeological potential for rest of the site which was not adequately evaluated.

I would further highlight that no opportunity was provided for a representative from this office to undertake a site visit to monitor the trial trenching. It is also my understanding that the trial trenching was not monitored by any other independent body.

In light of the fact that an adequate programme of evaluation has not been undertaken across this site, and that the trenching undertaken to date is, at best, of very limited value, I remain of the opinion that the archaeological implications of this proposal cannot be adequately assessed on the basis of the available information.

I would therefore repeat my previous recommendation that the applicant be requested to arrange for further archaeological evaluation to be undertaken before any decision on the planning application is taken. The results from this work will help to define the character, extent, state of preservation and importance of any archaeological remains present and will also provide information useful for identifying potential options for minimising or avoiding damage to them.

**The results of this evaluation should be provided before any decision is taken so that an informed and reasonable planning decision can be reached, and the application modified if appropriate.**

I would envisage this evaluation as comprising a programme of trial trenching across those parts of the site which have yet to be adequately evaluated.

The results of this work should be supplied prior to the determination of the planning application. If the applicant is unwilling to supply this information as part of the application, it may be appropriate to consider directing the applicant to supply further information under regulation 4 of the Town and Country Planning (Applications) regulations 1988, or to refuse the application as being inadequately documented.

This recommendation conforms to the approach set out in the National Planning Policy Framework (NPPF) and is consistent with recent advice given in respect of other application sites in the wider vicinity.

If your Council is minded to refuse permission for this development on other planning grounds, and the applicants have not carried out an archaeological evaluation, we recommend that the absence of an evaluation and the possible adverse consequences of the development should be included as a reason for refusal, in order to ensure that the archaeological issues are given adequate consideration in any subsequent appeal. In these circumstances I suggest that the following wording would be appropriate:

**Having regard to the provisions of NPPF and Policy LP15 of the North Warwickshire Borough Local Plan the Local Planning Authority, in consultation with the Warwickshire County Council Archaeological Information and Advice Team, raises objection to the proposed development on the grounds that the scheme is not supported by sufficient information which would enable a proper and detailed assessment of the potential impact the proposed scheme is likely to have**

on archaeological deposits of importance and possibly worthy of conservation in whole or in part or of being fully investigated and recorded.

Please do not hesitate to contact me should you have any further questions.

<sup>[1]</sup> Morris, B, 2022, *Land at Nuthurst Lane, Astley, North Warwickshire: Results of an Archaeological Evaluation*, Southwest Archaeology Ltd.

<sup>[2]</sup> Twist, S, 2021, *Nuthurst Lane, Astley, Warwickshire: Geophysical Investigation*, Atlas Geophysical.

Yours sincerely

John Robinson

Planning Archaeologist

Archaeological Information and Advice

Landscape, Ecology and Historic Environment

Heritage and Environment

Community Services

Communities Group

Warwickshire County Council

Phone: 01926 414122

Address: (Postal)

Archaeological Information and Advice

Warwickshire County Council

PO Box 43

Shire Hall

Warwick

CV34 4SX

email: [johnrobinson@warwickshire.gov.uk](mailto:johnrobinson@warwickshire.gov.uk)

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## APPENDIX 12

### Application PAP/2021/0651 – Land north of Park Lane Farm, Park Lane, Astley



North Warwickshire  
Borough Council

Kate Cantwell  
Aardvark EM Ltd  
Higher Ford  
Wiveliscombe  
Taunton  
TA4 2RL

**Jeff Brown** BA Dip TP MRTPI  
**Head of Development Control Service**

The Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1DE

Telephone: (01827) 715341

Fax: (01827) 719225

E Mail: [PlanningControl@NorthWarks.gov.uk](mailto:PlanningControl@NorthWarks.gov.uk)

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

Date: 28 July 2022

**The Town & Country Planning Acts**

**The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990**

**The Town & Country Planning (General Development) Orders**

**The Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended)**

## DECISION NOTICE

Major Full Planning Application

**Application Ref: PAP/2021/0651**

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### Site Address

Land North Of Park Lane Farm, Park Lane, Astley,

**Grid Ref:** Easting 429875.72  
Northing 289110.6

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### Description of Development

Construction and operation of a solar PV farm and battery energy storage plus ancillary infrastructure and equipment, landscaping and access

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### Applicant

Mr R Ellis - Tor Energy Solar Ltd

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Your planning application was valid on 1 December 2021. It has now been considered by the Council. I can inform you that:

Planning permission is **GRANTED** subject to the following conditions:

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

### REASON

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

**Authorised Officer:** \_\_\_\_\_

**Date:** 28 July 2022

**Defining Conditions**

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents:

- a) Site plan numbers AEM003/SP/01/Rev04, AEM003/PL/01/Rev04, AEM003/SD/01/Rev01, 02/rev01, 03/Rev01, 04/REv01, 05/REv01, 06/REv01, 07/Rev01, 08/Rev01, 09/Rev01 admn 13/REv01 together with ALD904/PL401/RevPO3, 402/RevPO2 and 403/Rev/PO1.
- b) Access plan number 2105/025/SK01RevC.
- c) The Flood Risk Assessment and Drainage Strategy prepared by RMA Environmental referenced RMA/C2287 dated 19/11/21 and the Addendum referenced RMA/LC2287/1 in the e-mail of 7/4/22.
- d) The Construction Traffic Management Plan prepared by TLA dated November 21.
- e) The Landscape and Ecological Management Plan (LEMP) prepared by ALD and dated 30/11/21 together with its Appendix RevPO2 received on 2/12/21.
- f) Plan numbers AEM003/PL/02rev01 received on 28/7/22

**REASON**

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

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

**REASON**

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

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

**REASON**

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

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

**REASON**

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

**Authorised Officer:** \_\_\_\_\_

**Date:** 28 July 2022

**Pre-Commencement conditions**

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

**REASON**

In the interests of appearance of the area.

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

**REASON**

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

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

**REASON**

In the interests of the residential amenity of neighbouring occupiers.

9. No part of the development hereby permitted shall commence until the access to the site from Nuthurst Lane has been completed in full in accordance with the details shown on plan number 2105/025/SK01C, surfaced in a bound material for a minimum distance of ten metres behind the edge/extent of the public highway, the visibility splays provided and the crossing of the highway and verge is available for use in accordance with details which will have first been submitted to and approved in writing by the Local Planning Authority.

**REASON**

In the interests of highway safety

10. No development shall take place on site including any site clearance or preparation prior to construction, until all three of the following have been completed.

- i) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work over the whole site has been submitted to and approved in writing by the Local Planning Authority.
- ii) The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken and a report detailing the results of this fieldwork and confirmation of the arrangements for the deposition of the archaeological archive has been submitted to the Local Planning Authority.

**Authorised Officer:** \_\_\_\_\_

**Date:** 28 July 2022

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

#### REASON

In the interests of the potential archaeological value of the site

11. No development shall commence on site including and site clearance or preparation work at pre-construction stage until detail surveys have been undertaken and submitted to the Local Planning Authority to establish the presence of badgers and roosting/foraging bats on the site. The submission shall also include details of any recommended mitigation measures proportionate to the findings of the surveys for approval by the Local Planning Authority. Work shall then only commence and continue in full accordance with the mitigation measures, if any, as approved in writing by the Local Planning Authority.

#### REASON

In the interests of enhancing biodiversity through conserving protected species where possible.

#### **Pre-Operational Use conditions**

12. There shall be no commercial export of electrical power from the site until a Drainage Verification Report has been submitted to and approved in writing by the Local Planning Authority. The report should demonstrate that the surface water drainage system for the site has been installed as approved based on the Drainage Strategy as approved under Condition 2. It should include:

- Any departures from the approved design and evidence that they are in keeping with the approved principles
- As-built photographs and drawings
- The results of any performance testing undertaken as part of the application process
- Copies of all Statutory Approvals such as Land Drainage Consent for Discharge
- Confirmation that the system is free from defects, damage and foreign objects

#### REASON

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

13. There shall be no commercial export of electrical power from the site until the actions outlined in the Landscape and Ecological Management Plan as approved under Condition 2, have first been implemented in full. Its content shall be adhered to at all times during the lifetime of the development.

#### REASON

In the interests of enhancing and protecting bio-diversity.

**Authorised Officer:** \_\_\_\_\_

**Date:** 28 July 2022



## Other Conditions

14. No construction work will take place, except in emergency, outside of the periods of 0800 hours to 1800 hours (Mondays to Fridays inclusive) and 0800 hours to 1300 hours on Saturdays, with no work at all on Sundays and Bank Holidays. Additionally, no deliveries will not take place outside of the period, except in emergency, of 1000 hours to 1600 hours (Mondays to Saturdays inclusive) with no deliveries on a Sunday or Bank Holiday

### REASON

In the interests of the residential amenity and in the interests of road safety.

15. The specific sound level from industrial/commercial sources within the development arising from the operation of the solar farm equipment including the transformer/inverter stations, substations (including ventilation equipment and batteries, each including externally mounted HVAC Units) shall not exceed:

For Daytime at these locations:

- i) NSR1: 29dBLAeq,1hr
- ii) NSR2: 29dbLAeq,1hr
- iii) NSR3: 32dBLAeq,1hr
- iv) NSR4: 32dBLAeq,1hr

The specific sound level should be measured or predicted at a height of 1.5 metres above ground level at the boundary of any residential dwelling between 0700 and 2300 hours on any day. The measurements and/or predictions should demonstrate the noise limits outlined in (i) to (iv) above are met within the gardens of the nearest affected noise sensitive receptors - identified above as NSR1 to NSR4 - at 1.5 metres above the adjacent ground level as a "free field" level as defined by BS7445:2003 Description and Measurement of Environmental Noise (Parts 1 to 3), for an area of not less than 75% of any dwelling's garden.

For Night time at these locations:

- v) NSR1: 21dBLAeq,15mim
- vi) NSR2: 21dBLAeq,15 min
- vii) NSR3: 22dBLAeq,15 min
- viii) NSR4: 22dBLAeq,15min

The specific sound level should be measured or predicted at a height of 4.5 metres above ground level at 1 metre from the façade containing a habitable room with an opening window of any residential dwelling between 2300 and 0700 hours on any day. The measurements and/or predictions should demonstrate the noise limits outlined in (v) to (viii) above are met at 1 metre from the façade containing a habitable room with an opening window of the nearest affected noise sensitive receptors within gardens of the nearest affected noise sensitive receptors - identified above as NSR1 to NSR4 - at 4.5 metres above the adjacent ground level as a "free field" level as defined by BS7445:2003 Description and Measurement of Environmental Noise (Parts 1 to 3), for an area of not less than 75% of any dwelling's garden. The adjustment from the measured "façade" to "free field" level will depend on the angle of incidence. Where the residential building is a bungalow, all measurement heights specified above for day and night shall be taken at 1.5 metres above ground level.

For the purposes of this condition, the locations NSR1 to NSR4 inclusive, are those shown on plan numbers AEM003/PL/02rev01 received on 28/7/22

Authorised Officer: \_\_\_\_\_

Date: 28 July 2022

## REASON

In the interests of avoiding adverse impacts on health and quality of life for neighbouring residents in accord with the 2021 North Warwickshire Local Plan Policy LP29 and paragraph 174 of the National Planning Policy Framework 2021.

16. Within six months after the first commercial export of electrical power from the development hereby approved, the applicant shall undertake compliance noise monitoring. The applicant shall submit the results of the noise measurements undertaken in writing to the Local Planning Authority. The submission should confirm whether the specific sound levels from industrial/commercial sources within the development arising from the operation of the solar farm, meet the requirements set out in Condition 15. If the specified sound levels are exceeded, additional mitigation measures should be developed and implemented. Any such mitigation measures shall first be agreed by the Local Planning Authority in writing and permanently retained and maintained in proper working order for the duration of the operational life of the development.

## REASON

To demonstrate compliance with condition 15 and thus to accord with Local Planing Policy LP29 and NPPF paragraph 174 so as to minimise adverse sound levels at neighbouring residential property.

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

## REASON

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

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

## REASON

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

19. No gates shall be located within the vehicular access to the site so as to open within 20 metres of the near edge of the public highway carriageway.

## REASON

In the interests of highway safety.

20. The visibility splays shown on the approved plan shall be maintained at all times during the time period approved under Condition 3.

## REASON

In the interests of highway safety.

Authorised Officer: \_\_\_\_\_

Date: 28 July 2022

**INFORMATIVES**

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through the issue of a positive outcome and engaging with the applicant and other Agencies in order to overcome technical objections to the proposal.
2. Reference is made in the approved Flood Risk Assessment and its Addendum, approved under Condition 2 above, to the Warwickshire LLFA's SUDS Guidance for solar farms. Filter drains or trenches, should be incorporated into the scheme beneath each panel drip edge to capture run-off, aid infiltration, and minimise any erosion. Care should be taken to ensure that water infiltrates as close to where it lands, and such filter drains or trenches should not accelerate the transfer of water across the site. Consideration therefore needs to be given to the inclusion of geo-textiles to prevent ingress of fine sediment as set out in the SUDS Manual (CIRIA C753) at graphic 13.3.
3. The report under Condition 12 above shall be produced by a suitably qualified independent drainage engineer.
4. The CEMP referred to in condition 2 should include measures to manage siltation of the water courses and drainage features during works to mitigate the impact on the water environment.
5. Attention is drawn to Section 23 of the Land Drainage Act 1991.
6. The applicant/developer is advised to consider Construction Logistics and Community Safety (CLOCS), when formulating construction plans. The development works undertaken shall consider the Construction Logistics and community Safety (CLOCS) Standard as set out under <https://www.clocs.org.uk/>.
7. The submitted plans indicate that the proposed works comes very close to or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
8. You are recommended to seek independent advice on the provision of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposal to a neighbour in relation to Party Walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>.
9. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from [www.ukradon.org](http://www.ukradon.org) if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

**Authorised Officer:** \_\_\_\_\_

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For further information and advice on radon please contact the Health Protection Agency at [www.hpa.org.uk](http://www.hpa.org.uk). Also if a property is found to be affected you may wish to contact the Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.

10. Western Power Distribution has Network in close proximity and within the proposed development site (plan previously sent to agent). The Map Response Team can offer further advice and support on locating our equipment and safe working around our network. For new developments, diversions and ground works you can contact Western Power Distribution, Records Team, Toll End Road, Tipton, DY4 0HH; Telephone 0121 62339007; Email [wpdnewsuppliesmids@westernpower.co.uk](mailto:wpdnewsuppliesmids@westernpower.co.uk)

We must emphasise that any alteration, building or ground works proposed in the vicinity of our network that may or may not directly affect our equipment, must be notified in detail to Western Power Distribution.

11. The applicant is advised that to comply with the condition relating to the protection of trees, the measures should be in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

Public footpath numbers M335 and M337 passes close to the site. Care should be taken, particularly during construction works, to ensure that this route is kept open at all times.

12. All public rights of way must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works.

If it is proposed to temporarily close any public right of way during works then an application for a Traffic Regulation Order must be made to Warwickshire County Council's Rights of Way team well in advance.

Any disturbance or alteration to the surface of any public right of way requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public right of way.

13. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £116. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.
14. The applicant is encouraged to ensure that any demolition, construction works and deliveries do not cause nuisance to neighbouring properties and their occupiers. It is recommended that works are restricted to between 0800 and 1800 hours on weekdays, and 0800 and 1300 hours on Saturdays, with no demolition, construction works and deliveries on Sundays or recognised public holidays.
15. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) prior to carrying out work, or call 0800 688 588

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16. Highway works within the limits of the public highway. Before commencing such works the applicant/developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 278 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g., street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

Prior to commencement of development, the applicant is required enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.

## APPEALS TO THE SECRETARY OF STATE

1. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
2. If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
3. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk) and [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
4. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
5. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Authorised Officer: \_\_\_\_\_

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6. The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

## **PURCHASE NOTICES**

1. If either the Local Planning Authority or the Department for Communities and Local Government grants permission to develop land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
2. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## **NOTES**

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

**Authorised Officer:** \_\_\_\_\_

**Date:** 28 July 2022

NORTH WARWICKSHIRE  
BOROUGH COUNCIL

**RECEIVED**

24/11/2021


PLANNING & DEVELOPMENT  
DIVISION


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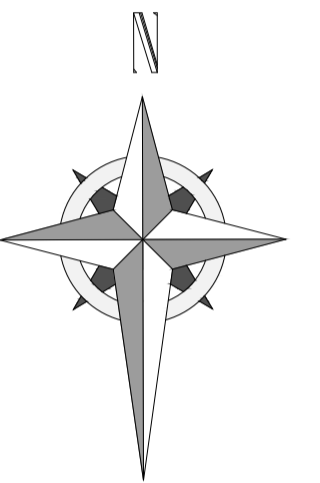
Revisions:

Revision	Date	Revision Notes	Drawn	Inspected
01	26.03.21	First Issue	HN	NL
02	27.08.21	Layout Updated	PL	NL
03	01.10.21	Layout Updated	PL	NL
04	16.11.21	Red Line Updated	MC	KC

LEGEND:

 LAND IN SAME OWNERSHIP

 PROPOSED SITE



Total RLB Area: 40.54Ha

Project:

**Astley Gorse Solar Farm**  
Land at Nuthurst Lane,  
Astley, Nuneaton

Consultant:



AARDVARK EM Limited  
Higher Ford, Wivelscombe  
Somerset TA4 9RL  
Tel: +44 (0) 1984 624089  
Mob: +44 (0) 7833 796284

Drawn by:



CADmando Design & Draughting Solutions Ltd  
The Long Barn, The Courtyard, Severn Drive, Tewkesbury  
Business Park, GL20 8GD  
Tel: +44 (0) 1684 850919  
Mob: +44 (0) 7814436910

Status:

**FOR PLANNING**

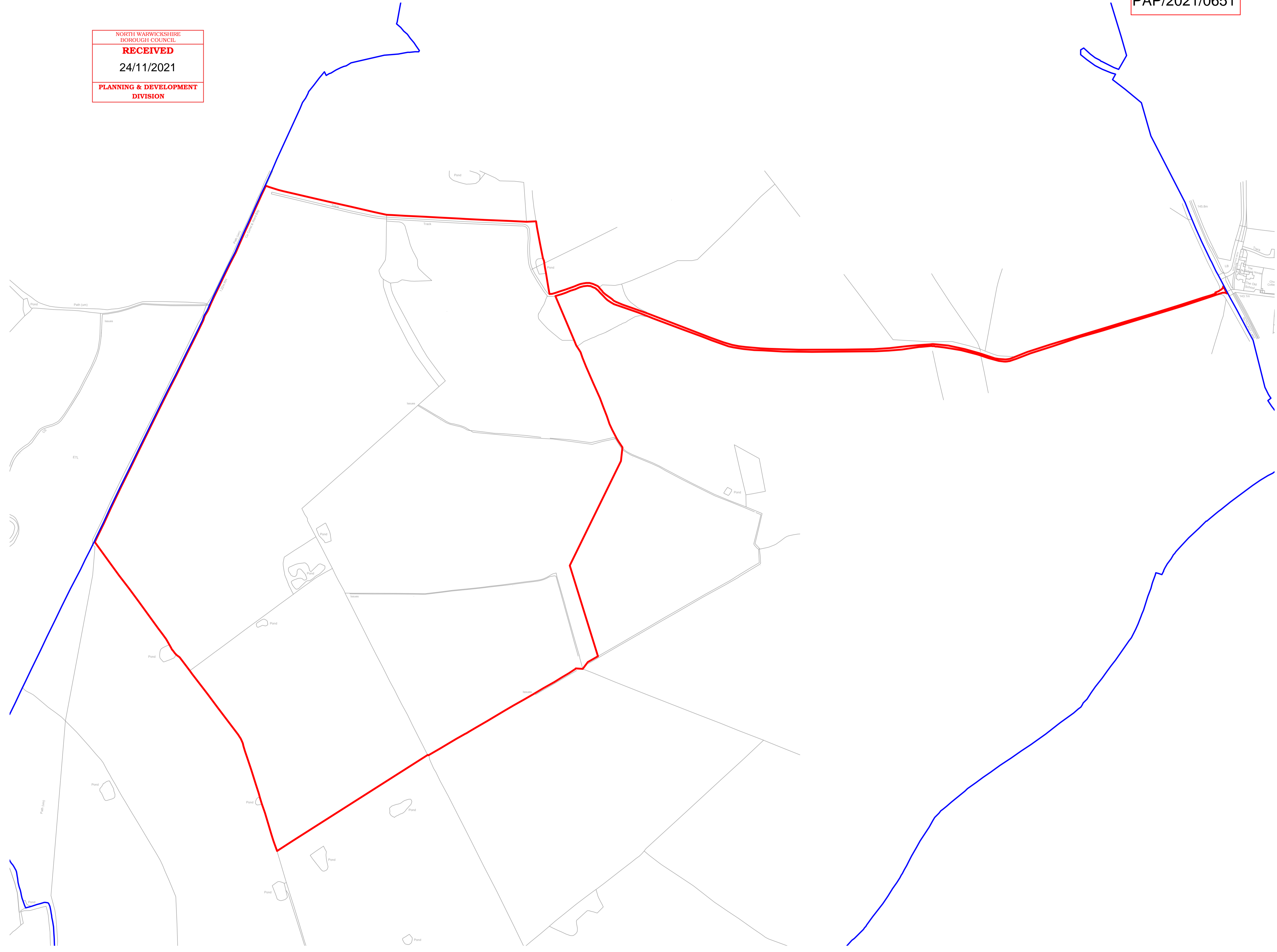
Drawing Title:

**Astley Gorse Site  
Location Plan**

Drawn: HN	Checked: NL	First Issued: 26.03.2021
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Project Code: Drawing Number:  
**AEM003- SP-01**

Sheet Size: <b>A1</b>	Scale: <b>1:2500</b>	Revision: <b>04</b>
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**1 ASTLEY GORSE SITE LOCATION PLAN**  
Scale: 1:2500@A1

