

MAIN STATEMENTS OF COMMON GROUND Template/Notes

Introduction

1. A main SoCG is a written statement prepared jointly by the Appellant and the Local Planning Authority (“LPA”), which contains agreed factual information about the proposal, which is the subject of the application or appeal.¹ This template is intended to assist all professional representatives and expert witnesses in compliance with their duty to assist the Inspector, including through co-operation to identify the differences between the parties’ positions.

Sections and Structure

2. A Main SoCG should ordinarily cover at least the following main headings in separate Sections² (which are explained individually below):

Cover Sheet

- 1) Introduction
 - 2) The Appeal Site
 - 3) The Local Area
 - 4) Planning History
 - 5) The Appeal Proposal
 - 6) Development Plan (Adopted and Emerging) and Supplementary Planning Guidance
 - 7) National Policy and Other Guidance
 - 8) Areas of Agreement
 - 9) Areas of Disagreement
 - 10) Schedule of Conditions and Draft Terms of S106
3. This list is not exhaustive, nor prescriptive of the order of consideration of issues.
 4. Additional Section headings may be included, as appropriate. In particular, parties may wish to consider sub-division of Areas of Agreement by topic area, including into individual Sections.

Joined Appeals

5. This SoCG refers to appeals in the singular. Where appeals are joined, then one single SoCG should ordinarily be provided for both appeals.

Plans and Reports

6. The Main SoCG is a free-standing document and should be drafted without extensive Appendices. To avoid duplication and reduce overall length, parties should not append an existing plan or report (for example an Officer’s Report) which would in due course be placed within the Core Documents for the appeal. However, a new Plan or Table may be appended where it will help navigate or situate a given issue, e.g. agreed distances / floorspace figures.

Cover Sheet

7. The SoCG should have a single coversheet, with the Appeal Reference, LPA Reference, Appellant Name and Site Address.

Planning Appeal Main Statement of Common Ground

¹ Town and Country Planning (Inquiries Procedure) (England) Rules 2000, Rule 2(1) (“Inquiries Rules”) and the Town and Country (Hearings Procedure) (England) Rules 2000, Rule 2(1) (“Hearings Rules”), Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 Rule 2(1)

² For longer documents, these may be described as “Chapters”.

PINS Ref: APP/R3705/W/24/3349391

LPA Ref: PAP/2023/0071

Appeal by Enviromena Project Management UK Ltd

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

1) Introduction

8. SoCGs should include a short and focussed introductory section. It should also confirm:
- (a) The Appeal description
 - (b) Reasons for Refusal (these should be cited in full)

This draft Statement of Common Ground (SOCG) has been prepared jointly by the Appellant and the Rule 6 Party Fillongley Parish Council – in respect of the appeal as referenced above and follows the PINS guidance updated 14th November 2024.

The description of development is:

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

The reason for refusal was:

“The proposed development is inappropriate development in the Green Belt. It is not considered that it would preserve the openness of the Green Belt as required by Policy LP3 of the North Warwickshire Local Plan 2021 and the National Planning Policy Framework (NPPF) 2023.

It would additionally cause landscape and visual harm such that it does not accord with Policies LP1, LP14 and LP30 of the North Warwickshire Local Plan 2021, or Policies FNP01 and FNP02 of the Fillongley Neighbourhood Plan 2019.

The Local and Neighbourhood Plan policies require new development to conserve and enhance the landscape; to integrate appropriately into the natural environment, harmonise with its immediate and wider settings, as well as to protect the rural landscape of the Parish, the scenic aspects of the village and the setting of the Church.

The cumulative harms caused are considered to be substantial because of the development's proposed size, its siting on higher land, there being no surrounding higher land and its public visibility over a wide area. It is not considered that this substantial harm is clearly outweighed by any benefits that the proposal might give rise to.”

2) The Appeal Site

9. The SoCG should then provide a focussed description of the relevant attributes of the Site, including (as applicable)

- (i) Dimensions
- (ii) Existing structures on Site
- (iii) Existing uses or Historic uses
- (iv) Physical features, including general topography
- (v) Vegetation and landscaping
- (vi) Immediately adjacent structures/buildings/areas

- | |
|--|
| <ul style="list-style-type: none">i. The site area is 61 hectares.ii. There is an existing storage container in the south east of the site, used for seasonal shoots.iii. The existing use is agricultural land.iv. In terms of physical features and topography the Appellant's drainage strategy drawing p07 (CD1.44) and landscape strategy drawing p17 (CD1.20) show topographical information and existing vegetation.v. In terms of vegetation and landscaping, the Appellant's tree survey (CD1.5) and landscape strategy drawing p17 (CD1.20) show vegetation and existing 'landscaping'.vi. The M6 motorway, which includes a bridge over the B4102 Meriden Road and a pedestrian bridge over the motorway, abuts the southern edge. The B4102 Meriden Road is adjacent to the western boundary, and there is open farmland to other boundaries. |
|--|

10. Preliminary description of designations may assist (e.g. Green Belt/National Landscape/Conservation Area). However, detailed discussion of development plan and other statutory matters should be deferred to the respective chapters on the Development Plan, National Policy and/or Areas of Agreement/Disagreement.

- | |
|--|
| <ul style="list-style-type: none">○ Green belt.○ Preliminary Heritage designations are -Scheduled Monument (National Heritage List for England Entry Number: 1013152): 12th century defensive ringwork castle at Castle Yard =○ Church of St Mary and All Saints - Grade II* listed building - National Heritage List for England List Entry Number: 1034830○ Fillongley Conservation Area – boundary is circa 280m to the north/ northeast of the appeal site.○ White House Farm – Grade II listed building - National Heritage List for England Entry Number: 1034868○ Park House Farm farmhouse – Grade II listed building - National Heritage List for England Entry Number: 1186219○ Early-17th century threshing barn at Park House Farm - Grade II listed building - National Heritage List for England Entry Number: 1034838 |
|--|

- Cartshed/granary at Park House Farm - Grade II listed building - National Heritage List for England Entry Number: 1034837
- Fillongley Mount - Grade II listed building - National Heritage List for England Entry Number: 1299309
- No statutory designated biodiversity sites were identified within 2km of the site boundary

11. Neutral description of site features will avoid disputes at the early stage which can delay agreement. If there is a disagreement as to a landscape or character matter, this should be deferred to Matters of Disagreement

The following constitutes a 'neutral description' of site features:

"The Site extends to 61 hectares (150 acres) and is currently in agricultural use, consisting of a number of agricultural fields with trees and hedgerows present. There are no buildings, structures or above ground infrastructure on the appeal site or any of the adjacent fields. A watercourse, Bourne Brook, traverses the north-western boundary with drainage ditches located in the north west area. A second unnamed watercourse runs from the southern boundary to the south eastern boundary.

The site is set within an open countryside setting bound to the north, east and west by agricultural land and the M6 south with further agricultural land beyond. The centre of the village of Fillongley lies beyond the agricultural fields to the north. Within the wider open countryside around the Site are isolated homes, and farmsteads.

The main vehicular access to the Site is from field accesses from the B4102 Meriden Road at the Site's western boundary.

The Site is predominantly located in Flood Zone 1 (low risk) as indicated by the Environmental Agency's indicative flood mapping system, however there are some areas of heightened localised flood risk associated with the watercourse and drainage ditches present at the north west of the Site.

The Site is not covered by any statutory heritage designations nor are there any listed structures within its boundaries. There are, however, numerous listed structures (Grade II and II) within a 1.5km radius and the scheduled monument Ringwork Castle, known as Castle Yard, is situated approximately 300m northeast of the Site. The southern boundary of the Fillongley Conservation Area lies within some 300m of the north/ northeast of the appeal site.*

The Site is not covered by any ecological designations nor are there any within 2km.

A Public Right of Way (PRoW) runs north-south across the Site and is situated on the western extent following the first field boundary in from the western most boundary. There is a public footpath to the east of the appeal site (PRoW ref. M294a) and beyond that the long-distance route, the Coventry Way (PRoW ref. M298). The M294a is immediately adjacent to/joins the site at the South East

corner. The appeal site is also visible from a Public Right of Way (PRoW ref. 289a) to the west of Meriden Road.

The Site lies wholly within the Green Belt.

The Site consists of agricultural land 95% of which is identified as Best and Most Versatile Agricultural Land comprising of Grade 3a (71%) Grade 2 (24%) and Grade 3b (3%).

3) The Local Area

12. Having described the Appeal Site itself, the SoCG should then provide a proportionate description of the surrounding area, settlement or LPA area (as applicable).

The southern boundary of the site is adjacent to the north side of the M6 motorway. The surrounding area is predominantly rural and comprises undeveloped fields.

Fillongley village development boundary c.486m to the north-northeast.

The site is in the open countryside and the Green Belt for planning purposes.

13. This should situate the Site within its geographical context.

Roughly equidistant between Coventry, Nuneaton and the eastern extents of Birmingham.

4) Planning History

14. The planning history for the Site should be set out briefly, citing the main relevant applications, LPA decisions and any appeal decisions in chronological order (or reverse chronological order).

There is no recent or relevant planning history linked to the appeal site

15. The planning history of adjacent or nearby Sites can be recorded if they are relevant to the appeal but must be carefully set out in a distinct manner.

None relevant.

16. Full reference numbers should be provided (LPA and PINS references) and the date of determination.

None relevant.

5) The Appeal Proposal

17. The SoCG should then explain the Appeal Description (including any relevant changes).

No changes from planning application description of development.

18. It should then specify the agreed plans and drawings on which the Inspector will be asked to base his or her decision and which were considered at application stage.

'With ponds'
The Location Plan P.Nailcote Farm/04 REVA
The Planning Layout Drawing P. Nailcote Farm/09 revE (not sent to the LPA, and not requested by the LPA)
Section Views drawing P. Nailcote Farm/06RevB (sheets 1 and 2)
DNO Building - P007039/11/DNO Subsections REVA
Access Plan 2210072/05
Landscape Strategy Plan 11370-FPCR-ZZ-XX-DR-L-0001-P17
NFW/BWB/ZZ/XX/RP/CD/0001/DS Rev P07) <i>Drainage Strategy document: NFW/BWB/ZZ/XX/RP/CD/0001/RevP07</i> <i>and the Flood Risk Assessment: NFW/BWB/ZZ/XX/RP/YE/0001/FRA/ REV P07</i>

19. Where amendments were made to the original proposal, the SoCG should confirm if they were agreed at application stage.

<p>A number of the plans and documents references were updated between the March and July 2024 meetings, because ponds had been added to the drainage strategy, by the Appellant, in response to concerns raised by Fillongley Flood Group.</p> <p>However, one drawing reference was not updated, and therefore the drawing stands out from the others in this respect, namely Planning Layout revD.</p> <p>A revE drawing was prepared, but due to oversight, was not submitted to the LPA by the then agents in advance of the July 2024 meeting.</p> <p>Upon submission of the planning appeal, and as explained in the Appellant's Statement of Case, the Appellant has proposed to remove ponds as they were not required to satisfy the LLFA or development plan policy.</p> <p>A revH version of the Planning Layout was submitted with the appeal, to be accepted at the Inspector discretion.</p>

20. Thereafter, there should be an explanation of the Appeal Proposal, including its key characteristics as follows:

- (a) Key dimensions and distances
- (b) Key documents submitted with the Application
- (c) Any associated Applications

<p>The site area is 61 hectares.</p> <p>The Development comprises of ground-mounted solar photovoltaic arrays together with ancillary infrastructure and landscaping and biodiversity enhancements. The solar farm will have an export capacity of up to 45.9MW of electricity at peak operation and is proposed for a period of 40 years.</p> <p>To achieve maximum solar gain the panels (2.3m to highest point) are laid out in east-west rows with space of at least 5.5 metres between each row to prevent overshadowing.</p>
--

The fixed modules will be tilted at a site-specific angle of 25 degrees based upon the topography and latitude of the Site and mounted facing due south. The arrays are finished with non-reflective material to ensure that there is no glare.

The panels will be supported by associated infrastructure including:

- Inverters: these convert the Direct Current (DC) electricity collected to the Alternating Current (AC) used in electricity distribution / transmission.
- Transformers: these control the voltage of the electricity generated.
- Switchgear: a combination of electrical disconnect switches, fuses or circuit breakers used to control, protect, and isolate electrical equipment.

DNO substation is 7.1m long by 2.8m wide by 3.2m tall.

Customer substation is 6.6m long by 2.6m wide by 3.1m tall.

The site will be protected by 3m tall CCTV security systems with cameras situated within the site boundaries.

For security purposes there will be a requirement to enclose the solar panels and it is proposed to install 2m deer fencing, which comprises of timber posts and wire meshing. There will be no lighting within the site during its operational period. There may be PIR security light on the DNO substation.

The following documents were submitted with the planning application:

- Planning Statement (CD1.29)
- Design and Access Statement (CD1.11)
- Landscape and visual assessment (CD1.22)
- Arboricultural impact assessment (CD1.5)
- Drainage strategy (CD1.13, 1.14, 1.44 and 1.45)
- ALC report (CD1.3)
- Heritage assessment (CD1.19)
- Flood risk assessment (CD1.15)
- Biodiversity surveys and reports (CD1.7, 1.8, 1.91.16, 1.23, 1.24, 1.39, 1.40, 1.41)
- Highways statement and technical note (CD1.34 and 1.35)
- Glint and glare report (CD1.18)
- The Site Location Plan – P.NailcoteFarm04_SiteLocationPlanRevA (CD1.33)
- General Layout – P.NailcoteFarm-01-GenerallayoutRevF (CD1.17)
- The Planning Layout – P.NailcoteFarm_09_PlanningLayoutRevD (CD1.28)
- The Access Junction - 2210072-05 (CD1.2)
- NailcoteFarm07_BuildingSectionViewsRevA (CD1.10)
- DNO Substation Sections RevA (CD1.12)
- Landscape Strategy Plan – 11370/FCPR/XX/XX/DR/L/0001/S3 P17 (CD1.20)
- Conceptual Drainage Strategy – NFW/BWB/ZZ/XX/DR/CD/001 S2 PO7 (CD1.44)
- Proximity Plan – P007039-10-proximityplanrevA (CD1.31)
- Section views – PnailcoteFarm_06_sectionviewsrevB (CD1.32)
- Technical visualisations – N1329-one-zz-xx-rp-l-0001_P03 (CD1.36)

There are no other associated applications.

21. The SoCG should also seek to chart the determination of the Application:

- (i) Any pre-application discussions
- (ii) The date of submission
- (iii) Any key correspondence between LPA and Council (in outline)
- (iv) Any changes to plans
- (iv) Summary of any Officer's Report (in appeals against refusal)
- (v) The date of any Committee Meeting

(vi) The date of any Decision Notice

[These lists are not exhaustive]

The planning application was received on 22nd February 2023 and validated on 24th February 2023.

The planning application was reported to Planning and Development Board on 22nd May 2023 with a recommendation to “note receipt of the application and that a site visit be arranged prior to its determination”.

The planning application was reported to the Planning and Development Board on 4th March 2024 with a recommendation for approval. The officer’s recommendation read as:

“Recommendation

a) That the Council is minded to GRANT a planning permission subject to the imposition of conditions as outlined below and the completion of a Section 106 Agreement with the Warwickshire County Council in respect of the bio-diversity offsetting contribution referred to in this report, and that as a consequence, the matter be referred to the Secretary of State under the terms of the 2024 Direction.

b) If the Secretary of State does not intervene and on completion of the 106 Agreement, the Notice be issued.”

The planning application was deferred for further landscaping to be included in the plans, as well as ponds to satisfy the concerns of a local flood group. Recorded in the Council’s Minute as follows:

“g That Application No PAP/2023/0071 (Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley) be deferred to enable further consultation with the Fillongley Flood Group, the Lead Local Flood Authority and the applicant, together with inviting the applicant to consider additional landscape mitigation.”

The planning application was reported to Planning and Development Board on 8th July 2024 with a recommendation for approval.

The officer’s recommendation read as:

“Recommendation

a) the Council is minded to GRANT planning permission, subject to the completion of a Section 106 Agreement as set out in Appendix 1, together with the conditions as set out therein but with the following revisions and additions, and that as a consequence, the case be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2024:

i) Condition 2 to be amended to include the most recent plans as described in this report-i.e.

The Landscape Strategy Plan 11370/FPCR/XX/XX/DR/L/0001/P17;

*Drainage plan-
NFW/BWB/ZZ/XX/DR/CD/0001/RevPO7,NFW/BWB/ZZ/XX/RP/CD/0001/RevPO7and the Flood
Risk Assessment NFW/BWB/ZZ/XX/RP/YE/0001/FRA/ REV PO7.*

ii) The addition of a condition within the “defining conditions” section to read:

“The generating capacity of the development hereby approved shall not exceed 49.9 MW(AC)”

The planning application was refused for the reason given in the decision notice dated 10th July 2024.

6) Development Plan (Adopted and Emerging) and Supplementary Planning Guidance

22. The SoCG should record the development plan documents which are relevant to the appeal, including their date of adoption.

the North Warwickshire Local Plan (2011-2033) adopted in September 2021 and the Fillongley Neighbourhood Plan adopted in 2019 and the revisions to the Fillongley Neighbourhood Plan currently subject to Regulation 14 consultation.

23. It should then provide a list of all policies in the adopted development plan that are relevant to the Appeal Proposal.

Decision notice policies: LP1 (Sustainable development), LP3 (Green Belt), LP14 (Landscape) LP30 (Built Form), FNP01 (Built Environment) and FNP02 (Natural Environment).

Other relevant policies of the Local Plan are:

- LP35 (Renewable Energy)
- LP15 (Historic Environment)
- LP16 (Natural Environment)
- LP23 (Transport Assessments)
- LP29 (Development Considerations)
- LP33 (Water and Flood Risk Management)

Other relevant policies of the neighbourhood plan are:

FNP03 (flooding)

FNP06 (heritage)

24. Where a party contests that the presumption in favour of sustainable development is engaged, then a list of the “most important policies for the determination of the appeal” should then be provided. Parties are encouraged to agree this list, so far as possible.

25. The SoCG should record at this stage the policies with which the appeal proposal is said to conflict with. Where parties can agree this, a single list can be produced. Where there is disagreement, then the position of the parties can be set out in consecutive paragraphs.

For the Appellant:
The proposal only conflicts with LP30 and FNP01 on the basis of the reasons given in the tables under paragraph 5.93 and 5.105 respectively and in the Appellant's statement of case.

The proposal conflicts with LP1, LP3, LP14, LP15, LP30, LP35, FNP01, FNP02 and FNP06

26. The SoCG should then record the status of any emerging development plan document, including target dates for further consultation, submission, examination or adoption (as appropriate).

The revision of the Fillongley Neighbourhood Plan is currently subject to its Regulation 14 consultation.

27. A list of relevant policies in such document(s) should then be provided.

Relevant policies in review of Neighbourhood Plan are – FNP01 (Built Environment), FNP02 (Natural Environment), FNP03 (Flooding), FNP06 (Heritage)

28. The same approach should be followed in respect of conflict with any such policies.

Relevant emerging policies in review of Neighbourhood Plan – FNP01 (Built Environment), FNP02 (Natural Environment), FNP06 (Heritage)

29. Where a document is in PDF format, it will be of assistance to have page numbers for policies listed – ordinarily using the hard copy page numbers.

n/a

30. Supplementary Planning Guidance relevant to the appeal should also be recorded in this Section, including relevant sections.

No known SPGs

7) National Policy and Other Guidance

31. The SoCG should list key paragraphs within national policy, including the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), where these are considered to be relevant.

For the appellant:
NPPF 2024:
38
56 to 58
85
124
125a, b
155
160

161
165
168
169
193
212
215
Glossary definition of grey belt.

NPS EN1:

1.1.1
1.2.1
2.3.4
4.1.1
4.1.7
4.2.4
4.2.5

NPS EN3:

1.2.1
Section 2.10 and paragraphs 2.10.59 to 2.10.67 in particular.

For the Rule 6:

NPPF, December 2024

11
105
135
153
160
168
181
182
188 FN65
187, 187a and 187b
208
212
213
214
215
216
Footnote 7
Footnote 65
Footnote 75

Glossary re “Significance (for heritage policy)”, “Setting of a heritage asset” and ‘Grey Belt’

NPS EN-1

In particular –

5.11.12
5.11.34
Sections 5.9, 5.10 and 5.11

NPS EN-3

In particular –

2.10.28 – 33

2.10.42 – 44

2.10.107-109

PPG

Paragraph 003, reference ID: 5-003-20140306, revision date: 06 03 2014

Paragraph 013, Reference ID: 5-013-20150327, revised 27th March 2015

Paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22 07 2019

Ministry of Housing, Communities & Local Government, Historic Environment PPG, April 2014, updated July 2019

Paragraph: 005 Reference ID: 18a-005-20190723 (revised 2019)

Paragraph: 006 Reference ID: 18a-006-20190723 (revised 2019)

Paragraph: 007 Reference ID: 18a-007-20190723 (revised 2019)

Paragraph: 008 Reference ID: 18a-008-20190723 (revised 2019)

Paragraph: 009 Reference ID: 18a-009-20190723 (revised 2019)

Paragraph: 010 Reference ID: 18a-010-20190723 (revised 2019)

Paragraph: 013 Reference ID: 18a-013-20190723 (revised 2019)

Paragraph: 018 Reference ID: 18a-018-20190723 (revised 2019)

Paragraph: 019 Reference ID: 18a-019-20190723 (revised 2019)

Paragraph: 039 Reference ID: 18a-039-20190723 (revised 2019)

Paragraph: 040 Reference ID: 18a-040-20190723 (revised 2019)

Paragraph: 041 Reference ID: 18a-041-20190723 (revised 2019)

Paragraph: 058 Reference ID: 18a-058-20190723 (revised 2019)

Paragraph: 059 Reference ID: 18a-059-20190723 (revised 2019)

32. Other national-level or regional-level guidance should also be recorded in this section, including Written Ministerial Statements, Government guidance and other technical guidance (e.g. Manual for Streets).

Includes -

- Clean Power 2030 (NESO 2024)
- Clean Power 2030 Action Plan (UK Govt 2024)
- Powering Up Britain March 2023, and the accompanying Net Zero Growth Plan March 2023 and Energy Security Plan March 2023
- National Policy Statement on Energy – EN1
- National Statement for Renewable Energy Infrastructure – EN3
- British Energy Security Strategy April 2022
- Energy Security Bill July 2022
- Net Zero Strategy: Build Back Greener, dated October 2021
- National Infrastructure Strategy – November 2020
- Energy White Paper December 2020
- Net Zero Strategy December 2020
- UK Modern Industrial Strategy 'Invest 2035' October 2024
- UK Clean Growth Strategy 2017

- Kyoto Protocol 2005
- UN Framework Convention on Climate Change 2015
- Climate Change Act 2008 – Net zero 2050 (2019)
- UK Food Security Report December 2024
- UK of GBNI’s 2035 Nationally Determined Contribution January 2025
- Written Ministerial Statement on solar energy (25th March 2015)
- Written Statement on Solar and protecting our Food Security and Best and Most Versatile (BMV) Land, published on 15 May 2024, HCWS466
- Parliamentary Under-Secretary of State for Energy, 23rd and 26th July 2024
- Historic England 2021 Commercial renewable energy development and the historic environment Historic England Advice Note 15. Swindon. Historic England.

8) Areas of Agreement

33. This section should ordinarily be arranged by topic area, with topic areas sub-divided with sub-headings. For larger or more complex cases, it may be preferable to cover this Section in several free-standing Sections.
34. Agreement should be set out in respect of both topics referred to in reasons for refusal (or putative reasons for refusal) and those where no conflict/harm is alleged.
35. The section should be as comprehensive as possible, covering:
 - (a) Core factual statements, e.g. applicable designations.
 - (b) Relevant evidence submitted with the application.
 - (c) Sections of any Officer’s Report addressing the issue.
36. For each topic, the section should record any agreed compliance or conflict with:
 - (a) Identified policies in the development plan (or emerging development plan)
 - (b) Identified paragraphs in the NPPF/PPG
 - (c) Any applicable guidance document / technical standard
37. There is no requirement to begin every sentence with “it is agreed”. This wording is usually superfluous as all statements should be agreed.
38. Where a dispute exists, this should ordinarily be deferred to the next section: Areas of Disagreement. However, areas of minor/narrow dispute can be identified with the following formula “*agreed save for...*”
39. This section should say if there is a draft planning obligation which would satisfactorily address one or more of the reasons for refusal.

There is no reason in the Council’s decision notice dated 10 th July 2024 on policy LP35.
The appeal site is not allocated for development in the Development Plan.
The appeal site is in the Green Belt. If the development is inappropriate development in the Green Belt, substantial weight must be given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘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.

Under paragraph 154 of the NPPF, development in the Green Belt is inappropriate unless certain exceptions apply. Solar farms are not one of the listed exceptions.

Paragraph 160 of the NPPF confirms that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development and in such cases developers will need to demonstrate very special circumstances if projects are to proceed.

Under paragraph 155 of the NPPF, the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where specific tests are all met as specified.

If development is not inappropriate development, then there is no need to demonstrate very special circumstances.

The parties' grey belt positions are summarised below:

	Appellant	R6
Grey belt definition (from pg. 73 of Glossary to NPPF 2024):		
Previously Developed Land	No	No
Any other land?	Yes	Yes
Land does not strongly contribute to any of purposes a, b or d	Yes. It does not strongly contribute to any of purposes a, b or d.	The land strongly contributes to purpose (d) to preserve the setting and special character of historic towns.
Footnote 7 policies	None apply.	Apply due to relevant policies that relate to heritage assets in FN7 that provide a strong reason for refusing or restricting development.
Is grey belt land?	Yes.	No
Para 155 elements:		
Other development	Qualifies	Agree the appeal proposal is commercial or other development
a. Would utilise grey belt land	It would.	Disagree, the appeal site is not Grey Belt. Further consideration of this paragraph is unnecessary as the site is not Grey Belt and points

		(a) – (d) in paragraph 155 are not mutually exclusive.
a. Would not fundamentally undermine the purposes (taken together) of the remaining green belt across the area of the plan	Agreed. It would not.	Further consideration of this paragraph is unnecessary as the site is not Grey Belt and points (a) – (d) in paragraph 155 are not mutually exclusive.
b. There is a demonstrable unmet need for the type of development proposed	Agreed. There is a demonstrable unmet need.	Further consideration of this paragraph is unnecessary as the site is not Grey Belt and points (a) – (d) in paragraph 155 are not mutually exclusive.
Footnote 56	Is not relevant.	Agree, it is not relevant.
c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework	Agreed. It would be.	Further consideration of this paragraph is unnecessary as the site is not Grey Belt and points (a) – (d) in paragraph 155 are not mutually exclusive.
Footnote 57	Is not relevant.	Agree, it is not relevant.
d. Where applicable the development proposed meets the ‘Golden Rules’ requirements	The golden rules are not applicable.	Further consideration of this paragraph is unnecessary as the site is not Grey Belt and points (a) – (d) in paragraph 155 are not mutually exclusive.
Complies with requirements of paragraph 155?	Yes.	No.
The proposal conflicts with the third purpose of including land in the Green Belt– namely the safeguarding of the countryside from encroachment.		
There is no “heritage” reason for refusal in the Council’s decision notice dated 10 th July 2024		
There is no “highway” reason for refusal in the Council’s decision notice dated 10 th July 2024		

There is no “flooding” or “drainage” reason for In the Council’s decision notice dated 10 th July 2024			
The proposal was submitted prior to the Biodiversity Gain (Town and Country Planning) (England) Regulations 2024 coming into force.			
Notwithstanding this, the proposal has reported the following BNG scores over time:			
BNG report version no.	Dated	Habitats	Hedgerow s
V2	7th March 2023	64.99%	12.67%
V3	6th November 2023	63.96%	12.67%
V5	30th January 2024	62.54%	25.76%
V6	15th May 2024	63.17%	25.76%
V7	18th November 2024	63.23%	25.76%
There is no “ecology/biodiversity” reason for refusal in the Council’s decision notice dated 10 th July 2024.			
96.23% of the appeal site is Best and Most Versatile Land 32.599% of the site is Grade 2 land, 63.631 is Grade 3a land, 1.989 is Grade 3b land and 1.781 is non-agricultural land Notwithstanding this, there is no refusal reason based on the “loss” of such land in the Council’s decision notice dated 10 th July 2024.			
There is no refusal reason arising from the potential glint and glare impacts in the Council’s decision notice dated 10 th July 2024.			
There is no refusal reason arising from the potential noise emitted from the development in the Council’s decision notice dated 10 th July 2024.			
There is no refusal reason arising from any adverse arboricultural impacts on retained trees in the Councils decision notice dated 10 th July 2024.			
There is no refusal reason arising from potential risks of pollution as a consequence of contaminated land in the Council’s decision notice dated 10 th July 2024.			
It is agreed that the most significant benefit of the appeal proposal is its contribution to the generation of renewable energy.			
There is no residential amenity reason for refusal in the Council’s decision notice dated 10 th July 2024.			

Section 9) Areas of Disagreement

40. This is significant in framing the Main Issues (subject to additional matters identified as relevant by the Inspector).
41. In the Main SoCG, this Section should, therefore, state the precise area of difference as far as possible, whilst noting that specific objections may be deferred to the Proofs of Evidence and any topic specific SoCG.
42. The section should identify which reasons of refusal (or parts thereof) are maintained but should not simply reiterate these as the areas of disagreement without further clarification.
43. The areas of difference may be expressed objectively, with the separating out of the competing positions. However, it can be helpful to express each party’s position in consecutive sentences: “The Appellant’s position is.... // The Council’s position is....”

44. The Section should refer to any dispute as to the engagement of the presumption in favour of development and the operation of section 38(6) PCPA 2004.

Whether the appeal proposal accords with the policies of the development plan or whether there are material considerations that indicate otherwise.
The weight to be given to the Drainage Strategy Plan PO7 and the Landscape Strategy Plan P17 listed in Section 4 above.
The degree of Green Belt harm caused.
The proposal conflicts with the fourth purpose of including land in the Green Belt– namely to preserve the setting and special character of historic towns.
Whether the site is excluded from the definition of Grey Belt because the application of policies referred to in NPPF Footnote 7 relating to designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75) would provide a strong reason for refusing or restricting development.
The relative weights to be attributed to the harms and benefits of the proposal within the final planning balance, including any loss of BMV, and thus whether there are “very special circumstances” to support the proposal, if they are required to be demonstrated.

11) Signatures

45. Parties or their representatives should sign the Main SoCG, either at the start of the document or its close.
46. Electronic signatures are appropriate. Photocopies and scans should be avoided, as the text may not appear with the same clarity.
47. The SoCG should be clearly dated.
48. As soon as formal agreement has been reached, the SoCG should be provided to the Case Officer, for the attention of the Inspector.

	Name	Position	Date
For the appellant	Steven Bainbridge BSc MSc MRTPI	Head of Planning	7/02/25
For the Rule 6	Adrian B White	Councillor Fillongley Parish Council	7/02/3035