

**Planning Appeal**

**STATEMENT of COMMON GROUND**

**Appeal by Enviromena Project Management UK Ltd**

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

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

**LPA Ref: PAP/2023/0071**

## **1. Introduction**

- 1.1 This draft Statement of Common Ground (SOCG) has been prepared jointly by the Appellant and the Local Planning Authority – the North Warwickshire Borough Council – in respect of the appeal as referenced above.
- 1.2 Its content follows the Planning Inspectorate’s guidance.

## **2. Site Address**

- 2.1 The site address on the Appellants Appeal Form is:  
  
“Land 800 metres south of Park House Farm, Meriden Road, Fillongley, Warwickshire, Grid Ref Easting: 427624, Grid Ref Northing: 286021”
- 2.2 The site address on the planning application form was:  
  
“Land east of B4102 Meriden Lane and north of M6, Fillongley, North Warwickshire – Easting 427525, Northing 286111”.
- 2.3 The address on the Decision Notice is:  
  
“Land 800 metres south of Park House Farm, Meriden Road, Fillongley”.
- 2.4 It is agreed that these descriptions all relate to the same site.

## **3. Agreed Description of Development**

- 3.1 The agreed description of the 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”.
- 3.2 The proposed lifespan of the proposal as set out by the applicant is 40 years.

## **4. List of Plans that informed the Determined Planning Application**

1. The Site Location Plan – P.NailcoteFarm04\_SiteLocationPlanRevA
2. General Layout – P.NailcoteFarm-01-GenerallayoutRevF
3. The Planning Layout – P.NailcoteFarm\_09\_PlanningLayoutRevD
4. The Access Junction - 2210072-05
5. Building sections view – P.NailcoteFarm07\_BuilduingSectionViewsRevA
6. DNO substation section views – P007039-11-DNOSubstationSectionsRevA
7. Landscape Strategy Plan – 11370/FCPR/XX/XX/DR/L/0001/S3 P17
8. Conceptual Drainage Strategy – NFW/BWB/ZZ/XX/DR/CD/001 S2 PO7
9. Landscape Strategy Plan Extract
10. Proximity Plan – P007039-10-proximityplanrevA
11. Section views – PnailcoteFarm\_06\_sectionviewsrevB
12. Technical visualisations – N1329-one-zz-xx-rp-l-0001\_P03

## **5. The Appeal Site and its Surroundings**

- 5.1 It is agreed that the appeal site and its surroundings is as set out in both the Appellant's Design and Access Statements and the Officer Report to the Council's Planning and Development Board of 22 May 2023.

## **6. Relevant Planning History**

- 6.1 It is agreed that the site has no relevant planning history.

## **7. The Development Plan**

- 7.1 It is agreed that the Development Plan comprises the North Warwickshire Local Plan (2011-2033) adopted in September 2021 and the Fillongley Neighbourhood Plan adopted in 2019.
- 7.2 Decision notice policies: LP1 (Sustainable development), LP3 (Green Belt), LP14 (Landscape) LP30 (Built Form), FNP01 (Built Environment) and FNP02 (Natural Environment).
- 7.3 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)

## **8 Other Material Considerations**

- 8.1 It is agreed that the following documents are the main relevant material planning considerations:
- The National Planning Policy Framework 2023
  - The Draft Consultation on the Framework of July 2024
  - Ministerial Written Statement – July 2024
  - National Planning Practice Guidance
  - British Energy Security Strategy April 2022
  - Energy Security Bill July 2022
  - 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
  - Kyoto Protocol 2005
  - UN Framework Convention on Climate Change 2015
  - Climate Change Act 2008 – Net zero 2050 (2019)
  - National Infrastructure Strategy – November 2020
  - Energy White Paper December 2020
  - Net Zero Strategy December 2020
  - UK Industrial Strategy
  - UK Clean Growth Strategy 2017

## 9 Areas where the parties are working together

The parties will work together to confirm that the Appellant's Landscape Visual Assessment followed the appropriate industry standard methodology (Guidelines for Landscape and Visual Impact Assessment – 3<sup>rd</sup> Edition). Where there is information missing or its conclusions are now being disputed by the LPA, the parties will explore whether this can be resolved. If matters are not satisfactorily resolved, then they will need to be discussed at the Hearing.

## 10 Areas of Agreement and Disagreement

### 10.1 It is agreed that:

1. There is no reason for refusal against policy LP35
2. The appeal site is not allocated for development in the Development Plan.
3. The appeal site is in the Green Belt.
4. The proposed development is inappropriate development in the Green Belt.
5. Substantial weight is given to any Green Belt harm.
6. It is only the third purpose of including land in the Green Belt that is conflicted – namely the safeguarding of the countryside from encroachment.
7. The appellants Landscape and Visual Assessment was prepared following the appropriate industry standard - (Guidelines for Landscape and Visual Impact Assessment – 3<sup>rd</sup> Edition).
8. The appellant's assessment of Landscape Value also takes account of guidance in Landscape Institute Technical Guidance Note 02-21 "Assessing landscape value outside national designations".
9. At most, there is less than substantial harm caused to heritage assets.
10. There is no "heritage" reason for refusal.
11. There is no "highway" reason for refusal as the proposal satisfies Local Plan Policies LP23 and LP29 (6) together with the relevant NPPF policy in para 115.
12. There is no "flooding" or "drainage" reason for refusal as the proposal satisfies Local Plan policy LP33 and the relevant NPPF policy (para 175).
13. The proposal was submitted prior to the Biodiversity Gain (Town and Country Planning) (England) Regulations 2024 coming into force.
14. Notwithstanding this, the proposal has reported the following BNG scores over time:

<b>BNG report version no.</b>	<b>Dated</b>	<b>Habitats</b>	<b>Hedgerows</b>
V2	7 <sup>th</sup> March 2023	64.99%	12.67%
V3	6 <sup>th</sup> November 2023	63.96%	12.67%
V5	30 <sup>th</sup> January 2024	62.54%	25.76%
V6	15 <sup>th</sup> May 2024	63.17%	25.76%
V7	18 <sup>th</sup> November 2024	63.23%	25.76%

15. There is no "ecology/biodiversity" reason for refusal as the proposal satisfies Local Plan policy LP16.
16. c.24% of the site is Grade 2 land, c.71% is Grade 3a land, c.3% is Grade 3b land and c.1% is non-agricultural land.
17. Notwithstanding this, there is no refusal reason based on the "loss" of such land.
18. There is no refusal reason arising from the potential glint and glare impacts.
19. There is no refusal reason arising from the potential noise emitted from the development.

20. There is no refusal reason arising from any adverse arboricultural impacts on retained trees.
21. There is no refusal reason arising from potential risks of pollution as a consequence of contaminated land.
22. It is agreed that the most significant benefit of the appeal proposal is its contribution to the generation of renewable energy.
23. There is no residential amenity reason for refusal.
24. Reference to "Planning Layout revE" at paragraph 2.3 of the Appellant's statement of case refers to a drawing created after the March 2024 committee meeting, to be issued to the Council via the Applicant's agents Stantec, alongside an updated landscape strategy and drainage strategy; to show the inclusion of ponds added to accede to the request for such from the Fillongley Flood Group. The Appellant understands that while the landscape and drainage strategy drawings were issued to the Council by Stantec after the March 2024 planning committee meeting, or the planning layout revE was not received by the Council; either way it was an oversight because draft planning condition 2 includes reference to landscape and drainage drawings which include these ponds, but refers to Planning Layout D which does not. The constituent parts of Planning Layout revE (namely the ponds) feature in the landscape and drainage drawings issued in April 2024, and as such, the details within planning layout revE were conveyed to the Council one way or another and as such, the Council does not object to Planning Layout revE being included in the appeal now, not least because if the Inspector does not accept planning layout revH, then draft planning condition 2 needs to be amended to refer to Planning Layout revE, because revD does not include the ponds.

## 10.2 Matters Not agreed:

1. Whether there is a need to undertake a planning balancing exercise in accordance with the NPPF, identifying all benefits and harms of the proposal, regardless of whether the harm is recognised as substantial enough to be included within the reasons for refusal.
2. The weight to be given to the Drainage Strategy Plan PO7 and the Landscape Strategy Plan P17 listed in Section 4 above.
3. The degree of Green Belt harm caused.
4. The adequacy of the 'Approximate Visual Envelope' (LVA revE Fig.6). An alternative has now been submitted in response to comments made by the Council, but the applicant still relies on this. The Council now does not agree that the former figure (the approximate visual envelope) is adequate, but does agree that Drawing no. P24 – 1827-09 dated 2/10/24 is a better alternative.
5. The findings and judgements of the LVA and the degree of landscape and visual harm assessed.
6. The relative weights to be attributed to the harms and benefits of the proposal within the final planning balance and thus whether there are "very special circumstances" to support the proposal.

## 11 Conditions

- 11.1 A schedule of possible planning conditions, together with the reasons for them is attached to this SoCG at Appendix 1. This should be considered as a draft list, agreed

between the parties ahead of planning committee meetings, and is subject to future discussion, particularly in respect of plan numbers.

**12 Section 106 Obligations**

12.1 The County Council has requested a financial contribution of £79,200 as an offsite biodiversity contribution to create a minimum of 5 hectares of grassland. This Agreement would be between the applicant and the County Council.

**13 Signed**

**For the Appellant**

Name Steven Bainbridge MRTPI

Position Head of Planning

Signature



Date 18<sup>th</sup> November 2024

**For the Council**

Name.....Jeff Brown BA, DipTP, MRTPI.....

Position.....Head of Development Control .....

Signature.....



Date.....19<sup>th</sup> November 2024 .....

## **Appendix 1a Planning conditions extract from July 2024 planning committee report**

### ***Recommendation***

- a) *That 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/RevPO7 and 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)”*

### ***REASON***

*In order to define the development such that it accords with approved plans.*

- iii) *The addition of the following two drainage conditions in the Pre-Operational Use Conditions.*

*“Prior to the first commercial export of electrical power from the site until a Verification Report for the installed surface water drainage system for the site based on the Flood Risk Assessment (NFW/BWB/ZZ/XX/RP/YE/0001/FRA/rev PO7) has first been submitted to and approved in writing by the Local Planning Authority. The details of this Report shall include:*

- a) *A demonstration that any departure from the agreed design is in keeping with the approved principles.*  
b) *As Built drawings and accompanying photographs.*  
c) *The results of any performance testing undertaken as part of the application process.*  
d) *Copies of any Statutory Approvals and*  
e) *Confirmation that the system is free from defects, damage and foreign objects.*

### ***REASON***

*To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and the Development Plan.*

*“Prior to the first commercial export of electrical power from the site, a detailed site- specific maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:*

- a) *The names and contacts of the parties responsible for the maintenance.*

- b) *Plans illustrating the location of all features requiring maintenance and how these are to be accessed.*
- c) *Details of how each water feature is to be maintained and managed for the life-time of the development.*
- d) *Details of how site vegetation will be maintained for the life-time of the development.*

*The approved Plan shall remain in place throughout the life-time of the development.*

**REASON**

*To ensure the future maintenance of the sustainable drainage structures.*

- b) *If the Secretary of State does not intervene and on completion of the Section 106 Agreement, planning permission be granted.*

**Appendix 1b Planning conditions extracted from the March 2024 planning committee report**

**Recommendation**

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

**Standard Condition**

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

**REASON**

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

**Defining Conditions**

- 2. *The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents:*
  - a) *The Location Plan P.Nailcote Farm/04 REVA*
  - b) *The Planning Layout Drawing P. Nailcote Farm/09 REVD*
  - c) *Section Views drawing P. Nailcote Farm/06RevB (sheets 1 and 2)*
  - d) *DNO Building - P007039/11/DNO Subsections REVA*
  - e) *Access Plan 2210072/05*
  - f) *Landscape Strategy Plan 11370/FCPR/XX/XX/DR/L/0001 Rev P14*
  - g) *Drainage Strategy (document NFW/BWB/ZZ/XX/RP/CD/0001/DS Rev P06) prepared by BWB Consulting Ltd*



**REASON**

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

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

**REASON**

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

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

**REASON**

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

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

**REASON**

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

**Pre-Commencement Conditions**

- 6. Notwithstanding the approved plans defined in condition2, prior to their erection on site, details of the proposed materials and finish, including colour, of all solar panels, frames, ancillary buildings, equipment, fences and enclosures shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details and shall be maintained as such for the lifetime of the development.*

**REASON**

*In the interests of the appearance of the area.*

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

**REASON**

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

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

**REASON**

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

9. *No development shall take place on site including any site clearance or preparation prior to construction, until all three of the following have been completed.*
  - a) *A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work over the whole site has been submitted to and approved in writing by the Local Planning Authority.*
  - b) *The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approve WSI has been undertaken and a report detailing the results of this fieldwork and confirmation of the arrangements for the deposition of the archaeological archive has been submitted to the Local Planning Authority.*
  - c) *An Archaeological Mitigation Strategy (including a WSI for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. The Strategy should mitigate the impact of the proposed development and should be informed by the evaluation work undertaken. The development and archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents shall all be undertaken in accordance with those documents.*

**REASON**

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

10. *No development shall commence on site until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:*
  - a) *Evidence to show whether an infiltration type drainage strategy is an appropriate means of managing surface water run-off;*
  - b) *Demonstration of support of the scheme through “feature specific” detailed plans and calculations of the proposed attenuation system, cross sections, attenuation features and outfall arrangements in line with CIRIA Report C753,*
  - c) *Provision of detailed network level calculations demonstrating the performance of the proposed system to include suitable representation of the proposed drainage*

*scheme, details of design criteria used (including consideration of a surcharged outfall) with justification of such criteria, simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events, together with results demonstrating the performance of the drainage scheme including attenuation storage, potential flood volumes and network status for each return period,*

- d) The provision of plans such as external levels plans supporting the exceedance and overland flow routing provided to date. This overland flow routing should demonstrate how run-off will be directed through the development without exposing properties to flood risk and recognition that exceedance can occur due to a number of factors such that exceedance management should not rely on calculations demonstrating no flooding.*

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

**REASON**

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

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

**REASON**

*In the interests of highway safety*

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

**REASON**

*In the interests of highway safety.*

**Pre-Operational Use Conditions**

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

e) *Confirmation that the system is free from defects, damage and foreign objects. The report should be prepared by a suitably qualified independent drainage engineer.*

**REASON**

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

14. *There shall be no commercial export of electrical power from the site until a site-specific maintenance plan for the approved surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. It shall include:*
- a) *The name of the party responsible, including contact names, address, email address and phone numbers.*
  - b) *Plans showing the locations of features requiring maintenance and how these should be accessed,*
  - c) *Details of how each feature is to be maintained and managed throughout the lifetime of the development,*
  - d) *Provide details of how site vegetation will be maintained for the lifetime of the development.*

**REASON**

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

15. *There shall be no commercial export of electrical power from the site until a Landscape and Ecological Management Plan (“LEMP”) has first been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be in general accordance with the approved Landscape Strategy Plan approved under condition 2 and shall include reference to the community garden shown on that Plan. The LEMP shall include:*
- a) *a description and evaluation of the features to be managed;*
  - b) *ecological trends and constraints on site that might influence management,*
  - c) *the aims, objectives and targets for the management,*
  - d) *descriptions of the management operations for achieving the aims and objectives,*
  - e) *prescriptions for management actions,*
  - f) *Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period),*
  - g) *Details of the monitoring needed to measure the effectiveness of management,*
  - h) *Details of each element of the monitoring programme,*
  - i) *Details of the persons or organisations(s) responsible for implementation and monitoring,*
  - j) *Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve the required aims, objectives and targets,*
  - k) *Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage,*
  - l) *The legal and funding mechanisms by which the long-term implementation of the LEMP will be secured by the developer and the management body(ies) responsible for its delivery,*
  - m) *How contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (k) above shows that the*

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

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

**REASON**

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

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

**REASON**

*In the interests of highway safety.*

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

**REASON**

*In the interests of highway safety.*

**Other Conditions**

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

**REASON**

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

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

**REASON**

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

20. *No gates shall be located within the vehicular access to the site during the*

*construction and de-commissioning phases so as to open within 20 metres of the near edge of the public highway carriageway.*

**REASON**

*In the interests of highway safety.*

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

**REASON**

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