

# CD13.1b

## Planning Proof of Evidence Summary

Mr. Steven Bainbridge MRTPI

Enviromena Asset Management UK Ltd.

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

Land North of the M6 Motorway, Between Birmingham and  
Coventry

Our ref ENV0076 | LPA ref. PAP/2023/0071 | Appeal ref.  
APP/R3705/W/24/3349391

March 2025



Image credit: North Warwickshire Council  
(<https://www.northwarks.gov.uk/climate-change>)



# ENVIROMENA

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*“The planning system should **support the transition to a low carbon future** in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to **radical reductions in greenhouse gas emissions**, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and **support renewable and low carbon energy** and associated infrastructure.”*

(NPPF 161)

*“When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and **give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future**; b) recognise that small-scale [...] projects provide a valuable contribution to cutting greenhouse gas emissions”*

(NPPF 168)

*“It is plausible that with continued growth in output and conducive market conditions, that food production levels could be maintained or **moderately increased** alongside the land use change **required** to meet our Net Zero and Environment Act targets and commitments”*

(HM Govt Land Use Consultation 2025)

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# 1. Introduction

- 1.1 My name is Steven Bainbridge. I hold a first-class honours degree in Environmental Science from the University of East Anglia which hosts the world-renowned Climate Research Unit and a masters degree in Town and Country Planning.
- 1.2 I am a chartered member of the Royal Town Planning Institute (RTPI) and have 20 years' professional experience in Town and Country Planning across the private and public sectors, covering a wide-ranging practice, and returning to my undergraduate specialism by focusing on renewable energy. I am Head of Planning at Enviromena, 'the Appellant'.
- 1.3 The evidence which I have prepared and provided in my Proof of Evidence (of which this is a summary only) is true and has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute and I confirm that the opinions expressed are my true and professional opinions.
- 1.4 The introduction of 'Grey Belt' through the NPPF has meant that the Appellant's planning arguments have evolved from those discussed in the Statement of Case (CD9.1).
- 1.5 Therefore, my Proof of Evidence sets out two overarching and alternative routes through decision making in this case, namely:
- The appeal scheme is **Grey Belt** development, is not inappropriate and does not need to demonstrate very special circumstances.
  - Alternatively, the appeal scheme is **Green Belt** development, is inappropriate development; only impacting purpose c), but any temporary Green Belt and other harms are very clearly outweighed by the planning and wider environmental benefits such that very special circumstances are demonstrated.
- 1.6 In so far as the Grey Belt matter is concerned, the Main/Planning Statements of Common Ground confirm the following stances are being taken:
- LPA: The development meets the NPPF glossary definition of Grey Belt. The development meets/passes the criteria of NPPF paragraph 155, in so far as they are relevant, with the exception of 155.a. 'second part'.
  - R6: The development does not meet the NPPF glossary definition of Grey Belt and therefore "*further consideration of [criteria a to d] is unnecessary*" (CD12.2 page 14).
  - Appellant: The development meets the NPPF glossary definition of Grey Belt. The development meets/passes the criteria of NPPF paragraph 155, in so far as they are relevant. The appeal scheme is **Grey Belt** development, is not inappropriate and does not need to demonstrate very special circumstances.

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## 2. Reason for Refusal

- 2.1 Planning application PAP/2023/0071 was recommended for approval by the Council's Head of Planning at the Council's March and July 2024 planning committee meetings.
- 2.2 It was refused by the planning committee at the July 2024 meeting.
- 2.3 The decision notice (CD2.4) was issued on 10<sup>th</sup> July 2024. As set out between paragraphs 5.125 and 5.144 of the Statement of Case CD9.1, I explain how the single reason for refusal can be separated into four constituent parts with my responses to those elements. In my Proof of Evidence I returned to these constituent parts because:
- My green belt argument has evolved in response to the introduction of 'grey belt' in the Framework.
  - The language used to describe claimed harms evolved and emerged after the determinative planning committee meeting, and are therefore not an accurate representation of the decision making exercise in July 2024 and the policy 'tests' referenced in the reason for refusal do not match the policy tests in the policies themselves, and this undermines the integrity of the reason for refusal.

## 3. Third Party Comments

- 3.1 I have provided responses to comments made to the appeal by third parties in Appendix 4 of my Proof of Evidence.

## 4. Appellant's Case

- 4.1 The Planning Inspector has stated that there are four main issues in this appeal:
- *"Whether the proposed development would not be inappropriate development in the green belt having regard to the Framework and any relevant development plan policies.*
  - *Likely effects upon the significance of various heritage assets.*
  - *Likely effects upon the character and appearance of the area.*
  - *The weight to be attached to effects upon Best and Most Versatile [agricultural] Land'.*
- 4.2 With regard to Main Issue 1, it is common ground between the parties that the site is in the Green Belt.
- 4.3 As set out in my Proof, I consider that the site meets the NPPF definition of Grey Belt and the proposal meets the criteria of Paragraph 155, and therefore the proposal is not

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inappropriate development within the Green Belt.

- 4.4 This has been cemented in my opinion by the updated PPG's focus on "the site", and my opinion that "the site" cannot fundamentally undermine the purposes (taken together (not singling out purpose c)) of the remaining Green Belt across the area of the plan.
- 4.5 Consequently, I do not consider that the requirement of NPPF paragraph 153, to demonstrate very special circumstances (VSC), applies. As such there would no conflict with North Warwickshire Local Plan Policy LP3 and the first main part of the reason for refusal falls away.
- 4.6 In the event that the VSC balance is required, I echo Mr. Cooks opinion that the Appeal Scheme would result in "moderate (adverse) harm to the openness of the Green Belt though this would be limited and localised within the context of this wide designation", and that it would further result in some encroachment, which conflicts with Purpose c). In respect of the other four purposes, it is common ground with the LPA that there is no harm in this case.
- 4.7 Any harm to the Green Belt should be afforded substantial weight in the planning balance, however that does not mean that the harm is, in itself, great or substantial.
- 4.8 It is my opinion that harm to the openness of the Green Belt, together with any other harm, is clearly outweighed by the wider environmental benefits associated with increased production of renewable energy.
- 4.9 With regard to Main Issue 2, it is the Appellant's case that the effects of the development on the heritage significance of assets' settings is less than substantial and outweighed by the public benefits of the development.
- 4.10 With regard to Main Issue 3, it is the Appellant's case that:
- *"Whilst there would be some limited adverse effects on landscape character and visual amenity, these would be localised.*
  - *The visual effects of the proposed solar farm would be very limited due to its substantial visual containment as a result of a combination of topography and surrounding vegetation.*
  - *There would be a moderate adverse effect upon the landscape character of the Appeal Site itself and its immediate environs.*
  - *The physical character of the surrounding landscape would remain and prevail unchanged with Appeal scheme in place".*
- 4.11 With regard to Main Issue 4, the 2025 Land Use Consultation (CD6.66) is clear that *"It is plausible that with continued growth in output and conducive market conditions, that food*

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*production levels could be maintained or moderately increased alongside the land use change required to meet our Net Zero and Environment Act targets and commitments”*

4.12 I attach limited weight to negative effects of reduction in flexibility of BMV on site for the duration of the development

4.13 I attach the following weight to the related benefits of the development:

- Soil health. A minor level of benefit and a minor level of weight.
- Combined use of land (renewable energy, pastoral farming, bettered flood mitigation and biodiversity). Minor scale of benefit, receiving moderate weight.

## 5. Development Plan

5.1 My position on the proposal’s compliance with the development has not diminished since the Statement of Case was issued.

5.2 With the publishing of the 2024 NPPF and the recently updated PPG, I find that the scheme’s compliance with Grey Belt policy fatally undermines the main element of the Council’s reason for refusal.

5.3 Section 8 of my Proof of Evidence summarises my case on development plan compliance, and for ease of reference I have included my detailed analysis on the matter from the Statement of Case in Appendix 1 of my Proof.

5.4 I maintain that:

- Local Plan Policy LP35 Renewable Energy was conspicuous by its absence from the decision notice.
- Policy LP35 is a development management policy and contains a comprehensive, targeted and detailed package of policy criteria covering the decision-making gamut of landscape, ecology, heritage, amenity, economy and design.; a near one-stop-shop for assessing the planning merits of a renewable energy development, as was surely the intention of the policy.
- LP35 is a permissive policy expressing support at the outset, subject to performance on a range of requirements. Only the first paragraph is relevant, the second relates to energy efficiency in buildings.
- The proposal complies with LP35.

5.5 Beyond policy LP35, I maintain my opinion that:

- Strategic Policy LP3 Green Belt repeats NPPF policy on inappropriate development and

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beyond that sets a closed list of criteria which “*set out how Green Belt applies to land and settlements in North Warwickshire*” (CD9.1 paragraph 5.53); none of which present any incumbrance to the appeal scheme. As the appeal is Grey Belt, LP3 falls away.

- Strategic Policy LP14 sets a range of aspirational policy requirements for all development types across the entire local plan area, which the appeal scheme complies with (CD9.1 paragraphs 5.75 and 5.136 bullet 2).
- Development Management Policy LP30 Built Form is, at best, ill-suited for use in this case (CD9.1 paragraphs 5.87, 5.91 and 5.136 bullet 3), being predisposed as it is toward “new buildings and extensions or alterations to existing buildings”, reiterating that policy LP35 is better suited / specifically written for the purpose.
- Neighbourhood Plan Policy FNP01 is, at best, ill-suited for use in this case (CD9.1 paragraphs 5.94 and 5.136 bullet 4), being predisposed as it is toward the architectural concerns of new buildings, again reiterating that policy LP35 is better suited / specifically written for the purpose.
- To the extent that its ‘considerations’ are relevant, the appeal scheme complies with policy FNP02 (CD9.1 paragraph 5.109).

## 6. Material Considerations

6.1 My proof of evidence arraigns the following material considerations in support of the proposal:

- National Planning Policy Framework December 2024
- National Policy Statement EN1 November 2023
- National Policy Statement EN3 November 2023
- Planning Practice Guidance
- A large suite of appeal decisions, including the very recent Burcot decision on a solar farm in the Grey Belt.

## 7. Planning Balance(s)

7.1 As set out above, my proof of evidence sets out two planning balance arguments; one in the Grey Belt scenario (which I find has only strengthened since the publication of the revised PPG on Green Belt) and, in the alternative and for the avoidance of doubt, one on a Green Belt scenario. In both cases I have set out tables of the harms, benefits and neutral elements as follows:

Planning Balance Summary Table (grey belt scenario):

Benefits	Neutral	Harms
Climate emergency: <b>Substantial</b> benefit and <b>Significant</b> weight	Grey/green belt	Landscape and visual: <b>Some limited adverse effects</b> on landscape character and visual amenity and <b>moderate</b> weight.
Energy Security: <b>Significant</b> benefit and <b>Significant</b> weight	Archaeology	Heritage: <b>Less than substantial harm</b> to some heritage assets' settings and <b>great</b> weight <sup>1</sup> .
Good design and efficient use of land: <b>Moderate</b> benefit and <b>Significant</b> weight	Residential amenity	
Grid connection/rapidity of deployment: <b>Significant</b> benefit and <b>Significant</b> weight	Access & transport	
Biodiversity net gain: <b>Significant</b> benefit and <b>Significant</b> weight		
Green infrastructure and environment: <b>Significant</b> level of benefit and <b>Significant</b> weight		
Economic development: <b>Moderate</b> benefit and <b>Significant</b> weight		
Farm diversification: <b>Moderate</b> benefit and <b>Moderate</b> weight		
Flood risk betterment: <b>Minor</b> benefit and <b>Minor</b> weight		
BMV land: <b>Minor</b> benefit and <b>Minor</b> weight		

<sup>1</sup> Noting that NPPF paragraph 212 afford great weight to asset conservation, not to heritage harms. In my opinion, contributing to reducing climate change effect on heritage contributes to the conservation of assets, but a precautionary approach is taken on this heritage-weighting topic.



Planning Balance Summary Table (Green Belt scenario):

Benefits	Neutral	Harms
Climate emergency: <b>Substantial</b> benefit and <b>Significant</b> weight	Grey/green belt	Green belt: <b>Limited harm</b> and <b>substantial</b> weight
Energy security: <b>Significant</b> benefit and <b>Significant</b> weight	Archaeology	Landscape and visual: <b>Some limited adverse effects</b> on landscape character and visual amenity and <b>moderate</b> weight.
Good design: <b>Moderate</b> benefit and <b>Significant</b> weight	Residential amenity	Heritage: <b>Less than substantial harm</b> to some heritage assets' settings and <b>great weight</b> <sup>2</sup> .
Grid connection: <b>Significant</b> benefit and <b>Significant</b> weight	Access & transport	
Biodiversity net gain: <b>Significant</b> benefit and <b>Significant</b> weight		
Green infrastructure and environment: <b>Significant</b> level of benefit and <b>Significant</b> weight		
Farm diversification: <b>Moderate</b> benefit and <b>Moderate</b> weight		
Economic development: <b>Moderate</b> benefit and <b>Significant</b> weight		
Flood risk betterment: <b>Minor</b> benefit and <b>Minor</b> weight		
BMV land: <b>Minor</b> benefit and <b>Minor</b> weight		

Conclusion

7.2 Having regard to my analysis of the benefits of the Appeal Scheme and the weights that I

<sup>2</sup> Noting that NPPF paragraph 212 afford great weight to asset conservation, not to heritage harms. In my opinion, contributing to reducing climate change effect on heritage contributes to the conservation of assets, but a precautionary approach is taken on this heritage-weighting topic.

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think should be afforded to them, to conclude that material considerations weight overwhelmingly in favour and do not pull away from the grant of planning permission in compliance with the development plan which I have fully justified in the Statement of Case and summarise in this proof of evidence.

- 7.3 It is my opinion that the acknowledged omission of purpose (c) in the Grey Belt definition by Government was purposive. When compared to the July 2024 draft definition, that can be the only answer. It is my opinion that this was a natural 'next step', from the approach taken in NPPF paragraph 160 (156 as was) to single out renewable energy as having characteristics capable of demonstrating very special circumstances, in the context of the Government's policy statements about being a green energy superpower.
- 7.4 In my opinion, the concept of Grey Belt is a paradigm shift in thinking on Green Belt matters that must be reflected in the approach to decision making.
- 7.5 Grey Belt would not have been introduced with the in-built omission of purpose c. (the purpose most often brought to bear against ground mounted solar) from the Grey Belt definition, and in the context of Government ambitions to be a 'green energy superpower', to see decision making undertaken in a business as usual way. I have set out above that the LPA's advice to its Planning Board on the topic was limited in its scope and insular, focussing inward on the site, rather than outward on the integrity of the remaining Green Belt as a whole.
- 7.6 Alongside the introduction of Grey Belt, the weight to be given to renewable energy development has been confirmed, and this aligns with the increasing need and reducing time to deploy ground-mounted solar, at pace and scale, whether Green Belt or not. I have likened this to 'two Fillongleys a week' at the national level to keep pace with need.
- 7.7 I was content that very special circumstances were clearly in favour of the grant of planning permission in this appeal before the introduction of Grey Belt. I am even more firmly of the opinion that the benefits clearly and compellingly outweigh the harms in this case.

## 8. Planning Controls

- 8.1 Without prejudice to the outcome of the planning appeal, a suite of draft planning conditions have been agreed in principle between the Appellant and the Council and are found in the Appendix to CD12.1.