

To: The Deputy Leader and Members of the Planning and Development Board

(Councillors Simpson, Bell, Chapman, Dirveiks, Fowler, Guilmant, Hayfield, Humphreys, Jarvis, Jenns, Parsons, H Phillips, Ridley, Ririe, M Watson and Whapples

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719221 via

e-mail – democraticservices@northwarks.gov.uk

For enquiries about specific reports please contact the officer named in the reports.

The agenda and reports are available in large print and electronic accessible formats if requested.

PLANNING AND DEVELOPMENT BOARD AGENDA

4 AUGUST 2025

The Planning and Development Board will meet on Monday, 4 August 2025 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The day after the meeting a recording will be available to be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

REGISTERING TO SPEAK AT THE MEETING

Anyone wishing to speak at the meeting, in respect of a Planning Application, must register their intention to do so by 1pm on the day of the meeting, either by email to democraticservices@northwarks.gov.uk or by telephoning 01827 719221 / 719226 / 719237.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber; or
- (b) attend remotely via Teams.

If attending in person, precautions will be in place in the Council Chamber to protect those who are present however this will limit the number of people who can be accommodated so it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. The Chairman of the Board will invite a registered speaker to begin once the application they are registered for is being considered.

- 4 **Minutes of the meeting of the Board held on 7 July 2025** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Planning Applications** - Report of the Head of Development Control

Summary

Town and Country Planning Act 1990 – applications presented for determination.

- 5a **Application No: CON/2025/0017 - Land to the east off the A444/North of J11 of M42 Motorway**

Hybrid application for development of the site comprising a full application for site-wide infrastructure works including a new roundabout access to the A444 and creation of development plateaux, together with a full application for the erection of a Class B8 Distribution Unit and an

outline application for the erection of employment units (Class B2, Class B8 and Class E(g)(iii)) on the remainder of the site.

5b Application No: CON/2025/0018 - Land off Fivefield Road, Coventry

Outline application for the erection of up to 350 dwellings with access off Fivefield Road.

5c Application No: PAP/2025/0161 - Meadow View Farm, Kinwalsey Lane, CV7 7HT

Temporary retention of existing mobile home, as ancillary accommodation, for 5 years within the residential curtilage of the property.

5d Application No: PAP/ PAP/2025/0185 - Aston Villa Training Ground, Bodymoor Heath Lane, Bodymoor Heath, B78 2BB

1. Change of use of land north of Bodymoor Heath Training Ground from agricultural field to sports pitches including 3No. with floodlighting to provide Ladies' Team and Girl's academy facilities, with associated engineering works, drainage infrastructure and comprehensively landscaped mitigation area.

2. Two Storey side extension and alterations to existing academy building to provide additional facilities for U16 Girls academy and U16 boys academy.

5e Application No: PAP/ PAP/2024/0586 - Land 400 Metres West Of Camp Farm, Knowle Hill, Hurley, Warwickshire

The installation of a solar farm of up to 49.9 MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including substation, cabling, inverter and transformer substations, spare part container, associated battery storage, access tracks, fencing, security cameras, landscape planting, areas for Biodiversity Net Gain and associated works.

5f Application No: PAP/2025/0221 - Land North West And South East Off, Blindpit Lane, Curdworth, Warwickshire

Hybrid planning application for an employment park comprising: Full application for demolition of existing residential properties; new site accesses off Dunton Lane, Church Lane / Ryefield Lane junction, Curdworth Lane and Wishaw Lane; highway improvement works to form signalised junction at Lichfield Road (A446) and Dunton Lane and works to A446 including roundabout with A4091 and widening of Ryefield Lane; construction accesses and compound areas; internal spine roads; engineering operations including utilities infrastructure and earthworks (including creation of development zone plateaus); public transport / active travel infrastructure; and structural landscaping including

sustainable urban drainage infrastructure, community orchards and allotments and amenity areas. Outline application with all matters reserved for E (g)(ii) & (iii), B2 and/or B8 uses, including ancillary offices (E (g)(i)); HGV overspill parking and welfare facility (Sui Generis); primary sub-station, energy infrastructure, gatehouses and security facilities, service yards and HGV parking, plant, vehicular and cycle parking; landscaping including boundary treatment and potential acoustic fencing; pedestrian and cycle infrastructure; green and blue infrastructure; ancillary business and community facilities (E (a-f), F1, F2(c) and/or Sui Generis) within a central amenity zone and mobility hub providing an interchange for public transport and active travel modes, and associated development.

The Contact Officer for this report is Jeff Brown (719310).

6 Changes to Written Appeals - Report of the Head of Development Control

The Planning Inspectorate (PINS) has announced changes to its procedures for handling appeals dealt with by an exchange of written representations, in order to speed up determination rates.

The Contact Officer for this report is Jeff Brown (719310).

7 Exclusion of the Public and Press

To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

8 Tree Preservation Order - Report of the Head of Development Control

The Contact Officer for this report is Jacob Baldwin (719417).

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

**MINUTES OF THE
PLANNING AND DEVELOPMENT BOARD**

7 July 2025

Present: Councillor Simpson in the Chair

Councillors Bell, Chapman, Davey, Fowler, Guilmant, Hayfield, Hobley, Humphreys, Jenns, Parsons, H Phillips, Ridley, Ririe, M Watson and Whapples.

Apologies for absence were received from Councillors Dirveiks (Substitute Councillor Hobley) Jarvis (Substitute Councillor Davey).

Also, in attendance were Councillors Jackson and Osborne.

18 Disclosable Pecuniary and Non-Pecuniary Interests

Councillors Whapples and Parsons declared an interest in Minute 20b - Application No: PAP/2025/0155 - Land South Of Warton Recreation Ground, Orton Road, Warton by reason of being a Member of Polesworth Parish Council.

19 Minutes of the meeting of the Board held on 9 June 2025

The minutes of the meeting of the Planning and Development Board held on 9 June 2025, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

20 Planning Applications

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

- a That Application No: PAP/2025/0227 – Land 290 Metres East Of Hams Hall Electricity Sub Station, Hams Lane, Lea Marston, Warwickshire be noted and that Members visit the site prior to determination of the application;**
- b That the receipt of Application No: PAP/2025/0155 - Land South Of Warton Recreation Ground, Orton Road, Warton is noted and that Members visit the site prior to determination of the application;**

[Speaker: Lawrie Phipps]

- c That Application No's: PAP/2025/0108 - Abm Precision Engineering Ltd, Coleshill Road, Ansley, Nuneaton, CV10 0QN be deferred for an Independent Lighting assessment, together with a review of road safety concerns;

In respect of Application No: PAP/2025/0112 - Abm Precision Engineering Ltd, Coleshill Road, Ansley, Nuneaton, CV10 0QN be granted subject to the conditions set out in the report of the Head of Development Control;

That Application No: PAP/2025/0166 - Abm Precision Engineering Ltd, Coleshill Road, Ansley, Nuneaton, CV10 0QN be deferred pending the submission of an amended Delivery Management Plan and re-consultation with the Highway Authority;

That in respect of Application No's : PAP/2025/0194 together with DOC/2025/0023 - Abm Precision Engineering Ltd, Coleshill Road, Ansley, Nuneaton, CV10 0QN the applicant be invited to withdraw the applications as it is not considered that they fall within the scope of Section 73 applications as they introduce a separate and new B8 use to the site by fact and by degree;

[Speaker: Pat Arrowsmith]

- d That Application No: PAP/2024/0586 - Land 400 Metres West Of Camp Farm, Knowle Hill, Hurley, Warwickshire be deferred for the applicant to provide additional information and clarification in respect of landscaping provision; to respond to the issue of there being an unmet need for the development, the receipt of outstanding consultation responses together with a site visit;

[Speaker: Scott Johnson]

- e That Application No: PAP/2024/0549 - Cliff Meadows, Tamworth Road, Cliff, Kingsbury, B78 2DS be deferred for legal advice in respect of the issue of whether there is demonstrable evidence of an unmet need; clarification on compliance with previous conditions and that a site visit is arranged.

[Speakers: Cortney Marshall and Graham Clark]

- f That in respect of Application No: PAP/2025/0161 - Meadow View Farm, Kinwalsey Lane, CV7 7HT be deferred for the applicant to provide clarification on the weight to be given to the past applications for Certificates of Lawful Existing Development, the applicant's considerations to support a very special circumstance case and whether the proposal accords the the relevant policies for the Fillongley Neighbourhood Plan; and

[Speaker: Blake Woodward]

- g That Application No: PAP/2025/0021 - Haunchwood Sports Junior Football Club, Ansley Hall Recreation Ground, Coleshill Road, Ansley Common, CV10 OQG be granted subject to the conditions set out in the report of the Head of Development Control together with two Informatives – one advising on the need to seek advice from the Council’s EHO on the scope of the Noise Assessment at Condition 7 and the second to urge that contact be made with the Ansley Hall Management Committee in respect of access arrangements.**

[Speakers Louise Mututa and Paul Lyon]

21 Appeal Update

The Head of Development Control brought Members up to date with recent appeal decisions.

Resolved:

That the report be noted.

22 Speeding up Build Out Consultation

The Head of Development Control presented the Government’s proposals to reform planning policy and procedures and that it had published the current Planning and Infrastructure Bill. The report outlined the Governments proposals and sought responses to a consultation process on how the “build-out” of planning permissions might be speeded up.

Resolved:

See below at 24.

23 Reform of Site Thresholds – Consultation Paper

The Head of Development Control delivered the Government’s proposals to review planning policy and procedures with many measures included in the revised National Planning Policy Framework as well as now being included in the current Planning and Infrastructure Bill. The report outlined the Governments’ proposals in respect of redefining the site thresholds for certain types of planning application.

Resolved:

See below at 24.

24 **Reform of Planning Committees Consultation**

The Head of Development Control presented the Government's proposals to reform Planning Committees as set out as part of its overall review of planning policy and procedures and as now included in the current Planning and Infrastructure Bill. The report outlined the Governments proposals and sought responses to the consultation process.

Resolved:

That a small group of Members meet to discuss the Council's response to the three consultation papers.

M Simpson
Chairman

Agenda Item No 5

Planning and Development Board

4 August 2025

Planning Applications

Report of the Head of Development Control

1 Subject

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

2 Purpose of Report

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications.

3 Implications

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 Site Visits

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 1 September 2025 at 6.30pm in the Council Chamber

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:
https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3.

Planning Applications – Index

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| 5/b | CON/2025/0018 | 4 | <p>Land off Fivefield Road, Coventry,</p> <p>Outline application for the erection of up to 350 dwellings with access of Fivefield Road</p> | General |
| 5/c | PAP/2025/0161 | 7 | <p>Meadow View, Kinwalsey Lane, CV7 7HT</p> <p>Temporary retention of existing mobile home, as ancillary accommodation for 5 years within the residential curtilage of the property</p> | General |

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|-----|---------------|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 5/d | PAP/2025/0185 | 19 | <p>Aston Villa Training Ground, Bodymoor Heath Lane, Bodymoor Heath, B78 2BB</p> <p>1. Change of use of land north of Bodymoor Heath Training Ground from agricultural field to sports pitches including 3No. with floodlighting to provide Ladies' Team and Girl's academy facilities, with associated engineering works, drainage infrastructure and comprehensively landscaped mitigation area.</p> <p>2. Two Storey side extension and alterations to existing academy building to provide additional facilities for U16 Girls academy and U16 boys academy</p> | General |
| 5/e | PAP/2024/0586 | 40 | <p>Land 400 Metres West Of Camp Farm, Knowle Hill, Hurley, Warwickshire,</p> <p>The installation of a solar farm of up to 49.9 MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including substation, cabling, inverter and transformer substations, spare part container, associated battery storage, access tracks, fencing, security cameras, landscape planting, areas for Biodiversity Net Gain and associated works</p> | General |

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| 5/f | PAP/2025/0221 | 103 | <p>Land North West And South East Of, Blindpit Lane, Curdworth, Warwickshire,</p> <p>Hybrid planning application for an employment park comprising: Full application for demolition of existing residential properties; new site accesses off Dunton Lane, Church Lane/ Ryefield Lane junction, Curdworth Lane and Wishaw Lane; highway improvement works to form signalised junction at Lichfield Road (A446) and Dunton Lane and works to A446 including roundabout with A4091 and widening of Ryefield Lane; construction accesses and compound areas; internal spine roads; engineering operations including utilities infrastructure and earthworks (including creation of development zone plateaus); public transport/active travel infrastructure; and structural landscaping including sustainable urban drainage infrastructure, community orchards and allotments and amenity areas. Outline application with all matters reserved for E (g)(ii) & (iii), B2 and/or B8 uses, including ancillary offices (E (g)(i)); HGV overspill parking and welfare facility (Sui Generis); primary sub-station, energy infrastructure, gatehouses and security facilities, service yards and HGV parking, plant, vehicular and cycle parking; landscaping including boundary treatment and potential acoustic fencing; pedestrian and cycle infrastructure; green and blue infrastructure; ancillary business and community facilities (E (a-f), F1, F2(c) and/or Sui Generis) within a central amenity zone and mobility hub providing an interchange for public transport and active travel modes, and associated development</p> | General |
|-----|---------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|

General Development Applications

(5/a) Application No: CON/2025/0017

Land to the east of the A444/North of J11 off M42 Motorway

Hybrid application for development of the site comprising a full application for site-wide infrastructure works including a new roundabout access to the A444 and creation of development plateaux, together with a full application for the erection of a Class B8 Distribution Unit and an outline application for the erection of employment units (Class B2, Class B8 and Class E(g)(iii)) on the remainder of the site for

IM Properties Development Ltd

1. Introduction

- 1.1 This application has been submitted to the North-West Leicestershire District Council who in turn has invited this Council to submit representations as part of its assessment of the application.

2. The Site

- 2.1 This comprises 29 hectares of agricultural land in the north-west quadrant of Junction 11 of the M42 Motorway with the A444. It is 14k south of Ashby and 10k north-east of Tamworth. The site drops from the junction to its northern edge by some 23 metres.
- 2.2 There is open countryside to the north, east and south of the site with the exception of the Motorway Service Station and the outskirts of Appleby Magna. The western boundary is marked by the A444, the other side of which is Mercia Park, an established strategic employment site comprising some 3.5 million square feet of logistics buildings accessed from Junction 11.
- 2.3 The site is shown at **Appendix A**.

3. The Proposals

- 3.1 As can be seen from the header above, a single application has been submitted to cover three elements. However, in essence the overall proposal is to seek permission for an employment and distribution estate as an extension to Mercia Park on the other side of the A444. The three applications would enable infrastructure for the whole site; seek detailed permission for the first of two new buildings and outline permission for the new buildings on the balance of the site
- 3.2 A Parameters Plan outlines the framework for the development of the site illustrating a new roundabout access onto the A444 leading to two Development plateaux – one running parallel to the A444 south to Junction 11 (Zone 1) and the second in the north-east segment of the site (Zone 2)

3.3 The Plan is at **Appendix B**

3.4 The proposed development in Zone 1 is the subject of the detailed application for a single B8 building of some 56,791 square metres with a height of 22 metres. There are as yet no detail for Zone 2, but the application indicates that the maximum floor area would be some 41,000 square metres, again with any buildings having a potential height of 22 metres.

4. Observations

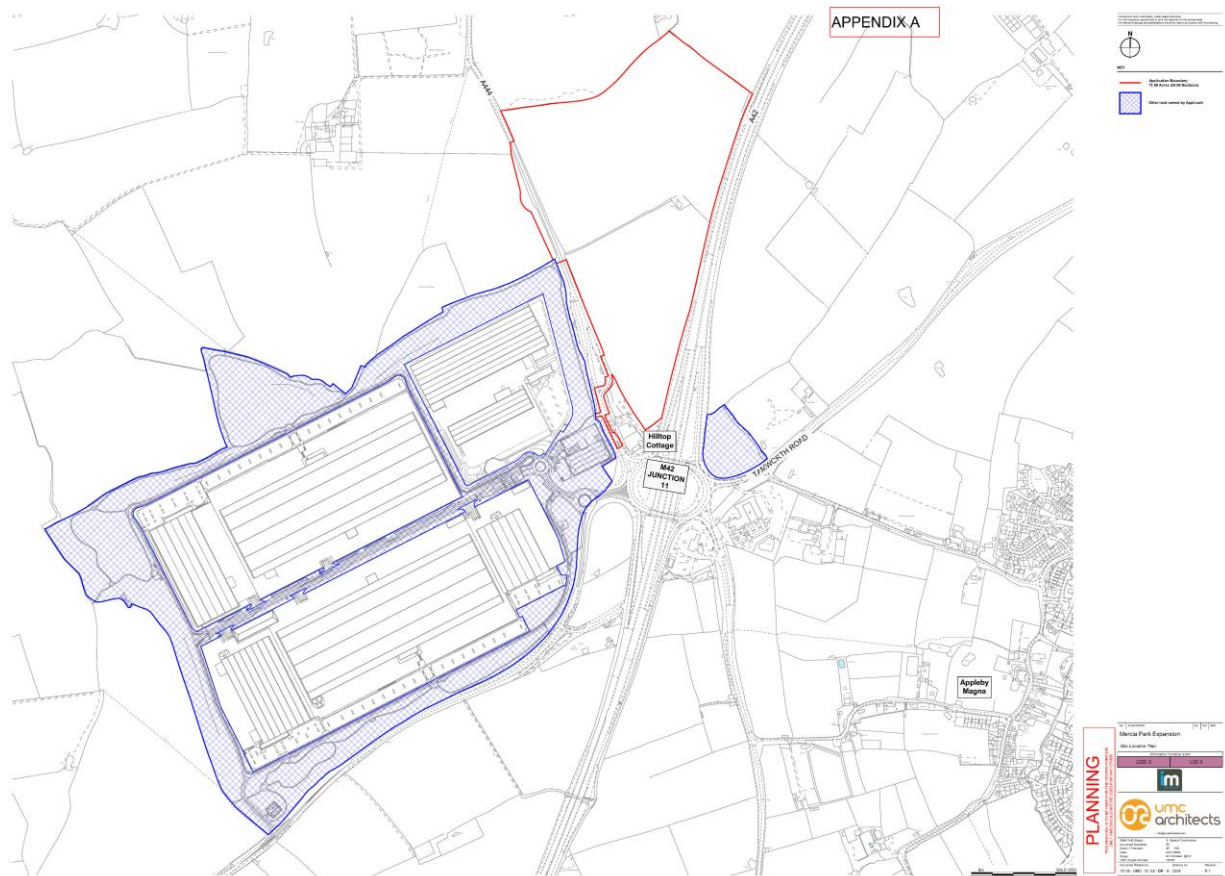
4.1 The determination of this case rests with North West Leicestershire and the comments submitted by this Council will be assessed as part of that process.

4.2 To put the proposal into context, Members are aware of the two current outstanding applications within North Warwickshire at Junction 11 of the M42 Motorway for similar developments – one by the same applicant (IM Properties) and the second by Richborough. Additionally, preparatory work has commenced on a draft Employment Development Plan Document in order to address the outstanding employment matters set out in Policy LP6 of the North Warwickshire Local Plan 2021. That policy refers to the “need” side of employment land provision and these applications illustrate the development industry’s response by increasing the supply of land. In this regard any increase in supply outside of North Warwickshire but close to its boundaries, could alleviate the pressure on land within North Warwickshire, particularly for strategic employment sites as here. As such, it is considered that the proposal can be supported in principle.

4.3 In terms of potential adverse impacts on the Borough, then clearly a potential increase in HGV traffic using the A444 south of Junction 11 is probably the most evident. The second would be the visual impact as seen from North Warwickshire, but given the presence of the established Mercia Park, any impacts would be considered to be limited.

Recommendation

That the Borough Council has supports the proposal in principle.



General Development Applications

(5/b) Application No: CON/2025/0018

Land off Fivefield Road, Coventry,

Outline application for the erection of up to 350 dwellings with access off Fivefield Road for

Richborough

1. Introduction

- 1.1 This application has been submitted to the Coventry City Council who in turn has invited this Council to submit representations as part of its assessment of the application.

2. The Site

- 2.1 This is 22.6 hectares of agricultural land either side of Fivefield Road just to the south of the common administrative boundary with North Warwickshire. Fivefield Road runs from its junction with Coventry Road about 400 metres south of the Horse and Jockey Public House and the Corley Cricket Club south of Corley and Bennetts Road, the road from Keresley into Coventry.
- 2.2 The site is illustrated at **Appendix A**.

3. The Proposal

- 3.1 As indicated above this is an outline application for up to 350 houses including a 25% provision for on-site affordable housing. The site is the northern portion of a much larger residential development extending to the south which is well under way. A new central route through this development is underway. Vehicular access into the site would be solely from this new road and not from Fivefield Lane. The intention is for this access to provide a “loop” throughout the site. However, there would be emergency access points at either end of the present Fivefield Road. The existing length of Fivefield Road would become a footpath/cycle way linking into other such routes in the larger development area.
- 3.2 An illustrative Parameters Plan is at **Appendix B**.

4. Observations

- 4.1 As indicated above, this site is within the very much larger Keresley Sustainable Urban Extension allocated in the Coventry Local Plan 2011-2031 and construction has commenced on much of the land to the south. In total this allocation is for 3100 houses including a local centre, link road and primary school. As such the principle of this proposal is acknowledged. In terms of potential impacts on North Warwickshire, then with the vehicular access all being from the south there should be no increase in traffic exiting onto the Coventry Road south of Corley.

Recommendation

That the Council has no comments to make.

General Development Applications

(5/c) Application No: PAP/2025/0161

Meadow View Farm, Kinwalsey Lane, CV7 7HT

Temporary retention of existing mobile home, as ancillary accommodation, for 5 years within the residential curtilage of the property, for

Mr & Mrs Skalka

1. Introduction

- 1.1 This application was referred to the last Board meeting, but determination was deferred in order that further clarification could be sought from the applicant.
- 1.2 This current report provides that update. The July Board report is at Appendix A.

2. Update

a) The Certificates

- 2.1 There are two applications for Certificates of Lawful Development which relate to this property - one was granted, but the second was withdrawn.
- 2.2 A Certificate of Lawfulness for existing development was granted in April 2024 under reference PAP/2023/0484. This confirms that buildings A to D as shown on the Certificate Plan are all lawful and that they are located inside the lawful residential curtilage of the host dwelling. That Plan is at Appendix B. A and B long standing buildings used primarily for domestic storage, C is static caravan, also used for storage, and D is a dog kennel.
- 2.3 A Certificate of Lawfulness for existing development was submitted for a “mobile home located in the residential curtilage of the property” in August 2004 under reference PAP/2024/0383. The location is at Appendix C. As indicated in para 4.1 of the July Report (Appendix A), this application was withdrawn, as it was concluded that the structure did not meet the definition of a caravan/mobile home. As such a full planning application was required if it was to be retained on site. The current planning application is thus the consequence of this withdrawal.
- 2.4 The conclusion from this is that the four buildings marked A to D on Appendix B are all lawful and that the lawful residential curtilage is as per the red line of the current application, but that the lawfulness of the building the subject of this current application is as yet not determined. That will be resolved through the outcome of this application. However, it is not a “caravan”, as it fails to meet the technical definition of a caravan. It should thus be treated as a building.

b) Considerations

- 2.5 The applicant points out that notwithstanding the applicant's son assisting in working on the applicant's small-holding, the application as submitted is for accommodation ancillary to the use of the host dwelling – for the applicant's son who has returned home for support. The application has not been submitted for agricultural workers accommodation. In order to prevent its permanent use, the application seeks a temporary consent. The building can therefore be removed.
- 2.6 The applicant also points out there is a fall-back position here as under permitted development rights, up to half of the rear garden could be covered in incidental buildings to the host dwelling and that a caravan would also be permitted development, fulfilling the same purpose. The caravan could be much larger than the building subject of this application, as explained within the previous board report (paragraph 8.5).
- 2.7 The applicant says that the five year period is a reasonable and proportionate response as the any condition limiting this period is enforceable and thus the Council has the opportunity to review the matter. Additionally, it enables the applicant's son to have some independence, and the support needed.
- 2.8 The applicant concludes that the impact on the openness of the Green Belt is negligible.

c) Fillongley Neighbourhood Plan

- 2.9 The relevant policies from this Plan were identified in Section 5 of Appendix A and these were addressed in para 8.10. In order to expand on these matters, Members will be aware that in respect of FNP01, the building is small and timber clad, placed well back from the site frontage. Moreover, there is also a "fall-back" position here in that half of the rear garden could be developed with outbuildings and incidental buildings under Class E of Part One of the General Permitted Development Order.
- 2.10 In respect of FNP04, then the policy says that all new developments should encourage a broad mix of housing types including smaller starter homes and provision for affordable housing for local people. It could be argued that this proposal accords with this policy. Additionally, this is not a new dwelling, but ancillary residential accommodation to the host dwelling, and a condition is recommended to cover this matter – Condition 3 in Appendix A.

- 2.11 This Neighbourhood Plan is undergoing review, and a Draft Plan (a Regulation 16 Plan) is now out to consultation ending shortly after the date of this Board meeting. The Regulation 16 Plan will carry some weight, but not yet full weight, particularly as it still out to consultation. However, it is not considered that this draft materially varies the two policies identified above.

3. Observations

- 3.1 The clarifications are welcomed, but they are not considered to lead to a fundamental review of the original recommendation.

4. Recommendation

- 4.1 That planning permission be GRANTED subject to the conditions set out in Appendix A.

General Development Applications

(5/f) Application No: PAP/2025/0161

Meadow View Farm, Kinwalsey Lane, CV7 7HT

Temporary retention of existing mobile home, as ancillary accommodation, for 5 years within the residential curtilage of the property, for

Mr & Mrs Skalka

1. Introduction

- 1.1 This application is reported to the Planning and Development Board at the request of local Members concerned about potential adverse impacts.

2. The Site

- 2.1. Meadow View Farm is a detached residential property situated to the northern side of Kinwalsey Lane. Kinwalsey House falls to the north, accessed via a narrow track which demarcates the western boundary of the agricultural land associated with Meadow View Farm. The site falls within the Green Belt.
- 2.2. An annotated Site Plan is provided at Appendix A.

3. The Proposal

- 3.1. Planning permission is sought for the temporary retention of a single storey building for use as ancillary accommodation, for a period of 5 years. The building is a timber structure supported on pad foundations, located towards the north-eastern extent of the site, standing 3.35m above ground with a length and width of 8.9m and 5.2m respectively.
- 3.2. Elevations, Block and Floor Plans are provided at Appendix B.

4. Background

- 4.1. A lawful development certificate was submitted in 2024 (PAP/2024/0383) pertaining to the structure subject of this application, with the applicant asserting that it was lawful as it constituted a caravan. Officers concluded that the structure did not meet the definition of a caravan and required planning permission. The application was withdrawn and followed by this application for its retention on-site.

5. Development Plan

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form) and LP34 (Parking)

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Fillongley Neighbourhood Plan 2019 - FNP01 (Built Environment); FNP02 (Natural Environment) and FNP06 (Heritage)

6. Other Relevant Material Considerations

National Planning Policy Framework 2024 - ("NPPF")
Planning Practice Guidance - ("PPG")
MHCLG National Design Guide
North Warwickshire Landscape Character Assessment (2010)
Fillongley's Neighbourhood Plan is currently under review and is at 'Regulation 14' stage. The revised plan has not been subject to independent examination and is thus attributed limited weight at this time.

7. Representations

- 7.1. Two letters of support have been received, one raising 'absolutely no objection' with the second response detailed in full below:

Regarding planning application PAF/2025/0161 for the temporary retention of an existing mobile home as ancillary accommodation for five years within the residential curtilage of Meadow View Farm, Kinwalsey Lane, CV7 7HT, the National Annexe Planning Consultancy (NAPC) extends its support for this proposal.

The NAPC recognises the value of ancillary accommodation in making efficient use of existing residential plots. This proposal aligns with our national position that such developments support flexible living arrangements, including multigenerational living, and offer a sustainable response to housing and care pressures without necessitating large-scale new development. The temporary nature of the mobile home as ancillary accommodation ensures it remains an integral part of the main dwelling, maintaining the residential character of the area.

We note the importance of ensuring that the mobile home remains ancillary to the main dwelling, with careful consideration given to its scale, layout, and access to prevent any risk of separation. These factors are crucial in maintaining the harmony and coherence of the residential environment.

We encourage the applicant to reach out to NAPC for expert advice on ensuring compliance with planning policies and achieving long-term peace of mind. Our expertise in ancillary and modular developments can provide valuable insights into maintaining the integrity and purpose of such accommodations.

Furthermore, we urge the local planning authority to consider incorporating supportive annexe policies in future iterations of their local plan. The positive impact of ancillary accommodation in regions such as Ireland and California demonstrates its effectiveness in alleviating housing pressures and enhancing community resilience.

7.2. Fillongley Parish Council object to the application with its response set out below:

This application was discussed at length by Councillors at their last meeting.

Councillors were concerned that the application letter was referring to the "mobile home" when it has already been determined that this is not the case, hence the application. Councillors understand that had an application been sought in the proper manner, it would be unlikely to be approved, as it would be for a new dwelling in the green belt. FPC do not consider that the application should be viewed differently as it is retrospective. The application makes mention of the residents' assistance within the smallholding but does not attempt to justify a new dwelling, such as this, within the green belt.

Councillors understand from the application that the building has already been in use for 5 years without planning permission being sought. FPC consider that 5 years of unauthorised dwelling is enough, and further condoning should not occur, and permission for a further 5 years should not be granted.

The application appears to be a blatant case of "playing the system" trying to gain a new dwelling in the green belt retrospectively.

The application does not comply with FNP01 and FNP04 or national Green Belt policies and FPC would urge you to refuse the application.

8. Observations

i) Assessment

- 8.1. The site lies within the Green Belt. As espoused within Local Plan Policy LP3, inappropriate development is, by its definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 8.2. The development would not fall within any of the exceptions set out under policy LP3 or within paragraphs 154 and 155 of the National Planning Policy Framework (NPPF). By definition, the development is inappropriate. Consideration thus extends to the Green Belt, and any other, harms caused.
- 8.3. In respect of the Green Belt, the actual harm to openness is negligible owing to the single storey nature and modest scale of the building and its siting within residential garden land.
- 8.4. Loss of openness is also tempered by the development's temporary nature with consent being sought for a period of 5 years, after which the building would be removed and the land restored to its former condition.
- 8.5. Furthermore, there is a fall-back position here, as a mobile home for ancillary use (meeting the statutory definition of a caravan) could be located here at a much greater scale – potentially 20m by 6.8m

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- 8.6. Essentially, the fall-back position of a caravan (potentially permanently sited within the grounds of Meadow View Farm) would be more harmful than the development sought here.
- 8.7. No further harms have been identified – the design is not objectionable with no unacceptable impacts deemed to occur to the amenity of neighbouring property, nor any impact on the setting of Kinwalsey House. Public footpath M284 runs through and alongside the site. The development is not considered to prejudice use of the footpath. Any disturbance or alteration to the surface of public footpath's requires the prior authorisation of Warwickshire County Council's Rights of Way team. An advisory will be attached to the permission.
- 8.8. It is considered that the fall-back position provides a material planning consideration of significant weight which would clearly outweigh the negligible harm caused. The building's use is to be restricted to ancillary to the main dwelling through a planning condition given that a separate residential unit would be contrary to the provisions of the development plan.

ii) Response to parish's comments

- 8.9. Contrary to the parish's assertions, this isn't a new dwelling and nor should it be construed as such. The building is occupied by the son of the owners of Meadow View Farm and is clearly subservient in scale to the main dwelling. There is no sub-division of garden spaces, or separate access and garden areas. Any permission would be conditioned (use for ancillary purposes only). If the building was used as a separate dwelling it would be a breach of planning control which the authority could enforce. The retrospective nature of the application has no bearing on its determination, and the comments on 'playing the system' are conjecture and, again, are not material.
- 8.10. The parish also cite conflict with neighbourhood plan policies FNP01 (Built Environment) and FNP04 (Housing). FNP01 seeks to ensure that development does not cause a detrimental change to the rural landscape of the parish. Officers consider that the buildings limited scale and use of timber cladding (contextually appropriate) would ensure no 'detrimental' changes to the rural landscape. FNP04 pertains to new housing and thus is not relevant to this application. Green Belt matters are discussed above.

iii) Human Rights Act, Equality and Diversity

- 8.11. The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

- 8.12. Section 149(1) of Equality act, known as the Public Sector Equality Duty (PSED), requires local authorities to, in the exercise of their functions, have due regard to the need to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share protected characteristics and those who do not. The case officer has had due regard to the aims of the Equality Duty in the determination of this application.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be for a limited period of **5** years from the date of this decision. The building hereby permitted shall be removed and the land restored to its former condition on or before **7 July 2030** in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

REASON

In recognition of planning permission being sought on a temporary basis, and to limit green belt harm.

2. The development hereby approved shall not be carried out otherwise than in strict accordance with the Site Plan (23-1384_DE_101) and the Floor Plans, Block Plans and Elevations (4972/01) both received by the Local Planning Authority on 25th April 2025.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The residential annex hereby approved shall be occupied solely in connection with, and ancillary to the main dwellinghouse at Meadow View Farm, Kinwalsey Lane, CV7 7HT, and shall not be sold off, sub-let, or occupied as an independent unit of residential accommodation.

REASON

The creation of an independent unit of residential accommodation in this location is contrary to the provisions of the Development Plan.

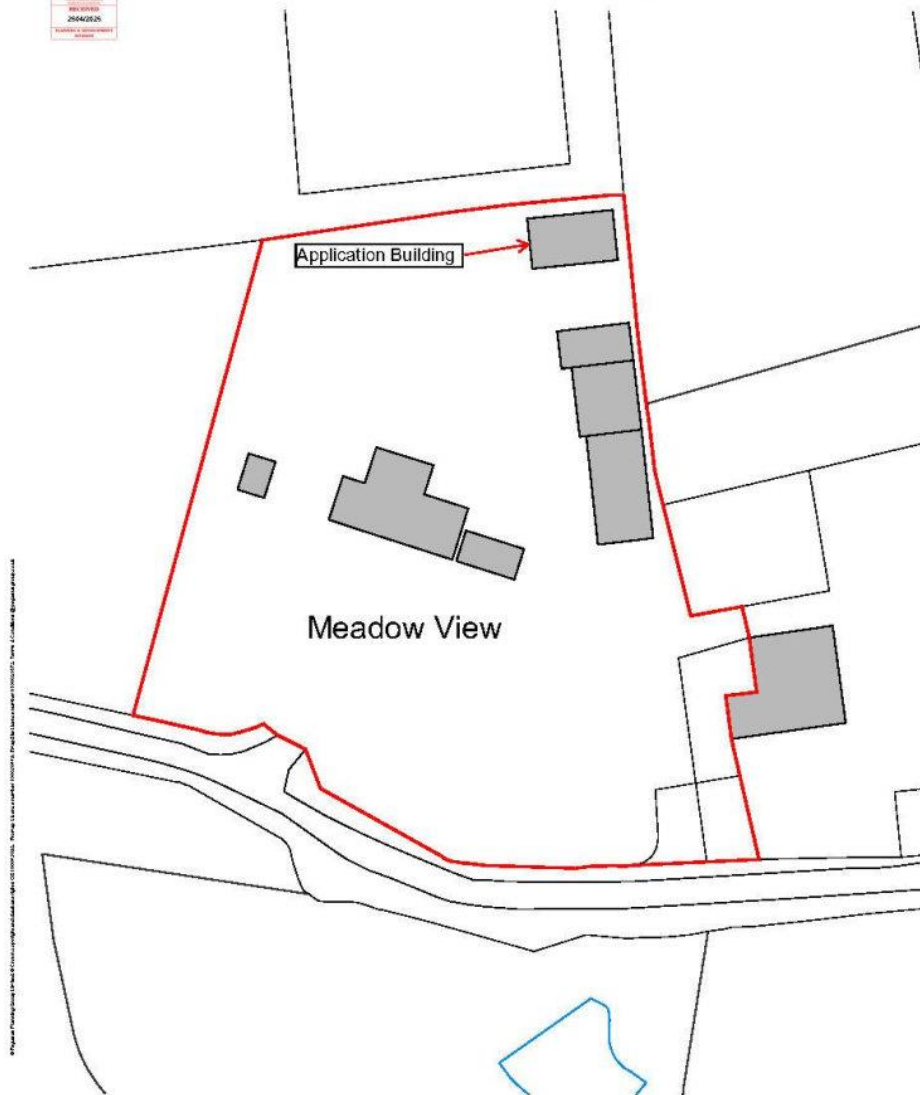
Notes

1. The submitted plans indicate that the proposed works come 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 any 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.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals 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>
3. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with six other Councils under the Central Building Control Partnership. For further information please see Central Building Control - Come to the experts (centralbc.org.uk), and https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations ; guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>
4. Public footpath M284 must remain open and available for public use at all times unless closed by legal order. The Highway Authority are required to maintain public footpath M284 to a standard required for its public use by pedestrians only and not to a standard required for private vehicular use. Any disturbance or alteration to the surface of public footpath M284 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 footpath
5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

APPENDIX A

PAP/2025/0161

RECEIVED
20/04/2025
PLANNING & BUILDING
CONTROL



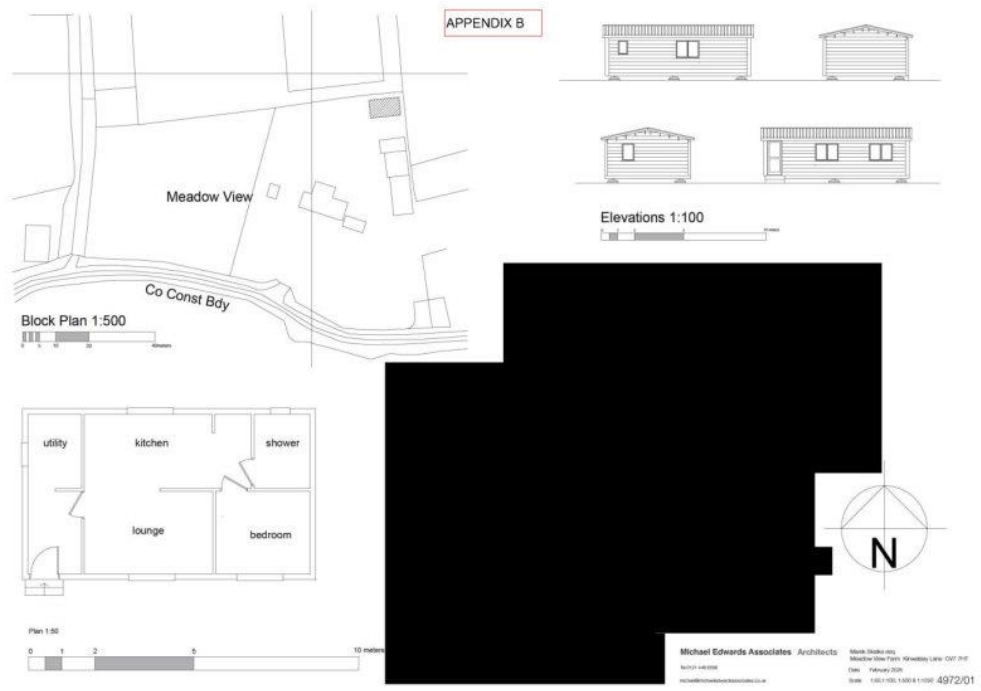
MEADOW VIEW FARM, KINWALSEY LANE, COVENTRY CV7 7HT - SITE PLAN



| PFGASUSGROUP.CO.UK | TDAWDRAWNBY JR | APPROVED BY SE | DATE MARCH 2023 | SCALE 1:500@A4 | DRWG P23-13M_DE_301 | CLIENT SARA SKALKA |

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5c/16



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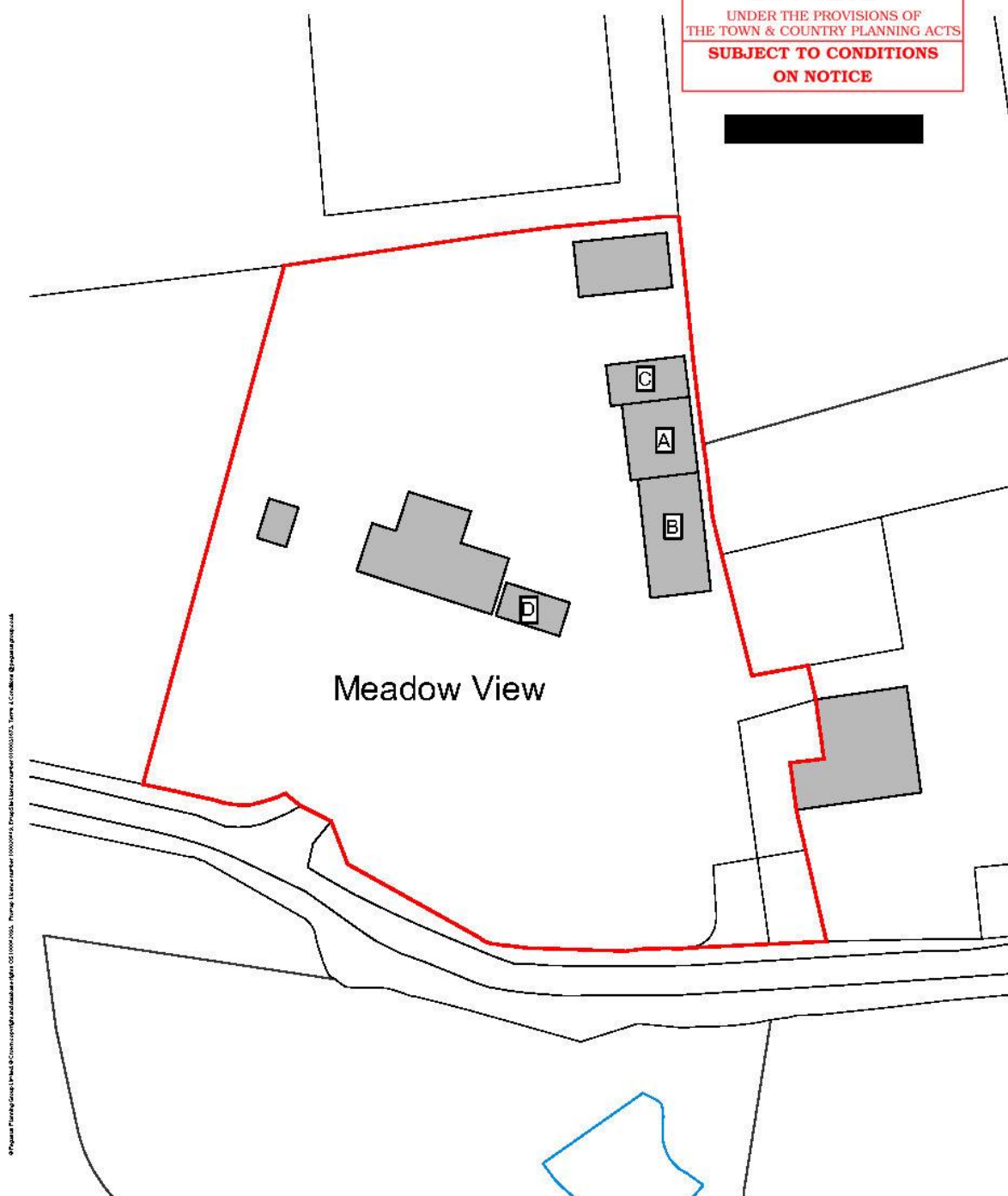
APPENDIX B

**NORTH WARWICKSHIRE
BOROUGH COUNCIL**

APPROVED
24/04/2024

UNDER THE PROVISIONS OF
THE TOWN & COUNTRY PLANNING ACTS

**SUBJECT TO CONDITIONS
ON NOTICE**



MEADOW VIEW FARM, KINWALSEY LANE, COVENTRY CV7 7HT - SITE PLAN



| PEGASUSGROUP.CO.UK | TEAM/DRAWN BY JR | APPROVED BY SK | DATE MARCH 2023 | SCALE 1:5000000 | DRWG P23-1384_DE_101 | CLIENT SARA SKALKA |

General Development Applications

(5/d) Application No: PAP/2025/0185

Aston Villa Training Ground, Bodymoor Heath Lane, Bodymoor Heath, B78 2BB

1. Change of use of land north of Bodymoor Heath Training Ground from agricultural field to sports pitches including 3No. with floodlighting to provide Ladies' Team and Girl's academy facilities, with associated engineering works, drainage infrastructure and comprehensively landscaped mitigation area.

2. Two Storey side extension and alterations to existing academy building to provide additional facilities for U16 Girls academy and U16 boys academy, for Aston Villa Football Club

1. Introduction

- 1.1 This application is referred to the Board because if the recommendation below is supported, the case will need to be referred to the Secretary of State as a "Green Belt" development, under the terms of the 2024 Direction.
- 1.2 Members have visited the site previously and a note of that visit is at Appendix A.

2. The Site

- 2.1 Members will be familiar with the Club's Training Ground located off of Bodymoor Heath Lane and running alongside the A4091 Tamworth Road between the Kingsbury Water Park and the Belfry Hotel and Golf courses and south of Middleton Hall. It is located in open countryside with significant established tree and woodland perimeter woodlands and landscaping. It comprises a full training ground complex with multiple pitches of varying size (some flood lit), a main Football Academy Building with an indoor training pitch and a variety of other training and changing accommodation spread throughout the holding. The existing complex is divided effectively into two by a substantial area of retained woodland - Coneybury Wood. The current proposal will effectively create a third area for sports pitches with an area of woodland between them.
- 2.2 A general location plan is at Appendix B.

3. Background

- 3.1 The Club moved its training facilities to Bodymoor Heath in the 1990's and the Academy Building followed in 2002 with additional pitch provision. The majority of this was located alongside Bodymoor Heath Lane and the A4091 to the south of the Academy Building. However, the acquisition of this land by HS2 Ltd meant that these facilities had to be relocated. The land to the north and east had mostly been the subject of sand and gravel extraction from the 1950's and the Club acquired this with a view to relocate the "lost" pitches. At the same time, the additional land, enabled the Club to expand its facilities to include more youth

and women's facilities. A major expansion of the site was approved in 2018 and is now the extent of the existing accommodation. A further extension to facilities – both in terms of built development and lighting - was approved in 2024 under PAP/2024/0274. A site plan illustrating these can be viewed at Appendix C

- 3.2 The Council also has a separate current undetermined application for an extension to the main building under reference PAP/2025/0207.

4. The Proposals

- 4.1 In general terms, the overall proposal contains two separate elements, but in particular they are both to substantially enhance provision, accommodation and facilities for women's and youth training opportunities. There is thus further expansion of the women's and youth Academy building - totalling 2824 square metres - as well as new pitches covering a further 11.2 hectares of agricultural land.
- 4.2 The landownership extent of the Applicant is identified by the blue line that covers the whole training ground complex, surrounding fields and waterbodies, and this is shown at Appendix B. The existing complex is served by a site wide drainage system that discharges to the existing attenuation features and water bodies. The intention will be for the extended building to connect into the existing grounds drainage, access routes and maintenance, whilst the new sports pitches will be provided with their own drainage system and new attenuation features.
- 4.3 The overall proposal is described in the header above. Each element will now be looked at and these can be identified on the site plan at Appendix D, with greater detail at Appendices E and F.
- 4.4 A) Extension to create a bespoke Women's Super League (WSL) and Girls Academy Centre. This is an extension to the existing Academy building that will directly mirror the existing design so as to provide a new purpose-built facility. This will accommodate the changing rooms for the WSL squad, under-18 members and coaches, together with gym, recovery and physio facilities. Sports science, analysis and coaches and managers facilities are located at first floor. This extension will facilitate the removal of existing temporary buildings from the training ground that are currently used by the Women's teams. The proposal can be viewed at Appendix E. The building was previously extended under PAP/2024/0274.
- 4.5 B) Women's Super League and Girls Academy Centre Football Pitches and Training. This expansion to the north of the existing grounds will supply new playing pitches for the Ladies' teams that will provide the capacity that is lacking from the current ground facilities. Three of the new pitches will be floodlit, to reflect the quality of facilities that are provided in the existing complex. These lit pitches will be located along the western boundary adjacent to the line of the HS2 railway line and the new elevated sections of the A4091. One of the floodlit pitches will be delivered as a 3G pitch to provide year-round training pitch at 105m x 68m, whilst the other 6 pitches will provide a range of sizes including 67m x 45m, 54m x 36 and a Goal Keepers training area pitch. The pitches will

contain pitch fences between pitches to stop balls and these would be between 3-6 metres high. The site will use an existing agricultural field. This can be viewed under Appendix F.

- 4.6 As part of the masterplan proposal for the Training Ground, additional native landscaping is proposed to strengthen existing areas of landscaping and contribute toward biodiversity enhancements. The landscaping masterplan illustrates the approach to new planting that will contain views across the pitches through perimeter scrub planting with trees as well as large areas of new wildflower meadow planting. Landscaping can be viewed at Appendix G. Part of the redline area for a formal planting area is proposed to be leased to Middleton Hall by Aston Villa.
- 4.7 The landscaping scheme has also sought to restore a former formal garden that was associated with the listed Middleton Hall. This will provide an avenue of tree planting forming an approach as well as new parkland tree specimen planting in the proposed meadow that will provide an appropriate foreground to the Hall. The avenue of trees will provide a green screen between the listed Hall that will screen views toward the areas of activity on the proposed pitches, notwithstanding that direct views toward the pitches from the Hall are already encumbered by their position to the north east and existing robust screening provided by Middleton Park Woodland to the south, whilst the Poolhead Plantation around Middleton Pool provides an established edge. In addition, a new wetland pond feature will be introduced that will inform this more formal planting and biodiversity potential whilst also contributing toward the sustainable drainage system. A comprehensive scheme of sustainable drainage wetland areas and ponds will control surface waters that may influence the new sports facilities. To address the impact of the new sports pitches on the agricultural field and resulting biodiversity effect, a full net gain assessment has been undertaken, which has demonstrated that delivery of a biodiversity net gain that meets the national requirements can be achieved. Through reverting the undeveloped areas of arable land to a mixture of wild flower meadows, scrub and tree planting alongside wetland SUDs areas, the necessary biodiversity gain is achieved. The delivery of bird/bat boxes through this development can be secured through a planning condition.

5. Consultations

Warwickshire County Council as Lead Local Flood Authority – No objection in principle, but more detail is required.

Warwickshire County Council as Highway Authority – No objection subject to conditions.

Warwickshire Fire and Rescue Services – No objection subject to conditions

Warwickshire County Ecologist – Request more detail is required.

Warwickshire County Council Archaeology – No comments received as yet.

Warwickshire County Council Footpaths – No objection

North Warwickshire Borough Council Green Spaces – No objection

Environmental Health Officer – No objection

The Garden Trust – No comments

HS2 – Located Partially in the HS2 safeguarding area. No objections and suggest conditions

Natural England – No objection but request mitigation against Middleton Pool SSSI

Historic England – No comments

6. Representations

- 6.1 Two letters have been received. They both set out that the woodland between the proposed sports pitches and building extension contains a permissive path which was formed during the gravel extraction. The route should be retained or an alternative provided. The route is set out in Appendix H, as provided by the writers.

7. Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP3(Green Belt), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP33 (Water and Flood Risk Management), LP35 (Renewable Energy and Energy Efficiency) and LP30 (Built Form)

8. Other Material Planning Considerations

The National Planning Policy Framework 2023 – (the “NPPF”)
National Planning Practice Guidance – (the “NPPG”)
The Town and Country Planning (Consultation) (England) Direction 2024

9. Observations

a) Green Belt

- 9.1 The site is in the Green Belt and as Members are aware, the construction of new buildings and changes in the use of land, in such a location are deemed to be inappropriate development by the NPPF and thus harmful to the Green Belt, carrying a presumption of refusal. However, the NPPF does define a number of exceptions to this and one in particular is wholly relevant to this application. This is where the new building comprises, “the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it” – paragraph 154 (b). Moreover, as set out in

paragraph 154 (h) (iv), a material change of use may also not be inappropriate, subject to the same conditions.

- 9.2 The first matter is to consider whether the built proposals are appropriate facilities for such outdoor uses. It is important to recognise that the definition does not refer to “essential” facilities, only that they should be “appropriate”. Each element of the overall proposal will need to be looked at. The first element is the extension and alterations to the existing academy building to provide additional facilities for the U16 girls and boys academy. This is an existing building which has been recently approved for extension and those works are underway. The existing building here is fulfilling in part, the Academy role that is occurring in the main building and was approved for an extension, to increase the profile of the Women’s Leagues and the need to ensure equal provision. This extension should thus be considered to be an appropriate facility given the past permissions. The second element is the new built structures – lights and fences – for the new pitch area on existing farm-land. This is also considered to be appropriate given it relates to the existing Aston Villa use of the wider area and where the extant facilities have also been found to be “appropriate for outdoor sport and recreation”. There is no inconsistency here if the same approach is taken. The overall conclusion therefore is that as a matter of principle, the built proposals would represent appropriate facilities for outdoor sport and recreation.
- 9.3 However, this conclusion has to be assessed against the relevant NPPF conditions – preserving openness and not conflicting with the purposes of including land within the Green Belt. In this respect both the buildings and the change in the use of the land are subject to these same conditions.
- 9.4 Members will be aware that there is no definition of openness in the NPPF, but the NPPG does provide guidance by identifying four elements that should be considered in any assessment – spatial, visual, the degree of associated activity and whether the proposal is permanent or not. These will be reviewed in respect of the each of the various developments.
- 9.5 Firstly, the report will deal with the extension for the alterations to the existing academy building to provide additional facilities for U16 Girls academy and U16 boys academy. This is an existing building which has been recently approved for extension and the works are underway. The current proposal would add a large extension – doubling the combined size of the existing and the approved extension. The proposal will thus have a spatial and visual impact. However, it is only visible from within the overall Aston Villa complex, where there are substantial perimeter woodland areas and close by other permanent structures. There are also many associated other structures and buildings close-by. As such the impacts are going to be wholly localised being contained within an outdoor recreational setting and thus limited in respect of the Green Belt as a whole. The degree of activity would be likely to increase as the purpose of the building is to enhance this side of the overall provision. The building thus becomes far more of a focus. The building would be permanent. Nevertheless, because of the recreational setting and the significant amount of daily activity in the area, it is still

considered that there would only be a limited adverse impact on openness. However even this level of harm doesn't "preserve" openness.

- 9.6 Turning to the proposed pitches, then the amount and appearance of the new built development would be very similar to that already established in at least two other segments of the overall training ground complex. It is true that the new lighting columns and fences would reduce openness, but this is a replication of what is seen elsewhere on the larger holding. Again, the site is not visible in the public domain, being contained by perimeter woodland. Even when treated cumulatively with the established pitches, there would be no material or significant loss of openness, but as above, openness would not be "preserved".
- 9.7 Bringing these two assessments together, it is concluded that the proposals would not preserve openness, but that the actual harm caused would be limited.
- 9.8 Turning to the five purposes of including land in the Green Belt, it is considered that there would be no conflict, given the established and lawful use of the wider site as whole and the proposals being an extension to that.
- 9.9 In conclusion therefore it is considered that the proposal as a whole is inappropriate development in the Green Belt, but that the actual level of harm to its openness is limited in extent.

b) Other Harms

- 9.10 It is now necessary to establish whether there are any other harms that need to be added to the harm side of the final planning balance.

i) Landscape

- 9.11 The building extension is located within an "artificial" landscape comprising an outdoor sports setting. The overall site is self-contained being surrounded by widespread woodlands also with intervening woodland not overlooked by higher ground. There would be no overall impact on the wider landscape here as any impact is locally confined. The same conclusion would apply to the proposed pitches as they too are visually contained.

ii) Heritage

- 9.12 The Council is under a statutory duty to have special regard to the desirability of preserving any Listed Building or its setting or any features of special architectural or historic interest which it possesses. The Grade 2 star Middleton Hall and its associated group buildings are around 400 metres to the north when considering the academy building extension and 290 metres to the west when considering the nearest sports pitch. Whilst there is no direct impact on the fabric of any of these buildings, it is the Hall's setting that is the issue here. The significance of the asset's setting here is of high value. Its history covers around 1000 years with the Estate once being over 3600 acres, but now its 42 acres is

managed by a Trust. The land the subject to the current proposed pitches was sold to the Club in 2017 and is presently leased and farmed locally. The parkland associated with the Hall was quite extensive, but none now remains connected to the Hall with the land being divided between multiple owners and much altered beyond its historic connections with the Hall. The historic record show that the application site was once part of the open parkland to the west of the Hall which included a more formal garden closer to the Hall and that the outlook from the western elevation was open and extensive across the current application site.

- 9.13 The historic interest in the buildings at the Hall is represented by the significant variety of architectural styles at the site spanning some 900 years. The buildings express a range from the mid-thirteenth century as a moated Norman manor, through to the addition of chapel – now demolished - in 1391, an English Manorial estate with three separate timber framed buildings and a Great Hall added in Tudor times with an extensive period of “Georgian” rebuild and a new “Palladian” west wing dating from the 1700’s and again in the late 1820’s.
- 9.14 Overall, the significance of the asset lies in both its former landscape setting and the historic and architectural value of its range of buildings over a substantial period of time.
- 9.15 Much work has been done with the applicant, officers and representatives of the Trust itself to amend and vary the proposed new pitches here in order to lessen their impact on the significance of the setting of the Hall, as the proposals do not directly affect the physical fabric of the buildings. This has resulted in there being no pitches within the sight lines from the windows in the western elevation of the Hall and the flood lit pitches being located in the far western corner of the site as far away from the Hall as possible – some 400 metres. Additionally, an existing nineteenth century clump of trees and other woodland have been retained so as to continue to provide screening from the western terrace and upper floors. However there will still be some partial views. The overall conclusion is that the understanding and perception of an open western vista from the Hall will still be retained, but that some harm would be caused due to the change in character of the land, but that would be low to medium, given the above changes.
- 9.16 Notwithstanding these changes, it is proposed to re-introduce the former formal garden immediately beyond the western confines of the present Hall land holding. This would be an extensive area – some 5.5 hectares – and replicate the original features – avenues, open vistas, water features and formal tree planting – see Appendix G. The garden would then be leased back to the Trust for it to maintain. This is considered to be a significant heritage benefit as it would in part re-instate a substantial feature that once made up the setting of the Hall. Moreover, this benefit is unlikely to have arisen if it were not for the current proposal

- 9.17 These matters need to be considered cumulatively – the low to medium harm caused to the setting of the heritage asset here, through the introduction of the new use which by its very character would not create a “natural” landscape or visual feature, and the significant benefit of the partial re-instatement of the landscape setting of the Hall. Overall, it is considered that there would be less than substantial harm caused to the setting of the Hall, but that that level of harm would not be at the higher end of that spectrum.

iii) Bio-Diversity and natural environment

- 9.18 The applicant has provided a bio-diversity assessment together with an appropriate bio-diversity metric in line with the new Regulations concerning bio-diversity net gain. The proposal related to the sport pitch area will provide new landscaping features to the west and north and east, with new vegetation planting, along with formal planting related to the Listed Middleton Hall. The Local Plan policies require a net gain. The proposals have thus incorporated new enhancements, and these would be on land owned by the applicant adjoining the current sports pitch complex. The habitat enhancements would amount to a 28.69% increase.
- 9.19 The location of the new playing pitches is presently arable farmland adjacent to the Middleton Pool SSSI and Middleton Lakes Nature Reserve, and so it does fall within the impact areas associated with the SSSI. However, the removal of arable farmland adjacent to the Middleton Pool SSSI and the Reserve would not mean the loss of an associated habitat, as the SSSI designation is based upon the pool’s importance as a regenerated former gravel pit and its contribution for breeding birds. Coneybury Wood is an Ancient Woodland which is located within the centre of the existing training ground complex. No works are proposed within this woodland or within the immediate areas surrounding, so it will be safeguarded in situ.
- 9.20 The County Ecologist has not objected in principle but has asked for more information and clarification particularly in respect of establishing the actual detail of the enhancements and floodlighting. These matters can be dealt with through conditions as has happened with all of the previous permissions.

iv) Passive Path and footpaths

- 9.21 As part of the former works related to the quarrying activity on the wider site, a passive path was created and it has been pointed out, by representations received, that it should remain, and should be enhanced or revised. The applicant notes the permissive route and sets out that it is not included within the application red line site and the proposals have no intention to change it.

- 9.22 Any issues associated with the use of the passive route would be civil matters for the parties to consider outside of the scope of this planning application. The wider area however does contain public rights of way that are not affected by this application proposal.

v) **Other Matters**

- 9.23 In respect of other matters, then the design of the proposed building would respect the existing building and is designed to meet its own purpose/function. On the other hand, there is no common approach to existing buildings and structures throughout the site. As such there is no evidence to support a refusal on these grounds.
- 9.24 The existing lights around the pitches are conditioned in respect of their hours of operation and the current proposals do not introduce a new approach. As such these conditions would need to be repeated here in respect of the new lights.
- 9.25 It is noteworthy that the highway authority has not raised an objection and that whilst the Local Lead Flood Authority has sought more detail, that is not anticipated to result in an overall objection as they are seeking technical, operational and management detail which would normally result in the imposition of conditions.
- 9.26 The proposal will result in the loss of farmland. The historic use of the field was formally part of a much larger formal garden/park area to Middleton Hall. Part of the proposal is to restore part of this formal garden approach arrangement to the listed hall as can be seen on the plans – Appendix D and G. The land classification for the site is grade 3, good to moderate. The loss of farm land is noted, however the proposal is considered to outweigh the farming use, in that the pitches will provide wider public benefit and the landscaping area to Middleton Hall, which will bring wider heritage gains.
- 9.27 The building as proposed to be extended would look to use a range of energy generation and saving proposals, which are projected to be greater than the Local Plan Policy LP35 requirements. The building will also have to meet the latest Building Regulations.

c) **The Harm Side of the Final Planning Balance**

- 9.28 As a consequence of all of these matters it is concluded that the harm side of the balance would only consist of the substantial definitional Green Belt harm, but that the actual Green Belt harm caused would be limited together with the less than substantial heritage harm to Middleton Hall.

d) The Applicant's Planning Considerations

- 9.29 It is now necessary to assess the planning considerations put forward by the applicant to establish whether they do carry sufficient weight to clearly outweigh the harms identified above, so as to constitute the very special circumstances necessary to support the proposal.
- 9.30 In essence the case put forward by the applicant is that the proposals as a whole significantly enhance the sports provision at the site and thus enable the Club to retain its Academy status and to offer equal facilities and opportunities across a far wider range of ages and cohorts than at present. The proposal will aid under 16 football for boys and girls and provide improved facilities. Additionally, it is said that such facilities are already available at other Premier League football Clubs throughout the country, including sites within the Green Belt.
- 9.31 It is considered that this consideration carries significant weight. Members will have already agreed to the weight to be given to this matter when earlier proposals were being considered at this site. This is a continuation of that same consideration.

e) The Final Planning Balance

- 9.32 It is concluded that the significant weight to be given to the applicant's case does clearly outweigh the limited harm to the Green Belt harm that has been identified. Members will be aware that there are elements of this proposal, that had they been submitted individually, would have almost certainly have been found not to be inappropriate development – i.e. sports pitches. This adds weight to the outcome of the balance identified above. The fact that the applicant has elected to deal with them as a comprehensive package is of value, as Members can assess the overall impact rather, than look at the matters on a piecemeal basis.
- 9.33 In respect of the less than substantial heritage harm, then this too is considered to be outweighed by the overall public benefits and significantly also because of the proposals to re-instate part of a formal garden associated with the Hall would provide a significant public heritage benefit which might not otherwise have arisen.

f) Conditions

- 9.34 Some consultees are considering new information at the time of this report being written. It is expected they will come back with no objections. As such conditions would be expected to cover, plans, materials, ecology, BNG, lighting hours, flooding, contamination related to the building extension, use of the pitches, and construction management.

g) Referral

- 9.35 It is considered that the outstanding matters once addressed, will then lead to the application, given the principle of supporting the overall package, to the matter being referred to the Secretary of State. Any subsequent grant of permission would however have to await the receipt of those outstanding consultations. If there is an objection, then the case will be referred back to the Board for re-consideration.

Recommendation

That the Council is minded to **GRANT** planning permission subject to:

- a) There being no “call-in” of the application by the Secretary of State, following referral of the case under the 2024 Direction;
- b) The inclusion of relevant conditions as set out above on the grant of that planning permission,
- c) The inclusion of any additional conditions requested by the outstanding consultation responses from the County Ecologist, County Archaeology and Lead Local Flood Authority, but that
- d) Should objections be received from these consultations, the application be referred back to the Board for a review of its position.

Appendix A – Councillor visit Note

PAP/2024/0

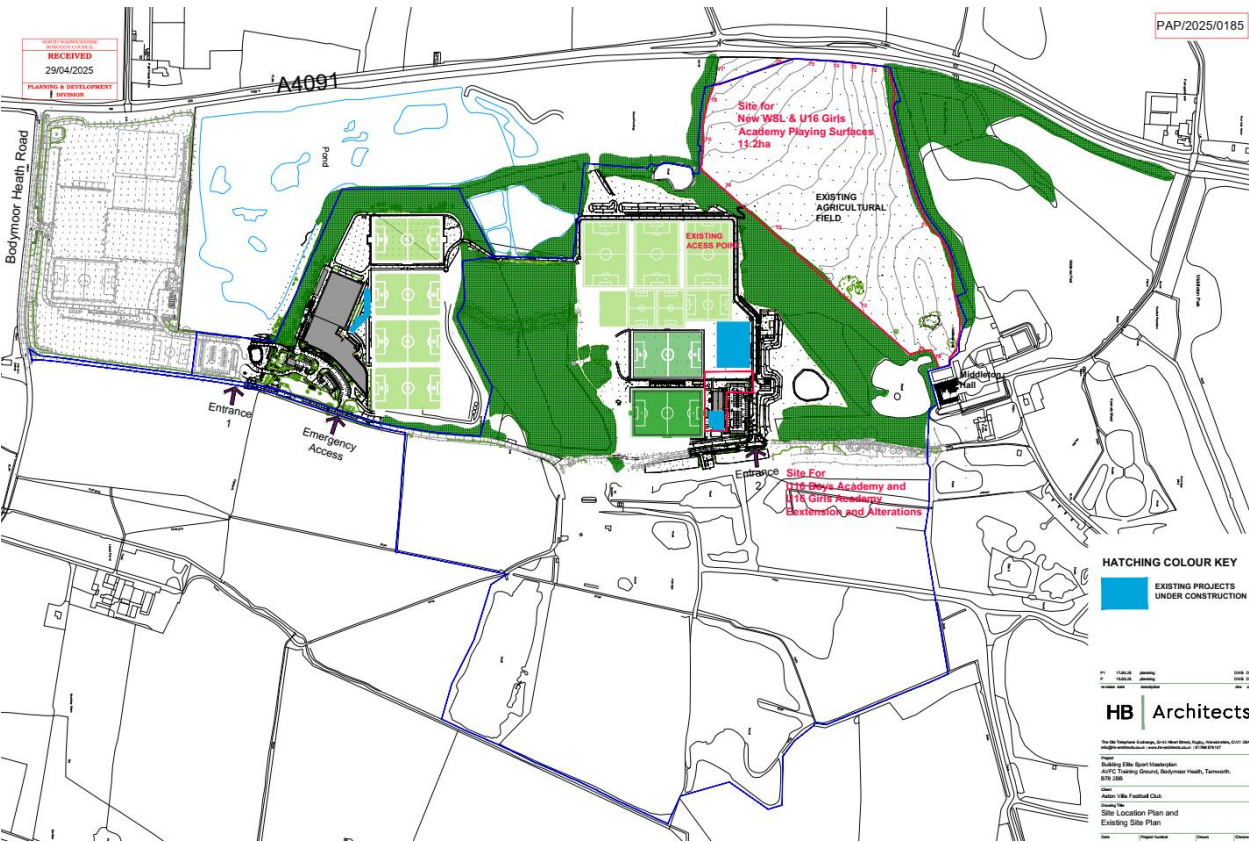
Aston Villa Training Ground, Bodymoor Heath Road, Kingsbury

Site Visit - Saturday 13th April at 1000

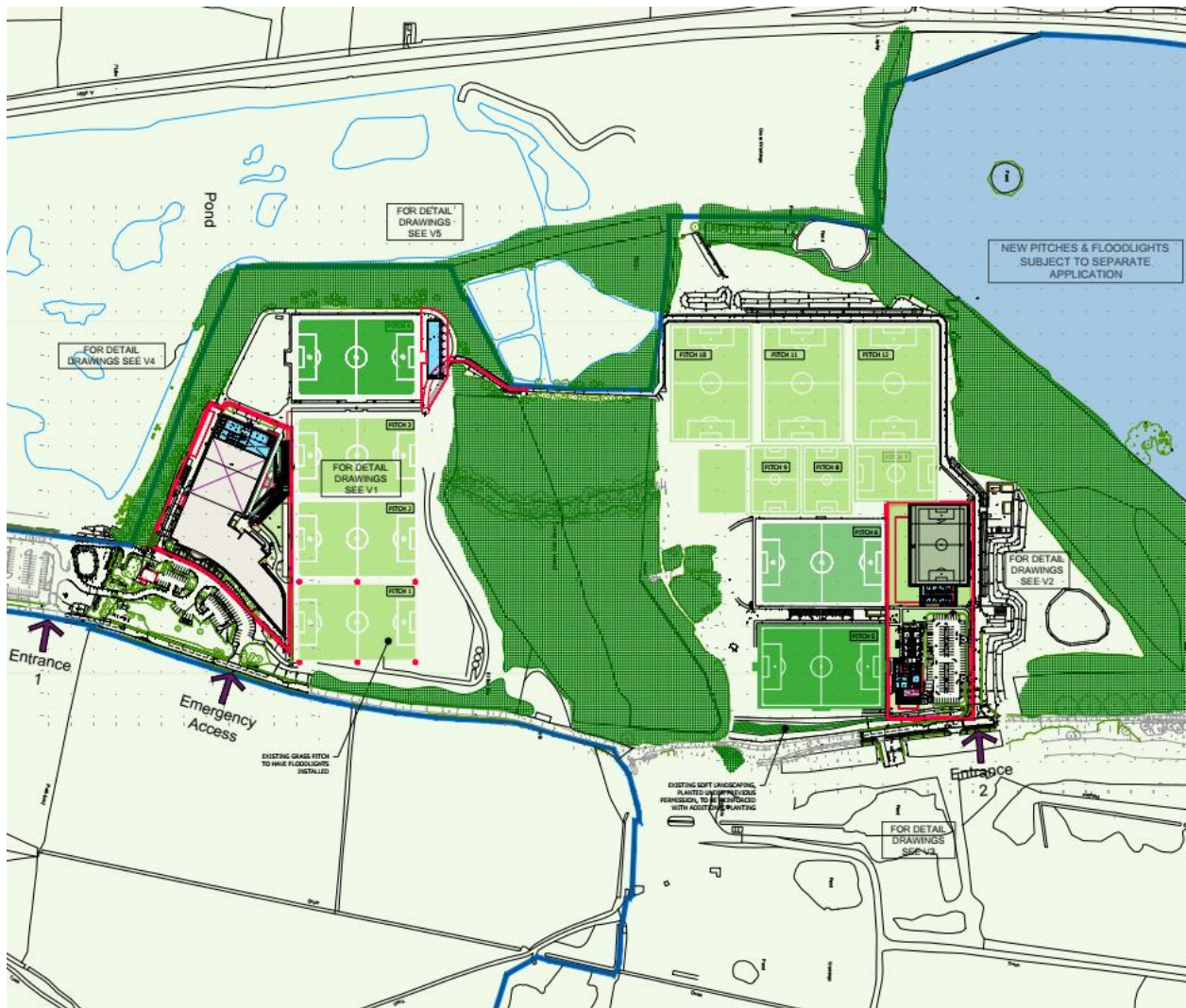
Present: Cllr's Bell, Dirveiks, Humphries, Ririe, Simpson and Whapples together with S Darke and two other Club representatives (Aston Villa) and J Brown

1. The visit had been arranged at pre-application stage, such that Members could have an early understanding of the proposals within their setting.
2. The proposals were identified – a player accommodation block; the re-use internally of the existing indoor pitch for office/administration and media space, a tractor shed, an extension to the women's Academy building, a new indoor half-size pitch together with an additional five pitches and five smaller pitches.
3. The reasoning behind each of the proposals was set out – particularly in the need to expand facilities for women's and girl's training and playing. The purpose of the accommodation block was also explained.
4. Members were then shown the location of the accommodation block at the rear of the existing indoor pitch. They progressed through the existing building into the indoor pitch area itself.
5. Members then walked to the location of the new tractor shed and through the wood to the newer pitches. Here they saw the location of the new indoor pitch and the building to be extended. The location of the new pitches was also pointed out – beyond a further woodland belt to the north.
6. The visit concluded at around 12 noon.

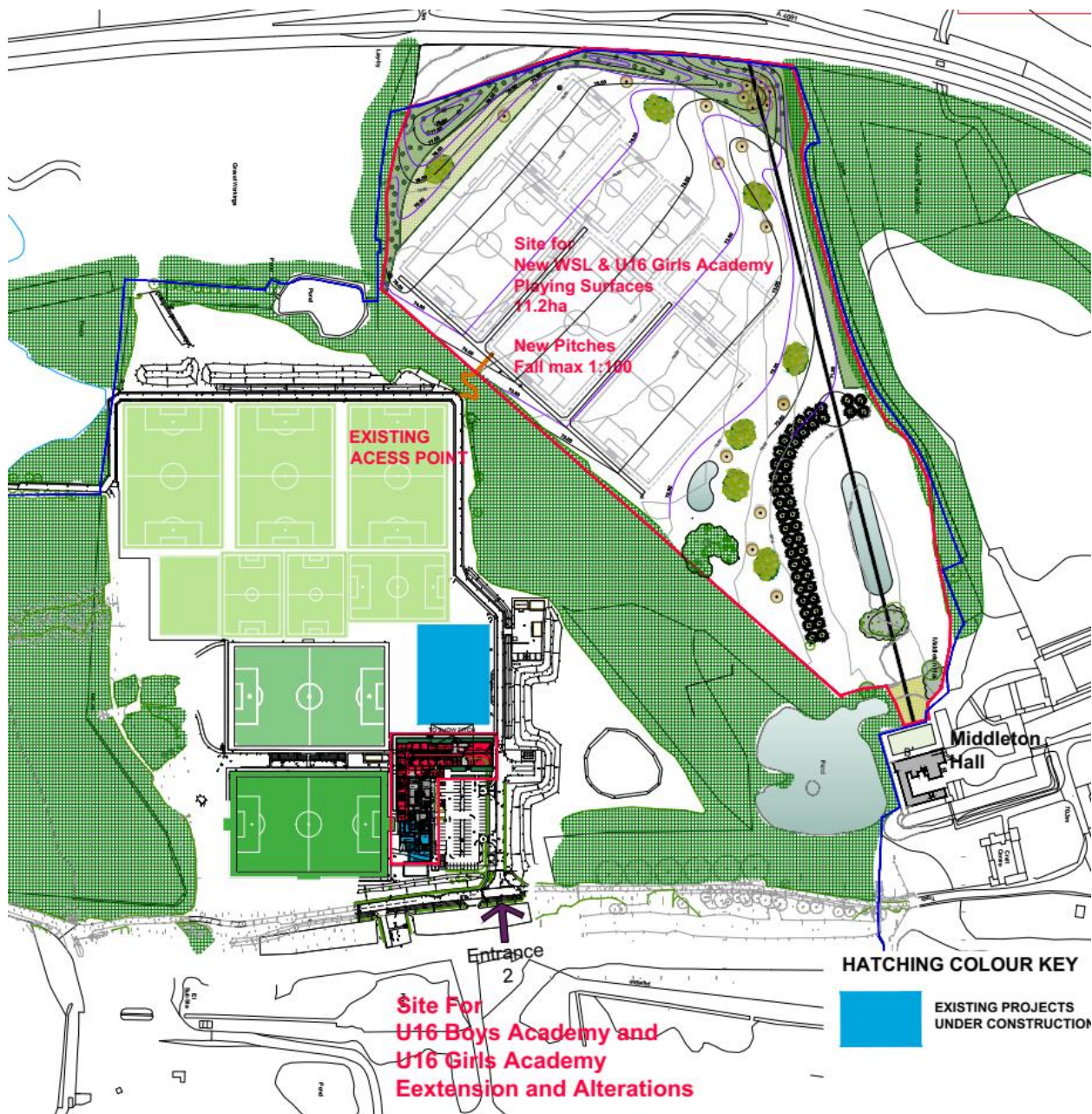
Appendix B – General Location Plan



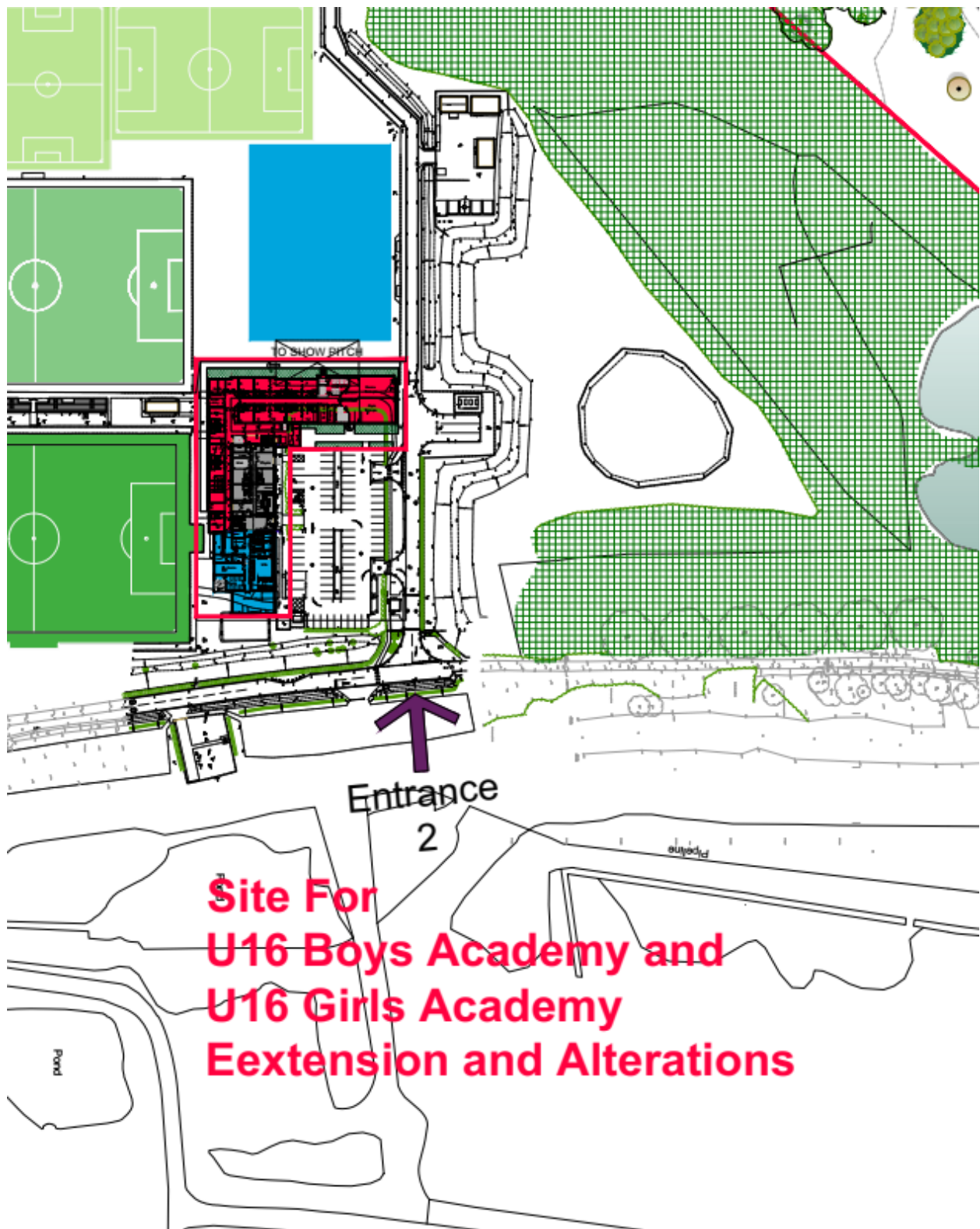
Appendix C – PAP/2024/0274 Site Plan

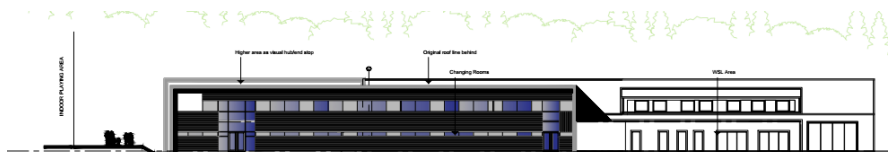
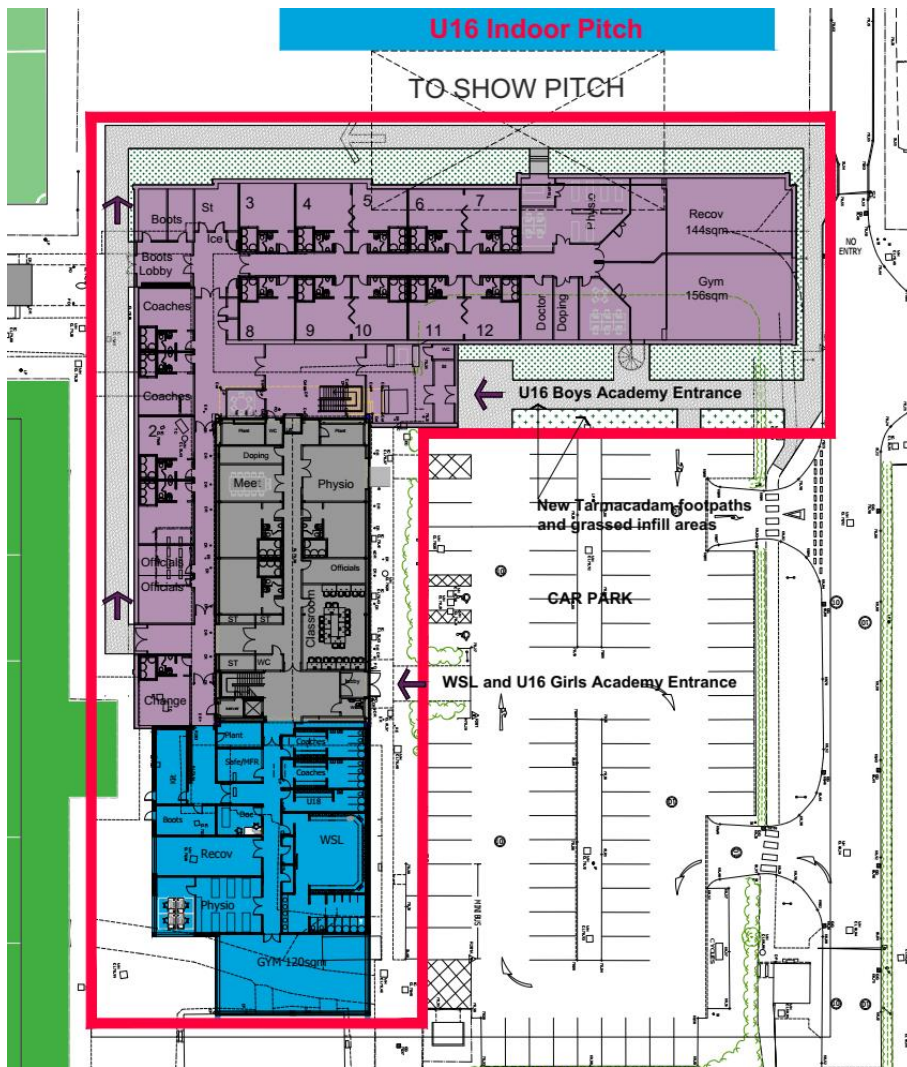


Appendix D – Proposed Site plan

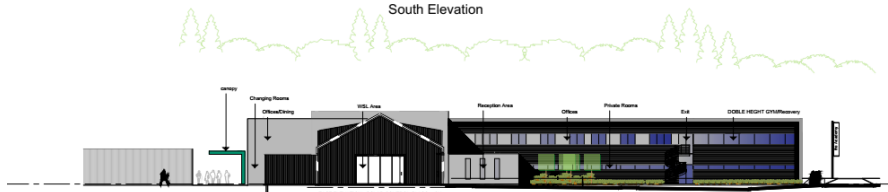


Appendix E – Academy Building Extension

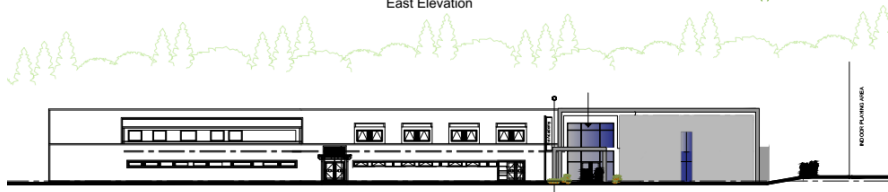




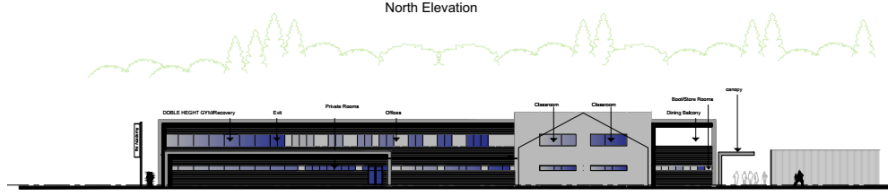
South Elevation



East Elevation

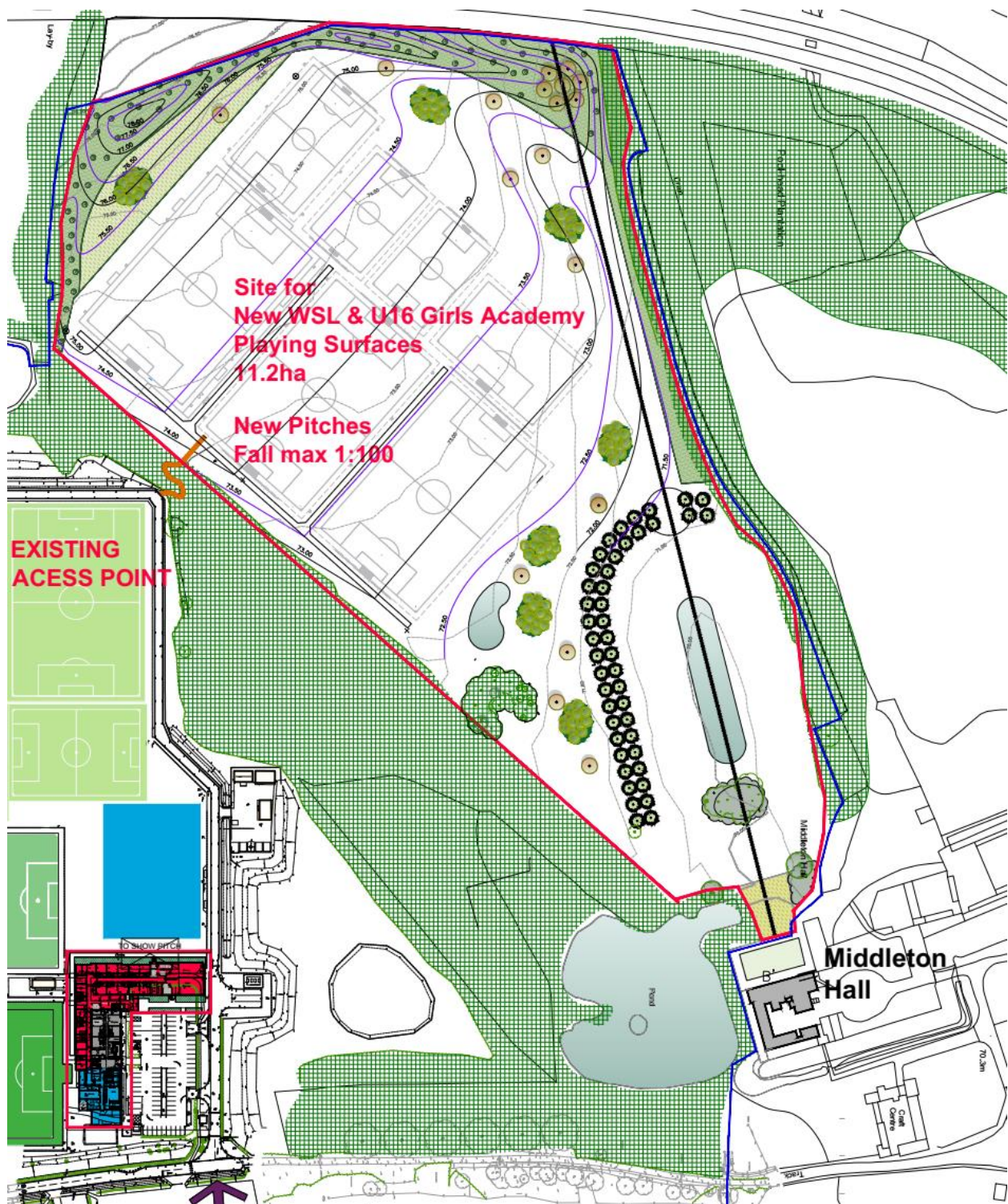


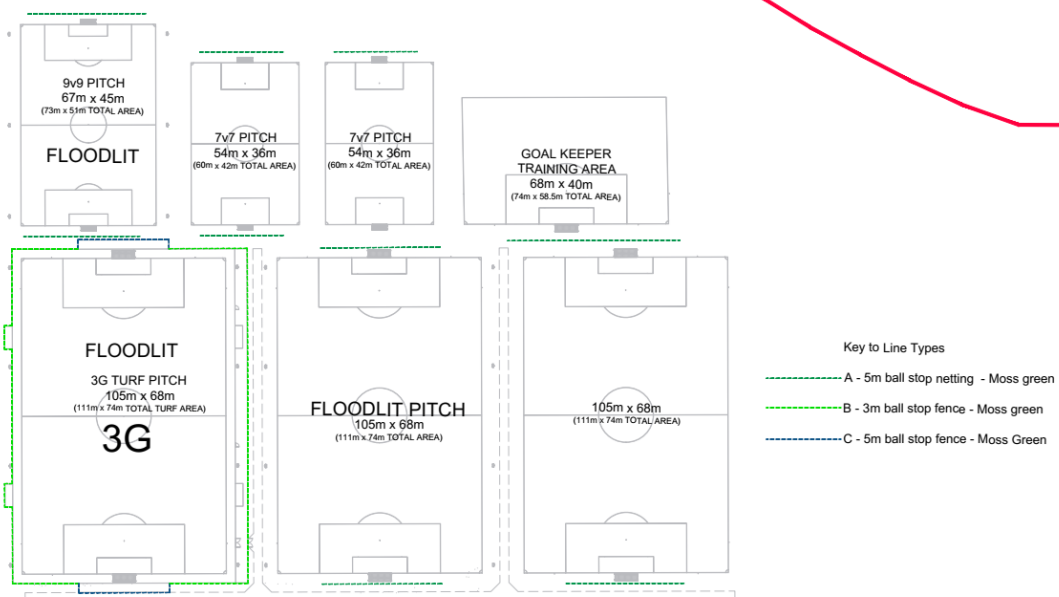
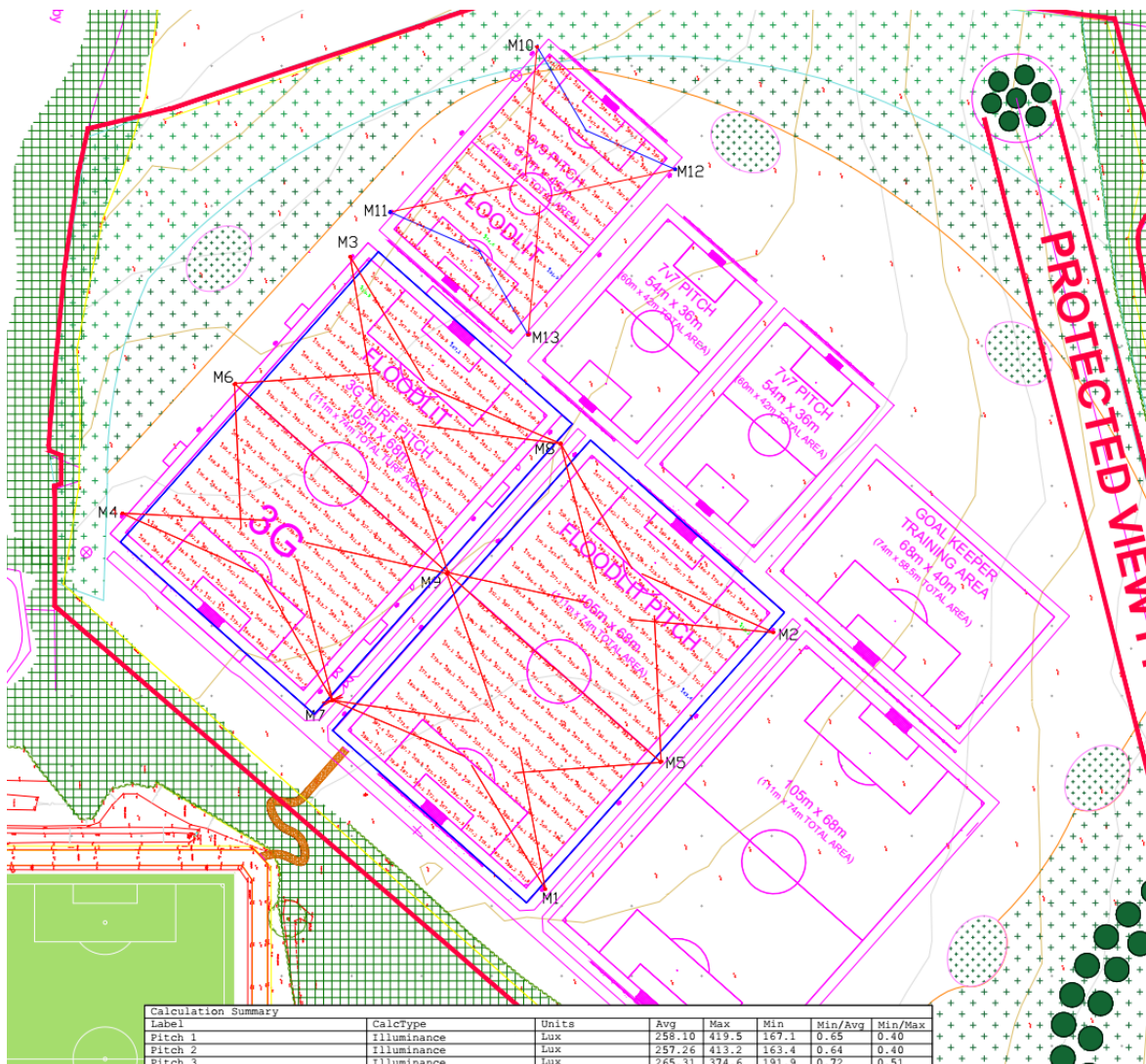
North Elevation



West Elevation

Appendix F – Sports pitches and landscaping





PITCH BALL NETTING/FENCE LAYOUT

Appendix G – Landscaping



KEY

- Existing trees and woodland to be retained
- Proposed formal avenue tree planting
- Proposed parkland tree planting
- Proposed scrub planting with scattered trees
- Proposed mown grass and pitch areas

- Proposed wildflower meadow planting
- Existing meadow area
- Wetland / pond feature
- Proposed tree groups with under-storey planting
- Proposed ground contours
- Existing ground contours

NOTES:

GENERAL NOTES:
This drawing is to be read in conjunction with all other relevant disciplines drawings, schedules, specifications and supporting information.
Any discrepancies are to be reported to Indigo Landscape Architects Limited and resolution sought prior to proceeding. This drawing is subject to copyright.



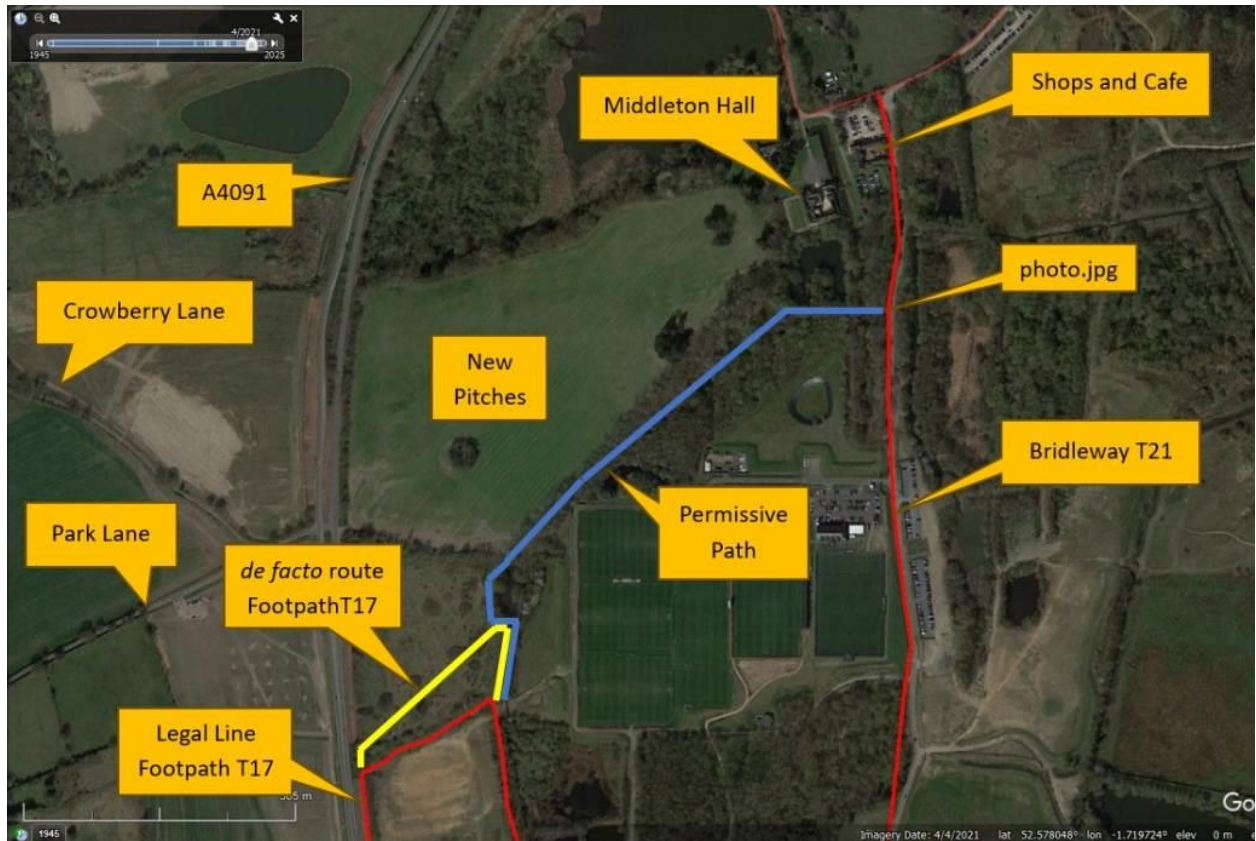
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project
BODYMOOR HEATH TRAINING GROUND - MIDDLETON

client
ASTON VILLA FOOTBALL CLUB

Appendix H – Passive Path Plan



General Development Applications

(5/e) Application No: PAP/2024/0586

Land 400 Metres West Of Camp Farm, Knowle Hill, Hurley, Warwickshire,

The installation of a solar farm of up to 49.9 MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including substation, cabling, inverter and transformer substations, spare part container, associated battery storage, access tracks, fencing, security cameras, landscape planting, areas for Biodiversity Net Gain and associated works, for

Ampyr Solar Europe

1. Introduction

- 1.1 This application was referred to the July Board meeting and a determination was deferred pending the receipt of additional information together with the outstanding responses from statutory agencies. The additional clarification sought related to:
 - i) Additional landscaping provision;
 - ii) To respond to the issue of there being an unmet need for the development,
 - iii) The receipt of outstanding consultation responses, and
 - iv) A further site visit.
- 1.2 For the convenience of Members, the previous report is attached at Appendix A.
- 1.3 A Supplementary Report was circulated at the July meeting which updated Members on two of the outstanding responses – see Appendix B. The County Ecologist had no objection subject to conditions. These are all included in the recommendation as at Appendix A. The Heritage Officer confirmed that there was less than substantial harm and this is addressed at paragraph 8.79 of Appendix A.
- 1.4 Additionally, the Board resolved that a second site visit be arranged. This will take place after the publication of this report and thus a note will be circulated at the meeting.

2. Outstanding Consultations

- 2.1 The Warwickshire County Council as Highway Authority was awaiting the outcome of a Road Safety Audit. That recommended minor engineering amendments to the proposed access, which the applicant has now accepted. As such, Warwickshire County Council as Highway Authority have no objection subject to conditions relating to the highway access, visibility splays and position of gates during construction and de-commissioning.

- 2.2 The Warwickshire County Council as Local Lead Flood Authority has requested more technical detail, which is not at all unusual. The detail has been submitted and now they have indicated that they have no objection to the proposal subject to standard conditions.

3. Landscape Provision

- 3.1 The applicant has provided a revised landscaping approach substantially increasing the native hedgerow provision across the site - the plan shown to the last Board meeting is at Appendix C and that now proposed is at Appendix D. This now not only restores and enhances the landscape in accordance with the landscape character assessment's recommendations, it also reduces the scale of the proposal significantly to 10 segregated solar panel areas (1a/1b, 2, 3a, 3b, 4, 5, 6a, 6b, 7 and 8) shown below.



- 3.2 It provides a significant amount of hedgerow around the site which amounts to 5.3km this is an increase of 1.3 kms over the last scheme - accompanied by the provision of an additional trees 75 trees to a total of 282 new trees within new and existing hedgerows. There are also an unquantified number of trees in the proposed tree belt. The introduction of tree planting in and around the site, re-instating former field boundaries and now additional boundaries as well as reinforcing existing ones, significantly reduces the residual visual impact and

scale of the proposal. The Council's landscape consultants are also wholly in agreement with this conclusion.

- 3.3 The amended layout also provides increased bio-diversity net gain improvements providing further benefits of the proposal. These revised proposals will break the site up into segregated solar panel areas. As can be seen from the plan above this provides 10 separate distinct fields, which significantly reduces the scale of the proposal visually and from a landscape perspective.

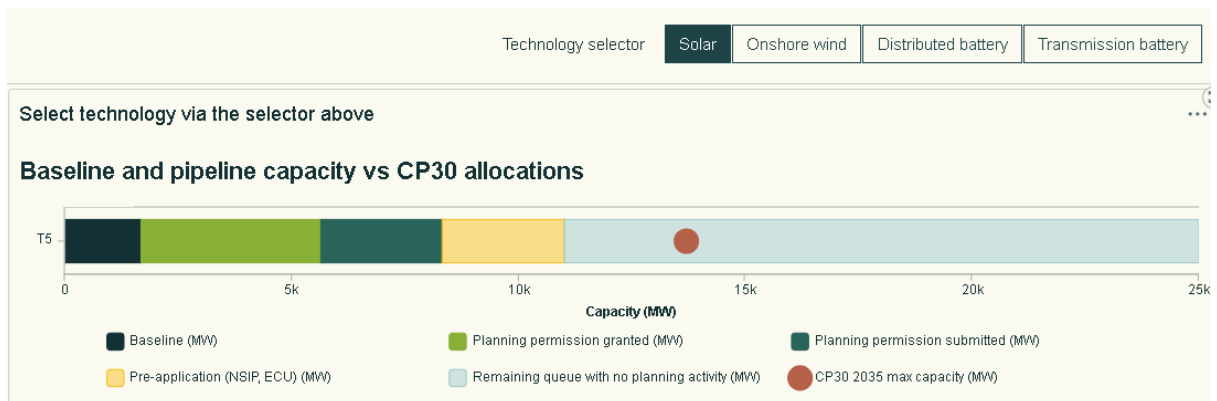
4. Need for the Facility

- 4.1 The applicant has provided additional information to demonstrate there being an unmet need for the development, this is also supplemented by officers' information as well. This is set out in the following paragraphs.

a) National Level

- 4.2 There is a national need for the installation of sources of renewable energy. The UK has committed to meeting a legally binding target of net-zero carbon emissions by 2050. This requires major investment in proven technologies, such as solar, which are supported by planning policy at local and national level. For this site, the clean energy generated will save on average 21,000 tonnes of carbon dioxide (CO₂) per year, which adds up to over 800,000 tonnes of CO₂ over the next 40 years (the design life of the solar farm).
- 4.3 Global Climate Change is widely recognised as one of the most significant environmental challenges that is faced globally today. The principal cause is the rise in the concentration of Greenhouse Gases (GHG) in the atmosphere, largely driven by the use of fossil fuels for electricity generation.
- 4.4 The Climate Change Act 2008 (as amended) sets out the legal obligation of the UK to achieve a 100% reduction in GHG emissions from 1990 levels (net zero) by 2050. In addition, on 20 April 2021, the UK Government announced the ambitious target of reducing greenhouse emissions by 78% by 2035 compared to 1990 levels in the sixth Carbon Budget, to bring the UK more than three-quarters of the way to the 2050 target. This would also help achieve the international target agreed at the Paris Agreement (2016), limiting global warming to below 2°C.
- 4.5 The British Energy Security Strategy in 2022 established the ambition of 70GW of solar by 2035. One of the Government's aims is to "ramp up" the deployment of rooftop and ground mounted solar systems to achieve a fivefold increase in solar power by 2035 (from 14GW in 2022 to 70GW). The Climate Change Committee (2024) noted that only a third of the emissions reductions required to achieve the 2030 target are currently covered by credible plans. Action is needed across all sectors of the economy, with low-carbon technologies becoming the norm.
- 4.6 To achieve clean power by 2030, 115MW of solar – so 2.3 times the application scheme (50MW) - need to be delivered every week for the next five years. Current delivery rates are very significantly off track. The Clean Power 2030 Action Plan sets out further ambitious goals to achieve 45-47GW (GW is 1000MW) of solar energy production to address this.

- 4.7 In regard to this significant national need filtering down to the local level, the regional need should be considered first. As indicated in the original Board report, the National Energy System Operator (NESO) has provided an assessment on this need up to 2030, so this is immediate need within the next 5 years. NESO has divided the whole country into Connection Reform Zones, numbered T1 to T11 – in effect eleven regions. These are RAG (red, amber, green) scored in terms of where capacity is needed across them. All of the eleven UK Zones – thus including North Warwickshire - are currently classified with the 2nd highest rating of need of “Yellow” – the definition of “Yellow” is: “*where a zone’s capacity is not met by projects with granted or submitted planning permission.*” In contrast, for battery projects, all UK Zones are classified as “Red” – i.e. “*capacity is exceeded by protected projects with granted planning permission.*” Therefore, at present the need for solar projects in the local area is evidenced.
- 4.8 North Warwickshire is in Zone T5 (as shown Appendix E). The illustration below shows the baseline of existing built out (operational), granted, submitted and pre-application solar projects in T5. It illustrates that there are not enough projects with any confirmed planning status and thus there is a significant shortfall at present amounting to 2,686MW of solar needed by 2030. Camp Farm is just 50MW of what is already accounted for in the dark (mid) green bar below.



- 4.9 As indicated above, the national need for solar is 70GW until 2035. Notwithstanding this, the UK needs 20GW of additional ground-mounted solar by 2050 in order to meet legally binding Net Zero targets. As such, even if all of the UK Zones were above target there remains another very large target to meet. An additional 20GW by 2050 may seem more achievable than the 70GW by 2030, but even if this is less than a 3rd of that capacity, we will be working with less available land as other development will develop areas of land.
- 4.10 Climate change is not the only imperative behind boosting renewable generation. As the Government has made clear in documents such as the British Energy Security Strategy (2022) and the Energy Security Plan (2023), delivering energy security is both “*urgent*” and of “*critical importance*” to the country.

- 4.11 The UK returned to being a net electricity importer in 2023, and total energy generation capacity has fallen in recent years reflecting the closure of coal-fired plants. At the same time demand for electricity could more than double by 2050 as large parts of transport, heating and industry decarbonise. The consequence of energy insecurity is price rises for consumers at home. In his foreword to the Clean Power 2030 Action Plan the Secretary of State explained:

“Since Russia’s invasion of Ukraine, Britain has experienced a devastating cost of living crisis caused by our exposure to volatile fossil fuel markets. Every family and business in the country has paid the price and we remain exposed to future energy shocks. In an increasingly unstable world, our dependence on fossil fuels leaves us deeply vulnerable as a country. But there is a solution: by sprinting to clean homegrown energy, we can take back control from the dictators and the petrostates.

The long-term solution is to address our underlying vulnerability to international oil and gas prices by reducing dependence on imported fuels – this Scheme would contribute to that ambition.

b) Local Level

- 4.12 At the local scale, Warwickshire County Council (WCC), NWBC and Nuneaton and Bedworth Borough Council have all declared Climate Emergencies in 2019. In order to implement meaningful action, both WCC and NWBC have produced and published supporting strategies with a common goal of becoming net zero institutions by 2030.
- 4.13 WCC approved and published in draft, the ‘*Warwickshire Sustainable Futures Strategy 2023*’ setting out a clear pathway to delivering net zero within the Council by 2030, and the wider Warwickshire County by 2050. The pathway set out includes five key deliverables, including Built Environment and Energy, whereby it is hoped that the County can be fuelled by clean fuel and renewable sources. A key target among this is to “*increase the amount of energy generated from local renewable sources*”.
- 4.14 Similarly, NWBC has produced a Climate Change Action Plan to direct its efforts in meeting locally derived 2030 net zero targets, including both Council activities and in the wider area. Within this, there are 7 focus areas that streamline efforts to achieve targets, including “Biodiversity and open space management”, a desire to achieve renewable energy generation on areas of identified Council land. In support of this, the action plan also states that as well as auditing its own land, the Council will encourage developers and landowners to use land for renewable energy.
- 4.15 The proposed development would contribute to the delivery of an increase share of renewable energy from solar power and subsequently aid in delivering specific focus points within wider action plans of both WCC and NWBC. Using solar photovoltaics (PV) to generate electricity creates no CO₂, or other pollutants, and therefore does not contribute to Climate Change or local air pollution.

c) Hams Hall Grid Connection

- 4.16 From a local level, Hams Hall sub-station is a significant point of connection. The National Grid infrastructure means that there are only limited assets available to provide stability and control to the network which renewables require as they provide fluctuating energy when demand may be low. A National Pathfinder programme in 2019 identified two strategic bands across the UK where this could be provided to link into the National Grid. Hams Hall is rated as high for its effectiveness in providing this stability support at the national level. Hams Hall substation was selected as it is a Main Integrated Transmission System (MITS) node, which basically means that network continuity can be maximised here. It is also one of only twenty substations that have adequate capacity for the import and export of up to 350MW of capacity. Other substations would require upgrades or improvements to provide this capacity. The other substations also do not have the potential expansion areas around them in terms of open land in proximity to the substations. Basically, Hams Hall is the only MITS substation that is not constrained by land, available capacity or delayed connection date due to upgrades. Therefore, this is why there is significant pressure to develop solar and BESS around the site.

d) Why so much solar in North Warwickshire

- 4.17 The applicant has provided an analysis of solar applications across a selection of Local Planning Authorities in the UK (England, Scotland and Wales, more specifically). Analysis has compared the Authority against others. North Warwickshire is comparable to other Authorities and from this it is evidenced that North Warwickshire is not getting more than its fair share of solar applications – it is receiving similar amount as other LPAs are receiving and getting a proportionate number (Appendix F).
- 4.18 Obviously it is not possible to evenly distribute ground-mounted solar around the country, because the site identification process is dictated firstly by the Grid and point of connection, secondly by the suitability of land including local designations, slopes and site-specific matters, and thirdly by the willingness of the landowners. It is right point out that North Warwickshire has some major substations within and adjacent to it, however comparably it is not getting a significant amount compared to other areas across the country.

5. Observations

- 5.1 The applicant has responded fully to the Board's reasons for deferral. It is of significant weight that there has been a positive response to the landscape and visual concerns expressed by Members at the last meeting. The additional hedgerow planting further divides the site into smaller parcels which overall further materially mitigates the size of the proposal, which was the main concern of the Board. It is of material weight too, that the Council's landscape consultant fully supports this latest enhancement. It was pointed out in the previous report that the evidence available showed a moderate impact on landscape character and visual amenity. The latest plans reduce these harms to below moderate impacts.

- 5.2 The applicant has also fully responded to the Board's request for further detail on the "unmet need" issue. The overall conclusions from this have been summarised by officers in all of the other solar farm proposals that the Board has considered. The applicant has expanded this summary with the relevant evidence. Members will also be aware that in each of those previous cases, the weight given to this matter in the final planning balance has been substantial. There is no change in this from an officer perspective in this current case. The evidence submitted reinforces that conclusion.
- 5.3 The receipt of additional information thus now needs to be added into the assessment of the final planning balance. The additional information is considered to demonstrate that the harms caused are clearly outweighed by the benefits of the scheme and thus the recommendation remains as set out in the report to the July Board.
- 5.4 Officers will update Members on the receipt of the outstanding consultation responses but it is not anticipated that these will result in objections in principle.

6. Recommendation

That planning permission be **GRANTED** subject to the conditions included within the July Board report, together with any additional conditions required by the WCC Highways and WCC Flooding teams.

Appendix A

General Development Applications

(5/d) Application No: PAP/2024/0586

Land 400 Metres West Of Camp Farm, Knowle Hill, Hurley, Warwickshire,

The installation of a solar farm of up to 49.9 MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including substation, cabling, inverter and transformer substations, spare part container, associated battery storage, access tracks, fencing, security cameras, landscape planting, areas for Biodiversity Net Gain and associated works, for

-Ampyr Solar Europe

1. Introduction

- 1.1 The receipt of this application was referred to the Board's February meeting for information. The Board resolved to visit the site prior to making a determination. That introductory report is attached at Appendix A and a note of the visit will be circulated at the meeting, as the visit took place after preparation of this report.
- 1.2 An Environmental Impact Screening Opinion concluded that the proposal would not need an accompanying Environmental Statement, as it was not likely to result in significant environmental effects.

2. The Site

- 2.1 This comprises 75 hectares of agricultural land to the west of Brick Kiln Lane at Hurley Common, north-east of the Coventry Road, north of Knowle Hill and east of the Kingsbury Rifle Range. Camp farm and its outbuildings about the south-west corner of the site. The closest residential properties are at Camp Farm, together with frontage on the north side of Knowle Hill to the south (80 metres distant). There are also residential properties to the north off Brick Kiln Lane (250 metres distant from the panels). Other properties are to the south - Drakenage Farm, Tib Hall Farm and a collection of property at Bodymoor Green (respectively 400, 300 and 500 metres away). The southern edge of Kingsbury is 600 metres to the west and the Hurley Recreation Ground is 100 metres to the east on the other side of Brick Kiln Lane.
- 2.2 The site is in open countryside with the Rifle Range to the west as well as the Birmingham-Derby Rail line set on an embankment. The site itself slopes northeast/southwest in line with the general topography of the land and has a fall of around 30 metres. It presently comprises two large arable fields with some hedgerow remnants and trees dotted throughout the site. There are more substantial hedgerows along the southern and south-eastern boundaries as well as along Brick Kiln Lane.

- 2.3 A public footpath – the T56 – crosses east/west over the site from Camp Farm to the southern edge of the Rifle Range and a second – the T55 - runs alongside the north-western boundary of the site adjoining the Rifle Range and running up to Old Rail Farm further to the north. A general location map with the footpaths is at Appendix B.

3. The Proposals

- 3.1 This is for a solar PV array with an installed capacity of 49.9 MW, together with a battery storage area with a capacity of 50 MW. It is said that the site would generate enough electricity to power around 25,000 homes. It is proposed to arrange the panels so as to re-instate the historic field pattern thus adding in new hedgerow and tree planting along those former field boundaries and their margins. The typical height of the panels would be 2.8 metres and these would be fixed into the ground by poles piled into the land. Other infrastructure includes inverters, transformers, a private substation and cabling. The fourteen inverters are to be located within the centre of the panel arrays – each some 6 metres by 3 metres and 3 metres high. The Substation compound housing the switching gear and transformers would be some 50 metres by 12 metres with the tallest elements at six metres tall. It would be bounded by a 2.5 metre tall palisade fence. A brick and tile control building would be 25 metres by 7.5 metres and 5 metres to its ridge. The Battery Storage System (BESS) will comprise some fourteen steel containers, each being 15 metres by 3 metres and 3 metres high and will have a capacity of 50 MW. The Battery Storage System, the substation and the control building would all be located together in a compound towards the far south-western edge of the site. A hedge is proposed to be planted around the BESS.
- 3.2 A post and wire deer fence – two metres tall would be erected around the perimeter of the site with CCTV cameras mounted on 3 metre wooden poles at 50 to 100 metre intervals. A new construction and operational access for the site will be provided off Knowle Hill around 110 metres west of its junction with the access track that leads to Camp Farm. This would be six metres wide with a bell-mouth design. A secondary access from Camp Farm would also be used.
- 3.3 The footpath that runs through the centre of the site would be diverted around the southern perimeter of the site and this would be widened to 10 metres and would be enclosed by hedging.
- 3.4 Landscape mitigation measures proposed include 4km of new native hedgerows running along the southern boundary of the site and sub-dividing the existing large field at the western end of the site together with a 1.2 km long belt of woodland to the southern boundary. This landscaping includes the provision of hedgerow around the BESS to reduce its visual impact. Further tree planting would take place alongside existing hedgerows and additionally the field to the west of Brick Kiln Lane and the site would become a native-species meadow suitable as mitigation for skylark displacement (equating to 10.8 hectares). A corridor of land within the site at its western end would become pasture that would be "wet meadowland".

- 3.5 It is estimated that construction would take 16 to 20 weeks - with 10 HGV movements a day averaging over that period – and working hours being 0800 to 1800 on weekdays and 0800 to 1300 hours on Saturdays.
- 3.6 The proposed development is designed to operate for forty years, with decommissioning and return to agricultural land.
- 3.7 A plan illustrating the general layout as well as plans showing the various buildings and structures are at Appendices C to O. An indicative landscape mitigation and enhancement plan is shown at Appendix P.

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), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management) and LP35 (Renewable Energy)

5. Other Material Planning Considerations

The National Planning Policy Framework 2024 – (the "NNPF")
 National Planning Practice Guidance – (the "NPPG")
 Climate Change Act 2008 and the 2019 Addendum
 UK Solar PV Strategy 2014
 Clean Growth Strategy 2017
 Energy Security Strategy 2022
 UK 25 Year Environment Plan 2018
 National Planning Statement for Energy – EN1
 National Planning Statement for Renewable Energy Infrastructure – EN3
 Clean Power 2030 Advice on achieving clean power by 2030 - National Electricity Transmission System Operator (NESO)
 North Warwickshire Landscape Character Assessment 2010
 Coventry and Warwickshire Green Belt Study 2016
 The Kingsbury Conservation Area Designation Report.

6. Consultations

Warwickshire County Council as Highway Authority – Objection
 Warwickshire County Council as Lead Local Flood Authority – Objection.
 Warwickshire County Council Ecology - Objection
 Warwickshire County Council Archaeology – No objections subject to conditions
 Warwickshire County Council Trees – No objection subject to conditions
 Warwickshire Fire and Rescue Service - No objection subject to conditions
 Warwickshire Police – No objections subject to Informatives.
 Warwickshire County Council Footpath – No objection
 Ramblers Association – No objection in terms of footpath diversion, objection on Green Belt grounds
 Historic England – No comments
 NWBC Environmental Health Officer – No objections subject to conditions
 The Coal Authority – Standing advice
 Cadent – No objection subject to an informative

5d/52

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7. Representations

7.1 Kingsbury Parish Council objects on the following grounds:

- The development is on Green Belt, which should only be altered in exceptional circumstances and not in response to a planning application.
- This application is not considered an exceptional circumstance.
- The location of this proposal is situated on land higher than the surrounding countryside and coupled with the height of the solar panels, perimeter fencing and CCTV masts will blight the landscape and will have considerable impact on the spatial and openness of the countryside.
- The size of proposed development will be disproportionate to the size of Hurley and will have a significant detrimental impact on the lives of the residents regardless of screening.
- No visual image of the completed site displaying perimeter fencing and CCTV masts has been produced.
- This land is suitable for agricultural use (eg sheep grazing) and should not be sacrificed for solar energy.
- Flood could be worsened by the proposal.
- The impact of HGV accessing the site which have weight considerations and low bridges should be considered.

7.2 Fifty-seven letters of objections have been received raising the following matters:

- Loss of Best and Most Versatile (BMC) Agricultural Land.
- Loss of 75 hectares of agricultural land is significant.
- Loss of good agricultural land.
- Council should carry out the verification of the agricultural land information.
- The MAFF (now DEFRA) 1983 land classification shows land is Grade 2 agricultural land. The applicant's consultant now claims it is 3b with no explanation of the change.
- Food security should be prioritised above energy provision.
- Detrimental change to the landscape, will have detrimental negative impact on the area.
- Experiencing significant disruptions from HS2 in the wider surrounding. If this solar farm proceeds, the cumulative impact would be overwhelming.
- There has been an increase in local wildlife since the commencement of HS2, and further development could continue to fragment and destruct natural habitats.
- The development site provides important breeding habitat for skylarks, (amongst other documented and witnessed wildlife), with the area currently supporting 8 pairs of skylarks. The proposed development would result in the loss of breeding habitat for these and potentially other species.
- Diverting the public footpath to avoid frequently flooded areas would be beneficial.
- New pipeline for the Grand Union Canal transfer may have an impact on the proposal.
- The proposed hedgerows will take years to mature enough to effectively screen the solar farm installation. In the interim, members of the public will still be able to

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see security fencing, CCTV, transformers, solar panels, and other associated infrastructure until the hedges reach a reasonable height.

- The installation of high-security fencing and planting will enclose parts of the routes, transforming them into corridors that detract from the visual amenity of these cherished walking paths.
- It will lead to industrialisation of the countryside.
- Nature of slope and size of the scheme means that it will be visible.
- Any glare, particularly when the panels are wet, will draw attention to the installation and impact walkers navigating the pathways.
- Should have been better engagement with residents.
- How is the solar farm decommissioned.
- UK Solar PV Strategy, proposals should prioritise appropriate siting and consideration of landscape and local amenity impacts. We fear this development does not meet these criteria.
- Do not believe that the enclosed diverted path will provide a similar experience to the wide-open views currently experienced.
- The 10m wide public footpath would give access to off-road bikes.
- Many birds and wildlife in the area which will be impacted on.
- Hares are on the site. They range over Camp Farm, Old Rail Farm, Waste Farm as well as the MoD range
- Flooding situation will worsen with the development.
- Does not take into account downstream effects of flooding.
- Concerns regarding the ambient noise level increase from the battery storage and inverters, cannot see any clear indication of the level of increase in ambient noise that will occur in Brick Kiln Lane.
- Previously unsuitable for development.
- Size of site under 50MW is such that it is not considered to outweigh the harms of the current agricultural benefit of the land.
- The loss of long open views surrounded by development makes it more important to retain this land.
- The open aspect of the site does not require absorbing into the nearby infrastructure. It needs to retain its' open aspect and vistas.
- The Battery storage (2700 square metres) is an industrial building that should be on an industrial estate.
- No route has been agreed for National Grid cabling and access to it has not been shown.
- There are other suitable large local areas include Daw Mill Colliery site, large warehouse industrial developments and sand and gravel excavation backfill surrounding Lea Marston and Tame Valley.
- The site is visible from the N, NE, and NW and parts of Kingsbury including the adjoining roads. The PROW now has open views which will be lost.
- The fact that the surrounding area contains large areas of infrastructure is not a reason for further development of the remaining open farmland.
- Already solar farm, one at Merevale and one approved in Lea Marston.
- Concern glint and glare to Birmingham Airport and to drivers.
- There are possible road safety issues at the entrance of the site in question.
- The construction traffic of 10 HGVs with 45 HGVs per day at peak.
- Number of weight limitations and a bridge restrict HGVs in the area.
- Fire risk close to fire range and oil terminal.

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- Area blighted by solar farm and the size of the solar farm will dwarf the surrounding villages of Hurley and Hurley Common.
- Devaluation of properties by the position of the solar farm.
- The village will get no benefit from the proposed development.
- 2.4 metre high perimeter fencing directly next to Knowle Hill will make it look like a secure unit.
- The solar panels up to 3m in height will still be seen above the hedges.
- The lighting will make the scheme much more visible.
- Flawed climate science of solar panels.
- Alternative site assessment is flawed based on profit rather than impact on countryside.
- There is precedent of the refusal of the Fillongley Solar Farm as inappropriate development.
- Grey belt should not affect any assessment.
- Put solar panels on houses rather than on fields spoiling people's views.
- Opposed as it's not a community energy project which would see lower bills and benefits to the area.
- The extended footpath will reduce tourist walkers using the area and therefore reduce tourists.
- The electricity panels will be targets for terrorism or war.
- Radiation and contamination risks if there is a leak from the panels.

7.3 A letter of comment has also been received.

- Impact of climate change is real and a balance between food security and energy security is required. An informed decision on facts should be made.

7.4 A letter of support has been received.

- This is just what our community needs in order to meet climate targets, begin reversing climate damage of the past and ensuring new generations have clean and renewable energy.
- It seems the drainage concerns have been comprehensively assessed and addressed, with plans in place to mitigate any potential flooding risks there may be post project

8. Observations

a) The Green Belt

8.1. The site lies wholly within the Green Belt.

8.2. In these circumstances, Members will be aware that inappropriate development within the Green Belt, is harmful by definition to the Green Belt, and should not be approved except in very special circumstances. Such 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. The NPPF provides definitions for when development might be inappropriate.

- 8.3 As a consequence, Members are first advised that the initial assessment in this case is to establish if this particular proposal is inappropriate or not. If found to be inappropriate development, then the planning balance as set out in paragraph 8.2 will have to be assessed. If found to be not inappropriate, then by definition it is not harmful to the Green Belt and thus there is no scope for a Green Belt refusal. The determination in these circumstances would be as for any non-Green Belt development.

b) Inappropriate or not Inappropriate Development In the Green Belt

- 8.4 The changes to the NPPF in late 2024 introduced the concept of "grey belt land" within the Green Belt. In certain circumstances, development is defined in the NPPF as being not inappropriate, if it "utilises grey belt land". The initial assessment therefore is to establish whether the application site is grey belt land or not, as the consequential assessment as to whether the development is inappropriate or not inappropriate differs as to whether it is or not.
- 8.5 The NPPF provides a definition of "grey belt". The first consideration is whether the site is previously developed land (PDL) or not. The NPPF provides a definition, and that is made up of several elements. In this instance the site is agricultural land and it could not be agreed that it is PDL. Notwithstanding this conclusion, whether the site is PDL or not, it would certainly be "other land" within the grey belt definition, and thus it is necessary to assess whether the site, whether PDL or not, satisfies the remaining conditions under the definition. The next condition is whether the land does or does not "strongly contribute to any of purposes (a), (b) or (d) of including land within the Green Belt" as set out in paragraph 143 of the NPPF. This paragraph defines the five purposes of including land within the Green Belt. They are:
- 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.
- 8.6 Hence an assessment has to be made as to whether the land "strongly" contributes to purposes (a), (b) and (d).
- 8.7 There is no definition of "sprawl" in the NPPF. Advice however on how to assess the matter of whether a site "strongly contributes to the purposes" is set out in the PPG. In regard to purpose (a), the PPG is clear that this purpose relates to the sprawl of large built-up areas and thus villages are not to be considered to be large built-up areas. Sites that strongly contribute to purpose (a) are likely to be free from existing development and lack physical features in reasonable proximity, that could restrict and contain development. They are likely to be near larger built-up areas. In this instance, the nearest large built-up areas are Birmingham, Solihull and Sutton Coldfield. Additionally, the proposal is reversible – although with a lengthy time period of up to 40 years and it is small in comparison with the Green Belt as a whole. The site is considered to serve a weak contribution to checking the unrestricted sprawl of larger built-up areas as

there is open land between it and all of these areas with railways and motorway corridors in between. In these circumstances, the site is not considered to "strongly" provide protection from urban sprawl.

- 8.8 The point of purpose (b) is to maintain a clear physical separation between neighbouring towns in order to preserve the distinct identity and character of the individual towns. The PPG states this purpose relates to the merging of towns, not villages, so not Hurley and Kingsbury which are both defined as villages not town. Sites that strongly contribute to purpose (b) are likely to form a substantial part of a gap between towns and its development would likely result in the loss of the visual separation of large built-up areas. This is not the case here and as indicated above, the development is reversible, not being permanent and although the site is 75 hectares it is not on the edge of a town. The site is therefore considered to serve a weak contribution in maintaining a clear physical separation between neighbouring towns.
- 8.9 Finally, with regards to purpose (d), sites that strongly contribute to purpose (d) are likely to form part of the setting of the historic town and make a considerable contribution to the special character of a historic town. This could be as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town. The site does not form part of the setting of an historic town, and it does not have any visual, physical or experimental connection to one. Therefore, the site is considered to serve a weak contribution to preserving the setting and special character of historic towns either.
- 8.10 It is thus considered that this site does not strongly contribute to these three purposes.
- 8.11 The final condition, is that a site is not grey belt land, where the application of the policies relating to the areas or assets in footnote 7 of the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development. The assets referred to relate to habitat sites and/or designated as Sites of Special Scientific Interest, Local Green Space, National Landscape, a National Park, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change. In this case, none of these would be applicable to the site. As such, the application of policies listed at footnote 7 would not give a strong reason for refusing or restricting development here and thus the land is not excluded from being grey belt.
- 8.12 The overall conclusion from the above assessment is that the application site is "grey belt" land within the Green Belt.
- 8.13 As indicated above in paragraph 8.4, there is a different assessment to be undertaken as to whether development which is on grey belt land is inappropriate or not, than for non-grey belt land. That assessment is to be made under paragraph 155 of the NPPF and all four of the conditions have to be satisfied if the development is to be found to be not inappropriate.

- 8.14 The first condition of paragraph 155 is that "the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the Plan". Here therefore, it is necessary to assess whether the five purposes of including land within the Green Belt taken as whole – as per paragraph 8.6 – would be fundamentally undermined across the whole of the remaining Green Belt throughout the Borough. This condition therefore introduces purposes (c) and (e) in order that the Green Belt is looked at as a whole. It is considered that the proposal does not conflict with purpose (c). It is agreed that there would be some encroachment onto countryside, but it would be difficult to argue that the development of the site itself would affect the ability of the remaining Green Belt across the area to function and to serve all five purposes when taken together in a meaningful way. Moreover the harm caused is not permanent.
- 8.15 Little weight is attached to purpose (e) in this case. It is in all of these circumstances that it is considered that when taken together across the whole of North Warwickshire's Green Belt, the development of this site would not "fundamentally undermine" the five purposes of including land within the Green Belt.
- 8.16 The second condition is "that there is a demonstrable unmet need for the type of development proposed". This is acknowledged as it has been in all of the proposals submitted for renewable energy projects in the Borough. The evidence base for this is set out by the applicant indicating that there is a local and national need for the installation of sources of renewable energy. The UK has committed to meeting a legally binding target of net-zero carbon emissions by 2050. This requires major investment in proven technologies, such as solar, which are supported by planning policy at local and national level. For this site, the clean energy generated will save on average 21,000 tonnes of carbon dioxide (CO₂) per year, which adds up to over 800,000 tonnes of CO₂ over the next 40 years (the design life of the solar farm). Adding to this the site selection process undertaken to consider the site provides evidence to indicate the need for the development.
- 8.17 National Electricity Transmission System Operator (NESO) recently published Clean Power 2030 Advice on achieving clean power by 2030. The "clean power pathway", sees a four-to-fivefold increase in demand flexibility with, amongst other things, an increase in grid connected battery storage from 5GW to over 22GW and solar from 15GW to 47 GW. NESO predicts that unprecedented volumes of clean energy infrastructure projects are needed to meet the Government's energy ambitions. Whilst the NESO report is not government policy or has the same status as the NPPF, it does provide supporting context for decision making.
- 8.18 The NPPF at paragraph 161 indicates that the planning system should support the transition to a low carbon future and support, amongst other things renewable and low carbon energy and associated infrastructure. Given the context provided by The National Energy Statements and NESO, it is clear that the solar farm is much needed development. One of the constraints to the early development of renewable and low carbon energy and associated infrastructure was the ability to access the local grid. In some places, notwithstanding the appetite to develop

projects, grid connections are not available until the mid to late 2030s. This project has the potential of a grid connection offer within 2028. Thus, given the imperative of mitigating climate change and achieving net-zero, this project has the ability to make an early and material contribution to the clean power pathway required to achieve net zero.

- 8.19 The third condition is that “the development would be in a sustainable location”. Whilst this is not a location within a settlement, the actual traffic movement arising once the site would be operational is around one two-way movement a day and additionally. The operational traffic generation is considered to be immaterial, and it is considered that there would be no conflict with this condition.
- 8.20 The fourth condition only applies in residential cases.
- 8.21 As a result of looking at paragraph 155, it is concluded that the three applicable conditions are all met, and thus this proposal is not inappropriate development in the Green Belt. Therefore, bringing this all together results in officers concluding that the development proposal does utilise grey belt land within the Green Belt and that in this case, that development is not inappropriate.
- 8.22 As indicated in paragraph 8.21 above, there is no Green Belt reason for refusal, if that course is to be recommended. The application is thus to be determined on whether the proposal gives rise to any adverse demonstrable impacts or harms that would outweigh the benefits of supporting the proposal as set out in paragraph 8.3 above amongst others.

c) Other harms

l) Landscape Impacts

- 8.23 Local Plan policy LP14 says that development should “look to 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”. Particular reference is made to the 2010 North Warwickshire Landscape Character Assessment.
- 8.24 A Landscape and Visual Impact Assessment describes the landscape setting of the site including the presence of residential settlements as well as the views into and around the site. The site is not in an area designated for its landscape quality. Its characteristics are best described by the North Warwickshire Landscape Character Assessment 2010 – the site being in the Wood End to Whitacre (Upper Tame Valley Uplands) Character Area. This identifies the main landscape features as being undulating farmland, small valleys and smaller irregular fields with good hedgerow structure and trees. These features are largely absent from the site which is indicative of the loss of landscape features and its diminished condition, resulting in a “featureless” site much affected through the removal of hedgerow field boundaries and agricultural intensification. It lies broadly on a west facing slope towards the River Tame with intervening topography and development limiting views from the Kingsbury Area, but there are open views westwards across the Tame Valley with an increase in the

number and nature of urban influences. There is a small ridge running east/west across the site limiting views of the bulk of the site from Hurley Common. The removal of the easternmost field adjacent to Brick Kiln Lane substantially limits views from residential property here.

- 8.25 Deciduous woodland at Kingsbury Wood screens views towards the site from Wood End located to the north. Visibility of the site from the north-west is broadly limited due to the boundary vegetation along Piccadilly Way. Views from the south-west (along the B4098 and from residential properties near Crow Hall) and south (Knowle Hill) are more open, with remanent woodland providing partial screening. Views from the east (from the residential area of Hurley Common, Brickkiln Lane and Heanley Lane) are shortened by the rising landform and scattered vegetation with the main visible part of the site being used for skylark mitigation. A section of the Heart of England Public Right of Way crosses the centre of the site from Camp Farm in the east to the southern boundary of the Rifle Range to the west.
- 8.26 The landscape visual assessment uses a 3km study area as a worst-case scenario informed by a Zone of Theoretical Visibility (ZTC) (Appendix R). The proposal has included a number of points of mitigation to reduce the impact of the proposal in the landscape, this includes the removal of solar panels and any infrastructure from the eastern field, this is also where the proposal skylark mitigation area would be provided. The location of the compound area containing the BESS substation and ancillary equipment at the lowest point of the site to reduce its prominence in the landscape. Hedging has been provided around this area to reduce its prominence. The proposal includes the diversion of the public right of way to the southern perimeter of the site to run alongside belts of new native woodlands and hedgerows.
- 8.27 In terms of the proposed landscape mitigation this includes the provision of 4km of new native hedgerow around the periphery of the site and within the site. This includes the restoration of the former small scale field pattern prior to its removal due to the intensification of the site for agricultural. A new native woodland belt around the southern edge of the Site, to run along the diverted PRoW and offer additional, taller screening and reduce views from Knowle Hill and areas to the south. New native trees to be located at frequent intervals along the existing and proposed hedgerows, which will increase biodiversity value, enhance landscape condition and reflect valued characteristics of the more intact rural landscapes of the west and south. A new area of native scrub, which will improve the green infrastructure connections between the southern site boundary and the existing woodland (and SINC) at Kingsbury Range. Native species-rich meadows along field margins and within the eastern field, the latter as part of a skylark mitigation area. These will enhance landscape condition and provide a considerable increase in biodiversity relative to the existing intensive farmland.

- 8.28 The applicant has provided visualisations of the proposed development indicating the impact of the development within different timescales, these provide good evidence of the impact of the proposal on the landscape. These are provided at Appendix Q. From this it is shown that there will be times where the development will be visible, however these panels and infrastructure will usually be seen against the backdrop of open countryside and hedging which will help frame the development help ameliorate the landscape harm.
- 8.29 It cannot be argued that the development would not be visible within the general vicinity of the area. There will only be elements of the development that will be visible due to the limited height and scale of the scheme. The harm to the landscape is acknowledged it has moderate to limited harm with views of the solar farm being mostly obscured by the existing topography of the land and vegetation. The resultant cumulative effect on the landscape character is of moderate significance within the immediate setting due to the size of the scheme, this would be for a temporary period of time only too.
- 8.30 In terms of any cumulative harms from development close to the site, there is limited intervisibility from the site to HS2 or other approved larger schemes. The intervening railway line and roads limit the impact of cumulative harm. The applicant have provided plans indicating this relationship. It is acknowledged that there would be no cumulative landscape impact when considered alongside recent planning permissions for similar proposals given the lack of inter-visibility between them and the separation distances. This is indicated in Appendix R which shows significant development in the vicinity of the site.
- 8.31 In landscape terms, it is considered that there will be moderate landscape harm created by the development with the mitigation proposed. It is agreed that the extensive landscape mitigation proposed to be incorporated into the development will, lead to a significant improvement in landscape condition and quality. Their impact will particularly lead to mitigating any adverse effects and any landscape impact reduces rapidly with increased distance from the site.
- 8.32 In all of these circumstances, the proposal would not wholly satisfy Local Plan policies LP1, LP14 and LP30 as the landscape character would not be conserved or enhanced and the proposal would not integrate or harmonise well with its surroundings. This means that paragraph 187 of the NPPF is also neither satisfied. However, the degree of non-compliance is considered to be limited/moderate.

II) Visual Impacts

- 8.33 Local Plan policy LP1 says that all proposals must demonstrate a high quality of sustainable design that positively improves the environmental quality of an area. Policy LP30 says that all proposals should harmonise with both the immediate setting and wider surroundings.

- 8.34 In visual terms there will be adverse impacts for footpath users – even with the footpath diversion – from drivers using Knowle Hill and from properties on the more elevated ground to the south. However, these will all reduce as the landscape mitigation measures become established. Significantly, the removal of the eastern field at Brickkiln Lane is a major benefit.
- 8.35 Visually, the proposal would introduce an urbanised development into this location which still displays a rural and countryside appearance. It would not positively improve the environmental quality of the area or harmonise with the immediate setting or surroundings. The visual impact would thus be adverse. However, given the size of the development and its overall “low” height, the degree of harm caused would not be significant. When neighbouring development is added into the assessment of visual harm, together with the landscape mitigation proposed, the reversibility of the proposal, the limited number of residential receptors and the transitory nature of that impact by road and footpath users, the overall level of harm is considered to be “local” in extent and thus moderately harmful. As such there would be limited conflict with policies LP1 and LP30.

III) Ecology

- 8.36 In respect of ecology, Local Plan policy LP16 seeks to protect and enhance the natural environment and to provide net gains for biodiversity where possible, reflecting the wording of the NPPF at paragraph 187. The passing of the Environment Act 2021 brings a mandatory condition for most development to achieve a 10% biodiversity net gain, however this application was submitted prior to the introduction of the consequential Regulations and thus an overall net gain is required – not necessarily over 10%.
- 8.37 An Ecological Assessment of the site shows that there are no designated sites within it, but that the Rifle Range is of local wildlife interest. The overall habitat value is low being arable land with limited hedgerow and tree cover and no traces of protected species were found on site or nearby. The Assessment concludes that the landscape mitigation measures proposed here will result in a beneficial impact in terms of hedgerow and tree re-instatement and enhancement. Additionally, the new “wet meadow” will be of value and the mitigation being proposed at the eastern end of the site with the skylark meadow will be sufficient to compensate the loss of displaced nesting areas. Overall, the proposals would result in a 47% increase in habitat units, a 214% increase in hedgerow units and a 15% watercourse gain. As such there is no conflict with the relevant Local Plan policy.

IV) Skylarks

- 8.38 Surveys have identified that the appeal site is used by skylarks. The skylark is listed as a species of principal importance under section 41 of the Natural Environment and Rural Communities Act 2006. It is also included on the red list of Birds of Conservation Concern, which identifies those species considered to be of greatest conservation concern. The British Trust for Ornithology records that the number of these birds fell precipitously from the mid-1970s, although more recently there has been a small upturn in the species' fortune.

- 8.39 The site supports an estimated eight skylark breeding territories within the site. A number of survey have been carried out, six survey visits were carried out in 2024, with the skylark breeding cycle being around 30 days a time, with several broods per breeding per season. The surveys cover the development site, the skylark mitigation area to the east, and a 50m buffer outside of the site. To ensure mitigation is provided an area of 10.8 hectares of land will be provided in the eastern field adjacent to Brickkiln Lane.
- 8.40 Whereas skylarks will continue to forage on land within solar farms, the applicant acknowledges that nesting would be displaced by the proposed development. By way of mitigation it is proposed to provide alternative habitat for breeding skylarks on land immediately to the east of the site. This mitigation would be secured by a condition to preclude development until a strategy has been approved. Warwickshire Ecology

v) Heritage

- 8.41 The site is around 500 metres from Drakenage Farm on the Tamworth Road which is a Grade II listed building and its curtilage is also a Scheduled Ancient Monument. The Local Planning Authority is statutorily required to have regard to the desirability of preserving a heritage building or its setting or any features of special architectural or historic interest it possesses. Additionally, Local Policy LP15 says that the quality, character, diversity and local distinctiveness of the historic environment is to be conserved or enhanced.
- 8.42 The application has submitted a Heritage Impact Assessment which identifies that there are no Internationally designated sites or Registered Parks or Gardens within the site, or within three kilometres of its boundary. The Kingsbury Conservation Area is about 1.2 m north-east of the site. Three Scheduled Ancient Monuments are within a three-kilometre boundary - the moated Drakenage Farm, the double moated site east of Baxterley Church and the medieval enclosure castle and post-medieval house at Kingsbury Hall. There are 50 Listed Buildings within three kilometres, of which three are Grade 2*. An additional 25 non-designated assets are within a kilometre of the site, 17 of which are of archaeological interest.
- 8.43 The Assessment concludes that there would be no harm caused to the character of the Kingsbury Conservation Area or its setting, because of there being no intervisibility due to a combination of distance and screening from intervening development. The closest of the Monuments is Drakenage Farm. Its significance arises from its historic and archaeological interest being the retention of high status domestic medieval features within a wider medieval landscape. However, its setting has been much disturbed by later agricultural practices and new development – e.g. the Range and the railway embankment. The proposal is said to protect views of the remaining setting through the landscape mitigation measures at the western end of the site. However, there could well be an impact in the construction period on that wider setting. The other two monuments are much further away and as with the Conservation Area are not considered to be affected by the proposals.

- 8.44 In respect of the Listed Buildings then there is no direct impact on their fabric or built form and thus it is an assessment of the impact on their setting that is the issue here. The Assessment deals with the assets closest to the site – Tamehurst House (on Coventry Road on the other side of the rail overbridge); Flanders Hall to the south of Knowle Hill, Atherstone House within Hurley and the Hurley and Wood End War Memorial, again in Hurley. The Assessment concludes that the setting of these assets would not be affected. Similarly, the assessment concludes that there would be no impact on the non-designated assets outside of the site. However, there are two within the site – a potential park bank being part of the earthwork remnants of a possible estate boundary in the medieval landscape and a marl pit used as a quarry for the construction of Camp Farm. These features would be removed by the development.
- 8.45 In respect of underground assets, the Assessment indicates that the site has been under agricultural use since at least the later medieval period, and it has been much affected more recently by hedge removal and ploughing. In terms of potential, the Assessment concludes that there is a low potential for unrecorded archaeology of prehistoric date, from the Roman period and post-medieval and modern periods. However, there is moderate interest in the medieval period given the monuments at Drakenage Farm and that Hurley was an established medieval settlement.
- 8.46 The Assessment concludes that overall, there would be some impact on the heritage assets here and that further targeted evaluation is needed, particularly in the Drakenage Farm area in order to establish the significance of those assets here as well as to establish a mitigation strategy.
- 8.47 It is now necessary to assess the potential archaeological impact. The County Archaeologist considers that the site lies within an area of significant archaeological potential. It is acknowledged that the site is likely to have remained predominantly in agricultural use since the medieval period, but the lack of previous fieldwork undertaken means that the potential of the site for the pre-medieval periods is unknown. As a consequence, it has been agreed with the applicant that evaluative fieldwork will be undertaken in order to establish whether there would be below ground impacts. The County Archaeologist agrees that further evaluative fieldwork can be conditioned and there is sufficient flexibility within the construction method of the development such that it will avoid the need for sub surface impacts. This approach has been agreed and could be accommodated by planning condition. As such it is not considered that substantial harm is likely to be caused.
- 8.48 The proposals do not impact on the actual fabric of the Farm or its curtilage. In this case the issue is thus whether the proposals would be likely to harm their setting. The significance of these assets lies in the retention of an original medieval agricultural manor with associated ponds and drainage features. Given the separation distances, the intervening hedgerow cover along the roads, it is considered that the significance of these assets can still be appreciated as they would still stand in isolation surrounded by open land. As such the degree of harm would be less than substantial and at the lower end of the spectrum. Even so this harm has to be placed in the final planning balance against any public benefits of the proposal that are identified.

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- 8.49 Bringing all of these matters together, it is concluded that heritage impacts taken together would cause less than substantial harm. This however does carry weight in the final planning balance as it has to be weighed against the public benefits of the proposal within that assessment

vi) Highway Impacts

- 8.50 Local Plan policy LP29 (6) says that all developments should provide safe and suitable access for all users. The NPPF says that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe – paragraph 115.
- 8.51 A Transport Statement identifies the existing access to the site as being through Camp Farm itself which would remain as a secondary access into the site. A new access off Knowle Hill is being proposed and it has been designed in line with the Highway Authority specifications for the speed limit on this road – 60mph. However, the greatest use will be over the limited construction period of up to 20 weeks with an average of 10 deliveries a day and a maximum of 45 a day. The operational period, post construction would see traffic generation fall to around one movement a day. The proposed route is via Brickkiln Lane, Hurley Common and Wood End and Trinity Road to Junction 10 of the M42. This is because of the height restriction of the rail overbridge on the Coventry Road south of Kingsbury and the length and nature of the route from there to Coleshill and its motorway connections. Overall, the assessment concludes that the proposal would satisfy both national and local highway planning policy.
- 8.52 The proposed main access to serve the site is along Knowle Hill and is 110 west of the Camp Farm House access road. The width of the main/HGV access to the site is 6 metres with 10m radii kerbs on both sides of the access. There is a second access to the site which is north of Knowle Hill Road and is served from Camp Farm House access road.
- 8.53 Warwickshire County Council have assessed the proposal and have requested that the applicant carry out a Road Safety Audit for the two accesses that looks to see whether the vehicular accesses to the site would be acceptable. Additional information has been submitted to the consultee, this details a number of points including a routing plan, further details in terms of construction traffic, swept paths and clarification on passing places however at the present time a formal response has not been received. As the highway authority has not formally responded to the details any recommendation will have to take into account their response.

vi) Drainage and Flooding Impacts

- 8.54 Local Plan policy LP33 requires water runoff from new development to be no more than the natural greenfield runoff rates and developments should hold this water back on the development site through high quality sustainable drainage arrangements which should also reduce pollution and flood risk to nearby watercourses. The NPPF at paragraph 181 says that major developments should incorporate sustainable drainage systems and that these should take account of the advice from the lead local flood authority.
- 8.55 A Flood Risk Assessment shows that the site is wholly in Flood Zone One, where there is the least risk of fluvial flooding. A small drainage channel is present at the edge of the northwestern boundary which flows away from the site through the Rifle Range towards the River Tame to the west. There are other overgrown small drainage ditches on the eastern, southern and western boundaries. Water naturally infiltrates and overland flow is towards the west where there is the lowest land in a small drainage ditch which drains into a channel within the Rifle Range. After heavy rainfall there is often standing water within this ditch. Apart from this, the Assessment concludes that there is little flood risk, but that mitigation is needed to address the surface water events at the location identified. The applicant's drainage strategy responds to this. All vulnerable plant (the Battery Storage and Substation compound) is located outside of the area most prone to this local flooding and there would be storage swales provided around its perimeter with restricted discharge rates into a pipe to the ditch. Additionally, the swales here are to be designed so as to accommodate and deal with any pollution associated with fire water run-off. Permeable surfaces are to be provided to all access tracks and other areas where the inverters are to be located. The areas under and around the panels would be put over to pasture thus reducing infiltration. A corridor of land within the site at its western end would become pasture that would be "wet meadowland" this would provide benefits in terms of both landscape as well as drainage mitigation. This is a direct consequence of the existing and surface water system and the proposed mitigation.
- 8.56 The comments received from Warwickshire County Council flood team are not fundamental to the overall project, it is agreed that the proposal would not increase flood risk through run-off. The mitigation proposed is likely to improve the access to the Public Right of Way which would be positively drained through the development. Currently, the flood team has received additional information required to overcome their objection and has not formally responded to the details, any recommendation will have to take into account their response.

vii) Agricultural Land

- 8.57 Local Plan policy LP16 says that the quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced as appropriate relative to the nature of the development proposed. The NPPF says that planning decisions should contribute to and enhance the natural and local environment, amongst other things by protecting and enhancing soils and recognising the economic and other benefits of the best and most versatile agricultural land – paragraph 187 (a and b). Where significant development of

agricultural land is demonstrated to be necessary, the NPPF also states that areas of poorer quality land should be preferred to those of higher quality. The availability of agricultural land for food production should be considered alongside other policies in the NPPF, when deciding what sites are most appropriate for development – footnote 65.

- 8.58 Natural England has published guidance in respect of solar farm development and agricultural land quality. It says that such developments would be unlikely to lead to significant permanent loss of BMV agricultural land as a resource for future generations because the development is reversible with limited soil disturbance. However, it does draw attention to the reduction in agricultural production over the whole development area during the lifetime of the development. National Planning Guidance Practice says that Local Planning Authorities should consider encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value, and where a proposal involves greenfield land, whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land.
- 8.59 The best and most versatile land ("BMV") is defined as Grades 1, 2 and 3a in the Glossary to the NPPF. An Agricultural Land Assessment submitted by the applicant's shows that 98% of the site is graded as 3b (moderate quality agricultural land) with the remainder being non-agricultural land. This would therefore not be BMV land, a number of residents have indicated that this should be assessed by the Council, as a DEFRA website indicates it is BMV land.
- 8.60 Officers have therefore sought guidance from an Agricultural Land Classification (ALC) expert to assess whether the submitted report is robust and correctly evidenced or not. Having reviewed the field data against the information available from other sources they have concluded that the survey information provides a true representation of the soils found on site. They have also confirmed that ultimately that the grading of the land by the applicant is correct and that the land is not BMV land. The reason for this conclusion is that the pre-88 mapping from DEFRA shows large proportions of the site to be Grade 2, this was done from a desk top overview of the land. These previous assessments are of strictly limited value, using an out-of-date methodology at a very small scale (low detail) level of survey. Therefore, the pre-88 ALC conclusion was carried at a time when it was not evidenced by the finer detail that is available now including on site soil assessments and topography for example. The applicant's submitted survey takes into account knowledge and experience of field soil surveys, interpretation of soil, up to date flooding information, topography and climate data. It therefore provides a much more robust evidence based assessment of the quality of the land for agricultural purposes. The proposal leads to removal of grade 3b land and therefore it would remove an area of poorer quality agricultural land rather than BMV land. This therefore meets the guidance within the NPPF.

viii) Fire Safety

- 8.61 This is not a matter that is explicitly referred to in the Local Plan or indeed the NPPF, but clearly the risk from fire arising on the site or from any other incident could impact on the residential amenity of neighbouring occupiers as well as impact on ground water discharges as a consequence of fire-fighting measures taken. It is considered that this is a material planning consideration which should be given significant weight, given the nature of the proposal.
- 8.62 A Safety Management Plan has been submitted in order to address potential fire safety risks for the Solar and Battery Storage Area. This looks at the spacing and location of the individual units; the detection and suppression systems introduced and the availability on site of water supplies for fire-fighting. It recommends consultation with the Fire and Rescue Service.
- 8.63 The applicant has submitted a Safety Management Plan with his application. As a consequence, this was the subject of full consultation with the Warwickshire Fire and Rescue Service (WFRS). The developer appears to have appraised the proposal against the National Fire Safety regulations and WFRS are happy with the information provided including water supply (the reports state that 1,900 litres for 2 hours will be provided in line with the minimum recommended by NFCC). Warwickshire Fire Service have no objection to the scheme subject to conditions and copy of their response is attached to the Appendix S.

ix) Residential Amenity

- 8.64 A Noise Impact Assessment has looked at the potential noise impact on a number of perimeter residential properties as well as on the route of the proposed footpath diversion. This concludes that the only receptor that might experience increased noise levels is the residential property at Camp Farmhouse – the landowner's property. Environmental Health have considered the impact on the proposal on residential amenity and agree that the proposal will not lead to a significant impact on adjacent residents. They recommend a condition be provided in terms of a Construction and Environmental Management Plan to protect the amenities of residents. The lack of objection from the Environmental Health Officer in respect of potential noise emission from the plant associated with the proposal is significant. This is due to the location of the main plant being in the south-west corner of the site close to the firing range and the separation distances from there to the nearest residential property.
- 8.65 Construction activities and traffic have the potential to cause problems of disturbance to local residents. The Construction Environment Management Plan would include measures to minimise any potential adverse effects, including a construction routing plan. Conditions are also proposed to control the times during which construction works would take place and the direction of close circuit television cameras.

x) Public Right of Way

- 8.66** The proposal would lead to a requirement for the Public Right of Way to be diverted (as shown in Appendix B and O). The granting of planning permission does not give authority to divert or stop up a footpath or bridleway. The diversion or stopping up of footpaths and bridleways is a separate process which must be carried out before the paths are affected by the development. Proposals for the development of land affecting public rights of way give rise to two matters of particular concern: the need for adequate consideration of the rights of way before the decision on the planning application is taken and the need, once planning permission has been granted, for the right of way to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed.
- 8.67** As part of the application both the Ramblers Association and Warwickshire Public rights of Way have been consulted. Neither have objections in principle to the potential diversion. The proposal indicates an alternative route and diversion for the footpath which has its benefits in terms of drawing pedestrians and users round the solar farm, this will lead to longer route. However, the diverted footpath will benefit from a segregated route that does not flood. Also, the redirected footpath must ensure that the users would not be compromised by the proposal, a number of comments have been raised by residents, however there are no fundamental objections as the footpath would be better used than it currently is.

xi) Other Matters

- 8.68** A Glint and Glare Assessment looked at residential, road and rail receptors within a kilometre of the site's boundary. Once mitigation takes place in respect of the landscape mitigation strategy and provision of hedgerows, the Assessment found that there would be no adverse solar reflections at any of these receptors. Additionally, there would be no impact in respect of aviation. The Assessment stresses that mitigation is very necessary for those residential receptors at Camp Farm, Drakenage Farm and at the Hurley Recreation Ground and for road receptors using Knowle Hill. The Assessment concludes that there would be no adverse impacts. There has been no response from Birmingham Airport to the proposal and no comments from Warwickshire Highways in respect of Glint and Glare from the solar farm. It is not considered that there would a harmful effect from lint or glare arising from the proposals.
- 8.69** An Arboricultural Assessment found there to be 91 trees across the site of which 52 were of high and medium quality including three Veteran Trees. There are no trees protected by Order and there are no Ancient Woodlands on or adjoining the site, although the woodland within the Rifle Range and bounding its south-eastern side is identified as a priority habitat woodland. None of the high and medium quality trees are proposed for removal and the only hedgerow to be removed is that needed to construct the new access. The Assessment concludes that these removals will be significantly mitigated by the range and scale of the new planting. Warwickshire Trees have no objection to the scheme subject to a condition in response to an arboricultural method statement.

- 8.70 Residents have raised the issue of the Grand Union Canal pipeline that may cross the site, which would be determined as a Nationally Significant Infrastructure Project, however the route of this is not yet finalised. No application has been submitted and applicant has already engaged with the project. It may be necessary to change the alignment of the solar array if necessary. There is neither an objection from Cadent as there is sufficient open land left either side of the pipeline that crosses the site to provide the necessary easement for maintenance purposes

c) The Harm Side of the Planning Balance

- 8.71 From the above, it can be seen that the harm side of the planning balance here comprises the moderate landscape and visual harms as well as the less than substantial heritage harm.

d) The Applicant's Planning Considerations

- 8.72 A Planning Statement is submitted which draws together the conclusions reached above and considers places them into a planning policy context referring to the Development Plan as well as to the NPPF and to National Energy Policy. It also addresses the potential impact on the Green Belt,
- 8.73 The applicant puts forward his considerations in support of the proposal. The most significant consideration put forward by the applicant relates to the need to increase renewable energy generation and to ensure the security of its supply. The UK has committed to meeting a legally binding target of net-zero carbon emissions by 2050. This requires major investment in proven technologies, such as solar, which are supported by planning policy at local and national level. The Applicant anticipates that the Proposed Development will supply the electricity needs of approximately 25,000 homes a year, covering an area over 40 times the size of Hurley. The clean energy generated will save on average 21,000 tonnes of carbon dioxide (CO₂) per year, which adds up to over 800,000 tonnes of CO₂ over the next 40 years (the design life of the solar farm).
- 8.74 The applicant then indicates that the proposal includes the robust site selection process which identified this land was within 6.25km of an available grid connection. That is the availability of and proximity to a grid connection. Access to the local grid is the biggest constraint facing the alternative energy supply and associated infrastructure industries. Sites need to be located close to a point of connection (POC) to the grid, so as to minimise the loss of energy during transmission and the grid must have capacity to absorb the electricity discharged at times of peak demand. The intended point of connection to the grid is some 4km from the site and then by existing underground cable to the Hams Hall sub-station. The applicant discounted a number of other sites for environmental and planning reasons, including existing woodlands, HS2, designated sites for nature conservation, public open space, flooding, scheduled Monuments. A list of environmental "amber" constraints ruled out sites within 100 metres of developed areas, 150m from any listed buildings and within historic landfill areas. This site was identified as the least environmentally constrained and has the lowest visual impact on the existing surrounding area and has a viable grid connection. This assessment provides a robust "alternative site assessment" which provides

added weight to its consideration. The position of the Hams Hall grid connection does mean that the majority of solar sites in the area would have to be within Green Belt in the vicinity of Hams Hall.

- 8.75 The statement of circumstances acknowledges that the proposal is within Green Belt and initially concluded that there would be a limited spatial and visual impact on the openness of the Green Belt here adding that there would be negligible activity associated with the development after construction and that it would be de-commissioned and removed after forty years. Moreover, it concludes that, whilst the development would alter the appearance and character of the site, its limited life-span and additional landscape planting would mean that there would be no conflict with the third purpose of including land within the Green Belt, namely "safeguarding the countryside from encroachment". The Statement thus concludes that there would at most, be limited harm to the openness of the Green Belt.
- 8.76 The Statement then identifies the planning considerations which are cumulatively said to clearly outweigh the total weight of any harms that have been identified. These are the recognised requirement for renewable energy generation; there is a confirmed point of connection to the National Grid at Hams Hall, the overall impact on openness and landscape character is minor, and significant. These are said to clearly outweigh the harm caused thus amounting to the very special circumstances necessary to support the proposal.
- 8.77 The applicant has submitted further details taking into account "grey belt" changes to the NPPF, and this echoes the conclusion at paragraphs 8.21 and 8.22 of this report in that the development would not be inappropriate development.
- 8.78 Saying this, the context of paragraph 160 of the NPPF should also be considered. This indicates that "when located in Green Belt, elements of many renewables energy projects will comprise inappropriate development". However it continues by saying that "very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources". Local Plan policy LP35 which says that "renewable energy projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them". It is considered that this is the case here. Even if the Board found the proposal to be inappropriate development, that does not lead to a refusal. The harms caused still need to be balanced against the benefits. Here the harms found are moderate at most whereas the benefits are significant. As such the benefits are considered to clearly outweigh the harms. As a consequence of all of these matters, it is considered that this overall consideration carries substantial weight.
- 8.79 Paragraph 8.49 requires an assessment of any harm to heritage assets to comply with paragraph 215 of the NPPF. In this instance it is considered that there is less than substantial heritage harm and that it is at the lower end of that spectrum. However it is considered that the public benefits of the solar and battery energy storage do outweigh this level of harm.

e) Planning Balance

- 8.80 The final planning balance is thus coming to a planning judgement on whether the weight to be given to the applicant's case, as set out above in paragraph 8.73-8 above, outweighs the cumulative weight of the harms identified in paragraph 8.71. Whilst there is conflict with certain provisions in terms of landscape and visual amenity, the proposal is consistent with important policies which support infrastructure development, and complies with policy provisions concerning nature conservation, economic growth and heritage asset. Officers consider that the proposed development would comply with the Development Plan when considered as a whole.
- 8.81 The harm to landscape character and visual amenity, are factors which carry limited to moderate weight. The other side of the balance carries substantial weight. As such it does appear that there is a difference here in support of the proposal.
- 8.82 However, it is necessary to "test" this conclusion over one matter – the overall content of Local Plan policy LP35 on Renewable Energy. This policy indicates that the proposal will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. Individually and cumulatively heritage, residential amenity, nature and landscape issues are all factors which have been taken into account through the consideration of the application and as such it is considered that the proposal does respect the landscape and communities to accommodate them. As such there is no conflict with the policy. Overall, in the planning balance falls on the side of supporting the application. This conclusion is based on the assumption that there are no adverse comments received from Warwickshire County Council highways, flooding and ecology.
- 8.83 In this instance the proposal is considered to be not inappropriate and therefore it is considered that if the Board resolves to approve this application.

Recommendation

That planning permission be **GRANTED** subject to no adverse comments from outstanding consultees that cannot be dealt with by condition and the following condition:

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

REASON

To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered:

Figure 4.1 Site location plan
Figure 4.2 Proposed Development Cross Sections
Figure 4.3 Solar Panels Elevations
Figure 4.4 Solar Array Boundary Fence
Figure 4.5 Access Gate Elevations
Figure 4.6 CCTV Security Camera Elevation
Figure 4.7 Substation Fence
Figure 4.8 Proposed Control Building Elevations
Figure 4.9 MV Station Elevation
Figure 4.10 BESS Plan and Elevation
Figure 4.11 Internal Access/Peripheral Track Cross-Section
Figure 4.12 132KV Substation
Camp_Farm_Solar_Layout revised_17-06-2025

REASON

To define the permission

Defining Conditions

3. The energy output of the solar site and storage capacity of the development hereby approved shall not exceed 49.9MW and 50MW respectively.

REASON

In order to define the scale of the development. To provide certainty, and in accordance with the scale of the development for which permission is sought.

4. 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 this date shall be provided in writing to the Local Planning Authority within seven days after this event.

REASON

In order to confirm that this permission is for a temporary period only and so as to define the extent and scope of the development.

5. If the development hereby permitted ceases to operate for a continuous period of twelve months, or at the end of the 40-year period referred to in condition 4, then a scheme for the de-commissioning and removal of the development 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 all of the solar panels and battery storage structures including all CCTV cameras and poles, switch gear, access tracks, security lighting, fences, lights and associated buildings, plant and equipment together with all surface 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,

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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 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 biodiversity improvements approved under this permission shall be excluded from this condition.

REASON

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

6. The scheme as agreed in writing by the Local Planning Authority under condition 5 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 4, 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

7. Notwithstanding the approved plans defined 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, and hard surfaces 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.

8. Notwithstanding the submitted details, no works, site clearance 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 to be installed prior to construction works first starting on site and to be maintained for the duration of the construction period.

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. Local Plan policy LP35 applies here as well as Local Plan policy LP16 (Natural Environment) on the need to retain the importance of the natural environment.

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9. No external lighting shall be erected/used on site unless details of that lighting, along with ecological justification, have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the residential amenity of neighbouring occupiers and to protect landscape character and ecology.

10. Notwithstanding the plans approved under condition 2, no development shall commence on site until full details and specifications for the landscaping of the whole site have first been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i) Schedules of plants/seed mixes, including planting sizes and proposed numbers/densities.
- ii) The method of cultivation and planting.
- iii) Means of protection for plants.
- iv) Written specifications for establishment of planting and habitat creation.
- v) Details for stopping up existing gaps in hedgerows with planting.

Planting and seeding shall be undertaken within the first available planting season following the completion of construction works, and in accordance with a scheme which has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. The developer shall notify the Local Planning Authority in writing of the date when planting and seeding has been completed.

REASON

To protect the character and appearance of the area, and to enhance biodiversity. In the interests of the visual amenities of the area.

11. No development shall take place until a landscape maintenance plan, requiring the maintenance and replacement of planting for a period of at least 10 years from completion of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The landscape maintenance plan shall be implemented as approved.

REASON

To protect the character and appearance of the area, and to enhance biodiversity.

12.No development shall take place until a scheme setting out the measures which shall be undertaken to facilitate sustainable agricultural use (including the potential of sheep or goat grazing) between the solar arrays, including grass sward specification and potential stocking type and density, and including timescales for monitoring and reporting for the duration of the operational life of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, and confirmation that the approved measures are being implemented shall be provided to the Local Planning Authority upon prior written request.

REASON

To ensure that the site continues to be used for agriculture. In the interests of maintaining the agricultural use of the land during the lifetime of the development and thus in accord with para 187 (a) of the NPPF 2024.

13.No development shall take place until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work 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 approved WSI has been undertaken. 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 planning authority.
 - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.
- The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

REASON

To ensure the recording of items of archaeological interest and their preservation in situ where appropriate.

14. No development shall take place until a skylark mitigation strategy has been submitted to, and approved in writing by, the Local Planning Authority. The skylark mitigation strategy shall follow the principles set out in the LEMP and recommendations within the Breeding Bird Survey Report dated June 2024, and shall include:

- i) Identification of the areas for the implementation of mitigation.
- ii) Details of how the areas will be managed.
- iii) Arrangements to secure the delivery of proposed measures, including a timetable of delivery.
- iv) Monitoring for periods of not less than 5 years.
- v) The inclusion of a feedback mechanism to the Local Planning Authority before the end of the first 5 years period, allowing for the alteration of working methods and management prescriptions, in accordance with the results of the monitoring process.
- vi) Identification of persons responsible for implementing the strategy.

REASON

To provide alternative foraging and nesting opportunities for skylarks displaced by the development.

15. The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation including any piling operations;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc; and
- x. Details of Construction hours which shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

REASON

In the interest of the amenity of the area.

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16. No development shall commence on site until a detailed Fire Risk Management Plan (FRMP) to show how fire risk is to be minimised at the site during construction, operation and decommissioning of the battery storage system, has first been submitted to and approved in writing by the Local Planning Authority. The FRMP shall also include details of the measures and procedures that will be in place in the event of a fire. The approved FRMP shall remain in place at all times throughout the construction, operational and decommissioning periods as approved under conditions 4, 5 and 6 above.

REASON

In the interests of public safety.

Pre-Operational Use Conditions

17. There shall be no commercial export of electricity 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 approved under condition 2. 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, and for the avoidance of doubt this shall include measures to minimise runoff during construction whether by vegetation or otherwise
 - 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 forty-year period),
 - g. Locations and numbers of bat and bird boxes, reptile and amphibian refugia and mammal gaps in fencing
 - h. Details of the monitoring needed to measure the effectiveness of management,
 - i. Details of each element of the monitoring programme,
 - j. Details of the persons or organisations(s) responsible for implementation and monitoring,
 - k. Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve the required aims, objectives and targets,
 - l. Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage,
 - m. The 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,
 - n. How contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (l) 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 this 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.

18. Within three months of the first commercial export of electricity from the site, an updated noise assessment shall be prepared on the basis of the equipment that has been installed, demonstrating that noise arising from the development shall not exceed the typical background sound level at the closest residential receptors to the site, when assessed in accordance with the methodology and principles set out in BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound"

REASON

In the interests of reducing the risk of reducing the risk of noise pollution.

Appendix A

General Development Applications

(6/e) Application No: PAP/2024/0586

Land 400 Metres West Of Camp Farm, Knowle Hill, Hurley, Warwickshire,

The installation of a solar farm of up to 49.9 MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including substation, cabling, inverter and transformer substations, spare part container, associated battery storage, access tracks, fencing, security cameras, landscape planting, areas for Biodiversity Net Gain and associated works, for

- Ampyr Solar Europe

1. Introduction

- 1.1. The receipt of this application is reported to the Board for information and a determination report will be brought to the Board in due course.
- 1.1 As the applicant agrees that the development is inappropriate development in the Green Belt, the Board is advised that should it be minded to support the proposal, the matter would need to be referred to the Secretary of State under the 2024 Direction as a consequence of it being "Green Belt" development as defined by that Direction.
- 1.2 An Environmental Impact Screening Opinion concluded that the proposal would not need an accompanying Environmental Statement, as it was not likely to result in significant environmental effects.

2 The Site

- 2.1 This comprises 75 hectares of agricultural land to the west of Brick Kiln Lane at Hurley Common, north-east of the Coventry Road, north of Knowle Hill and east of the Kingsbury Rifle Range. Camp farm and its outbuildings about the south-west corner of the site. The closest residential properties are at Camp Farm, together with frontage on the north side of Knowle Hill to the south (60 metres distant). There are also residential properties to the north off Brick Kiln Lane (250 metres distant from the panels). Other properties are to the south - Drakenage Farm, Tib Hall Farm and a collection of property at Bodymoor Green (respectively 400, 300 and 500 metres away). The southern edge of Kingsbury is 600 metres to the west and the Hurley Recreation Ground is 100 metres to the east on the other side of Brick Kiln Lane.
- 2.2 The site is in open countryside with the Rifle Range to the west as well as the Birmingham-Derby Rail line set on an embankment. The site itself slopes northeast/southwest in line with the general topography of the land and has a fall of around 30 metres. It presently comprises two large arable fields with some hedgerow remnants and trees dotted throughout the site. There are more

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substantial hedgerows along the southern and south-eastern boundaries as well as along Brick Kiln Lane.

- 2.3 A public footpath – the T56 – crosses east/west over the site from Camp Farm to the southern edge of the Rifle Range and a second – the T55 – runs alongside the north-western boundary of the site adjoining the Rifle Range and running up to Old Rail Farm further to the north.
- 2.4 A general location map with the footpaths is at Appendix A.

3 The Proposals

- 3.1 This is for a solar PV array with an installed capacity of 49.9 MW, together with a battery storage area with a capacity of 50 MW. It is said that the site would generate enough electricity to power around 25,000 homes. It is proposed to arrange the panels so as to re-instate the historic field pattern thus adding in new hedgerow and tree planting along those former field boundaries and their margins. The typical height of the panels would be 2.8 metres and these would be fixed into the ground by poles piled into the land. Other infrastructure includes inverters, transformers, a private substation and cabling. The fourteen inverters are to be located within the centre of the panel arrays – each some 6 metres by 3 metres and 3 metres high. The Substation compound housing the switching gear and transformers would be some 50 metres by 12 metres with the tallest elements at six metres tall. It would be bounded by a 2.5 metre tall palisade fence. A brick and tile control building would be 25 metres by 7.5 metres and 5 metres to its ridge. The Battery Storage System will comprise some fourteen steel containers, each being 15 metres by 3 metres and 3 metres high. The Battery Storage System, the substation and the control building would all be located together in a compound towards the far south-western edge of the site.
- 3.2 A post and wire deer fence – two metres tall would be erected around the perimeter of the site with CCTV cameras mounted on 3 metre wooden poles at 50 to 100 metre intervals. A new construction and operational access for the site will be provided off Knowle Hill around 110 metres west of its junction with the access track that leads to Camp Farm. This would be six metres wide with a bell-mouth design. A secondary access from Camp Farm would also be used.
- 3.3 The footpath that runs through the centre of the site would be diverted around the southern perimeter of the site and this would be widened to 10metres so as to enable cycle access.
- 3.4 Landscape mitigation measures proposed include 3.2 km of new native hedgerows running along the southern boundary of the site and sub-dividing the existing large field at the western end of the site together with a 1.2 km long belt of woodland to the southern boundary. Further tree planting would take place alongside existing hedgerows and additionally the field to the west of Brick Kiln Lane and the site would become a native-species meadow suitable as mitigation

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for skylark displacement. A corridor of land within the site at its western end would become pasture that would be "wet meadowland".

- 3.5 It is estimated that construction would take 16 to 20 weeks - with 10 HGV movements a day averaging over that period – and working hours being 0800 to 1800 on weekdays and 0800 to 1300 hours on Saturdays.
- 3.6 The proposed development is designed to operate for forty years, with decommissioning and return to agricultural land.
- 3.7 A plan illustrating the general layout as well as plans showing the various buildings and structures are at Appendices B to H.
- 3.8 A number of supporting documents have been submitted.
- 3.9 An Arboricultural Assessment found there to be 91 trees across the site of which 52 were of high and medium quality including three Veteran Trees. There are no trees protected by Order and there are no Ancient Woodlands on or adjoining the site, although the woodland within the Rifle Range and bounding its south-eastern side is identified as a priority habitat woodland. None of the high and medium quality trees are proposed for removal and the only hedgerow to be removed is that needed to construct the new access. The Assessment concludes that these removals will be significantly mitigated by the range and scale of the new planting.
- 3.10 A Glint and Glare Assessment looked at residential, road and rail receptors within a kilometre of the site's boundary. Once mitigation takes place, the Assessment found that there would be no adverse solar reflections at any of these receptors. Additionally, there would be no impact in respect of aviation. The Assessment stresses that mitigation is very necessary for those residential receptors at Camp Farm, Drakenage Farm and at the Hurley Recreation Ground – (PS: this Assessment was undertaken prior to the removal of panels from the field opposite the Ground) and for road receptors using Knowle Hill. The Assessment concludes that there would be no adverse impacts.
- 3.11 A Flood Risk Assessment shows that the site is wholly in Flood Zone One, where there is the least risk of fluvial flooding. A small drainage channel is present at the edge of the northwestern boundary which flows away from the site through the Rifle Range towards the River Tame to the west. There are other overgrown small drainage ditches on the eastern, southern and western boundaries. Water naturally infiltrates and overland flow is towards the west where there is the lowest land in a small drainage ditch which drains into a channel within the Rifle Range. After heavy rainfall there is often standing water within this ditch. Apart from this, the Assessment concludes that there is little flood risk, but that mitigation is needed to address the surface water events at the location identified. The applicant's drainage strategy responds to this. All vulnerable plant (the Battery Storage and Substation compound) is located outside of the area most prone to this local flooding and there would be storage swales provided

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around its perimeter with restricted discharge rates into a pipe to the ditch. Additionally, the swales here are to be designed so as to accommodate and deal with any pollution associated with fire water run-off. Permeable surfaces are to be provided to all access tracks and other areas where the inverters are to be located. The areas under and around the panels would be put over to pasture thus reducing infiltration. It was noted in para 3.4 above that the drainage ditch referred to here would become "wet meadow". This is a direct consequence of the existing and surface water system and the proposed mitigation.

- 3.12 An Agricultural Land Assessment shows that the site 98% of the site is graded as 3b (moderate quality agricultural land) with the remainder being non-agricultural land.
- 3.13 An Ecological Assessment of the site shows that there are no designated sites within it, but that the Rifle Range is of local wildlife interest. The overall habitat value is low being arable land with limited hedgerow and tree cover and no traces of protected species were found on site or nearby. The Assessment concludes that the landscape mitigation measures proposed here will result in a beneficial impact in terms of hedgerow and tree re-instatement and enhancement. Additionally, the new "wet meadow" will be of value and the mitigation being proposed at the eastern end of the site with the skylark meadow will be sufficient to compensate the loss of displaced nesting areas. Overall, the proposals would result in a 47% increase in habitat units, a 214% increase in hedgerow units and a 15% watercourse gain.
- 3.14 A Noise Impact Assessment has looked at the potential noise impact on a number of perimeter residential properties as well as on the route of the proposed footpath diversion. This concludes that the only receptor that might experience increased noise levels is the residential property at Camp Farmhouse – the landowner's property.
- 3.15 A Transport Statement identifies the existing access to the site as being through Camp Farm itself which would remain as a secondary access into the site. A new access off Knowle Hill is being proposed and it has been designed in line with the Highway Authority specifications for the speed limit on this road – 60mph. However, the greatest use will be over the limited construction period of up to 20 weeks with an average of 10 deliveries a day and a maximum of 45 a day. The operational period, post construction would see traffic generation fall to around one movement a day. The proposed route is via Brick Kiln Lane, Hurley Common and Wood End and Trinity Road to Junction 10 of the M42. This is because of the height restriction of the rail overbridge on the Coventry Road south of Kingsbury and the length and nature of the route from there to Coleshill and its motorway connections. Overall, the assessment concludes that the proposal would satisfy both national and local highway planning policy.
- 3.16 A Heritage Impact Assessment identifies that there are no Internationally designated sites or Registered Parks or Gardens within the site, or within three kilometres of its boundary. The Kingsbury Conservation Area is about 1.2 m

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north-east of the site. Three Scheduled Ancient Monuments are within a three-kilometre boundary - the moated Drakenage Farm, the double moated site east of Baxterley Church and the medieval enclosure castle and post-medieval house at Kingsbury Hall. There are 50 Listed Buildings within three kilometres, of which three are Grade 2 star. An additional 25 non-designated assets are within a kilometre of the site, 17 of which are of archaeological interest.

- 3.17 The Assessment concludes that there would be no harm caused to the character of the Kingsbury Conservation Area or its setting, because of there being no intervisibility due to a combination of distance and screening from intervening development. The closest of the Monuments is Drakenage Farm. Its significance arises from its historic and archaeological interest being the retention of high status domestic medieval features within a wider medieval landscape. However, its setting has been much disturbed by later agricultural practices and new development – eg. the Range and the railway embankment. The proposal is said to protect views of the remaining setting through the landscape mitigation measures at the western end of the site. However, there could well be an impact in the construction period on that wider setting. The other two monuments are much further away and as with the Conservation Area are not considered to be affected by the proposals.
- 3.18 In respect of the Listed Buildings then there is no direct impact on their fabric or built form and thus it is an assessment of the impact on their setting that is the issue here. The Assessment deals with the assets closest to the site – Tamehurst House (on Coventry Road on the other side of the rail overbridge); Flanders Hall to the south of Knowle Hill, Atherstone House within Hurley and the Hurley and Wood End War Memorial, again in Hurley. The Assessment concludes that the setting of these assets would not be affected. Similarly, the assessment concludes that there would be no impact on the non-designated assets outside of the site. However, there are two within the site – a potential park bank being part of the earthwork remnants of a possible estate boundary in the medieval landscape and a marl pit used as a quarry for the construction of Camp Farm. These features would be removed by the development.
- 3.19 In respect of underground assets, the Assessment indicates that the site has been under agricultural use since at least the later medieval period, and it has been much affected more recently by hedge removal and ploughing. In terms of potential, the Assessment concludes that there is a low potential for unrecorded archaeology of prehistoric date, from the Roman period and post-medieval and modern periods. However, there is moderate interest in the medieval period given the monuments at Drakenage Farm and that Hurley was an established medieval settlement.
- 3.20 The Assessment concludes that overall, there would be some impact on the heritage assets here and that further targeted evaluation is needed, particularly in the Drakenage Farm area in order to establish the significance of those assets here as well as to establish a mitigation strategy.

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- 3.21 A Landscape and Visual Impact Assessment describes the landscape setting of the site including the presence of residential settlements as well as the views into and around the site. The site is not in an area designated for its landscape quality. Its characteristics are best described by the North Warwickshire Landscape Character Assessment 2010 – the site being in the Wood End to Whitacre (Upper Tame Valley Uplands) Character Area. This identifies the main landscape features as being undulating farmland, small valleys and smaller irregular fields with good hedgerow structure and trees. These features are largely absent from the site which is indicative of the loss of landscape features and its diminished condition, resulting in a “featureless” site much affected through the removal of hedgerow field boundaries and agricultural intensification. It lies broadly on a west facing slope towards the River Tame with intervening topography and development limiting views from the Kingsbury Area, but there are open views westwards across the Tame Valley with an increase in the number and nature of urban influences. There is a small ridge running east/west across the site limiting views of the bulk of the site from Hurley Common. The removal of the easternmost field adjacent to Brick Kiln Lane substantially limits views from residential property here.
- 3.22 In landscape terms, there will be major to moderate landscape impacts within the site itself. However, the extensive landscape mitigation proposed for incorporation into the development will, the Assessment concludes, lead to a significant improvement in landscape condition and quality. Their impact will particularly lead to these adverse effects reducing rapidly with distance from the site, such that the overall residual impact on the landscape character is evaluated as being minor.
- 3.23 In visual terms the assessment concludes that there will be adverse impacts for footpath users – even with the diversion – from drivers using Knowle Hill and from properties on the more elevated ground to the south. However, these will all reduce as the landscape mitigation measures become established. Significantly, the removal of the eastern field at Brick Kiln Lane is a major benefit.
- 3.24 Overall, the Assessment concludes that the landscape and visual impacts will not be significant.
- 3.25 A Safety Management Plan has been submitted in order to address potential fire safety risks for the Battery Storage Area. This looks at the spacing and location of the individual units; the detection and suppression systems introduced and the availability on site of water supplies for fire-fighting. It recommends consultation with the HSE and the Fire and Rescue Service.
- 3.26 A Statement of Community Involvement describes the applicants' pre-application consultation with the local community. This included a number of pre-consultation briefings including with the Kingsbury Parish Council and the Hurley Community Association. Over 2200 notifications were posted to individual properties and 70 to local businesses. A consultation/exhibition took place in Hurley Village Hall on 12 June 2024 at which 70 people attended; press releases were organised and a

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dedicated website set up. Over the whole of the consultation, 64 responses were received, the great majority from local residents in Hurley. There was a high level of no support for the proposals referring in the main to landscape and visual impacts, concerns about wildlife and to its scale. The applicant says that as a consequence of the responses, he has directly removed solar panels from the north-eastern field that adjoins Brick Kiln Lane opposite the Recreation Ground and added more hedgerows and trees within the site.

- 3.27 A Planning Statement is submitted which draws together the conclusions reached above and places them into a planning policy context referring to the Development Plan as well as to the NPPF and to National Energy Policy. It also addresses the potential impact on the Green Belt.
- 3.28 The Statement acknowledges that the proposal should be treated as inappropriate development in the Green Belt. It concludes that there would be a limited spatial and visual impact on the openness of the Green Belt here adding that there would be negligible activity associated with the development after construction and that it would be de-commissioned and removed after forty years. Moreover, it concludes that, whilst the development would alter the appearance and character of the site, its limited life-span and additional landscape planting would mean that there would be no conflict with the third purpose of including land within the Green Belt, namely "safeguarding the countryside from encroachment". The Statement thus concludes that there would at most, be limited harm to the openness of the Green Belt.
- 3.29 The Statement then identifies the planning considerations which are cumulatively said to clearly outweigh the total weight of any harms that have been identified. These are the recognised requirement for renewable energy generation; there is a confirmed point of connection to the National Grid at Lea Marston, the overall impact on openness and landscape character is minor, farm diversification and significant bio-diversity gain. These are said to outweigh the harm caused thus amounting to the very special circumstances necessary to support the proposal.

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), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management) and LP35 (Renewable Energy)

5 Other Material Planning Considerations

The National Planning Policy Framework 2024 – (the "NPPF")

National Planning Practice Guidance – (the "NPPG")

Climate Change Act 2008 and the 2019 Addendum

UK Solar PV Strategy 2014

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Clean Growth Strategy 2017

Energy Security Strategy 2022

UK 25 Year Environment Plan 2018

National Planning Statement for Energy – EN1

National Planning Statement for Renewable Energy Infrastructure – EN3

North Warwickshire Landscape Character Assessment 2010

The Kingsbury Conservation Area Designation Report.

6 Observations

- 6.1 Members will be familiar with the planning issues involved with this type of application - it is the eighth application that has had to be determined. The key issues will be assessments of the potential landscape and visual impacts as well as understanding the impact on the openness of the Green Belt and whether it conflicts with the purposes of including land within it. As in previous cases the use of agricultural land will need to be assessed as well as whether there are likely to be any flooding, traffic or heritage consequences.
- 6.2 It is advised that as with the other cases, the Board should visit the site.

7 Recommendation

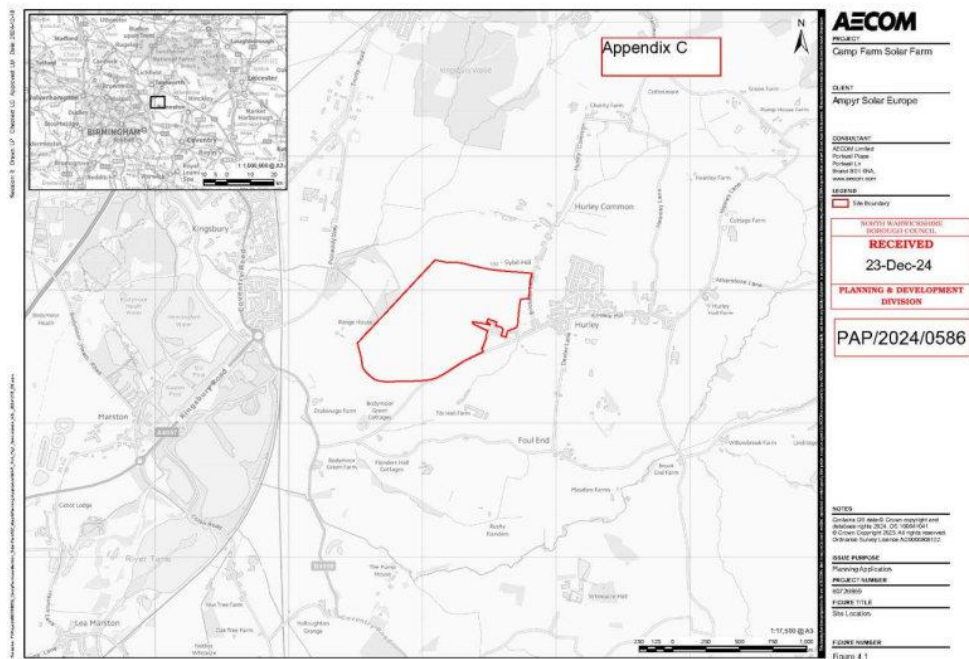
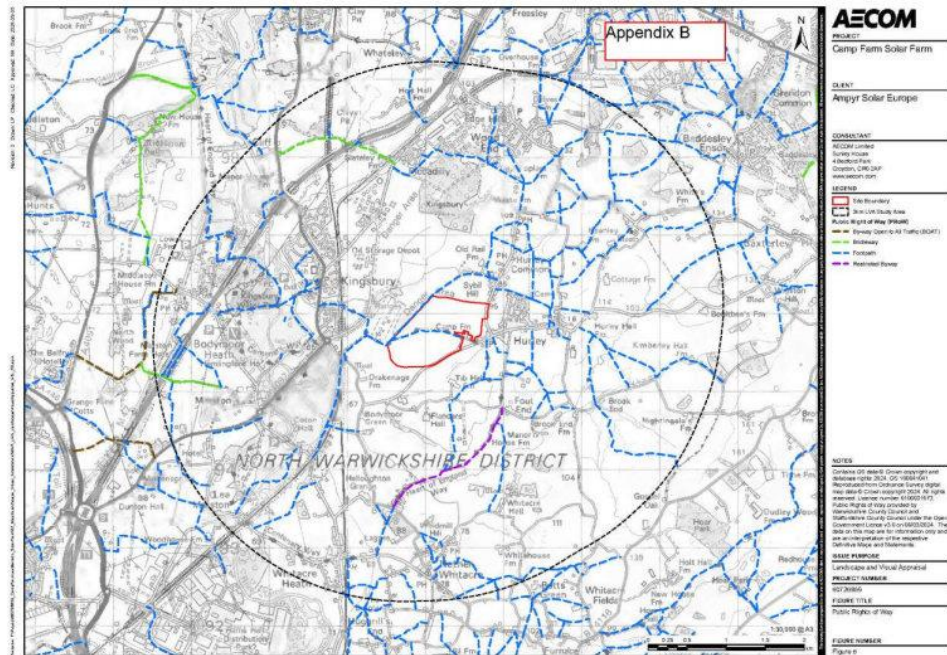
- 7.1 That the Board notes receipt of the application and visits the site prior to its determination.

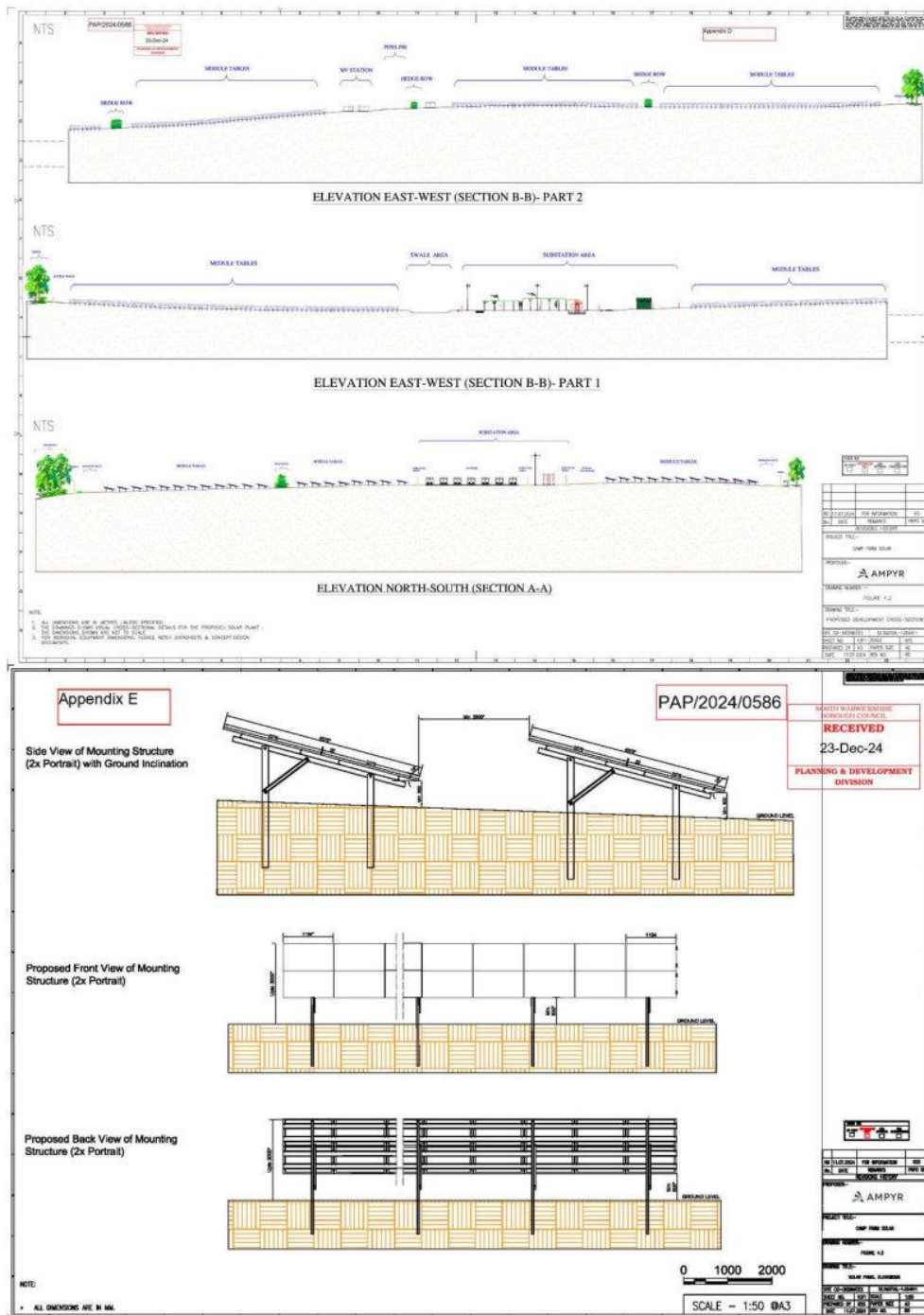
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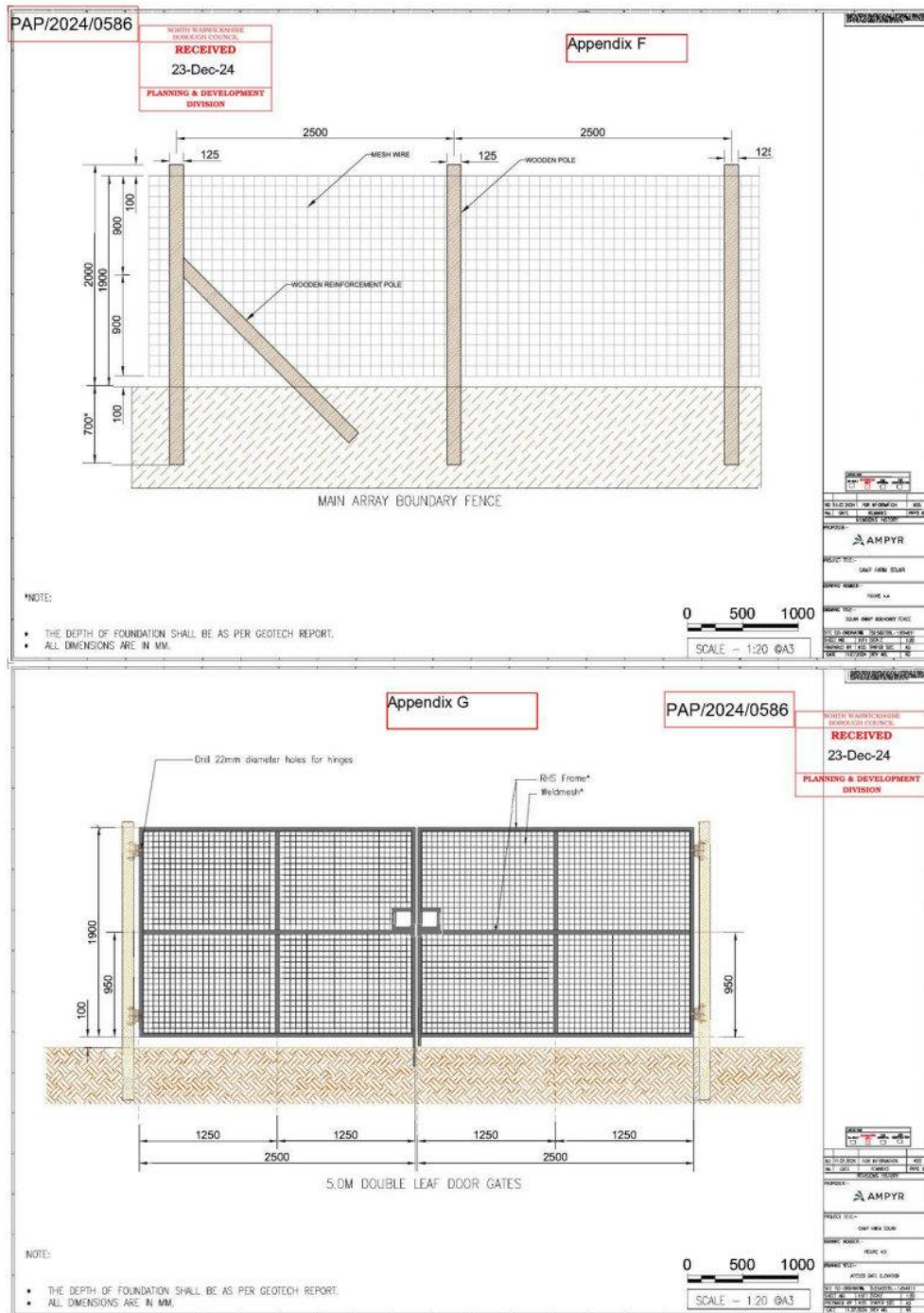
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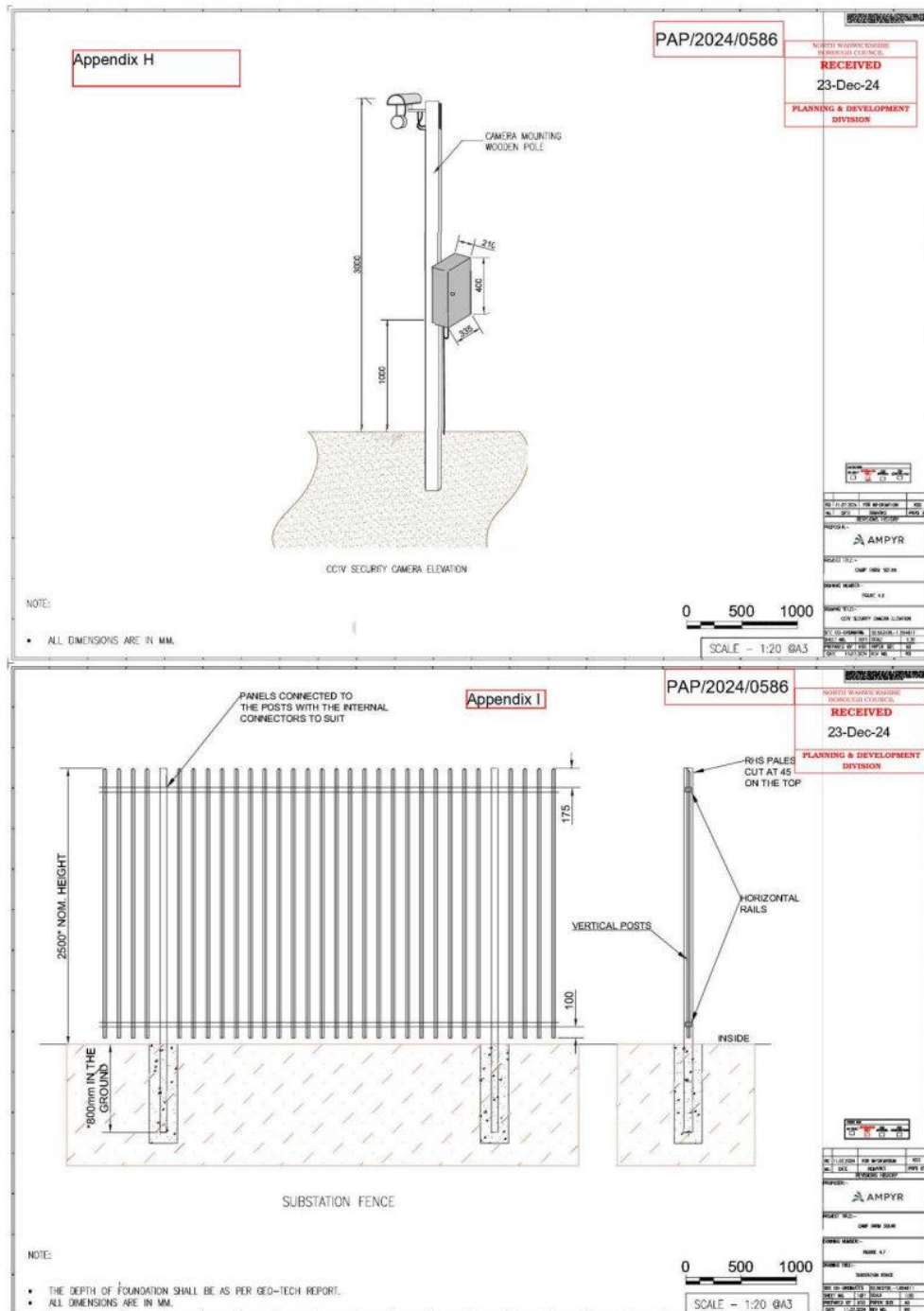


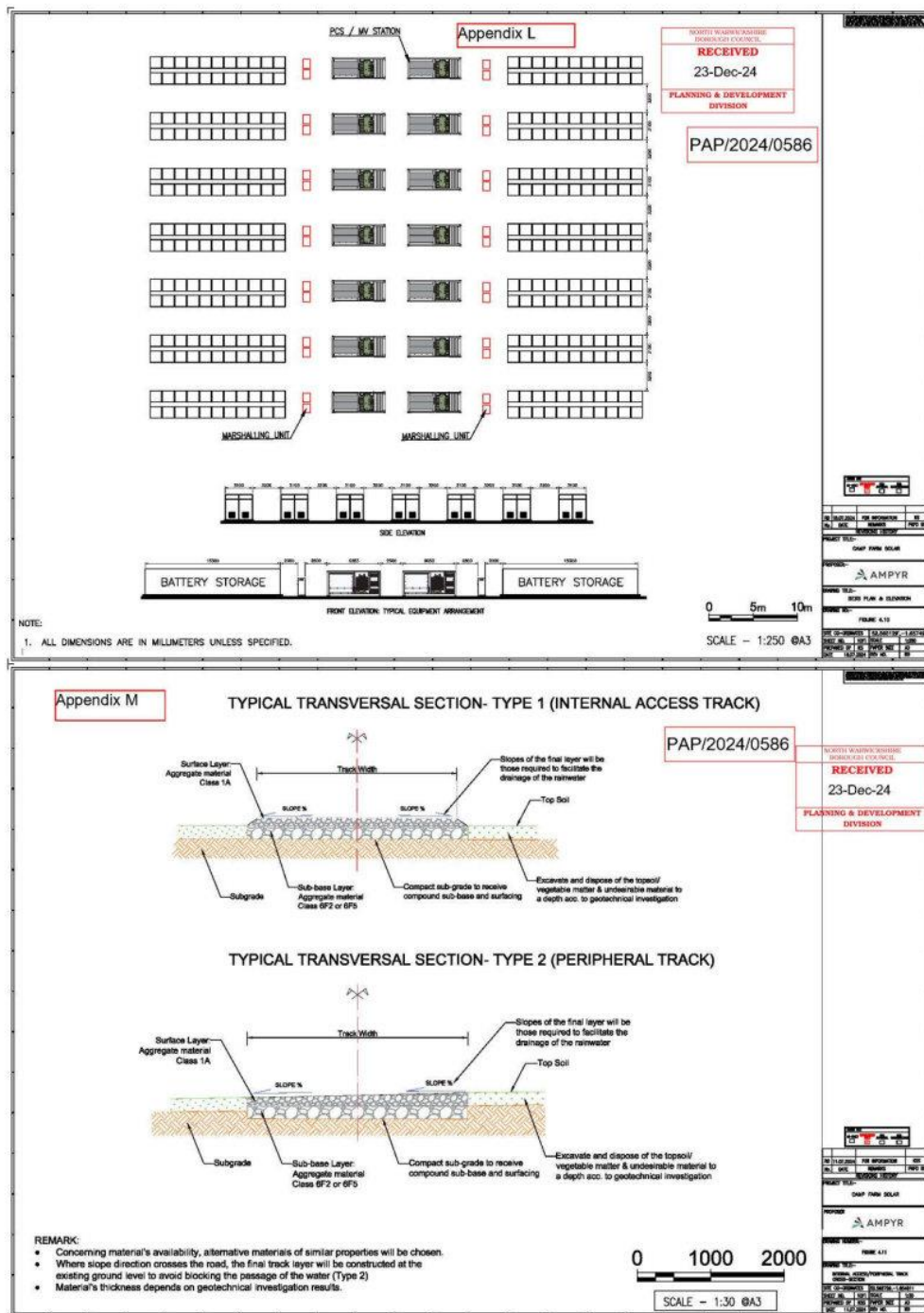


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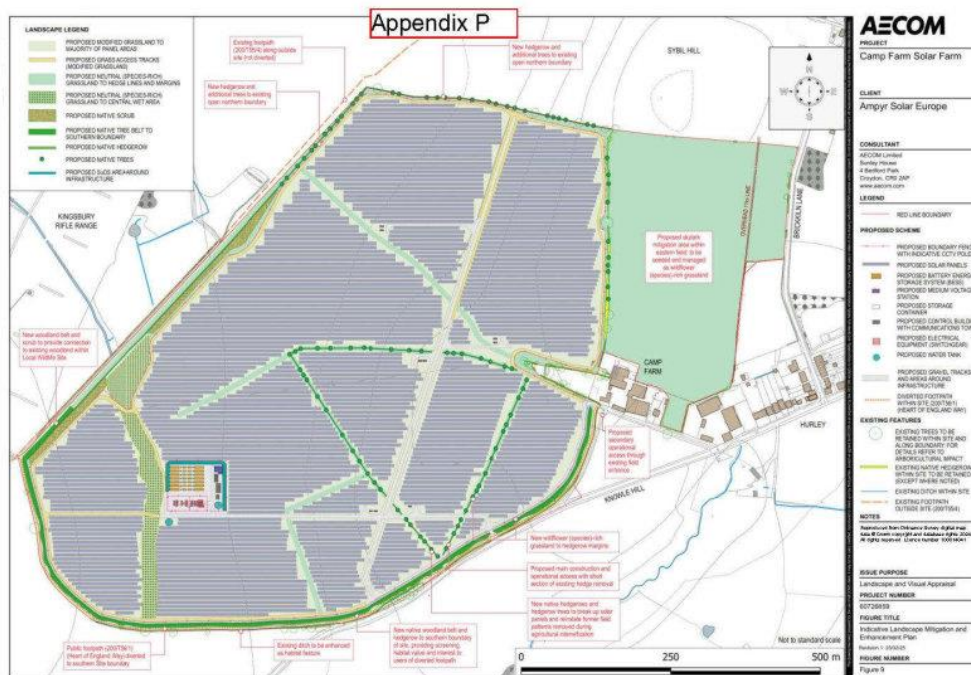


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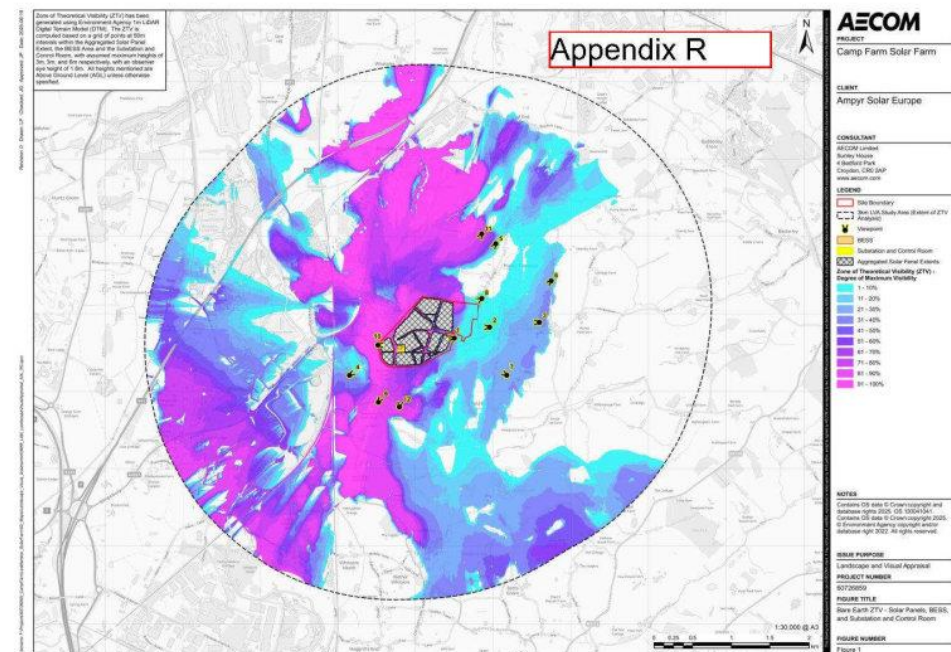
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Appendix S

Your ref:
Our ref: 02/039698/GA0096/SEK



Warwickshire Fire & Rescue Service

Gabriella Ahnger
Fire Protection Department
Service HQ, Warwick Street
Leamington Spa
CV32 5LH
Tel: 01926 466 263
firesafety@warwickshire.gov.uk
www.warwickshire.gov.uk

For the attention of Andy Collinson
Development Control
North Warwickshire Borough Council
The Council House
South Street
Atherstone
Warwickshire CV9 1DE

planningcontrol@northwarks.gov.uk

12 March 2025

FPP2
Rev. Oct 2018

Dear

THE BUILDING REGULATIONS 2010

Planning Application Number: **PAP/2024/0586**

Development: **LAND WEST OF CAMP FARM, KNOWLE HILL, HURLEY, CV9 2JF**

Unique Property Reference Numbers (UPRN's) are the cornerstone of the built environment's data and search criteria. These are used in all systems relating to property and are allocated at the inception (planning stage) of a building's life. Therefore, all future consultations **must have the UPRN of the premises included in the documentation.**

Following notification of the Planning Consultation, Warwickshire Fire and Rescue Authority offers no objection to the application, subject to the below criteria being met, as required by Approved Document B, Volume 2, Requirement B5 – Access and Facilities for the Fire Service:

- Minimum width of the access road is 3.7 metres along the entire length
- Minimum width of any gateways is 3.1 metres
- Minimum height clearance is 3.7 metres
- Minimum carrying capacity is 12.5 tonnes
- A fire appliance to gain access to within 45 metres of all points within the footprint of each building or in accordance with table 15.1 of ADB, Volume 2.
- Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m.
- Dead-end access routes longer than 20m require turning facilities
- Turning circles should be a minimum of 16.8m between kerbs or 19.2m between walls.

Battery Energy Storage Systems (BESS) are increasingly being installed around the country, and these give rise to fire hazards which need to be considered in the planning and design of the site. The following recommendations issued by the National Fire Chiefs Council apply to BESS sites, in addition to the requirements specified in previous sections.

- At least 2 separate access points to the site to account for opposite wind conditions/direction.
- At least 6 metres between BESS units and access for firefighters to operate unimpeded between units.

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- An initial minimum distance of 25 metres from any occupied buildings, prior to any mitigation such as blast walls.
- Areas within 10 metres of BESS units should be cleared of combustible vegetation and any other vegetation on site should be kept in a condition such that they do not increase the risk of fire on site.
- As a minimum, hydrant supplies for boundary cooling purposes should be located close to BESS containers (but considering safe access in the event of a fire) and should be capable of delivering no less than 1,900 litres per minute for at least 2 hours.
- Any static water storage tanks designed to be used for firefighting must be located at least 10 metres away from any BESS container/cabinet, and the location determined as part of a risk assessed approach.
- Consideration should be given, within the site design, to the management of water run-off (e.g. drainage systems, interceptors, bunded lagoons etc.).

Further planning advice in relation to BESS sites is detailed in [Grid Scale Battery Energy Storage System planning - Guidance for FRS](#) issued by the NFCC.

Please include an advisory note drawing the applicant's attention to the need for the development to comply with Approved Document B, Volume 2, Section B5 – Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc. regarding this can be found at: www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning

Where compliance cannot be met, please provide details of alternative measures you intend to put in place.

Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18; Access for Emergency Vehicles.

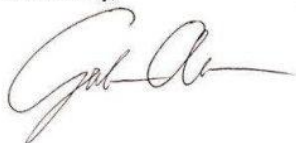
For Consideration:

Warwickshire Fire and Rescue Authority fully endorse and support the fitting of Sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, are maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access.

Should you require clarification of any of the foregoing or any further Fire Safety advice please do not hesitate to contact **Gabriella Ahnger**.

Yours faithfully,



Gabriella Ahnger
For and on Behalf of
BEN BROOK
Chief Fire Officer

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Appendix B

PAP/2024/0586 Supplementary Report

Camp Farm, Hurley, east of Kingsbury

The installation of a solar farm of up to 49.9 MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including substation, cabling, inverter and transformer substations, spare part container, associated battery storage, access tracks, fencing, security cameras, landscape planting, areas for biodiversity net gain and associated works for

Ampyr Solar Energy

1. Consultations

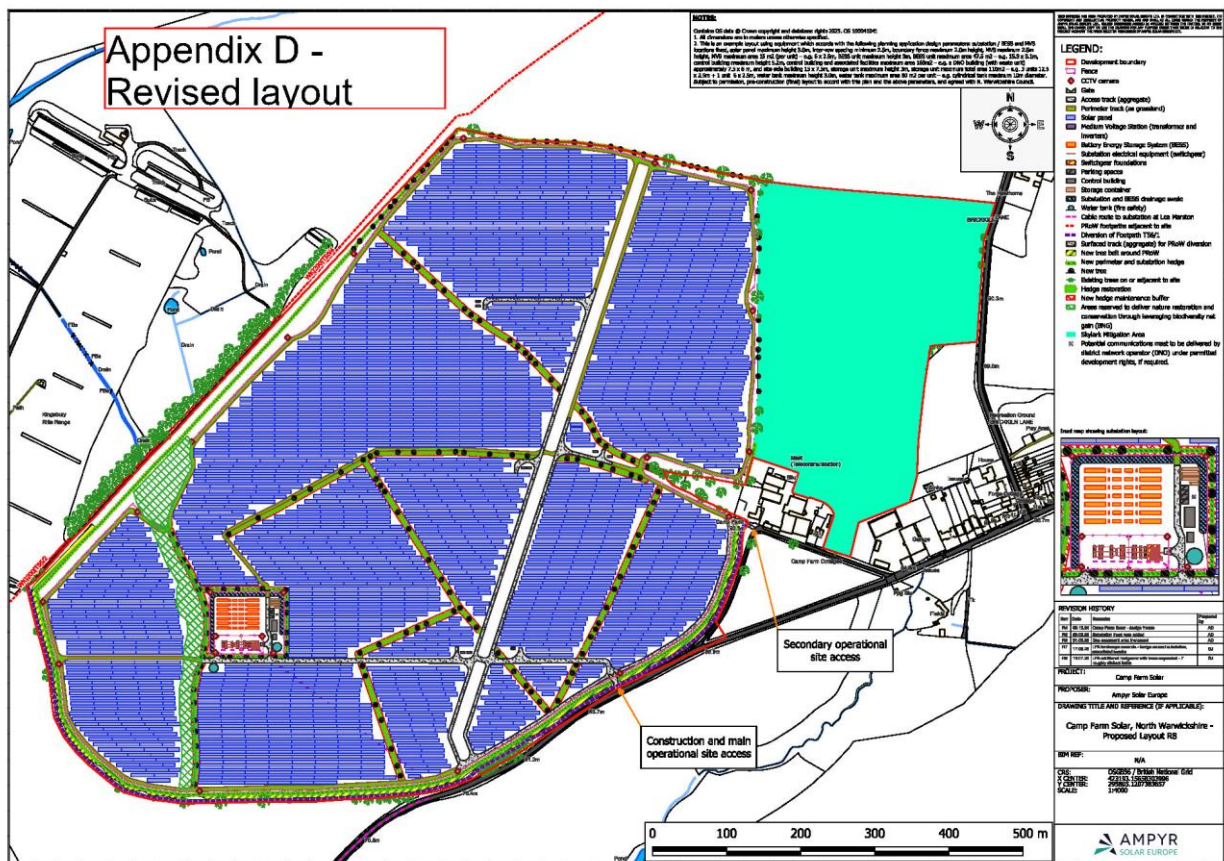
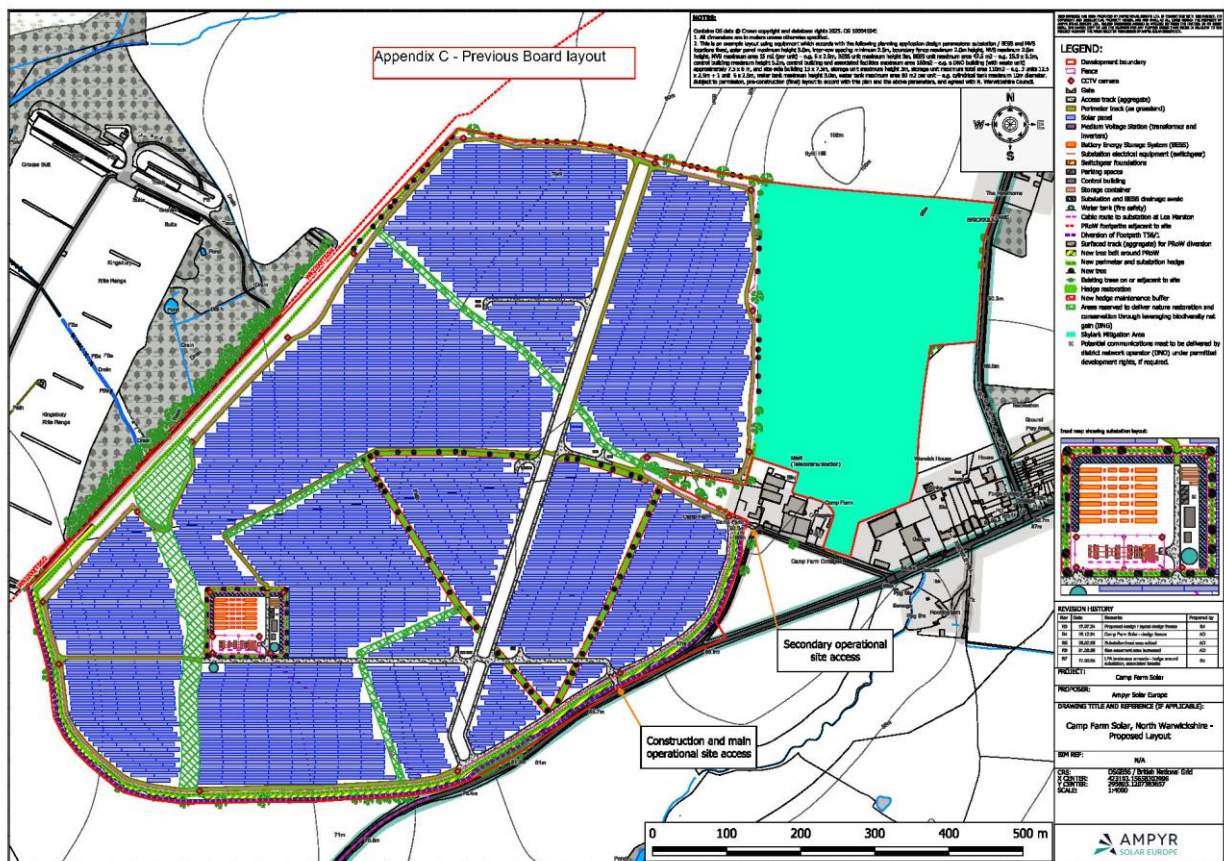
1.1 Within the Board report we indicated we would update you in terms of the consultations that have been received:

1.2 As an update we have received a consultation responses of no objection from WCC Ecology subject to conditions in terms of a Biodiversity Gain Plan statutory condition, Skylark mitigation strategy, Habitat Management and Monitoring Plan (HMMP), Construction Environmental Management Plan and External lighting condition. A number of these conditions are already covered within the recommendation.

1.3 Comments from the Conservation Officer indicate that the 3km assessment of the area was well researched and they concur with the findings of the heritage assessment. The proposal will result in limited adverse impacts and that the overall conclusions are that there is less than substantial harm from the proposal.

1.4 There is still an outstanding objection from WCC Flooding and further information has been submitted to overcome their concerns.

1.5 There is also an outstanding objection from WCC Highways. There is an outstanding response required in terms of the Road Safety Audit submitted last month.



Appendix E



Appendix F

| NAME | DESCRPTIO | HECTARES | AREA AVAILABLE FOR SOLAR | % AREA AVAILABLE FOR SOLAR | MW Solar Applications in REPD and NSIP database Jan. 2025 | | MW to total area ratio | MW to area available ratio |
|----------------------------------------|-----------------------|------------------|--------------------------|----------------------------|-----------------------------------------------------------|-------------------|------------------------|----------------------------|
| | | | | | | | | |
| Blaenau Gwent - Blaenau Gwent | Unitary Authority | 10881.685 | 725.000 | 6.7% | 386 | 0.03537322 | 0.34820937 | |
| Bournemouth, Christchurch and Poole | Unitary Authority | 17412.013 | 1203.000 | 6.9% | 151 | 0.00667217 | 0.12051593 | |
| Tamesworth District (B) | District | 3088.507 | 258 | 8.4% | 30 | 0.00971343 | 0.11627907 | |
| Dundee City | Unitary Authority | 6246.643 | 725.000 | 11.6% | 78 | 0.01248671 | 0.10798621 | |
| Havering London Boro | London Borough | 11449.506 | 1142.000 | 10.0% | 120.9 | 0.01055941 | 0.10586690 | |
| City of Wolverhampton District (B) | Metropolitan District | 6950.509 | 70.000 | 1.0% | 6.9 | 0.00099273 | 0.09857143 | |
| Slough (B) | Unitary Authority | 3256.647 | 50.000 | 1.5% | 4.5 | 0.00136179 | 0.09000000 | |
| Luton (B) | Unitary Authority | 4338.266 | 60.000 | 1.4% | 5 | 0.00115253 | 0.08333333 | |
| Worthing District (B) | District | 3380.275 | 60.000 | 1.8% | 3.8 | 0.00112417 | 0.06333333 | |
| Rotherham District (B) | Metropolitan District | 28680.044 | 13486.000 | 47.0% | 836.04 | 0.02915058 | 0.06199318 | |
| North Kesteven District | District | 92313.353 | 57625.000 | 62.4% | 3017.15 | 0.03268379 | 0.05235835 | |
| Swindon (B) | Unitary Authority | 23027.272 | 8925.000 | 30.1% | 214.698 | 0.00932364 | 0.03100332 | |
| Hart District | District | 21543.394 | 7150.000 | 33.2% | 194.07 | 0.00900833 | 0.02714266 | |
| Chesterfield District (B) | District | 6610.362 | 1860.000 | 28.1% | 46.25 | 0.00729915 | 0.02594096 | |
| South Tyneside District (B) | Metropolitan District | 6713.867 | 1640.000 | 24.4% | 40 | 0.00595782 | 0.02439024 | |
| Somerset West and Taunton District | District | 121141.901 | 42974.708 | 35.5% | 967.213 | 0.00798413 | 0.02250656 | |
| Kingston upon Thames London Boro | London Borough | 3728.006 | 320.000 | 8.6% | 6.3 | 0.00168991 | 0.01968790 | |
| Rother District | District | 51721.953 | 1429.000 | 2.7% | 26.501 | 0.00051237 | 0.01866268 | |
| Chamwood District (B) | District | 27927.044 | 11700.000 | 41.9% | 213.5096 | 0.00764526 | 0.01824958 | |
| Hillingdon London Boro | London Borough | 11576.806 | 635.000 | 5.5% | 11.2 | 0.00096735 | 0.01763780 | |
| Vale of White Horse District | District | 57824.347 | 27900.000 | 48.2% | 479.88 | 0.00628460 | 0.01720000 | |
| Fylde District (B) | District | 18188.969 | 9500.000 | 52.2% | 151.7 | 0.00834022 | 0.01596842 | |
| Adur District | District | 4367.829 | 70.000 | 1.6% | 1 | 0.00022895 | 0.01428571 | |
| Wiltshire | Unitary Authority | 32587.958 | 134039.896 | 41.1% | 1719.21633 | 0.00527597 | 0.01262615 | |
| East Riding of Yorkshire | Unitary Authority | 249357.832 | 178600.000 | 70.9% | 2264.6693 | 0.00908201 | 0.01280922 | |
| Isle of Wight | Unitary Authority | 39318.599 | 9855.000 | 25.1% | 124.4 | 0.00316290 | 0.01262303 | |
| South Norfolk District | District | 90870.225 | 69140.000 | 76.1% | 800.599 | 0.00881036 | 0.01157939 | |
| Buckinghamshire | Unitary Authority | 156621.673 | 74976.893 | 47.9% | 841.966 | 0.00537579 | 0.01122967 | |
| Tendring District | District | 36612.836 | 21934.623 | 59.9% | 240.5 | 0.00656673 | 0.01096440 | |
| Renfrewshire | Unitary Authority | 26933.912 | 11500.000 | 42.7% | 123.638 | 0.00459042 | 0.01075113 | |
| Aberdeen City | Unitary Authority | 20579.215 | 7798.736 | 37.9% | 80 | 0.00388742 | 0.01025807 | |
| Oadby and Wigston District (B) | District | 2354.706 | 451 | 19.2% | 4.34 | 0.00184312 | 0.00962306 | |
| Warwick District | District | 26314.068 | 18901.000 | 68.2% | 181.49 | 0.00640989 | 0.00940314 | |
| North East Derbyshire District | District | 27987.801 | 18300.000 | 65.3% | 170.66161 | 0.00618613 | 0.00932577 | |
| North Warwickshire District (B) | District | 26454.803 | 20724.042 | 77.8% | 191.8 | 0.00674001 | 0.00925495 | |
| North West Leicestershire District | District | 27960.020 | 15900.000 | 56.9% | 137.5 | 0.00481774 | 0.00884780 | |
| Gosport District (B) | District | 2763.175 | 99 | 3.6% | 0.73 | 0.00026419 | 0.00737374 | |
| Exeter District (B) | District | 4792.106 | 400.000 | 8.3% | 2.774 | 0.00057887 | 0.00693500 | |
| York (B) | Unitary Authority | 27227.616 | 17193.186 | 63.1% | 107.8885 | 0.00395247 | 0.00627507 | |
| North Yorkshire | Unitary Authority | 805963.964 | 314473.364 | 39.0% | 1705.42868 | 0.00211802 | 0.00542312 | |
| Barnes-in-Furness District (B) | District | 13218.330 | 3048.671 | 23.1% | 16.5 | 0.00124827 | 0.00541219 | |
| Guildford District (B) | District | 27113.622 | 3860.000 | 14.2% | 19.1 | 0.00070444 | 0.00494819 | |
| Broxbourne District (B) | District | 5148.441 | 1200.000 | 23.3% | 5 | 0.00097117 | 0.00416667 | |
| Caerffili - Caerphilly | Unitary Authority | 27761.319 | 14729.032 | 53.1% | 48.5 | 0.00174704 | 0.00328282 | |
| Medway (B) | Unitary Authority | 26899.059 | 4050.000 | 15.1% | 12 | 0.00044611 | 0.00296296 | |
| City of Edinburgh | Unitary Authority | 27311.245 | 8800.000 | 32.2% | 10.02 | 0.00036688 | 0.00113864 | |
| Crawley District (B) | District | 4499.618 | 450.000 | 10.0% | 0.163 | 0.00036223 | 0.00036222 | |
| Birmingham District (B) | Metropolitan District | 26504.563 | 1200.000 | 4.5% | 0.30744 | 0.00001147 | 0.00025620 | |
| Highland | Unitary Authority | 264808.941 | 1218883.658 | 46.0% | 35.1512 | 0.00001327 | 0.00002884 | |
| Bromley London Boro | London Borough | 15020.461 | 3299.000 | 22.0% | 0 | 0.00000000 | 0.00000000 | |
| Bradford District (B) | Metropolitan District | 36674.742 | 11219.000 | 30.6% | 0 | 0.00000000 | 0.00000000 | |

General Development Applications

(5/f) Application No: PAP/2025/0221

Land North West And South East Off, Blindpit Lane, Curdworth, Warwickshire,

Hybrid planning application for an employment park comprising: Full application for demolition of existing residential properties; new site accesses off Dunton Lane, Church Lane / Ryefield Lane junction, Curdworth Lane and Wishaw Lane; highway improvement works to form signalised junction at Lichfield Road (A446) and Dunton Lane and works to A446 including roundabout with A4091 and widening of Ryefield Lane; construction accesses and compound areas; internal spine roads; engineering operations including utilities infrastructure and earthworks (including creation of development zone plateaus); public transport / active travel infrastructure; and structural landscaping including sustainable urban drainage infrastructure, community orchards and allotments and amenity areas. Outline application with all matters reserved for E (g)(ii) & (iii), B2 and/or B8 uses, including ancillary offices (E (g)(i)); HGV overspill parking and welfare facility (Sui Generis); primary sub-station, energy infrastructure, gatehouses and security facilities, service yards and HGV parking, plant, vehicular and cycle parking; landscaping including boundary treatment and potential acoustic fencing; pedestrian and cycle infrastructure; green and blue infrastructure; ancillary business and community facilities (E (a-f), F1, F2(c) and/or Sui Generis) within a central amenity zone and mobility hub providing an interchange for public transport and active travel modes, and associated development, for

IM Properties Development LTD

1. Introduction

1.1 The application has an accompanying Environmental Statement (ES) and will thus be reported to the Planning and Development Board for determination in due course. This report introduces the proposal to Members.

2. The Site

2.1 The site measures c.135 hectares and is located west of Junction 9 of the M42 motorway and M6 Toll in the parishes of Curdworth and Wishaw. The majority of the site lies within the administrative area of the Council. A very small part of the site, measuring 0.03ha, falls within the administrative area of Birmingham City Council. This area comprises the highway verge to accommodate the formation of a bus gate and emergency access off Curdworth Lane and the intersection of a new bridleway.

2.2 The Site of the Proposed Scheme is shown on Appendix A, is formed of two parcels of agricultural land, which in total is approximately 134.8 hectares (ha) in area, and incorporates the following:

- a) The Main Parcel: A large area of agricultural land of approximately 127.9ha bound by Dunton Lane and Church Lane to the north, Curdworth Lane and

Wishaw Lane to the west, the Birmingham & Fazeley canal along the southern boundary, and M6 Toll to the east; and

- b) Green Infrastructure Parcel: A smaller additional parcel of land, of approximately 6.9ha, located to the north-west of the Main Parcel beyond Church Lane.

2.3 There are eight Public Rights of Ways (PRoWs) which cross the Main Parcel in a north-south direction. Blindpit Lane, an adopted highway, also runs through the Site and connects to Dunton Lane (along the north) and Curdworth Lane/Wishaw Lane (along the west/south-west) (shown Appendix B).

2.4 The Site (specifically the Main Parcel) includes extents of Dunton Lane and Ryefield Lane, along with the section of Dunton Lane beneath the M6 Toll up to the junction with Lichfield Road/A446, Lichfield Road / A446 up to and including the 'Moxhull Roundabout' (the junction of Lichfield Road and A4091). These areas are included to account for potential highways works that will be required to facilitate access.

2.5 The site is predominantly agricultural land. However, it contains several built features and is subject to some non-agricultural activity. Three dwellings (Rookery Cottages) are located within the north-eastern field of the Main Parcel, accessed from Dunton Lane. Blindpit Lane dissects the Main Parcel running through it in a north to south-west direction between Dunton Lane and Curdworth Lane. The site is also traversed by an overhead power line including two pylons, which runs from the west to south-east in the southern extent of the site and a manmade water reservoir in the eastern extent of the site. The site is also traversed by the eight PRoW's referred to above.

2.6 The site generally sits at an elevation of approximately 110 to 120 meters above sea level, with variations across different areas of the site. The topography features gentle undulations, with slight slopes primarily oriented from the north-west to the southeast. The site generally slopes downward towards the lowest point of the site i.e. the Birmingham & Fazeley Canal along the southern boundary.

2.7 The Environment Agency's Flood Map for Planning (March 2025) shows the site is located wholly within Flood Zone 1, which is land assessed as having a less than 1 in 1,000 annual probability of flooding (<0.1%). There are no listed buildings or scheduled ancient monuments within the site, and the site is wholly located within the West Midlands' Green Belt.

2.8 There are limited landscape features within the site, with a small number of trees and hedgerows except along the site boundaries. Many of the historic hedgerows and associated trees within the site have already been lost or removed as a consequence of intensive farming. Four veteran trees are located within the site and will be retained as part of the proposed development.

2.9 The site is broadly surrounded by:

- Agricultural land, the village of Wishaw (including the Church of St Chad) and several residential and industrial properties which sit along Dunton Lane and Church Lane to the north. A number of farmhouses (along Ryefield Lane), the Belfry Hotel and Resort, and the M6 Toll along with agricultural land, are located further north.
- The M6 Toll and M42 J9 (Dunton Interchange) to the east, beyond which lies agricultural land, and the HS2 railway line and large industrial estates further south-east of the site (i.e. Hams Hall).
- Agricultural land (including associated farmhouses and buildings) immediately to the west, with Peddimore located beyond this.
- The Birmingham and Fazeley Canal and the Kingsbury / Fairview Industrial Estate to the south, beyond which lies the village of Curdworth.

2.10 The nearest settlements are the village of Curdworth (200m to the south), the settlements of Wishaw and Over Green (adjacent to the north and north-west), Water Orton (1.6km to the south), and the industrial area of Minworth (1.7km to the southwest). Peddimore, the strategic employment site currently being developed by IMP (with land also under the control of Rockwool), also lies to the west beyond agricultural land. This wider context is illustrated at Appendix C.

3. The Proposal

a) Introduction

3.1 The planning application submitted is termed 'hybrid', because some elements of the Proposed Scheme are seeking permission in "detail" or in "full", and others in "outline". The application is structured this way so as to allow the site infrastructure, enabling and landscaping works to be promptly implemented and delivered comprehensively, if the planning permission is granted.

3.2 In general terms detailed approval (full) is sought for elements of the project including strategic infrastructure and access (including the Mobility Hub loop), earthworks and landscaping. The internal spine road and paths, earthworks and development zone "plateaus" and strategic infrastructure and landscaping. The outline approval is sought for the employment zones, mobility hub, central amenity zone, HGV overspill parking and energy infrastructure.

3.3 The following reports and information have been submitted with the application.

| |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Design and Access Statement |
| Ecological Impact Assessment |
| Economic Needs & Benefit Report |
| Employment Land Assessment |
| Energy and Sustainability Statement |
| Environmental Statement covering: Agricultural Land and Soil Resources Air Quality Archaeology Biodiversity (Ecology) Built Heritage Climate Change Landscape and Visual Impact Assessment Lighting Noise and Vibration Socio-economics and Human Health Transport and access Assessment of Cumulative Effects It includes an Environmental Management Plan to identify mitigation measures. |
| Detailed infrastructure Reserved matters Design Guide Social Value Strategy Framework Construction Management Plan Sustainable Transport Strategy and Framework Travel Plan 15% Biodiversity Net Gain (on site) and Building with Nature Assessment Landscape and Ecology Management Plan Public Art Strategy Sustainability Strategy |
| Flood Risk Assessment and Drainage Strategy |
| Green Belt Assessment |
| Health Impact Assessment |
| Market Report and Occupier Overview |
| Outline Skills and Employment Plan |
| Preliminary Arboricultural Impact Assessment (including Tree Constraints Plan) |
| Phase 1 Ground Investigation Report |
| Statement of Community Engagement |
| Supporting Planning Statement |
| Alternative Sites Assessment |
| Transport Assessment and Highways Stopping Up and PROW Statement |
| Utilities Statement |
| Building with Nature Statement |
| External Lighting Strategy |

| |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Drawings</i> |
| Site location Plan |
| Parameter Plan for outline elements |
| Detailed infrastructure |
| Illustrative Masterplan |
| Illustrative Layout for Mobility Hub and Central Amenities |
| Detailed technical drawings for <ul style="list-style-type: none"> - Drainage (surface water and foul) - Earthworks and levels - Landscaping and trees - On-site and off-site highway works - Public Rights of Way - Levels |

3.4 As indicated above the majority of the site is within North Warwickshire but a very small area of highway required for a bus gate falls within Birmingham City Councils area therefore an identical application has been submitted to both authorities to determine.

3.5 The full element of the hybrid planning application comprises (in summary) the following components as illustrated in the submitted Detailed Infrastructure Plan (Appendix D):

- Demolition of existing residential properties.
- New vehicular site accesses off Dunton Lane, Church Lane / Ryefield Lane junction, bus / active travel accesses off Curdworth Lane and Wishaw Lane. Highway improvement works to form signalised junction at Lichfield Road (A446) and Dunton Lane and works to A446 including roundabout with A4091 and widening of Ryefield Lane.
- Construction accesses and compound areas.
- Internal spine roads.
- Engineering operations including utilities infrastructure and earthworks (including creation of 'Development Zone' plateaus).
- Public transport / active travel infrastructure (i.e. the Mobility Hub bus loop).
- Structural landscaping including bunds, sustainable urban drainage infrastructure, community orchards and allotments and amenity areas.

3.6 The 'outline' elements will be subject to future reserved matters application(s) to confirm the details. Given the nature of the planning application, the ES has assessed both the detailed elements as well as "maximum parameters" with respect to the outline elements of the Proposed Scheme, principally with respect to development plots where built form will be concentrated. The proposed as illustrated in the Parameters Plan for Outline Elements (Appendix E). Generally, this states a number of parameters, defining the use classes including that at least 30% of the land will be provided for manufacturing, maximum floor and building heights, design guide and no build zones.

3.7. This indicates the following:

- Development Zones (A – E).
- Mobility Hub and Central Amenity Zone.
- HGV Overspill Parking and Welfare Facility.
- Energy Infrastructure Zone.
- Primary Substation.

3.8 The planning uses sought for each Development Zone are:

- Development Zones A1, A2, A3, B, C, D1 and D2 – E (g)(iii) (light industrial), B2 (general industry) and / or B8 (storage and distribution) (including ancillary E(g)(i)) (offices)
- Development Zones E1 and E2 - B2 (general industry), E(g)(i) (offices), E(g)(ii) (R&D) and / or E(g)(iii) plus ancillary B8 (industry with ancillary storage)
- Mobility Hub and Central Amenity Zone - Mobility Hub Interchange (sui generis) plus E(a) E(b), E(c), E(d), E(e) and E(f), F1 and / or F2(c) (commercial with community and learning element)
- Primary Substation & HGV overspill parking and welfare facility - Sui generis

3.9 Outline permission is also sought for all associated development and infrastructure in each Development Zone, including gatehouses and security facilities, service yards and HGV parking, vehicular and cycle parking, pedestrian and cycle infrastructure, green and blue infrastructure, boundary treatments and retaining walls, internal roads, foul and surface water drainage infrastructure.

3.10 The Illustrative Development Masterplan (Appendix F) (for illustrative purposes only) demonstrates how the proposed development could come forward as a whole in accordance with the parameters. Other illustrative plans are submitted for information to show how the Mobility Hub and Central Amenity Zone (Appendix G), Primary Substation and Utility Housing could come forward.

b) Access

3.11 Primary vehicular access to the Main Parcel will be gained at the north-east corner of the site via a connection to Lichfield Road (A446) from Dunton Lane under the existing motorway bridge on the M6 Toll. A second vehicular access point will be from Ryefield Lane, which is proposed to be widened to provide a suitable connection to Grove Lane and thereon the A446.

3.12 The internal spine road extends directly westwards and southwards from the Dunton Lane / Lichfield Road and Ryefield Lane access points respectively before converging at an internal roundabout at the centre of the northern extent of the site.

3.13 From the internal roundabout, the spine road extends westwards along the northern boundary serving Development Zones A1, A2 and A3. The spine road also extends southwards from the internal roundabout past the proposed Central Amenity & Mobility Hub Zone and Development Zones B and C before reaching a second roundabout junction in the south of the site.

3.14 From the second roundabout junction, the spine road extends east to serve an HGV Overspill Parking and Welfare Facility and potential Energy Infrastructure Zone, southwards to serve Development Zones E1 and E2, and westwards to serve Development Zones D1 and D2, and a primary substation at the west of the site. It continues west to connect to a bus gate on Curdworth Lane.

c) Additional Detail

3.15 The applicant has provided more background on the scope of the proposals and this identifies the following.

i) An Illustrative Development Masterplan (Appendix F)

3.16 This establishes that the development can deliver approximately 292,000m² of floorspace indicated by an illustrative schedule of accommodation. This Illustrative layout for the site has been prepared to present a development. The layout indicates one way in which the amount of development could be accommodated on the site in accordance with the parameters plan. It shows three large buildings (plots 1-10) could be accommodated in the north of the site within development zones A-D, along with HGV parking the widest part of the site. As the site narrows towards to the south next to the canal towpath and Wishaw Lane a number of smaller incubator units targeting smaller medium sized businesses are proposed.

3.17 This equates to the following floorspace per development zone.

| Development Zone | Floorspace m² | Proposed sector |
|-------------------------|---------------------------------|-----------------------------------|
| A1 | 29,213 | Advanced manufacturing |
| A2 | 12,267 | Advanced manufacturing |
| A3 | 10,440 | Advanced manufacturing |
| B | 94,439 | Mixed Manufacturing and Logistics |
| C | 20,179 | Mixed Manufacturing and Logistics |
| D1 | 32,973 | Logistics |

| | | |
|---------------------------------------------|---------|------------------------------------|
| D2 | 70,887 | Logistics |
| E1 | 14,068 | SME |
| E2 | 6,130 | SME |
| Gatehouse | 320 | Ancillary |
| HGV | 84 | Logistics |
| Mobility Hub and Central Amenity facilities | 1,000 | Public transport and active travel |
| Sitewide Total | 292,000 | |

3.18 The maximum height parameters for each Development Zone (in metres AOD) (Appendix E).

Table 4.2: Maximum height parameters

| Development Zone | Max. Height Parameter (m AOD) |
|-------------------------|--------------------------------------|
| A1 | 108.450 |
| A2 | 107.000 |
| A3 | 107.500 |
| B | 113.000 |
| C | 113.000 |
| D1 | 115.500 |
| D2 | 115.500 |
| E1 | 107.675 |
| E2 | 105.675 |

3.19 The height parameters responds to the topography of the site as well as to sensitive receptors in the context of visual impacts and heritage, plus landscape character

ii) Reserved Matters Design Guide

3.20 A Reserved Matters Design Guide (RMDG) has been prepared and submitted with this application to provide design guidance on how the Development Zones could come forward in accordance with the Parameters Plan for Outline Elements.

iii) Development Zone ‘Access Corridors’

3.21 Both the Parameters Plan for Outline Elements and the Detailed Infrastructure Plan (submitted for approval) show access corridors which will enable future connection into the Development Zones (in outline) from the spine road (sought in full). The spine road will be constructed as part of the infrastructure works but the final position and detailed design of the access points into these areas are reserved until the final layout of the Development Zones have been confirmed and approved at reserved matters stage.

iv) Mobility Hub and Central Amenity Zone

3.22 At the centre of the Main Parcel is the proposed 1.31ha Mobility Hub and Central Amenity Zone, this would have around 1000 m² of floorspace. This will house potential community facilities alongside recreation to support health and wellbeing of those working at Thrive and the local community. The maximum parameters are set out on the Parameters Plan for Outline Elements.

3.23 The Mobility Hub Zone have been developed in tandem with Transport for West Midlands, and is proposed to include:

- Primary bus stops for the development served off a dedicated bus loop from the main spine road, and associated information and layover facilities (and possible use as regional bus interchange location).
- Parking spaces for electric vehicle charging and car club vehicles.
- Storage/hire/charging facilities for modes of active travel (e.g. cycles, electric scooters and e-bikes) and a possible cycle repair facility.
- Postal lockers.
- Active travel connections to the wider site.

v) HGV Overspill Parking and Welfare Facility

3.24 South of Development Zone C, an HGV Overspill Parking and Welfare Facility (Sui Generis) is proposed. Access would be taken from the limb of the internal spine road which extends east from the southern roundabout junction. This area comprises 0.74ha of the Main Parcel; buildings within this area will be a maximum of 6m in height above finished floor level and maximum FFL is to be 93.5m. The HGV overspill parking can provide 32 HGV parking spaces and will include a welfare block which will include driver amenities such as toilets, showers and a kitchen area. It is provided for HGVs to wait outside of their associated units and to prevent parking locally. It will only attract use of HGV's using Thrive and will not attract public use by other HGVs on the local road network.

vi) Primary Substation

3.25 Immediately west of Development Zone D1, a zone for a primary substation to serve the site is proposed. This area occupies 0.43ha of the Main Parcel. Buildings will be restricted to a maximum 8m in height above finished floor level. Maximum FFL will be 98.7m.

vii) Veteran Trees

3.26 Four veteran trees are located within the site and shown on the Parameters Plan for Outline Elements for retention with Root Protection Zones (“RPZ”) surrounding each tree to ensure detailed development proposals avoid compromising the status of the trees. A single veteran tree lies within a Development Zone whilst three veteran trees lie within the full element.

viii) Stopping up / diversion of highways and public rights of way (PRoW)

3.27 Blindpit Lane is proposed to be stopped up in its entirety and will be replaced with active travel routes. Stopping up is necessary to facilitate the proposed development and is required for the proposed enabling infrastructure and Development Zones to be located within the site. Through vehicle movements to and from Curdworth Lane and Wishaw Lane would also be prevented⁵. The section of Dunton Lane west of the Ryefield Farm access is proposed to be stopped up for motorised vehicles, though retained for active travel users.

3.28 PRoW route M9 is proposed to be upgraded to bridleway status to account for equestrian users of Blindpit Lane (and a permissive equestrian ‘loop’ will be provided. All PRoW routes that interact with the Main Parcel will be diverted and upgraded.

d) The Applicant’s Case

3.29 Members will be aware that there are substantial issues involved with this proposal and that their assessment of these will have to be considered in the final planning balance which will take account of all of the material planning considerations affecting determination.

3.30 It is thus important that the Board understands the applicant’s position on these issues. And to this end he has produced a Planning Statement. In order to assist Members an Assessment of Green Belt and Grey Belt, Other considerations, Very Special Circumstances and Planning Balance element of this Statement is attached at Appendix H.

3.31 In particular it addresses the main crux of the final planning balance – whether the proposal is inappropriate development in respect of Green Belt taking into account the North Warwickshire Local Plan 2021 and the NPPF.

3.32 Section 7 of the planning statement covers this Green Belt Assessment and concludes that the land is defined as Grey Belt it does not fundamentally undermine the purposes of the remaining areas Green Belt, it will meet a demonstrable unmet need of employment land and it is a sustainable location. It therefore concludes that the proposal meets all the tests of paragraph 155 of NPPF and thus the applicant concludes that the development would not be inappropriate development.

3.33 The applicant has provided the following assessment of other considerations, as well as others these cover the main issues:

- Access and accessibility of the site
- Design
- Impact of built heritage
- Landscape and visual Impacts
- Agricultural land assessment, loss of best most versatile land
- Air Quality
- Arboriculture
- Archaeology
- Biodiversity
- Climate Change
- Flood risk and drainage
- Ground investigations
- Lighting
- Noise and Vibration

3.34 Notwithstanding the conclusion of that the development is not inappropriate covered by paragraph 3.32 above, the applicant then provides an assessment of Very Special Circumstances if it were found that the development was inappropriate. The includes the following elements that the applicant indicate would clearly outweigh the inappropriateness:

- The provision of economic opportunity and contributing towards an unmet need;
- Substantial economic and social benefits;
- The lack and absence of alternative sites assessment; and
- The significant environmental and sustainability benefits of the scheme.

3.35 In particular these points above addresses the main crux of the final planning balance – whether as inappropriate development in Green Belt, the development is clearly outweighed by other material planning considerations or whether as not inappropriate development that planning permission should be granted (Section 10 – Appendix H).

3.36 The full Statement is available for Members to research if they wish to follow these matters in more detail.

4. Development Plan

North Warwickshire Local Plan 2021 - Policy LP1 (Sustainable Development); LP2 (Settlement Hierarchy), Policy LP3 (Green Belt), LP5 (Amount of Development), LP6 (Additional Employment Land), Policy LP11 (Economic Regeneration), Policy LP12 (Employment Areas), LP14 (Landscaping), Policy LP15 (Historic Environment), LP16 (Natural Environment), LP17 (Green Infrastructure), LP22 (Open Spaces and Recreational Provision), LP23 (Transport Assessments), LP25 (Railway Lines), LP27 (Walking and Cycling), Policy LP29 (Development Considerations), LP30 (Built Form), LP33 (Water and Flood Risk Management), LP34 (Parking), LP35 (Renewable Energy and Energy Efficiency), LP36 (Information and Communication Technologies) and Policy LP39 (Employment Allocations)

5. Other Relevant Material Considerations

Draft Employment Development Plan Document – Scope, Issues and Options 2024

Air Quality and Planning - SPD 2019

West Midlands Strategic Employment Sites Study (Phase One) – 2015

West Midlands Strategic Employment Sites Study (Phase Two) – May 2021

National Planning Policy Framework 2024 – (the “NPPF”)

National Planning Practice Guidance – (the “NPPG”)

The National Design Guide 2021

The National Model Design Code 2021

Appeal Decision APP/R3705/W/24/3336295 Land north-east of Junction 10 of the M42 Motorway Dordon – Appeal dismissed

6. Observations

6.1 This application for outline planning permission is seeking approval in principle for a development which will involve the change in the use of land from agriculture to commercial employment use. Members will have to address the following considerations in the determination of the application.

- whether the site is “grey belt” and then to assess whether it would then be defined as appropriate or inappropriate development.
- If inappropriate development in the Green Belt, the impact on its openness and how much weight should be given to this.
- Whether the proposal accords with Local Plan policy LP2 (Settlement Hierarchy)

- Whether the proposal accords with the terms of Local Plan policy LP6 such that it does represent additional employment land within the terms of that policy.
- Whether the proposal accords with Local Plan policy LP34 in respect of the proposed inclusion of an HGV waiting area
- Whether the identification of any harms arising from the environmental impacts identified by the applicant are acceptable under the terms of the relevant Local Plan policies and whether any residual harms can be mitigated.
- Whether the public benefits outweigh any harm caused to heritage assets
- Whether the proposal leads to any cumulative benefits and disbenefits

6.2 As a consequence of these considerations, weights can be afforded to them such that they can then be assessed in the final planning balance, which will include all relevant material planning considerations.

6.3 Members may wish to visit the site together before a determination is made.

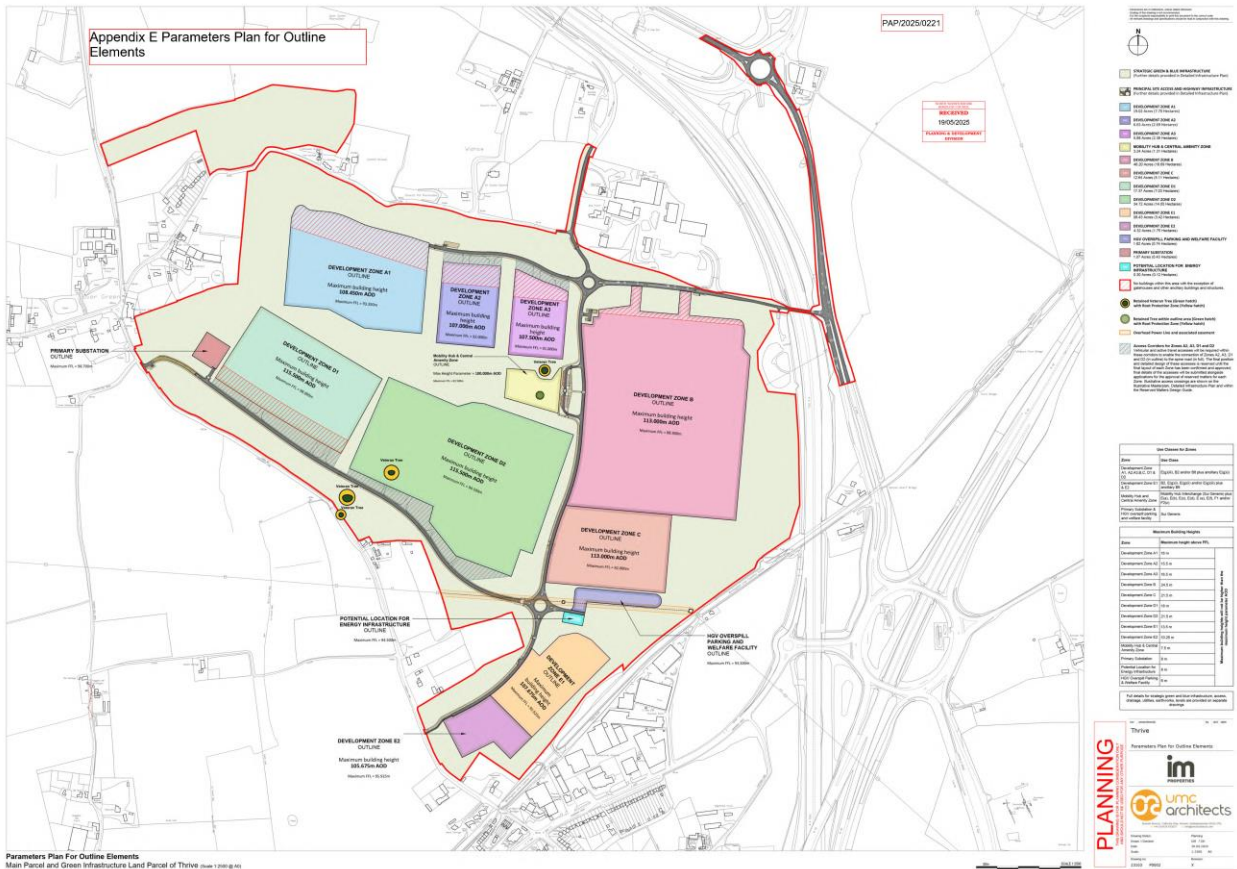
7. Recommendation

7.1 That the receipt of this application be noted and that Members consider how a visit to the site might be arranged.

Wider Context

The map illustrates the wider context of the THRIVE project area, which is highlighted in red. The project area is located in the central part of the Birmingham conurbation, near the intersection of the M5, M6, and M42 motorways. The map shows the surrounding areas, including Tamworth, Atherstone, Nuneaton, and Solihull. Key locations within the project area include The Belfry, Birch Coppice SRF, Home Hall SRF, and the H52 Interchange Station. The map also shows the M5, M6, and M42 motorways, and the A500 and A501 roads. A legend in the top right corner identifies the East Birmingham & North Solihull Growth Zone, UK Central Hub, North Warwickshire, and H5a.







PLANNING

Thrive
Illustrative Central Amenity
& Mobility Hub Plan

im
PROPERTIES

umc
architects

Drawing Name: Thrive - Illustrative Central Amenity & Mobility Hub Plan
Date: 19/05/2025
Scale: 1:1000
Drawing No: 1234567890
Client: D

Thrive: Hybrid Planning Application

Planning Statement

Turley



May 2025

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED

19/05/2025

PLANNING & DEVELOPMENT
DIVISION



A place to start, grow and Thrive

7. Assessment of Green Belt / Grey Belt

- 7.1 Thrive is located wholly within the West Midlands Green Belt.
- 7.2 Accordingly, the application is supported by a Green Belt Assessment (GBA). The purpose of the supporting assessment is to determine whether the proposed development is 'inappropriate development' in the Green Belt with reference to Policy LP3 in the Local Plan and paragraphs 154 and 155 of the NPPF, with detailed consideration given to the site's contribution to the five "purposes" of the Green Belt as set out in paragraph 143 of the NPPF.
- 7.3 Paragraph 153 of the NPPF is clear that substantial weight should be given to any identified harm to the Green Belt, including harm to its openness, and that inappropriate development is harmful by definition. Paragraph 155 of the 2024 NPPF introduces new exceptions to 'inappropriate development' and confirms that, for present purposes, commercial development should be regarded as 'not inappropriate' where the development would utilise grey belt land and where other additional criteria specified in paragraph 155 of the NPPF are met.
- 7.4 The important Green Belt PPG guidance [Paragraph: 009 Reference ID: 64-009-20250225] outlines the evidence local authorities should consider when reaching a judgement as to whether the site is grey belt and whether the paragraph 155 criteria are met which includes whether development of the site would fundamentally undermine the purposes of the remaining Green Belt across the plans.
- 7.5 Section 5 of the accompanying GBA assesses whether the site comprises 'grey belt' land and a summary of the conclusions is provided below in line with the guidance provided in the PPG [Paragraph: 009 Reference ID: 64-009-20250225]. The GBA should be read in full.

Thrive as grey belt land

- 7.6 This section examines how Thrive should be regarded as 'not inappropriate' grey belt development in the Green Belt in accordance with the Annex 2 Glossary definition and paragraph 155 of the NPPF.

Whether the site strongly contributes to the Green Belt purposes a, b or d

- 7.7 Overall, and for the reasons set out in the GBA, it is considered that Thrive makes a moderate contribution to purposes (a) and (b) and no contribution to purpose (d).
- 7.8 A summary of the conclusions for the site's contribution to each of the above purposes is set out below:
- Purpose (a): it is considered that the site makes a 'moderate' (and not a 'strong') contribution to this purpose as there are numerous urbanising influences around the site, and the site is also partially enclosed by development, with a further defensible boundary (the M6 Toll) in close proximity.

- Purpose (b): whilst the site forms part of a gap between Birmingham and other towns to the east including Nuneaton and Atherstone, it forms only a small part of this gap and the development of the site would not result in the loss of visual separation between towns.
- Purpose (d): the site does not form part of the setting of a historic town.

7.9 Table 7.1 below summarises the outcomes of the analysis undertaken against the five purposes of the Green Belt in Section 5 of the accompanying GBA.

Table 7.1: Summary of contribution to purposes

| Green Belt Purpose | Contribution made by site |
|--------------------|---------------------------|
| a) | Moderate |
| b) | Moderate |
| c) | Strong |
| d) | No contribution |
| e) | Weak |

7.10 Importantly, none of these contributions are “strong” in the context of the purposes which relate to the definition of grey belt land contained in Annex 2 of the NPPF.

Whether the application of policies to areas and assets of particular importance identified in footnote 7 to the NPPF (other than Green Belt) provide a strong reason to restrict development?

7.11 It must also be considered, under the definition for grey belt whether the application of policies relating to footnote 7 (other than Green Belt) would provide a strong reason for refusal.

7.12 Table 7.2 below summarises each aspect of footnote 7 and whether or not this is considered to weigh significantly against the proposed development in the planning balance.

Table 7.2: Summary analysis of footnote 7 policies

| Aspect of footnote 7 | Summary | Strong reason for refusal (Y/N) |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest | The Site is not within a Special Area of Conservation (SAC) or a Special Protection Area (SPA) (nor any Potential SACs or SPAs or Potential or identified Ramsar Site) nor is it designated as a Site of Special Scientific Interest. | N |
| Local Green Space | The site is not designated as a Local Green Space. | N |

| | | |
|--------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| A National Landscape | The site is not within a National Landscape. | N |
| A National Park (or within the Broads Authority) or defined as a Heritage Coast | The site is not within a National Park (or the Broads Authority) and is not defined as a Heritage Coast. | N |
| Irreplaceable habitats | The site does not include any irreplaceable habitats with the exception of four veteran oaks, all of which will be retained as part of the proposed development. | N |
| Designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75) | <p>The proposed development will result in less than substantial (low to moderate) harm to the grade II* listed Church of St Chad and a very low level of harm to the significance of the non-designated Wishaw Hall.</p> <p>Paragraph 8.32 of this statement confirms that the public benefits associated with the proposed development outweigh the harm identified to heritage assets such that the heritage 'mini balance' in paragraph 215 of the NPPF is favourable to the proposals.</p> <p>As such, the Footnote 7 bar to grey belt identification does not apply.</p> | N |
| Areas at risk of flooding or coastal change | <p>The site is located entirely within Flood Zone 1 (low probability of flooding from rivers).</p> <p>The proposed development has been reviewed against other potential sources of flood risk, including canals, groundwater, public sewers and reservoirs and large waterbodies. Based on the available data, these potential sources were found to pose a low flood risk.</p> <p>The hydraulic modelling identifies that the potential surface water flooding poses a low flood risk to the proposed development. The majority of the predicted runoff poses a 'very low' hazard, and it only poses a 'low' hazard even at the most extreme storm event (1 in 1000-year).</p> | N |

- 7.13 Based on the above, it is considered that the site is grey belt land falling squarely within the Annex 2: Glossary 'grey belt' definition, given it does not 'strongly' contribute to any of purposes a), b) or d) of the Green Belt and the application of policies within footnote 7 provide no strong reason for refusal.

Whether development of the site would fundamentally undermine the purposes of the remaining Green Belt across the plan area, as set out in national policy and this guidance

- 7.14 Having ascertained above that the site plainly falls within the 'grey belt' definition, it is necessary to then apply the paragraph 155 NPPF criteria to consider whether the proposals are 'not inappropriate' grey belt development.
- 7.15 Limb (a) of the paragraph 155 NPPF criteria requires consideration to be given to whether the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Paragraph 64-008-20250225 of the PPG is clear that in reaching this judgment decision makers should consider whether, or the extent to which, the release or development of Green Belt land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way which is self-evidently a very high hurdle.
- 7.16 The Coventry & Warwickshire Joint Green Belt Study (C&WJGBS) (April 2016) provides evidence in respect of the fundamental purpose of the Green Belt within North Warwickshire. The study defines a series of broad areas which make a "*considerable contribution to Green Belt purposes*" and then assesses smaller land parcels for their individual contributions to the five purposes.
- 7.17 In outlining the methodology undertaken, the study confirms that largely open and undeveloped countryside between the large built-up areas and main rural villages were defined as 'broad areas' which were assumed to make a "*considerable contribution to Green Belt purposes*". The descriptive assessment included within the study confirms why "*these larger, more strategic areas of the Green Belt fundamentally fulfil the purposes of this strategic designation in the West Midlands [emphasis added]*".
- 7.18 It is these 'broad areas' which are considered to strategically and fundamentally fulfil the purposes of the West Midlands Green Belt across the borough (i.e. the plan area). In respect of Broad Area 9 (which only a small proportion of the site is located), the C&WJGBS concludes that the broad area makes a considerable contribution to the Green Belt purposes.
- 7.19 Critically, the PPG is very clear that the question is not whether Broad Area 9 in the C&WJGBS meets the definition of the grey belt. The correct question as confirmed by paragraph 64-009-20250225 of the PPG, is whether development of the site (i.e. not the wider Broad Area 9 notional parcel within which it sits) would fundamentally undermine the purposes of the remaining Green Belt across the plan area.
- 7.20 As such, and applying this PPG compliant analysis, for the reasons set out in the GBA, it is considered that Thrive complies with paragraph 155a of the NPPF in that it will utilise grey belt land (as it squarely falls within the definition in the Annex 2: Glossary of the

NPPF) and would not affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.

Thrive will meet a demonstrable unmet need for employment land

7.21 Limb (b) of the paragraph 155 NPPF criteria requires consideration of whether there is a demonstrable unmet need for the type of development proposed.

7.22 The PPG [Paragraph: 010 Reference ID: 64-010-20250225] is clear that the demonstration of an unmet need for the type of development proposed is a relevant consideration when determining whether the proposals would be not inappropriate development in the Green Belt.

7.23 In addition, Policy LP6 in the Local Plan is explicit in stating:

"Significant weight will be given in decision taking to supporting economic and productivity, particularly where evidence demonstrates an immediate need for employment land, or a certain type of employment land, within Area A on Figure 4.10 of the West Midlands Strategic Employment Sites Study of September 2015 (or successor study) which cannot be met via forecast supply or allocations."

7.24 The matter of employment land need, immediacy, and how and where it should be addressed has recently been tested at a Section 78 inquiry via the dismissed appeal (ref. APP/R3705/W/24/3336295) for an industrial and logistics development (I&L) scheme on land north-east of Junction 10 of the M42 in Dordon ("the Hodgetts appeal") which is approximately 10km from Thrive (as the crow flies).

7.25 Paragraphs 110 to 137 of the appeal decision (Appendix 2) examine and establish how Policy LP6 should be considered:

- *"Big box' logistics, namely a specific segment within the overall employment land market which caters for logistics and distribution (Use Class B8), with unit sizes greater than 10,000sqm (100,000sqft), would accord with the Policy LP6 reference to 'a certain type of employment land'." [paragraph 119]*
- *"a need has been identified both regionally and nationally for such large strategic employment sites" [paragraph 119]*

7.26 Importantly, the Inspector confirms at paragraph 134 that an immediate need exists for employment land in the borough, as it states [underline for emphasis]:

"I have carefully considered all the arguments and extensive evidence put forward by both the appellant and the Council on this issue, and on balance I favour the case put forward by the appellant. Whilst the Council was at pains to point out that much of the appellant's evidence related to demand rather than need, Mrs Barratt for the Council accepted that that 'need' means an excess of demand when compared to the extent of supply. With this in mind I have found the appellant's information on need/demand and immediacy in the ELS to be both comprehensive and persuasive, and consider that an immediate need for Big Box logistics land has been demonstrated. The way to deal with that immediate need, at this point in time, is through NWLP Policy LP6. In the fullness

of time, when the Council's EDPD has progressed further along the path to adoption, that would be an appropriate vehicle to address any such need – but that option is not currently available."

- 7.27 As the above appeal scheme was dismissed, there remains a proven immediate need for employment land in North Warwickshire. It is recognised that after the appeal and the decision further independent studies assessing the strategic need/ demand for employment land within the relevant geography have been published. This includes the WMSESS 2024 and affirms a concluded unmet need.
- 7.28 The 'Responding to Economic Opportunity and Need' report submitted in support of this application demonstrates how Thrive can address national and local economic policy, responding to emerging growth cluster opportunities and meet an unmet local and strategic employment land need.
- 7.29 The above report includes an Industrial & Logistics Needs Assessment by Savills and an opportunity led document by Metro Dynamics titled 'Capturing the Economics Opportunity'. The report should be read in full.
- 7.30 In the context of addressing Policy LP6 in the Local Plan (i.e. meeting an immediate need / certain type of employment land) and limb (b) of paragraph 155 of the NPPF, a summary of the quantitative supply, need and unmet need is set out below:

Supply

- 7.31 The expert evidence commissioned by the Applicant demonstrates the following on supply in North Warwickshire:
- (i) Availability in North Warwickshire has been below the 8.0% equilibrium, the level where a market is broadly in balance in terms of supply and demand, for much of the last decade and is currently at 6.6% in North Warwickshire. This indicates that the I&L market has been constrained for a considerable period which in turn suppresses demand as not all occupiers can find space to meet their needs.
 - (ii) Rents have grown by 84% in North Warwickshire between 2013 and 2023, which is over double the rate of inflation over the same period. The strong rental growth shows no sign of slowing down given it has been higher in the second half of the last decade. This indicates that the I&L markets are becoming increasingly supply constrained.
 - (iii) When using the 2013 to 2023 trend for net absorption, North Warwickshire has less than 4 years of supply available (at 2.7 years), suggesting an immediate need for new I&L floorspace. More widely, the M42 corridor has only 1.2 years available supply when using the 2013 to 2023 trend for net absorption.
- 7.32 In addition, the Industrial & Logistics Need Assessment provides a supply position update (as of February 2025), which concludes the following for North Warwickshire:

- The amount of floorspace within North Warwickshire has fallen from 79,618m² in May 2024 to 71,202m² in February 2025.
 - Two buildings have been let in North Warwickshire between May 2024 and February 2025, including Tamworth 195 (18,129m²) and Hams Hall 160 (14,931m²).
 - There is a total supply of 62ha including 44ha and 18ha of existing floorspace of which half is Grade C so not comparable to Thrive.
 - There are only two sites available which are suitable for strategic B2 or B8 within North Warwickshire, including Horiba MIRA Southern Expansion (with the planning permission restricting development to primary B2 use) and land to the west of Birch Coppice (5.1ha).
 - There are no available strategic employment sites along the M42 corridor, including in North Warwickshire.
- 7.33 Owing to the supply constraints in North Warwickshire (and more widely along the M42 corridor), there is a significant list of live occupier enquiries, which is summarised at Table 4.1 of the Industrial and Logistics Need Assessment. The total requirement of the live occupier enquiries amounts to between 5,475,000 and 7,025,000 sq. ft ranging between individual requirements for between 100,000 sq. ft and 600,000 sq. ft. The enquiries originate from regional, national and international manufacturers, third party logistics operators and online retailers.
- 7.34 Given the shortage of available sites in North Warwickshire (and along the M42 corridor as a whole), there are now significant levels of pent-up demand with occupiers facing an increasingly limited choice of floorspace to meet their business needs.
- Need**
- 7.35 This sub-section provides an overview of the gross need position as documented in evidence prepared by the Coventry & Warwickshire (C&W) authorities as well as authorities in the wider West Midlands (i.e. the WMSESS).
- The Coventry & Warwickshire HEDNA 2022***
- 7.36 Icen Projects Ltd were appointed by the local planning authorities in Coventry and Warwickshire (C&W) to undertake a Housing and Economic Development Needs Assessment (HEDNA) to inform the preparation and review of local plans within the sub region.
- 7.37 The HEDNA (2022) considers the need for employment land across C&W over the period 2021 to 2041 and beyond to 2050. The HEDNA estimates a need for 621.9ha of land for general industrial uses between 2021 and 2041 and an additional need of 551ha of land for strategic B8 uses over the same period. Extending the estimates out to 2050, this increases need to 901.8ha of land for general industrial uses, and an additional need of 735ha of land for strategic B8.

- 7.38 Specifically for North Warwickshire, the HEDNA estimates a need for 56.1ha of land for general industrial uses between 2021-2041 and a need for 81.4ha of land for general industrial uses between 2021-50.

West Midlands Strategic Employment Site Study (2023)

- 7.39 Mace Ltd supported by Icen Projects Ltd, Knight Frank and MDS Transmodal were commissioned to undertake the West Midlands Strategic Employment Sites Study 2023 (WMSESS) which was published in 2024⁷.
- 7.40 The WMSESS aimed to provide an assessment of need for large scale employment investment sites, being defined as those of over 25ha and focused on large units typically of 9,300 sq.m and above. The preferred needs scenario is in the range of 1,920 to 2,282ha. This is concluded in the WMSESS to be the need for strategic sites across the West Midlands study area in the period 2022-2045.
- 7.41 In addition, the WMSESS identifies opportunity areas for meeting this need. A junction score assessment sits behind the study, including a high-level assessment of junction capacity, public transport labour accessibility and car labour accessibility. Each has a weight applied to each factor including 27.5%, 45% and 27.5% respectively.
- 7.42 Three “optimum” junction locations, scoring “top 50%” have been identified in North Warwickshire including at Junction 9 of the M42, Junction 10 of the M42 and along the A45 (which straddles SMBC). The J9 and J10 opportunities sit inside “Area 5 M42 North Warwickshire”; whilst the A45 opportunity lies within “Area 6 M42 Solihull”. A single opportunity along the A5 by Atherstone has been identified but is ‘bottom 50%’ and does not lie within an opportunity area.
- 7.43 “Area 5 M42 North Warwickshire” (which Thrive falls within) is almost exclusively located within North Warwickshire, where the study identifies an indicative additional site requirement at B8 / mixed (50ha) is 1-2 sites (totalling between 50 and 100ha). No sites for pure E(g) / B2 (c.25ha) are identified. The narrative supporting the identification of Area 5 in the WMSESS (Table 12.2) confirms it is a “*high demand established location*” which corresponds with its ‘A’ (high scoring) market rank.
- 7.44 In its consideration of the Area 5 Opportunity Area the WMSESS 2024 (paragraph 12.33) that: *‘The North Warwickshire market is one of the strongest within the West Midlands, owing to their superb connectivity to the motorway network and access into major towns and cities including Birmingham.’*
- The Coventry & Warwickshire WMSESS & HEDNA Alignment Paper (2024) Addendum***
- 7.45 Icen Projects Ltd were commissioned by Rugby Borough Council on behalf of the C&W authorities to consider the relationship between employment land recommendations in the WMSESS and the HEDNA. The results were published as the Alignment Paper.

⁷ Policy LP6 refers to the 2015 WMSESS which for clarification only reviewed and assessed supply and not need. The 2024 WMSESS reviews and assesses need and supply as well as “Areas of Opportunity” for strategic employment development, so it is the most relevant evidence base for this hybrid planning application and it is the “successor study” referred to in Policy LP6.

- 7.46 The total industrial land need for C&W was concluded as being between 1,325ha and 1,507ha for the 2021-2041 period, and between 1,405ha and 1,587ha over the 2021-2045 period. Over the longer time period of 2021-2050 need was concluded to be between 1,503ha and 1,685ha. The updated need position for industrial and strategic sites was broadly in line with the C&W total need identified in the HEDNA.
- 7.47 Due to a calculation error in the original Alignment Paper, the total C&W industrial land need is corrected to between 1,327ha and 1,509ha for 2021-2041, 1,407ha to 1,589ha for 2021-2045 and 1,505ha to 1,687ha over the 2021-2050 period.
- 7.48 The components of need across C&W, including a calculated 'local need' in North Warwickshire of between 60.3ha (2021-2041) and 82.1ha (2021-2050) are shown in Table 5.2 of the 'Responding to Economic Opportunity and Need'. As Savills explain in its Industrial and Logistics Need Assessment this 'local need' is made up of an identified local industrial need of 19.8ha (2021-41), 23.0ha (2021-45) and 27.0ha (2021-50) plus separately defined additional big-box needs on non-strategic sites.
- Savills Industrial and Logistics Need Assessment (April 2025)**
- 7.49 Savills assessed need for I&L land on behalf of the Applicant to support the hybrid planning application.
- 7.50 Over a 20-year period, Savills estimate industrial and logistics demand in C&W to be between 1,285ha and 1,469 ha of land, depending upon the plot ratios used to generate estimates.
- 7.51 These estimates are broadly consistent with the Alignment Paper Addendum (2024) which concludes a range of between 1,327ha and 1,509ha of industrial and logistics land across Coventry and Warwickshire over a 20 year period.
- 7.52 Turning to consider North Warwickshire specifically, Savills estimate strategic I&L demand (defined as units about 100,000 sq.ft/9,290 sq.m+) to be between 195 and 243ha of land over a 20 year period.

Unmet need

- 7.53 Consideration has been given by Savills as to how the estimate of need compares to evidence contained in the WMSESS (2024) taking account of available supply. The WMSESS states that the indicative land need over the period 2022-2045 for Area 5: M42 North Warwickshire is between 50ha and 100ha of land over 23 years. It is important to note that Area 5 as defined in the WMSESS only forms a part of the wider North Warwickshire borough.
- 7.54 In light of the geographical basis, Savills conclude that it is reasonable to treat the unmet need of 100ha for Area 5 as a minimum threshold when considering need at a borough level for North Warwickshire. When considering North Warwickshire as a whole, Savills estimates the unmet strategic need in the borough to be between 133ha and 181ha over a twenty-year period.
- 7.55 In addition, the Alignment Paper concludes that between 2021-45 there is a local industrial need of 36ha in North Warwickshire, whilst between 2021-50 this increases to 48ha.

Summary

- 7.56 The unmet need position in North Warwickshire is substantial and the evidence demonstrating such need is compelling – both that commissioned and published on behalf of local planning authorities as well as analysis by Savills on behalf of the Applicant.
- 7.57 Taking into account these collective findings it is clear that failure to address land constraints in North Warwickshire will not only lead to demand being suppressed, but it will have wider effects on the health and productivity of the local economy.
- 7.58 To conclude, it is plain that Thrive complies with paragraph 155(b) of the NPPF and will meet the immediate need for employment land as required by Policy LP6.

Thrive is a sustainable location

- 7.59 Limb (c) of NPPF paragraph 155 criteria requires provides that it is necessary to consider whether the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF. Paragraph 64-011-20250225 of the PPG is clear that when considering whether the proposals are in a sustainable location, it is whether the site is **or can be made** sustainable (emphasis added).
- 7.60 The PPG [Paragraph: 011 Reference ID: 64-011-20250225] also indicates that whether locations are sustainable should be determined in light of local context and or development specific considerations.

Development specific considerations

- 7.61 Paragraph 11.22 of the Coventry & Warwickshire HEDNA (November 2022) and section 2.3 of the Savills Industrial & Logistics Needs Assessment Addendum (March 2025)⁸ set out the key locational considerations for occupiers operating in the I&L sectors.
- 7.62 Thrive is uniquely located to respond to these considerations owing to its strategic locational advantages, which make it very attractive for I&L development. This includes (in summary):
- Convenient access to supplies and end customers with up to 24.4 million people (41% of England and Wales's population), and approximately 942,000 businesses (38% of England and Wales's businesses) accessible within a 2 hour truck time of Thrive.
 - Convenient access to a pool of potential workers (labour supply), with up to c. 350,000 working-age people within a 21 minutes' drive time, which is the average home-to-work travel time in North Warwickshire.
 - Convenient access to major freight handling infrastructure that can be utilised as part of I&L companies' wider supply chains including a number of rail freight interchanges (Hams Hall, Birmingham International Freight Terminal (Birch

⁸ This is appended to the Turley 'Responding to Economic Opportunity and Need' report (May 2025).

Coppice) and Lawley Street), ports, and airports (including Coventry, Birmingham and East Midlands airport).

- Thrive's prime location in relation to the West Midlands Plan for Growth 'Growth Clusters' and proximity to key emerging sites such as MIRA and Greenpower Park in Coventry.

7.63 Thrive will also increase the employment opportunities available to the residents of the disadvantaged and deprived communities within commuting distance of Thrive. The quality of jobs associated with the proposed development will benefit the local job market, and help to improve North Warwickshire's self-containment levels (34%) which currently lags the West Midlands average (51%). This means that North Warwickshire is losing the economic output from its workforce, and not capturing the sustainability benefits associated with residents travelling less distances to their places of work.

7.64 As such, it is clear that Thrive is a sustainable location in the context of development specific considerations.

Thrive will maximise sustainable transport solutions

7.65 Moreover, the Sustainable Transport Strategy submitted in support of this application confirms the measures which will be incorporated into the proposed development to offer genuine choice of sustainable transport modes which are (in summary):

Active travel

- Enhanced pedestrian provision to Peddimore to the west via a new footway on Curdworth Lane and Bulls Lane (with streetlighting) before then routing via the recently stopped up Wishaw Lane (west).
- Enhanced cycle provision between the site and Curdworth and beyond towards Coleshill Parkway railway station via a three-way signalised shuttle working at the Curdworth Bridge, toucan crossing over Kingsbury Road and new shared cycle / footways along Coleshill Road. Traffic calming / 'rat running' deterrent measures are also proposed on the rural lanes close to the site to provide a quieter / more suitable environment for cyclists.
- Enhanced cycle provision to Peddimore (and subsequently Langley SUE) to the west via traffic calming / at running deterrent measures on Curdworth Lane and Bulls Lane before utilising the recently stopped up Wishaw Lane (west).
- A new centrally located Mobility Hub which will include provision for storage / hire facilities for modes of active travel (e.g. cycles, electric scooters and e-bikes).

Public transport

- Potential to divert a section of the existing X64 bus service which currently serves the neighbouring Peddimore development, thereby providing a link to Birmingham and with future potential to also serve the Langley SUE development.
- Potential to divert a section of the existing 76 bus service which provides a link between Sutton Coldfield and Tamworth.

- Potential to reintroduce the 115/116 bus service to connect Thrive with Tamworth and Coleshill with options to ultimately connect to the Chelmsley Wood Interchange or provide a further link to Hams Hall. Additionally, the route could connect to Sutton Coldfield and link to cross city rail services.
- Potential to reintroduce the bus service between Birmingham and Drayton Manor theme park, via the site and also providing services to the Belfry Golf Club / Hotel Resort.
- High quality bus stop infrastructure will be included within walking distance of all proposed units in addition to the proposed Mobility Hub, the latter of which will also include travel information, layover facilities and onward travel options, and the possibility of forming a 'bus interchange' facility.

Car sharing scheme

- Car sharing scheme (such as in place at Peddimore) will be implemented at the site, with the scheme then being promoted to all Thrive occupiers as part of the Travel Plan process. It is proposed that parking for car club vehicles will be provided within the proposed mobility hub.

- 7.66 There is also the opportunity for Thrive to tie in with the neighbouring Sutton Connect Green Travel District.
- 7.67 The sustainable transport measures listed above will be discussed with NWBC, the local highways authorities and other relevant transport stakeholders during the determination period to build upon pre-application discussions.
- 7.68 It will be seen from the above that Thrive will be a sustainable location with reference (in particular) to paragraphs 110 and 115 of the NPPF and thus the paragraph 155 (c) criterion is clearly met.
- 7.69 Equally, and as important, it is apparent that Thrive will be reasonably accessible by a choice of modes of transport as required by Policy LP6(ii).

Summary

- 7.70 On the basis of the analysis within the GBA (which should be read in full), and summarised above, it is evident that the proposed development is grey belt which is not 'inappropriate development' in the Green Belt.
- 7.71 Paragraph 014 Reference ID: 64-014-20250225 is clear that if development is considered not inappropriate then this is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including to its openness and it follows that there is no requirement to demonstrate 'very special circumstances' to outweigh the harm (and Local Plan Policy LP3 does not therefore apply).
- 7.72 Moreover, Footnote 55 of the NPPF is clear that if the site is grey belt and the development would be not inappropriate, then there is no harm to openness that

needs to be analysed by the decision maker (which Paragraph 014 Reference ID: 64-014-20250225 of the PPG confirms is consistent with relevant case law⁹).

- 7.73 Notwithstanding the conclusions supported by evidence in this application, that the proposed development is grey belt and the development would be 'not inappropriate', should the decision maker disagree with this analysis, then in the alternative and for completeness the GBA still goes on to assess both the contribution that the site makes to Green Belt purpose (c) (i.e. a strong contribution) and the harm the proposals would cause to Green Belt openness (i.e. substantial) in the event it is considered (contrary to our analysis) that the proposed development is 'inappropriate development' and very special circumstances are required pursuant to paragraph 153 of the NPPF. The very special circumstances case for the proposals is set out in section 9 of this statement.

⁹ E.g. [R \(Lee Valley Regional Park Authority\) v Epping Forest District Council \[2016\] EWCA Civ 404](#) where at §25 the Court of Appeal endorsed the finding that "*appropriate development is deemed not harmful to the Green Belt...*".

8. Assessment of other considerations

- 8.1 This section describes and explains the relevant other considerations (outside of Green Belt matters) which are considered material to the overall planning balance, and which are drawn from the submitted technical assessments and the accompanying ES. The conclusions of the assessments are considered against the relevant policies in the development plan.

Access and accessibility¹⁰

- 8.2 **Policy LP6(i) and (ii)** require schemes for additional employment land to demonstrate access to the strategic highway network is achievable and appropriate, and the site is reasonably accessible by a choice of modes of transport respectively. This is in addition to the requirements of **Policy LP1** (required infrastructure), **Policy LP23** (Transport Assessments and Travel Plans), **Policy LP34** (adequate parking), **Policy LP27** (walking and cycling), **Policy LP29** (encourage sustainable transport and safe / suitable access promote healthier lifestyles), and paragraphs 115, 116, 117 and 118 of the NPPF.
- 8.3 An assessment of transport and access is set out in Chapter 16 of the ES. The application is also supported by a Transport Assessment (TA), Framework Travel Plan (FTP), Sustainable Transport Strategy (STS), and Highways Stopping Up and ProW Diversion Statement.
- 8.4 The TA has followed a 'vision led' approach in accordance with the NPPF and Circular 01/2022 in which sustainable transport solutions have been considered from the outset, and have then subsequently evolved / been refined through engagement with local highway authorities and other key stakeholders in addition to comments from public consultations. Whilst the modelling of the worst case development traffic scenarios have been undertaken at the request of Warwickshire County Council, this vision led approach has run in tandem with this process to provide a future vision for the development for the 10 year period post first occupation, including targets for sustainable model shift.
- 8.5 The main vehicular access to the development will be via Dunton Lane and will include an upgrade of the A446/Dunton Lane junction to an all-movements junction with full signalisation. This will enable vehicular movements to and from M42 Junction 9 and M6 Toll.
- 8.6 The A446/Grove Lane junction will form a secondary access route to the site and will also be upgraded to include full signalisation and a dedicated left turn lane from the A446 northbound.

¹⁰ A proposed bus gate and bridleway connection lies within the administrative area of Birmingham City Council which will facilitate the use of a sustainable mode of transport between Thrive and surrounding areas (including residents in Birmingham). This aspect, as well as wider traffic and transportation proposals, fully accord with Policy TP38 of the BLP and Policy DM14 of the DMBDPD.

- 8.7 HGV traffic will be prohibited from travelling west of the development and will be required to route to/from the site via the A446.
- 8.8 The full scope of sustainable travel enhancements are set out in the submitted Sustainable Transport Strategy, but in summary includes:
- A new active travel link to Peddimore and Langley SUE to the west.
 - A new Mobility Hub in the heart of Thrive incorporating bus stop provision and associated information/layover facilities which will also serve as a bus interchange facility. It will incorporate parking spaces for electric vehicle charging and car club vehicles, and storage/hire facilities for modes of active travel (e.g. cycles, electric scooters and e-bikes).
 - An internal network of permissive paths and segregated cycle/footpaths, PRowS and new bridleway.
 - Bus service extensions/diversions to serve both the site and neighbouring settlements.
 - Traffic calming/counter 'rat running' measures within the wider rural area.
 - Enhanced cycle/pedestrian provision to and from Curdworth and contributes towards cycle improvements between Curdworth and Coleshill Parkway railway station.
- 8.9 The traffic impact of the development has been assessed using both the M42 Junction 9 Paramics Model and subsequent stand-alone junction model assessments. This has identified mitigation is also required at the Bassetts Pole roundabout and the M42 Junction 9.
- 8.10 The TA has modelled a higher level of floorspace (3.5m sq ft) compared to that shown on the Illustrative Development Masterplan. The site capacity has reduced in line with the scheme's evolution and stakeholder input (settling at an Illustrative Development Masterplan, which indicates the site is capable of accommodating c.3.1m sq ft), this therefore represents an extremely robust assessment of traffic impacts. The TA has also assumed a 50:50 split between manufacturing and logistics uses as a "reasonable worst case" position in relation to assessing the impact of traffic movements (though based on the higher level of floorspace).
- 8.11 With the proposed mitigation measures in place, all junctions in the identified study are predicted to operate satisfactorily and can include between 10% to 30% further additional development traffic which has been considered in further sensitivity assessments. This is above and beyond the agreed robust trip generation for the development which assumes a circa 10% higher total gross floor area. Additionally, further 'Distribution Sensitivity' considerations have demonstrated the approved distribution methodology used within the modelling is fit for purpose for robustly assessing the likely traffic impacts of the development.

- 8.12 An analysis of traffic collisions locally has shown the majority of collisions indicate driver error/impairment as the primary cause and therefore there is not likely to be any inherent road safety issues locally. Collisions involving pedestrians and cyclists both accounted for 3% respectively of the total recorded collisions.
- 8.13 The TA concludes that, subject to proposed mitigation, the additional traffic would not have a material impact on the safety or operation of the local road network, and it can therefore clearly be concluded, applying paragraph 116 of the NPPF, that the residual cumulative impact of the proposed development on the road network will not be “severe” and, overall, there are no justifiable reasons for refusal on highway grounds.
- 8.14 Moreover, the traffic and access effects of the proposed development, during both construction and operational phases, have been assessed in Chapter 16 of the ES, which concludes there are no significant effects.
- 8.15 As such, subject to the proposed mitigation, the proposals accord with **Policy LP1** (required infrastructure), **Policy LP6(i)(ii)** (access to the strategic highway and choice of transport modes), **Policy LP23** (Transport Assessments and Travel Plans), **Policy LP34** (adequate parking), **Policy LP27** (walking and cycling), **Policy LP29** (encourage sustainable transport and safe / suitable access promote healthier lifestyles), and **paragraphs 115, 116, 117 and 118** of the NPPF.

Design

- 8.16 **Policy LP29** sets out development considerations and **Policy LP30** requires development should respect and reflect existing pattern, character and appearance of its setting in its layout, form and density.
- 8.17 The DAS and RMDG demonstrate that Thrive will comprise an employment park of the highest quality in a landscape setting.
- 8.18 Thrive has been designed to successfully integrate with the surrounding landscape character through a landscape-led Illustrative Development Plan. The development will be set within an extensive area of green and blue infrastructure, including significant areas of new vegetation (tree and woodland planting).
- 8.19 These areas will create an attractive working and recreational environment which enhances biodiversity. Landscape buffers have been purposefully designed around the Development Zones to appropriately screen the built form as far as possible and where necessary.
- 8.20 The site is interconnected by a central green corridor linking all the Development Zones and the Mobility Hub and Central Amenity Zone; whilst the site will be bound in places by community orchards and allotments, an equestrian ‘loop’ and a sensitively landscaped interface with the Birmingham and Fazeley canal along its south-eastern edge.
- 8.21 The focal point for Thrive will be the Mobility Hub and Central Amenity Zone (as illustrated in the submitted drawing Illustrative Central Amenity & Mobility Hub Plan), which will act as a gateway bringing together nature, active travel and public transport

connections, as well accommodate education, recreation and leisure space. A central square has the capacity to be a space for gathering and community interaction, including the accommodation for community events and markets, which facilitate vitality and vibrancy at Thrive.

- 8.22 New buildings will be confined to the Development Zones, which are subject to parameters that have been carefully formulated in response to sensitive receptors relating to acoustics, visual amenity, biodiversity and heritage setting. For example, the Development Zone capable of accommodating the tallest buildings has been situated at the lowest point of the site away from residential receptors north-west of the site.
- 8.23 Zones for the primary substation and energy infrastructure have been positioned in appropriate locations owing to constraints and opportunities associated with utility connections; whilst the HGV overspill zone is located adjacent to internal roundabouts to ensure sufficient accessibility across the site.
- 8.24 In the context of existing and new employment parks, the DAS and RMDG illustrate that the design of Thrive will be outstanding and will meet and exceed local planning policy attracting significant weight (in accordance with paragraph 139 of the NPPF).

Built heritage

- 8.25 **Policy LP15** states that the historic environment (including designated heritage assets) will be protected and enhanced, commensurate to the significance of the asset.
- 8.26 A Heritage Assessment ("HA") has been prepared and submitted to support the hybrid planning application. It is a technical appendix of Chapter 10 of the ES, which also assesses the significant effects associated with built heritage.
- 8.27 In determining the submitted hybrid planning application, NWBC has a statutory duty, under the Planning (Listed Buildings and Conservation Areas) Act 1990¹¹, to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest they possess.
- 8.28 The HA confirms the site does not contain any heritage assets and its does not lie within a conservation area. However, there are listed buildings and non-designated heritage assets in the surrounding area.
- 8.29 Based on an assessment of designated heritage assets with potential to be affected by Thrive, it is concluded that the significance of the Church of St Nicholas and St Peter, Curdworth Barn approximately 10m north east of No 14 (Queens Mote), Curdworth; Red Lion Cottages, Curdworth; Middle House, Curdworth; 45-49 Coleshill Road, Curdworth; The Grove; Collings Farmhouse; Barn and Stable Immediately North of Collings Farmhouse; Barn approximately 15 metres west of The Elms (Not Included); Well Cottage; Curdworth Tunnel on Birmingham and Fazeley Canal; Wiggins Hill Farmhouse; Dovecot and stable at Wiggins Hill Farm; Quaker Cottage, Wiggins Hill Road; Old Barn Cottage, Wiggins Hill Road; The Old Barn, Wiggins Hill Road; Dunton Hall; Pigeon house west of Dunton Hall; and Barn 20m south east of Dunton Hall would

¹¹ Section 66, Planning (Listed Buildings and Conservation Areas) Act 1990

be sustained. The proposed development would, in respect of these designated heritage assets, comply with paragraphs 210, 212 and 219 of the NPPF and the statutory requirements of s.66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 can be satisfied if NWBC grants planning permission.

- 8.30 The conclusion of the HA is that the Thrive proposals will cause a degree of harm to the grade II* listed Church of St Chad. The level of harm is determined to be 'less than substantial' (low to moderate within this category) under the terms of the NPPF, and therefore paragraph 215 is engaged. The NPPF is also clear that in applying 'great weight' to the conservation of heritage assets, the more important the asset, the greater the weight should be, irrespective of the level of identified heritage harm. The grade II* listed status of the Church of St Chad should therefore be taken into consideration.
- 8.31 The PPG [Paragraph: 016 Reference ID: 18a-016-20190723] confirms that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as addressed in paragraph 8 of the NPPF. Paragraphs 9.25-9.44 and 9.58-9.62 of this statement set out the comprehensive and substantial scope of public benefits arising from the proposed development.
- 8.32 As some heritage harm has been identified, it is necessary to apply the heritage balance in paragraph 215 of the NPPF and to consider whether the public benefits of the proposed development outweigh the identified low to moderate level of "less than substantial harm" arising in NPPF terms to the grade II* listed Church of St Chad. Having regard to the very considerable benefits arising from the proposed development, it is clear that the public benefits do outweigh the "less than substantial harm" to the designated heritage assets such that the balancing exercise under paragraph 215 of the NPPF is favourable to the proposed development.
- 8.33 The NPPF differentiates between designated and non-designated heritage assets and the proportionate way they should be addressed in the planning process.
- 8.34 Based on an assessment of non-designated heritage assets with potential to be affected by Thrive, it is concluded that the significance of The Birmingham and Fazeley Canal; Baylis's Bridge; Curdworth Bridge; Curdworth Church Bridge and Hermitage Farm would be sustained.
- 8.35 In accordance with paragraph 216 of the NPPF, the slight erosion of the significance of the non-designated Wishaw Hall is a material consideration albeit should be given limited weight (based on the nature of the described effect and the low level of significance it possesses).
- 8.36 Finally, Chapter 10 of the ES concludes there are no likely significant effects from either construction or operational stage on built heritage.
- 8.37 In conclusion, and in summary, the comprehensive and substantial public benefits resulting from the proposed development, as set out in this statement, clearly outweigh the 'less than substantial' harm (low to moderate level) to the grade II* listed Church of St Chad. Therefore, the proposed development is in accordance with Policy LP16 and the relevant paragraphs of the NPPF including, in particular, paragraph 215.

Landscape and visual Impacts

- 8.38 **Policy LP14** states that development should look to conserve, enhance and, where appropriate, restore landscape character within landscape character areas. **Policy LP17** requires proposals to demonstrate how they contribute to maintaining and enhancing a comprehensive and strategically planned green infrastructure network.
- 8.39 A Landscape & Visual Impact Assessment ("LVIA") has been prepared and submitted to support the hybrid planning application. It is a technical appendix of Chapter 12 of the ES, which also assesses the significant effects associated with landscape and visual impacts. These impacts are outlined and summarised below in turn:

Landscape

- 8.40 The landscape elements and features of the existing site context are generally considered to be poor or in decline. From the intensification of farming through the removal of hedgerows and reduction in tree cover, to the poor maintenance of trees; lack of management and replacement planting; and poorly defined PRow's, the site provides an opportunity for significant ecological and recreational improvements through the development of a carefully design green infrastructure scheme, albeit within the setting of a new industrial land use.
- 8.41 The assessment of the likely effects of Thrive on the landscape receptors has concluded that the effect on landscape character (i.e. moderate-major adverse) during construction and operation will be significant due to the extent of the change, whilst the effects on topography, hydrology, public access, landscape features and vegetation cultural heritage will not be considered significant and in some instances should be of a moderate benefit to the landscape resource.
- 8.42 Whilst the general local landscape character will be subject to change, the key characteristics identified in the character assessments, including use of local species; planting of oak; retention and enhancement of hedgerows; creation of woodland block planting and grassland management are all factored into the comprehensive design of Thrive, including its enabling infrastructure.
- 8.43 The above is evident by the extent of new and substantial landscape and biodiversity improvements, which include the provision of (in summary):
- Over 966 native and non-native larger specimen trees to replace the 27 removed.
 - In excess of 77,853 native transplant trees and shrubs to create woodland blocks.
 - 4,369 linear metres of native hedgerows planted to replace 1,544 lm lost.
 - 326,617 square metres of managed wildflower/ grassland to replace the arable farmland.
 - 23,238 square metres of wetland and ponds to replace the secure man-made reservoir.

- 7,479 linear metres of new self-binding gravel paths to replace the unmarked PROW's and provide new permissive parths.
 - New allotments.
 - Three small community orchards.
 - Recreation facilities including the potential for play areas, public art and trim trails.
- 8.44 Therefore, in relation to landscape impacts, whilst the existing eroded landscape character will not be conserved (and harm will be caused), the proposed development will enhance and restore landscape character as well as promote a resilient and functional landscape adaptable to climate change – this is consistent with Policy LP14. In addition, Thrive will provide a substantial amount of green infrastructure meeting and exceeding the requirements of Policy LP17.
- Visual**
- 8.45 The viewpoints associated with the LVIA have been subject to pre-application discussion and agreement with NWBC to ensure a comprehensive sample of local and expansive views.
- 8.46 During construction, there will be significant visual effects (ranging between moderate to major adverse) on existing open views across arable fields disrupted and foreshortened on five residential properties; users of Wishaw Lane, Church Lane, Dunton Lane and Kingsbury Road; users of the PROW and bridleway network; and users and visitors of heritage assets (specifically the Church of St Chad).
- 8.47 During the operational stage, there will be significant visual effects (ranging between moderate to major adverse) on existing open views across arable fields disrupted and foreshortened on the same five residential properties and users of PROW and bridleway network.
- 8.48 The LVIA concludes that those receptors subject to significant effects were influenced by: visual receptors positioned where there's a wide panoramic view of a large percentage of the development; their close proximity to the site boundary or other facilities restricting the ability to incorporate screening for taller building, thus having a higher magnitude of change; being higher sensitivity receptors such as the canal towpath; and residential properties, albeit not in a densely populated area; and existing PROWs that cross the site.
- 8.49 And, in turn it is considered that following further years of maturity, the forestry mitigation planting will significantly increase the screening benefit to the development. Planting from 20+ years will begin to screen the full height of some buildings, thus potentially further reducing significance of effect.
- 8.50 In summary, it is acknowledged that whilst visual mitigation will be provided over the long term, there will be significant harm in visual terms resulting from the proposed development.

Agricultural land quality and soils

- 8.51 Local Plan Policy LP29(13) states that development should not degrade soil quality.
- 8.52 A Soils and Agricultural Quality Report ("SAQ") has been prepared and submitted to support the hybrid planning application and Chapter 6 of the ES assesses the significant effects associated with agricultural land and soil resources.
- 8.53 The SAQ indicates Thrive is subject to 53% Grade 2; 44% sub-grade 3a; and 3% non-agricultural land. The ES confirms there will be a significant effect through the loss of best and most versatile agricultural land.
- 8.54 Separately, a Soil Resources and Management Plan ("SRMP") accompanies the Framework Construction Environmental Management Plan ("FCEMP"), which provides comprehensive details on the protection of soil resources to ensure their capacity to deliver ecosystem services is preserved, as well as their suitability for landscaping purposes.
- 8.55 While the loss of the best and most versatile agricultural land cannot be mitigated, the implementation of the SRMP will facilitate the retention and on-site reuse of a portion of the existing soil resources, particularly for the structural landscaping.
- 8.56 Therefore, the proposals comply with Policy LP29 in that soil quality will not be degraded. However, and applying paragraph 187 of the NPPF, it is recognised there will be harm to the loss of best and most versatile soil in the borough (which is likely to be the case for alternative sites in the borough) arising from the proposed development and this will need to be weighed in the balance.

Other relevant technical considerations

- 8.57 Other relevant technical considerations are summarised in Table 7.1 below.

Table 8.1: Other technical matters

| Technical Consideration | | Assessment | Conclusions | Accordance with development plan and other material considerations |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Air quality | An assessment of air quality is provided in Chapter 7 of the ES. | | The majority of the site is not located within an Air Quality Management Area (AQMA). Around 0.03ha lies within BCC's city-wide AQMA. The assessment concludes that the proposed development will not cause any exceedances of the air quality objectives (either during the construction or operational phase) and that the air quality effect of the proposed development will be negligible. As such, there is no requirement for secondary mitigation. | Subject to appropriate mitigation, the proposals accord with Policy LP29(9) (avoid unacceptable impacts on air quality), Policy LP6(ii) (living conditions of those nearby), the provisions of the Air Quality & Planning SPD (2019) and paragraph 199 of the NPPF. |
| Arboriculture | A Tree Survey and an Arboricultural Impact Assessment is submitted in support of this application. | | <p>The accompanying Arboricultural Impact Assessment confirms that there is no Tree Preservation Orders on the site, and the site does not lie within a conservation area. Therefore, none of the trees within the site are the subject of statutory protection. There are four veteran trees all of which will be retained via the approval of the Parameters Plan for Outline Elements.</p> <p>The document confirms that the proposals will include the removal of 27 trees, 12 groups of trees (with only 1 group considered 'unsuitable' for retention), and no woodlands. Of the removed trees, 52% are considered to be low quality / value and 26% are considered to be moderate quality / value. Only 8% are considered to be of high quality / value. To mitigate this loss, the scheme proposes the planting of over 966 native and non-native larger specimen trees, in excess of 77,853 native transplant trees and shrubs to create woodland blocks; and 4,369 linear metres of native hedgerows planted to replace 1,544 lm lost.</p> | Subject to the proposed mitigation, the proposals accord with Policy LP14 (retain and replace existing trees and hedgerows), Policy LP16 (importance of the natural environment), Policy LP29(10) (protect and enhance the natural environment), and paragraph 136 of the NPPF. |
| Archaeology | An assessment of archaeology is provided in Chapter 8 of the ES. An Archaeological Assessment is appended to the ES. | | <p>The Archaeological Assessment describes the identification of a low concentration of archaeological remains, including an enclosure, first identified as a crop mark on aerial photography, which is undated but likely to be of Iron Age or Roman date. An evaluation also identified a number of areas of undated activity including ditches and two undercutting ditches – which are suggested as being of possible Iron Age or Roman date, although no finds were recovered.</p> <p>Any further measures required to address archaeological remains within the site could proportionately be secured via an appropriate condition on any planning consent; and no further pre-determination evaluation should be required.</p> | The proposals accord with Policy LP15 (conserve the historic environment) and paragraph 207 of the NPPF. |
| Biodiversity | An assessment of biodiversity is provided in Chapter 9 of the ES. A suite of ecology surveys and reports accompany the planning application. | | <p>The ES confirms that there are no significant effects during the construction and operational stage.</p> <p>No significant effects are identified in the accompanying ES assessment at construction stage. A single significant effect has been found at operational stage regarding the long-term loss of supporting habitats for farmland bird species.</p> <p>The supporting Preliminary Ecological Appraisal, Protected Species Report, Construction Ecological Management Plan and Outline Ecological Management and Monitoring Plan contain control measures and mitigation to ensure that the works proceed without breaching wildlife legislation. The controls, which will be secured via condition, will ensure that the favourable conservation status of ecological features is maintained throughout the construction and operational phases of the development.</p> <p>The Biodiversity Statement & Metric Assessment confirmed that the proposals can deliver 14.5% on-site net habitats unit change; 18.2% on-site net hedgerow units change; and 14.5% on-site net watercourse unit</p> | Subject to mitigation and control measures, the proposed development accords with the provisions of Policy LP1 (provide, conserve and enhance biodiversity), Policy LP16 (natural environment) and paragraphs 187-201 of the NPPF. |

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| | change across the strategic green infrastructure (with opportunities to increase this through the Development Zones). | |
| | Any permission will be subject to the submission and approval of a Biodiversity Gain Plan and a 30-year Habitat Management and Monitoring Plan. | |
| Climate change | <p>An assessment of climate change is provided in Chapter 11 of the submitted ES.</p> <p>A Sustainability Statement has been submitted in support of this application.</p> | <p>The Sustainability Statement confirms that the proposed development will be net zero ready and achieve BREEAM Excellent rating as a minimum across Development Zones A-D, and where possible target a BREEAM Outstanding rating.</p> <p>The proposed development is also targeting 2-star Fitwel rating and 'Building with Nature' accreditation.</p> <p>Subject to mitigation set out within the Environmental Management Plan (ES Vol 3), the ES confirms there are no significant effects in respect of climate change during the construction and operational stage.</p> <p>The site is located entirely within Flood Zone 1 (low probability of flooding from rivers).</p> <p>There are a series of small unnamed ordinary watercourses and associated drainage infrastructure located within the vicinity of the site, and the Environment Agency surface water flood risk maps identify the potential for overland flow routes to form alongside these minor channels and also in topographical depressions.</p> <p>Hydraulic modelling identified that the potential surface water flooding poses a low flood risk to the proposed development. The majority of the predicted runoff poses a 'very low' hazard, and it only poses a 'low' hazard even at the most extreme storm event (1 in 1000-year). In the main parcel, the surface water runoff is predominately generated from within the site itself, and this will be addressed as part of the development's sustainable drainage infrastructure. There are only very limited contributing flows from offsite sources, and these will be addressed through implementation of surface water management measures that will intercept and accommodate them within the development's sustainable drainage infrastructure.</p> <p>The management of the surface water flow routes within the development's sustainable drainage infrastructure provides an opportunity to offer flood risk betterment to downstream receptors by offering attenuated storage to all runoff from the upstream catchment.</p> <p>The proposed development has been reviewed against other potential sources of flood risk, including canals, groundwater, public sewers and reservoirs and large waterbodies. Based on the available data, these potential sources were found to pose a low flood risk.</p> |
| Ground investigations | A Phase I and Phase II Geo-Environmental Assessment are submitted in support with this application. | <p>Subject to further investigation post-determination (to be secured by condition), the proposals accord with Policy LP29(g) (contaminated land) and Paragraph 196 of the NPPF.</p> |

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| <p>Lighting</p> <p>An assessment of lighting is set out in Chapter 13 of the ES.</p> <p>An External Lighting Report is submitted in support of this planning application.</p> | <p>Seven residential properties (receptors) have been identified in the ES as being subject to operational stage effects.</p> <p>In relation to nuisance and disturbance to residents caused by lighting intensity (glare), the residual effect is negligible resulting in no significant effect on the receptors. However, significant effects have been concluded in relation to the effects of nuisance and disturbance to residents by sky glow (a residual moderate adverse effect) and changes in night-time scene (a minor to moderate adverse effect). A range of mitigation has been applied to minimise effects as much as possible including that built into the scheme via the enabling infrastructure (e.g. bunding).</p> <p>The proposed lighting scheme will be based around a low pollution, low energy, and low maintenance strategy. Considerations will also be given to low energy products which have excellent light control optics such that their efficiencies are maximised, carbon footprint minimised and impact on local ecology reduced. The philosophy of downward light only should always be retained and implemented into all iterations of the design.</p> | <p>Subject to appropriate mitigation, the proposals accord with the provisions of Policy LP6(ii) (living conditions of those nearby), Policy LP29 (avoid / address light pollution), Policy LP30 (reduce sky glow and light trespass from external illumination) (all because the light impacts are deemed not to be unacceptable in planning terms) and paragraph 198c of the NPPF. The proposals have also been developed to reflect the guidance within the approved Design of Lighting Schemes (2003) SPD.</p> |
| <p>Noise and vibration</p> <p>An assessment of noise and vibration is set out in Chapter 14 of the ES</p> | <p>A number of receptors have been identified at construction stage in the ES that will be temporarily impacted by disturbance from noise from construction works and activities that will constitute a significant effect. This will be mitigated through the provision of the Framework Construction Environmental Management Plan and subsequently a Construction Environmental Management Plan when a contractor has been appointed (to be secured through a suitably worded planning condition on any permission).</p> <p>No significant likely effects have been identified at operational stage, subject to the mitigation measures including strategic landscaped buffers / mounding around the edges of the Main Parcel (submitted for approval as part of this application) and on-plot mitigation (where required) to be agreed at reserved matters stage (to be secured by condition).</p> | <p>Subject to mitigation, the proposals accord with Policy LP6(ii) (living conditions of those nearby), Policy LP29(g) (avoid and address unacceptable impacts upon neighbouring amenities including noise), and paragraph 198a of the NPPF.</p> |

9. Assessment of Very Special Circumstances

9.1 This section describes and explains, in the alternative, the ‘very special circumstances’ (‘VSC’) case for Thrive pursuant to paragraph 153 of the NPPF should the decision-taker consider (contrary to our analysis in Section 7) that Thrive is not grey belt and constitutes ‘inappropriate development’ in the Green Belt. It follows the assessment of Green Belt harm and other harms in Section 7 and 8 respectively.

9.2 Paragraph 153 of the NPPF states:

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

9.3 There are four principal components of the Thrive proposals which are considered to constitute ‘very special circumstances’:

- (i) Responding to economic opportunity and contributing towards the unmet need.
- (ii) Delivering substantial economic and social benefits.
- (iii) The absence of alternative sites.
- (iv) Delivering significant environmental and sustainability benefits.

9.4 These individual pillars/components of the VSC case are set out in turn below:

Responding to economic opportunity and contributing towards the unmet need

Defining the economic opportunity

9.5 The Government has expressed a clear mission to facilitate economic growth. Its Industrial Strategy “Invest 2035” sets out the new UK government’s ten-year plan to deliver long term sustainable growth and investment in high growth sectors. The strategy focuses on tackling barriers to growth in the highest potential growth-driving “frontier” sectors and firms, creating the right conditions for increased investment, high-quality jobs and ensuring tangible impact in communities across the UK.

9.6 The revised NPPF expects the planning system to recognise and address the specific locational requirements of different sectors. It specifically identifies that this should include making provision for; clusters or networks of knowledge and data-driven, creative or high technology industries, storage and distribution operations at a variety of scales and in suitable accessible locations and the expansion or modernisation of other industries.

- 9.7 This sectoral and spatial emphasis on growth sectors will be very beneficial for the West Midlands and North Warwickshire, given its' inherent sector strengths as well as economic assets aligned with these sectors. The importance of the advanced manufacturing and logistics sectors are recognised in local and sub-regional strategy, including for example Warwickshire's 2024 Strategic Economic Plan.
- 9.8 Unlocking the growth potential of advanced manufacturing and R&D along with the associated higher value employment opportunities, is contingent upon ensuring that there are no barriers to securing investment. Principal among these barriers is the shortage of land for industrial and logistics use.
- 9.9 Extensive research commissioned to inform the Thrive proposition and undertaken by Savills and Metro Dynamics¹² concludes that the site's location adjacent to Junction 9 of the M42 and proximate to Birmingham and Solihull means that it is one of the best locations for industrial and logistics development in the wider region.
- 9.10 Thrive also benefits from several other competitive and comparative advantages relative to other sites and locations which make it ideal for industrial and logistics development. These include:
- Convenient access/proximity to suppliers
 - Convenient access/proximity to end customers
 - Access to a pool of labour, including skilled workers
 - Access to major freight handling infrastructure, including a number of rail freight interchanges
- 9.11 Importantly, is proximate to the WMCA Plan for Growth "Growth Clusters" and emerging sites such as MIRA and Greenpower Park which provide a spur to agglomeration benefits such as supply chain integration, innovation and knowledge sharing,
- 9.12 In considering the opportunity presented by Thrive, Metro Dynamics conclude that it meets the essential requirements of advanced manufacturing businesses – offering sufficient scale to accommodate larger production requirements along with the requisite power requirements.
- 9.13 Savills also conclude that Thrive provides a rare strategic scale opportunity to deliver small and mix-box units alongside large units. The potential to provide a combination of unit sizes and configurations will help to attract and accommodate occupiers from all segments of the market and will provide an opportunity for an ecosystem of companies to be created along with the potential for agglomeration benefits for the local and wider regional economies.

¹² Appended to the submitted 'Responding to Economic Opportunity and Need' report.

Responding to the opportunity – the proposition

- 9.14 IMP have responded to the economic opportunity with a carefully considered development proposition. Thrive will comprise a strategic and future-facing employment park to capture economic growth clusters including advanced manufacturing, R&D and logistics and will be home to a range of businesses of all sizes.
- 9.15 These businesses will be accommodated in a series of Development Zones which will provide dedicated spaces for a range of employment uses and sustainable building types/sizes – from 1k-sq.ft to 1m-sq.ft – to meet the needs of entrepreneurial, high technology start-up businesses, leading advanced manufacturers and high value logistics companies.
- 9.16 A minimum of 30% of the land area within the nine principal employment Development Zones will be safeguarded for manufacturing uses (general industry, research and development (R&D) and/or light industry (B2, E(g)(i), E(g)(ii) and/or E(g)(iii)), aligning with the latest evidence of demand (as defined in the WMSESS 2024) and responding to the public policy ambition to support a more diverse and productive economy in key sectors.
- 9.17 In summarising the opportunity presented by Thrive, Metro Dynamics conclude that it meets the essential requirements of advanced manufacturing businesses – offering sufficient scale to accommodate larger production requirements along with the requisite power requirements.
- 9.18 Savills also conclude that Thrive provides a rare strategic scale opportunity to deliver small and mix-box units alongside large units. This combination of unit sizes and configurations will help to attract and accommodate occupiers from all segments of the market.

Responding to need

- 9.19 Section 7 of this statement sets out the compelling evidence that an acute unmet need for employment land in North Warwickshire exists, which Thrive can make a significant contribution to, if granted permission. However, for the purposes of VSC this is repeated in this sub-section and in the context Policy LP6.
- 9.20 Policy LP6 states that significant weight will be given in decision taking to supporting economic growth and productivity, particularly where evidence demonstrates an immediate need for employment land, or a certain type of employment land, within a specified geographic location within which the Site is located and known as Area A (as set out on Figure 4.10 of the West Midlands Strategic Employment Sites Study (WMSESS) of September 2015 (or successor study) which cannot be met via forecast supply or allocations).
- 9.21 With regards to the application of Policy LP6, the matter of need, immediacy, and how and where it should be addressed has recently been tested and concluded via the dismissed appeal (ref. APP/R3705/W/24/3336295) for an industrial and logistics development (I&L) scheme on land north-east of Junction 10 of the M42 in Dordon ("the Hodgetts appeal").

9.22 With reference to the latest published evidence of strategic employment land need, including the WMSESS (2004) study and independent analysis undertaken by Savills a quantified unmet need for industrial and logistics employment land is concluded. This recognises:

- (i) The latest iteration of the WMSESS identifies a total need for industrial employment land, including strategic sites, of between 1,327 and 1,509ha over a twenty-year period (2021 – 2041). This increases to a need for between 1,505 to 1,687ha over the longer period to 2050. This includes 60.3 ha needed to meet local industrial demand within North Warwickshire over the twenty-year period, rising to 82.1ha out to 2050.
- (ii) The WMSESS identifies Areas of Opportunity, with Area 5 labelled the M42 Corridor identified as covering a large proportion of the North Warwickshire administrative area. The WMSESS identifies an indicative additional strategic site requirement for B8/mixed (c.50ha) of 1 – 2 sites and no sites for pure E(g)/B2 (c. 25ha), totalling between 50 and 100ha within Area 5. This takes account of the pipeline position.
- (iii) For North Warwickshire, Savills estimate strategic Industrial & Logistics demand (100,000sqft / 9,290sqm) to be between 195 and 243ha of land over a 20 year period.
- (iv) Savills identify that there are now no strategic scale sites (at least 25ha in size as defined in the WMSESS) within the M42 Corridor.
- (v) Savills identify that there is a realistic total supply of only 62ha in North Warwickshire, including under construction, existing and available buildings, with only one site of 5.1ha deemed suitable for strategic B8 use (albeit evidently falling below the threshold to be a strategic scale site).
- (vi) There is an unmet strategic need of approximately 133 to 181ha of employment land in North Warwickshire, against Savills demand estimates.
- (vii) Where Area 5 only forms part of the North Warwickshire administrative area and recognising its position along the M42, the upper indicative land need of 100ha identified in the WMSESS for strategic sites should be considered a minimum threshold.

9.23 Thrive will help to address this strategic land shortfall as well as meeting a proportion of the identified local demand given that the proposed development is also providing smaller units suitable for smaller occupiers.

9.24 Taking into account these findings, it is clear that the failure to address land constraints in North Warwickshire will not only lead to demand being further suppressed, but it will have wider effects on the health and productivity of the local economy, which is contrary to paragraphs 85 and 87 of the NPPF.

Delivering substantial economic and social benefits

- 9.25 An Economic Benefits Statement and Social Value Strategy have been prepared and submitted to assess the economic benefits and social value that could be generated by Thrive if granted planning permission. These are summarised below.

Economics benefits

- 9.26 Thrive will form part of an advanced manufacturing and logistics ecosystem, which includes: MIRA near to Nuneaton, the Greenpower Park including the UK Battery Industrialisation Centre at Coventry, and Jaguar Land Rover manufacturing facilities in Birmingham and Solihull. It will provide space for businesses looking to capitalise on the region's strengths. It will provide an opportunity to create high quality, skilled jobs within growth sectors.
- 9.27 The strategy and investment context for the borough is one that is supportive of additional economic growth and job creation. It is therefore considered that Thrive will be very well-placed to contribute effectively towards achieving national and local planning and economic policy objectives.
- 9.28 In a North Warwickshire context, economic priorities have been expressed through the adoption of the Local Plan, as well as NWBC's Economic Growth Strategy, both of which highlight the importance of job creation and provision of a sufficient supply of land and premises to support economic growth within the borough. Within North Warwickshire, it is identified that there is strong demand for both manufacturing and warehousing/logistics floorspace.
- 9.29 Within Birmingham, the strategy recognises that digital inclusion is key to delivering a more inclusive economy, by increasing participation in the labour market and adapting to new flexible ways of working. Birmingham is also disproportionately affected by poor mental wellbeing, and the cyclical relationship is recognised between unemployment and wellbeing, and the importance of high quality work in tackling this.
- 9.30 Thrive is intended to appeal to local entrepreneurs, growing businesses and larger companies which will represent a breadth of businesses occupying space in different ways in these sectors.
- 9.31 North Warwickshire in particular exhibits higher levels of economic activity and employment amongst its working age population compared to Birmingham, but still lower than the level across the West Midlands as a whole. There is a potential latent labour force in the borough and across the region who are claiming out-of-work benefits, including those seeking employment within the construction sector. The creation of new employment opportunities, requiring a range of skills, will assist in supporting those not currently engaged in the workforce into work as well as providing opportunities for new generations of workers.
- 9.32 In this context, Thrive will make a substantial positive contribution towards local, sub-regional and regional employment generation and economic productivity over the long-term, including:

Construction phase benefits

9.33 Thrive's construction phase is estimated to:

- Attract investment of c. £343 million in construction.
- Support 1,860 'person-years' of direct employment, equating to an average of 135 gross direct FTE jobs over the duration of the estimated 14-year construction period.
- Generate an average of 140 direct, indirect and induced net additional FTE employment opportunities on an annual basis in the West Midlands during construction, inclusive of 75 FTE jobs concentrated in the Local Impact Area¹³.
- Generate a total net additional £153 million Gross Value Added (GVA) impact across the West Midlands over 14 years, including £125 million concentrated in the Local Impact Area.

Operational phase benefits

9.34 Thrive's operational phase is estimated to:

- Support between 4,435-6,010 gross direct FTE jobs on-site depending on the eventual split between logistics and manufacturing uses. The prevailing jobs are likely to be:
 - Varied in nature, given evidence that a growing number of logistics jobs are now managerial or office-based and that the manufacturing sector offers a range of jobs requiring different skill levels. The ambition to attract businesses at different stages of their growth and to create high quality, skilled jobs will ensure a variety of employment opportunities are created.
 - Full-time, this being common in the logistics sector in North Warwickshire and Birmingham as well as the manufacturing sector.
 - Well-paid, with median earnings in the transportation and storage and manufacturing sectors being respectively recorded as 6% and 19% higher than the West Midlands all-sector average.
 - Steady in their offer of more working hours each week than the average job in the region.

¹³ This is defined to cover both the administrative areas of both NWBC and BCC. This is reflective of the site location, which sits mostly within the administrative boundary of NWBC, with a very small area within the BCC boundary. The 2021 Census found that 60% of people working within North Warwickshire and Birmingham lived within these administrative areas, suggesting a reasonable level of socio-economic containment in this geography.

- Generate between 4,740 and 6,425 net direct, indirect and induced FTE jobs across the West Midlands, when allowing for 'additionality' factors, including between 2,495 and 3,380 could be concentrated in the Local Impact Area.
 - Generate up to £390.6 million GVA impact across the West Midlands every year, including £300.6 million in the Local Impact Area.
 - Generate up to £9.5 million in business rate revenue each year.
- 9.35 Furthermore, owing to the size of Thrive and the scale of economic benefits, it is anticipated that the benefits of agglomeration will be realised i.e. there will be higher economic performance / productivity for businesses at Thrive owing to its concentration / clustering of activity, and its strategic locational advantages.
- 9.36 These economic benefits are substantial and support economic growth and productivity in line with paragraph 85 of the NPPF and Policy LP6 of the Local Plan.
- Social value**
- 9.37 The UK Green Building Council ("UKGBC") states that social value *"is created when buildings, places and infrastructure support and enhance environmental, economic and social well-being – through this improving residents' quality of life"*. IMP recognise this intersection between people and place, and it is enshrined within its sustainability framework, 'Sustainable Futures'.
- 9.38 In line with the approaches advocated in both the UKGBC guidance and IMP's 'Sustainable Futures', Thrive has been subject to an upfront assessment of local needs and has been informed by an extensive consultation with local stakeholders to understand local context.
- 9.39 This research and engagement have produced a framework of themes and objectives for generating social value and creating a positive legacy from IMP's investment at Thrive. This framework is based on education and skills, inclusive employment opportunities, accessibility and health and wellbeing.
- 9.40 Table 11.1 of the Social Value Strategy provides a comprehensive breakdown of the social value outcomes by objectives, proposed initiatives, outcomes and measures and delivery mechanisms. For the purposes of the VSC case, Table 9.1 outlines the proposed initiatives and social value outcomes and measures to be secured through the planning permission via reserved matters approvals and/or planning obligations.

Table 9.1: Social value outcomes to be secured via reserved matters or planning obligations

| Proposed social value themes and initiatives | Social value outcome | Delivery mechanism |
|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|--------------------|
| Education and skills | | |
| An on-site building is proposed to host education, training and learning activities. | Delivery of training space. Active use by schools, occupiers for training purposes. | Reserved matters |

| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| | Active use during recruitment phases by DWP / others. | |
| Expectations will be set with contractors and future occupiers around raising aspirations of future employees locally through the provision of apprenticeships, work experience, school engagement, business mentors. | Alternative pathways to employment created. Positive relationship with local schools supporting to raise pupil employment aspirations. | Planning obligation |
| Inclusive employment opportunities | | |
| As part of the scheme design, there is opportunity for space to be delivered for start-up businesses, within the area branded as 'Thrive Start' to specifically encourage local entrepreneurialism. | Delivery of Thrive Start. Occupiers including start-up businesses / SMEs. Business retention and growth. | Reserved matters |
| Mechanisms established to ensure local supply chain businesses and those operating in the 'Social Impact Economy' are targeted for contract opportunities and invited to networking events. | Certain contracts awarded to local businesses. Increased business relationships within local economy. Established local business network portal). | Planning obligation |
| Working with local training providers, targeted recruitment initiatives will be supported. | Training providers advertising job opportunities % of labour recruited from within impact areas including areas of identified higher need | Planning obligation |
| Accessibility | | |
| Integration of active and sustainable transport infrastructure into the on-site scheme design and ethos of the site, through cycle paths, pedestrian zones and electric vehicle charging points. | Delivery of Mobility Hub. Passenger usage across different forms of transport. Design and implementation of Travel Plan. | Hybrid planning permission, planning obligations / reserved matters |
| Connecting the site into existing active and sustainable transport networks. | Extended / re-introduced bus routes with improved patronage. Number accessing the site by active travel uses. | Hybrid planning permission and planning obligation |
| Review of Demand Responsive Transport | Connected rural communities. Patronage levels. | Planning obligation |

| | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------|
| Clear signage and welcoming public realm and communal spaces, which caters for a range of different groups and uses. | Quantum of communal spaces / public realm. Patronage of spaces. | Hybrid planning permission / reserved matters |
| Provision of high-quality internet connectivity and digital facilities across the site, within both commercial and communal spaces. | Coverage of high-quality internet. Usage of digital infrastructure. | Reserved matters / planning obligation |
| Health and wellbeing | | |
| Integrating green design measures into the on-site scheme design, and adopting environmentally friendly practices in delivery. | Delivery of environmentally friendly design measures. | Hybrid planning permission / reserved matters |
| Create 'Third Spaces' to create a positive working environment, which provides an environment for workers to interact, including new generations of workers. | Delivery and usage of indoor and outdoor space. | Reserved matters |
| Provision of on-site amenity space, accessible to the community. | Delivery of community use space. Patronage. | Hybrid planning permission / reserved matters |

- 9.41 The generation of social value from Thrive, which will be secured through the grant of planning permission, is comprehensive and significant and meets the requirements of the NPPF in that the proposed development will promote social interaction (paragraph 96), provide social facilities the community needs (paragraph 98) and provide high quality communication essential for social well-being (paragraph 119).
- 9.42 While IMP is committed to delivering a robust package of social value measures, it is important to note that unless identified in this Planning Statement submitted in support of the hybrid planning application, the specific social value benefits attributable to the social value measures set out in the Social Value Strategy would not comprise material planning considerations in the determination of the hybrid planning application.
- 9.43 Outside of the initiatives and outcomes identified in Table 9.1, IMP will establish a Community Fund offering financial assistance and volunteering support to empower local communities to facilitate positive change, and will explore the provision of an Aspiration Fund, such as a Scholarship Fund targeted at specific cohorts or geographies to raise aspirations and identify pathways to work. These will be delivered by Partnership Advisory Board(s) / Working Groups.

Summary

- 9.44 In summary, Thrive will deliver substantial local, sub-regional and regional economic and social benefits, including job creation, economic growth and productivity, and education and skill development and training.

The absence of alternative sites

- 9.45 An Alternative Site Assessment (“ASA”) has been prepared and submitted in support of the hybrid planning application to critically examine potential alternative sites across a defined search area which have the potential to accommodate the proposed development.
- 9.46 The starting point for defining the study area has been taken from the WMSESS 2024. The WMSESS has used an ‘Areas of Opportunity’ approach. Thrive falls within Area 5 (M42 North Warwickshire) in the WMSESS. Accordingly, the focus of the ASA has been narrowed to this Opportunity Area.
- 9.47 The study area (and the following methodology for the ASA as explained below) has been agreed through pre-application discussions with Planning Officers at NWBC.
- 9.48 Several methods have been used to undertake a comprehensive search of the Opportunity Area for potential alternative sites. These methods are categorised as ‘documented sites’ and ‘non-documented sites’.
- 9.49 Table 9.2 outlines the sites that have been identified in the study area measuring 25ha or above using the identified sources. Figure 9.1 below shows the location of each site in respect of Area 5 and includes the application site, which is identified as site reference CFS126 (Land west of Junction 9 of the M42 and M6 Toll) for c. 135 hectares in the call for sites exercise.

Table 9.2: Alternative sites assessed

| Call for sites reference | Address | Area (c. ha) |
|--------------------------|------------------------------------|---------------------|
| CFS27 | Land at Blacksgreaves, Lea Marston | 320ha ¹⁴ |
| CFS115 (PAP/2024/0024) | Land north-east of M42 J10, Dordon | 74ha |
| CFS122 (PAP/2024/0297) | Land adjacent to Junction 9, M42 | 27ha |
| CFS126 | Thrive (the baseline site) | 135ha |

¹⁴ This figure is derived from the Call for Sites but appears to be inaccurate.

Figure 9.1: Map identifying alternative sites forming this assessment



9.50 The site criteria have been split into two stages of assessment:

- **Stage 1** considers the most fundamental requirements for sites to be able to accommodate strategic employment development based on site size and ability to accommodate / meet market requirements.
- **Stage 2** considers more site specific environmental and technical factors including respect of sustainable access, heritage, soils and other environmental constraints.

9.51 Each site has been assessed against Stage 1 with only those sites meeting all Stage 1 requirements moving forward for assessment against Stage 2. Thrive has been assessed as a 'baseline' for comparison.

9.52 The results of the two-stage assessment are set out in the following tables:

Table 9.3: Summary of Stage 1 Assessment

| Site Reference | Site size | Mix of uses | Access to SRN | Access to labour | Availability |
|-----------------|-----------|-------------|---------------|------------------|--------------|
| CFS126 (Thrive) | Y | Y | Y | Y | Y |
| CFS115 | Y | Unknown | Y | Y | Y |
| CFS27 | Unknown | Unknown | Y | Y | Unknown |
| CFS122 | N | Y | Y | Y | Y |

Table 9.4: Summary of Stage 2 Assessment

| Site Ref | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | Total |
|----------|------------------------------|---|---|---|---|---|---|---|---|---------|
| CFS126 | 2 | 2 | 0 | 2 | 0 | 1 | 1 | 1 | 2 | 11 / 18 |
| CFS115 | 2 | 2 | 0 | 1 | 0 | 1 | 1 | 1 | 2 | 10 / 18 |
| CFS27 | 1 | 2 | 0 | 1 | 1 | 1 | 1 | 0 | 2 | 9 / 18 |
| CFS122 | Not assessed against Stage 2 | | | | | | | | | |

- 9.53 It is clear from the assessment that Thrive is considered to be the only site which clearly and demonstrably meets all Stage 1 requirements, with other sites either not meeting all requirements, or there being uncertainty in respect of whether these key criteria can be met. The Stage 1 requirements are fundamental to the delivery of a strategic employment park to meet an immediate and identified need and deliver the requirements of the market in respect of unit sizes and mix of uses.
- 9.54 Furthermore, in the Stage 2 assessment, the Thrive site scores highest overall against other important technical and environmental considerations. Where the Thrive site scores 'amber' or 'red' against a particular criteria, no other alternative site scores 'better', either equalling or scoring worse than Thrive in these respects.
- 9.55 Whilst Site CFS115 is 'sequentially preferable' in NPPF terms, the analysis included in this ASA demonstrates that there is significant uncertainty in respect of whether this site could deliver a strategic employment development of the scale and nature of that proposed at Thrive. This is largely as Site CFS115 lies within the Strategic Gap, and a recent appeal decision (ref: APP/R3705/W/24/3336295) in respect of proposals to develop the site concluded that the appeal scheme *"would fail to maintain an effective Strategic Gap between Tamworth and Polesworth with Dordon, and as a result would have a clear and significant adverse impact on the distinctive character and identity of Polesworth with Dordon"*. Given the appeal covered only a small (32.36ha) part of the wider Site CFS115, it is considered that a larger scale development would have equal if not greater impacts on this established policy requirement.
- 9.56 It should furthermore be noted that this application is supported by a GBA which concludes that Thrive is 'grey belt' and in a sustainable location, and that the proposed development is 'not inappropriate' and could be accommodated without fundamentally undermining the ability of the remaining Green Belt across the plan area to serve all five purposes in a meaningful way. Contrary to this, the development of a strategic employment park of the nature proposed (and needed) at Thrive on Site CFS115 could significantly impact on the ability of the Strategic Gap to fulfil its only policy function; that being to maintain the gap between Tamworth and Polesworth and Dordon and stop coalescence between the settlements.
- 9.57 Thus, it is plain that Thrive is the best location for delivering unmet employment land need in North Warwickshire on a site which addresses the specific location requirements of different sectors (paragraph 87 of the NPPF) and will allow space for businesses to invest, expand and adapt (paragraph 85 of the NPPF).

Delivering significant environmental and sustainability benefits

- 9.58 Thrive has the capability to deliver significant environmental and sustainability benefits on site with a valuable proportion of the benefits implemented as part of the enabling infrastructure. These benefits are summarised below:

Environmental

- 9.59 The green and blue infrastructure strategy will align with the 'Building with Nature' benchmark (the UK's first green infrastructure standard) and deliver 14.5% on-site net habitats unit change; 18.2% on-site net hedgerow units change; and 14.5% on-site net watercourse unit change across the strategic green infrastructure (with opportunities to increase this through the Development Zones).
- 9.60 The quantum and mix of landscape planting supporting the BNG habitats are as such in land terms, which represent a substantial increase in baseline numbers:
- 4.89 ha of modified grassland and management.
 - 23.82 ha of neutral grassland.
 - 14.73 ha of broadleaved woodland.
 - 4.29 ha of mixed scrub.
 - Planting of 2.30 km of native hedgerow.
 - 3.42 ha of non-priority pond.
 - 4.58 ha of sustainable drainage system and management.
 - 0.481 km of wet ditch and management.
 - 0.64 ha of traditional orchards and 0.42 ha of allotments.
 - 0.08 ha of introduced shrub and management for amenity purposes.
- 9.61 The landscape strategy includes pathways measuring nearly 7.5km for use by walkers, cyclists and horse riders (in part) and diverted PRow's which will in turn facilitate increased beneficial use of the neighbouring Green Belt.

Sustainability

- 9.62 Thrive has been carefully designed to help future occupiers transition from fossil fuels to all electric operations. Sustainability is central to the development, delivering the highest environmental credentials including:
- A strategic "All-Electric" first approach to building design with local electricity generation using photovoltaic (PV) panels on roofs and battery storage capability to future proof buildings with clean and green electricity and promote de-carbonised energy usage.

- BREEAM “Excellent” as a minimum standard and targeting “Outstanding” for larger buildings and EPC A+ energy performance ratings, with larger units provided with additional roof mounted solar PV meeting Net Zero Ready standards.
- Fitwel certification (2-star rating) to support the wellbeing of occupants and healthy communities.
- Building with Nature accreditation.
- Thrive Start designed to PassivHaus principles, providing beyond building regulations and industry benchmark operational performance, and seeking to achieve PassivHaus Trust accreditation for selected units within this Development Zone.

Conclusion on very special circumstances

- 9.63 If the decision-taker determines (contrary to the analysis in section 7 of the statement) that Thrive is inappropriate development then it is necessary, in the alternative, to apply the VSC test in paragraph 153 of the NPPF and to consider whether the potential harm to the Green Belt, by reason of inappropriateness (i.e. definitional harm) and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 9.64 In this regard, it is acknowledged in the Green Belt Assessment that the Thrive proposals will cause harm to the Green Belt, including to openness and the purpose to assist in safeguarding the countryside from encroachment which, pursuant to paragraph 153 of the NPPF is required to be given substantial weight. In addition, and as to the consideration of any harms, it is further acknowledged that there are other disbenefits of the Thrive proposals associated with landscape character, visual impact, built heritage, loss of BMV agricultural land and lighting.
- 9.65 However, as has been demonstrated in this statement and in the application submission documents as a whole, when considering the ‘other considerations’ limbs of the VSC test it is clear that there is a very strong suite of pillars/components which collectively clearly outweigh the harm to the Green Belt and any other harm such that pursuant to paragraph 153 of the NPPF ‘very special circumstances’ exist. The economic and social benefits substantially weigh in favour of Thrive, especially given the local and regional demographic and economic context. And, there is a substantial and acute unmet (immediate) need for local and strategic employment sites in North Warwickshire (and the wider M42 corridor and across Coventry & Warwickshire), which will require development in the Green Belt.
- 9.66 It has been demonstrated that Thrive is the most suitable location to accommodate the proposed development as it lies within Area 5 of the WMSESS 2024, and it is the best performing against alternative available sites.
- 9.67 Thrive will also deliver specific benefits at an early stage in the development cycle via its enabling infrastructure works (applied for in full) relating to construction phase economic benefits and environmental matters including green and blue infrastructure,

recreation facilities, biodiversity enhancements, net zero ready buildings, and improved accessibility to the neighbouring Green Belt.

- 9.68 As such, and overall, the comprehensiveness, depth and strength of the 'very special circumstances' case is compelling and weighs very heavily in favour of an approval for the proposed development (notwithstanding the Applicant's position that the site is grey belt and the proposed development does not constitute inappropriate development).

10. Planning balance

Grey belt / Green Belt harm

- 10.1 Section 7 establishes that the proposed development should be regarded by the decision maker as grey belt and not inappropriate development complying with paragraph 155 NPPF criteria. In summary, Thrive conclusively:
- (a) Utilises grey belt land falling squarely within the Annex 2 Glossary NPPF definition on the basis that (i) the site does not strongly contribute to any of Green Belt purposes (a), (b) and (d); and (ii) there are no Footnote 7 bars to the grey belt designation.
 - (b) In addition, and turning to the application of the paragraph 155 NPPF criterion, it is plain that:
 - As to limb (a) it would not fundamentally undermine the purposes (taken together) of the remaining West Midlands Green Belt across North Warwickshire (i.e. the area of the plan).
 - As to limb (b), it will address a demonstratable substantial unmet immediate need for local and strategic employment land in North Warwickshire.
 - As to limb (c), it is a sustainable location and benefits from strategic locational advantages to address specific locational requirements of sectors, including the I&L sector. A choice of transport modes will be offered, including active travel being embedded into the scheme design.
- 10.2 However, if the decision-taker concludes (contrary to our analysis) that the proposed development is inappropriate development in the Green Belt then it has been demonstrated, in the alternative, and applying paragraph 153 of the NPPF that there are VSC and the very substantial planning benefits of the proposals clearly and demonstrably outweigh the Green Belt harm (definitional and actual) and the other harms arising from the proposals, as explained below.
- 10.3 For VSC to exist pursuant to paragraph 153 of the NPPF, the definitional harm, additional Green Belt harm, and other harms arising from the proposals, must be clearly outweighed by other considerations.

Other harms

- 10.4 Section 8 identifies the other harms to be factored into the VSC test and overall planning balance. These include the following:
- (i) Significant landscape and visual harm.
 - (ii) A low to moderate level of 'less than substantial harm' in NPPF terms to the setting and significance of the Church of St Chad (although the public

benefits outweigh this is harm) which is required to be given considerable importance and weight.

- (iii) Limited harm arising from the loss of best and most versatile agricultural land.
- (iv) A limited harm arising from effects of nuisance and disturbance to residents by external lighting sky glow and changes in night-time scene.

Very special circumstances

- 10.5 Sections 7, 8 and 9 establish the compelling and substantial planning and public benefits arising from the proposed development, which in respect to the VSC case and overall planning balance include:

Table 10.1: Component of the VSC case

| Component | Weight |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Addressing a substantial unmet immediate need for local and strategic employment land on a single site subject to strategic locational advantages. | Substantial |
| There are no alternative locations within Area 5 as defined in the WMSESS 2024 which can deliver the unmet employment land need identified in the C&W Alignment Paper (2024). | Significant |
| Delivering a positive contribution towards local, sub-regional and regional employment generation (e.g. between 4,435 and 6,010 gross direct FTE jobs on site) and economic productivity over the long term (e.g. £390.6 million GVA impact across the West Midlands every year), including during construction and operation delivering social value. | Substantial |
| Delivering a positive contribution towards environmental and sustainability gains such as BNG, Building with Nature accreditation and BREEAM Outstanding / Excellent. | Significant |

- 10.6 In addition to those benefits outlined in Table 10.1, Thrive will deliver other benefits, including outstanding and innovative design; improvements to highway infrastructure; public transport services and active travel solutions; increased accessibility to and recreational use of the Green Belt.

Summary of planning balance

- 10.7 Our primary case is that Thrive is grey belt and not inappropriate development such that permission should plainly be granted.
- 10.8 If the decision-taker has a contrary view to the above, in the alternative, it is our case that VSC pursuant to paragraph 153 of the NPPF are clearly demonstrable for the Thrive proposals.

Conclusion on planning balance

- 10.9 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires the hybrid planning application to be determined (a) in accordance with the development plan, unless (b) material considerations indicate otherwise.
- 10.10 Applying the section 38(6) test, firstly, Thrive accords with the strategic objectives of the NWLP, where applicable, including to develop and grow the local economy; deliver high quality developments based on sustainable and inclusive design; protect and enhance the quality of the natural environment; establish and maintain a network of accessibly good quality green infrastructure, open spaces, sports and recreational facilities; and ensure the satisfactory provision of social and cultural facilities.
- 10.11 Policy LP3 outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Despite the conclusion that Thrive does not constitute inappropriate development, the development accords with Policy LP3 in any event in that it has been conclusively demonstrated, in the alternative that 'VSC' clearly exist (if the decision-taker concludes (contrary to our analysis) that Thrive is not grey belt land and inappropriate development).
- 10.12 Thrive is fully compliant with Policy LP6, as there is an unquestionable immediate need for employment land (as confirmed via the Hodgetts appeal, and in various evidence base documents as well as the evidence provided by Savills), and the proposed development demonstrates:
- (i) Access to the strategic highway network.
 - (ii) It will be accessible by a choice of modes of transport.
 - (iii) Taking into account living conditions of those nearby, there are no unacceptable impacts in planning terms.
- 10.13 Whilst there is harm to landscape character, the proposed development will provide a substantial amount of new landscaping which will be resilient and functionally able to adapt to climate change in line with Policy L14 and Policy LP15. In terms of the latter, the low to moderate level of less than substantial harm in NPPF terms to the Church of St Chad, which is required to be given considerable importance and weight, will be clearly outweighed by the public benefits such that the outcome of the heritage balance exercise in paragraph 215 of the NPPF is clearly favourable to the proposals.
- 10.14 In respect to Policy LP16, the proposed development surpasses requirements in relation to the natural environment as it will provide a biodiversity net gain beyond the mandatory 10% requirement. In conjunction, the comprehensive landscape strategy enhances existing green infrastructure assets and optimises the creation of links between the site and surrounding green infrastructure. The open space and recreational areas created within the proposed development, and the accessibility to the areas, means Thrive is compliant with Policy LP22.

- 10.15 The proposed development is further compliant with Policy LP23 as impacts on the local and strategic highway network can be addressed, including provision of appropriate infrastructure improvements. Thrive is also compliant with Policy LP27 as it is fully accessible by walking and cycling routes.
- 10.16 In terms of development considerations, Thrive is compliant with the breadth of requirements defined in LP29 as well as according with the general built form principles contained within Policy LP30. Compliance also extends to Policy LP33 (i.e. water and flood risk management) and Policy LP34 (i.e. parking).
- 10.17 It is clear that Thrive exceeds the renewable energy and energy efficiency requirements set out in Policy LP35 and the proposed development will be connected to high-speed broadband in line with Policy LP36.
- 10.18 In conclusion, and applying the section 38(6) test the proposals are clearly in accordance with the development plan¹⁵ and relevant national planning policy. Even if (contrary to our analysis) there is deemed to be conflict with the development plan then the balance of material considerations in this case clearly indicate that permission should be granted for the proposed development. Therefore, planning permission should be granted.

¹⁵ This also includes Policy TP38 of the BLP and Policy DM14 of the DMBDPD.

Agenda Item No 6

Planning and Development Board

4 August 2025

Report of the Head of Development Control

Changes to Written Appeals

1 Summary

The Planning Inspectorate (PINS) has announced changes to its procedures for handling appeals dealt with by an exchange of written representations, in order to speed up determination rates.

Recommendation:

That the report be noted.

2 Background

2.1 Members will be aware that PINS deals with planning appeals through one of three procedures – an exchange of written representations, a Public Hearing or a Public Inquiry. Even after the expedited written procedure was introduced back in 2009, the average time for a decision following validation of an appeal in the year ending March 2024 was 25 weeks. The target set by Government is for these decisions to be made between 16 and 20 weeks.

2.2 As such PINS is to introduce new procedures to meet this target.

3 The Proposals

3.1 There are several changes that affect Local Planning Authorities – just for written representation appeals.

- i) At present the Council has to complete and forward a very detailed questionnaire back to PINS for every appeal using a national template. This is to be shortened.
- ii) At present the Council often submits a separate Statement of Case in addition to the questionnaire even although the package sent to PINS must include an officer report. No Statement will now be required. The only record of the Council's "case" will be that as set out in the officer report. Additionally, this means that there will be no opportunity to submit "rebuttals" against the appellants' case.

- iii) At present, if the appeal follows an “overturn” of an officer recommendation to the Planning Committee, then the Statement of Case referred to above would explain why. With a Statement no longer being required, the Committee minute has to be sent to PINS. The requirement is that the minute must be “robust” and “fully address any issues”.
 - iv) At present, once an appeal is lodged, it is open to “interested parties” to submit further representations even if they had already sent in objections at the planning application stage. This will no longer be the case. There will be no opportunity to re-consult following an appeal.
- 3.2 As far as the appellant is concerned, the appeal submission will only comprise:
- i) A copy of the application.
 - ii) A copy of the Planning Decision Notice and
 - iii) A “brief” statement responding to the Authority’s decision and why they disagree.

4 Observations

- 4.1 Officers welcome this much stream-lined procedure. A significant amount of time is spent by officers and the support team in completing the questionnaire, writing a separate Statement and then re-consulting every-one again.
- 4.2 There are two other observations.
- 4.3 Firstly, the importance and the content of the officer report is significantly increased. This would mirror the comments made when the Board was notified of the reforms to Planning Committees with the introduction of a National Scheme of Delegation.
- 4.4 Secondly, and this is one for Members to consider, is that in the case of an “overturn”, the reasons for that and the evidence to support those reasons, should be made explicit in the Minutes. Hence, any proposal to overturn should be accompanied by the reasons and the evidence.

5 Report Implications

5.1 Financial and Value for Money Implications

- 5.1.1 There should be a “saving” in officer time in responding to appeals under these new procedures, thus enabling that time to be diverted to their caseloads.

5.2 Risk Management Implications

- 5.2.1 A strong and robust evidence base to support an “overturn”, will reduce the risk of a costs application against the Council from being successful.

The Contact Officer for this report is Jeff Brown (719310).

Agenda Item No 7

Planning and Development Board

4 August 2025

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

To consider whether, in accordance with Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 8

Tree Preservation Order – Report of the Head of Development Control

Paragraph 6 –

- a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- b) By reason of the need to consider the making of an order.

In relation to the items listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Marina Wallace (719226).