

Jeff Brown
 Head of Development Control
 North Warwickshire Borough Council
 The Council House
 South Street
 Atherstone
 CV9 1DE

4th March 2024

URGENT

Dear Sir,

PAP/2023/0071 – OBJECTION

Introduction

Further to Pat Kenrick's email on 16th February 2024 we are writing on behalf of the Fillongley Flood Group (FFG) to formally set out in more detail our objections to the above planning application for a Solar Farm at Nailcote Farm.

We enclose the following evidence in support of our submission namely: -

1. A copy of the Timeview Telemetry which receives and forwards time series data and alarms at the culvert in Fillongley which are triggered by rising water levels (Sept23-Feb24).
2. Photographs of the volunteers clearing the culvert.
3. Photographs of the culvert blocked with & without debris.
4. Photographs of the volunteers clearing the culvert.
5. Photographs of the debris taken out of the culvert on 22nd February 2024.
6. Aerial footage of Fillongley taken by Drone on Friday 20th October 2023 indicating the areas that were flooded.
7. Photographs of the village in flood taken from the Bourne Brook Catchment & Flood Alleviation Study, Fillongley July 2010 (NWBC).
8. Page 12 from the Bourne Brook Catchment & Flood Alleviation Study July 2010 (NWBC).
9. Copy of the Landscape Strategy plan revised – 5th February 2024
[AttachmentShowServlet \(northwarks.gov.uk\)](#)
10. Copy of BWB Drainage Strategy (pages 14 & 15)– Existing & Proposed Run off rates.
11. Copy of BWB Drainage Strategy (page18)– SuDs Manual schedule for swales.

We have looked at the Applicant's Planning Statement, Addendum to the Statement, Flood Risk Assessment and Drainage Strategy and Statement prepared by BWB Consultants, the Landscape Strategy Plan as well as a number of other documents on the public portal. We have spoken to Enviromena on a number of occasions at Fillongley Parish Council (FPC) meetings. (Please note that the Applicant did not attend the FPC meeting on 15th February 2024 when the FPC were required to make a decision on Enviromena's revised plans and the FFG had hoped to raise issues with them).

Several members of the FFG also live in the centre of this Conservation Village and reside in designated heritage assets and have read the Heritage & Archaeology Assessments prepared by BWB Consultants on the portal as well.

Modelling & Data

We take issue with the Applicant's Flood Risk Assessment and Drainage Strategy in terms of both its modelling and data. For example, the Flood Risk Assessment refers to the Warwickshire PFRA and the Addendum of 2017. We note the 2017 Addendum does not reflect the flooding in the village in 2012 and 2016. Further we do not see any reference to the Bourne Brook Catchment & Flood Alleviation Study of Fillongley dated July 2010 commissioned by NWBC in the Flood Risk Assessment.

Modelling seems to be based on a 1 in hundred-year event, yet we have had floods in 1998, 2007, 2008, 2012 and 2016. Further the FFG has access to 12 years of almost complete data from The Timeview Telemetry which we are not aware the Environment Agency or Warwickshire County Council the Lead Local Authority (LLFA) have access too. The Timeview Telemetry referred to at **Document 1** records the rising water levels at the culvert by the Manor House Pub and barn (Designated heritage assets). You will see from **Document 1** that the early warning alarm alerts the Flood Groups at 0.6 maSD. The middle alarm 'Bourne is rising' is at 0.8 maSD and the critical warning alarm at 1 maSD. **Document 1** is just a snapshot of the data that the Flood Group hold (from September 23 to February 2024). You will see from **Document 1** that Fillongley has had 3 critical early warning alarm alerts between 20 October 2023 and 22nd February 2024, 4 'Bourne is rising' alarms and 12 early warnings. Major flooding to the village has been averted because volunteers from the Fillongley Flood Group have gone into the brook by the culvert at all times of the day and night to clear the trash screen of debris (illustrated by photographs at **Documents 2, 3, 4 and 5**) that is washed down the watercourses that slope through the proposed site of the Solar Farm (Flood Zone One). We also refer you to the photographs taken by drone at **Documents 6** which show the watercourses in Fillongley breaking its channels in October 2023. If the debris is not cleared away the water cannot continue down the culvert and rises thereby breaking the defence walls and flooding the village. Please see the photographs of the village in flood contained in the NWBC Bourne Brook Catchment & Flood Alleviation Study, Fillongley, North Warwickshire – July 2010 (**Document 7**).

Therefore, even a small rise in runoff together with additional debris from the development could mean that the village floods on a regular basis. The Applicant has confirmed in its Drainage Strategy that there will be an increase in runoff. However, we are not aware any account has been included in the Applicant's Flood Risk Assessment of the additional runoff from the M6 motorway. The runoff from the M6 runs downhill through the Applicant's proposed development site into the centre of the village. We have seen a number of tables including one taken from The Bourne Brook Catchment & Flood Alleviation Study page 12 (**Document 8**) which states that the M6 contributes up to eighteen percent of the overall runoff catchment in a 1 in 100-year event through to fifteen percent in a 10-year event. Clarification from BWB is clearly needed on this point as to whether any runoff from the M6 has been considered in their modelling and if so, what is the cumulative effect of runoff from both the Solar Farm and M6 Motorway. The FFG believe that the data relied upon by BWB does not give an accurate reflection of the reality of flooding in the village and raising water levels.

In addition, the FFG understands that the erection of the Solar Farm will increase the risk of flooding initially at the construction stage when the ground will have been compacted and "the trees cut down" (paragraph 8.59 of the Fillongley Solar farm Planning Statement February 2023). We are unsure from the report whether it is 30 or 300 trees due to the typo in the report. The time estimate given for the construction of the site is 3 to 6 months. However, we are aware similar projects of this scale can take up to 18 months to complete. The flood of July 2007 arose after a period of dry weather when the ground was compacted and unable to saturate the heavy rain. The FFG fear this will happen again especially as this was pointed out to us by the Flood Resilience Team at Warwickshire County Council.

Further we understand that once the site has been constructed trees and hedgerows are to be planted around the site to provide screening (Landscape Visual Appraisal and Landscape Strategy Plan). Ordinarily trees and hedgerows are helpful in preventing flooding however the planting has to be in the right place. Two watercourses run through the Solar Farm downhill and converge at the historical site of the remains of the

medieval castle and then on towards the culvert. Therefore, the revised designs (**Document 9 – Landscape Strategy plan**) put forward by the Applicant to help with screening and biodiversity create a problem, in terms of excess debris which is turn will increase the risk of flooding in Fillongley as the trash screen at the culvert collects debris (**Document 3**) and causes a build-up of water. We also understand that from time-to-time trees and foliage from the proposed development will have to be cut down so that they do not cover the solar panels.

The Applicant will argue that the interception swales as outlined in their Drainage Strategy dated November 2023 will be added to their site which will help with any runoff from the site. There is at pages 14 & 15 (**Document 10**) of their Drainage Strategy confirmation that there will be an increase in run-off although they believe that to be negligible, and the swales will assist with this. However, if the swales are blocked with debris, they have admitted at paragraph 3.17 of the Drainage Strategy that **“In the event of exceedance of the proposed swales, exceedance flows will follow the existing topography either into the nearby watercourses or off site.”** The FFG do not believe that SuDs Maintenance Schedule for Swales at page 18 (**Document 11**) of the Drainage Strategy provides adequate maintenance and monitoring. For example, removing litter and debris from the swales “once a month or as required” is too open ended and could easily lead to excessive debris entering the watercourses. As a flood group we are weekly, sometimes several times a day, clearing debris from the trash screen. Further the Applicant’s Flood Risk Assessment states at paragraph 4.6 that “the proposed fences around the perimeter of the proposed development should be designed such that water can flow freely through the fence **where possible**, particularly within the regions indicated to be as risk of flooding. They should be appropriately inspected and maintained **following flood events** especially **to prevent the accumulation of debris.**” Clearly this paragraph is a recognition that there will be debris but to suggest that the fencing should be inspected just after a flood event is a nonsense. It maybe helpful to the Applicant to inspect the fencing after a flood event but not the village. Clearly another indicator that the proposed development increases the risk of debris accumulating and increasing the risk of the village flooding on a regular basis. The debris needs to be cleared constantly not just after a flood event. We understand from the Drainage Statement that the Applicant, who is based in Reading, proposes to maintain the site. We would therefore like to know what the Applicant’s proposals are for maintaining the site. Clarification on this issue is needed from the Applicant.

We note that WCC Lead Local Flood Authority (LLFA) has withdrawn its objection with conditions to the development. However, we note that there was no site visit or visit to Fillongley (Flood Zone 2 or 3), by the LLFA, only consultation with BWB Consultants by email and a teleconference in July 2023. Further the Applicant has submitted revised plans in terms of planting and screening which run along the watercourse (see objections raised by FFG above) but there appears to have been no further consultation between the BWB Consultants and the LLFA. Further no consultation with the FFG was sought by the LLFA on the conditions that they have raised. Clarification on this issue is needed both from the LLFA and the Applicant.

Designated Heritage Assets

You will see from the photographs of the 2007 flood at **Document 7** that when Fillongley flooded several designated heritage assets in the Fillongley Conservation were flooded (FCA) including Little Bell Cottage, Bell Cottage, The Manor House Pub and barn. These buildings are identified in the Heritage and Archaeology Assessment as part of “the old village core” which characterises the Fillongley Conservation Village. Therefore, we disagree with the statement on page (iii) of the Heritage & Archaeology Assessment that there will be “no direct physical impact on designated Heritage assets as a result of the proposal.” These properties are to be put at risk from the increased flooding risk arising from the development, and this goes against the Planning (Listed Buildings & Conservation Areas) Act 1990 and in contravention of the NPPF and the North Warwickshire Local Plan.

Conclusion

1. We believe that the modelling and data provide by the Applicant gives a slanted impression of the flood risk arising from the proposed development. Further there are still a number of outstanding questions remaining. We do have a site visit, which we have requested, on Monday 4th March but we do not feel that we will have adequate time to consider all the issues that may arise from the site visit or enquiries that have to be made with the LLFA. We would ask that this matter be heard in May 2024 which would allow us time to have clarification on the issues we have raised.
2. However, if you are not prepared to adjourn the planning meeting, we currently believe that the development will increase the flood risk to the village. Further we do not accept that the measures put forward by the Applicant in terms of betterment will mitigate the flood risk. There has been no offer of funding of the Timeview Telemetry for 40 years which historically has been paid for by grants from our Councillors. There has been no proposal for funding for automated trash screens including installation or alleviation ponds on site.
3. We appreciate that NWBC will benefit from 75,000 per annum in business rates from the development but there is a significant monetary effect from the increased flood risk which will affect not just the village of Fillongley but NWBC, WCC and the public services required to deal with the flooding. We are also acutely aware from high insurance rates even with the existence of Flood Re that this burden will be passed on to the taxpayer.
4. Several businesses in Fillongley that used to exist including the Post Office, Village Shop, Florist, and Hairdressers were all flooded and no longer exist. The Manor House Pub is also failing from under investment from the brewery and we can only imagine that further flooding may shut its doors forever.
5. Any increased flooding to the village will have an impact on house prices not just for the properties that have been flooded but for those houses that are affected by flood risk mapping. Furthermore, the whole village will acquire a reputation for flooding.
6. "The NPPF does not, therefore, say that it is automatic or inevitable that the wider benefits of renewable energy will always constitute 'special circumstances,' only that they **may** do so. That must mean an Applicant will still need to demonstrate that, in the specific circumstances of the site in question, those benefits clearly outweigh the damage done to the Green Belt. "(Jeremy Wright MP. KC). We would argue that the proposed development would cause damage to the Green Belt, the Conservation village as well as designated heritage assets.
7. Finally, if the planning committee have not been persuaded by our objections and those of other objectors that this site is inappropriate for the said development then we would ask that as well as the conditions imposed by the WCC (LLFA) the Applicant is subject to a section 106 agreement that Enviromena provide before work on the development commences the following:
 - a. An automated trash screen at the culvert in Fillongley;
 - b. An automated trash screen further upstream in Fillongley with advice from the WCC Flood Resilience Team;
 - c. Enters into a contractual agreement to fund for the length of the development the Timeview Telemetry;
 - d. Builds attenuation ponds on the site with advice from WCC Flood Resilience Team.

Thank you.

Yours sincerely,

The Fillongley Flood Group

Enc. As above

CC. Craig Tracey MP
Cllr David Wright
Cllr David Humphreys
Cllr Mark Simpson
Jennifer Leadbetter
Steve Maxey
Heather Badham (Clerk to FPC)
WCC Flood Risk Management

View

Daily Checkin 0800 0900

MANOR HOUSE

msSD

Chan 1 Level

0.588V

View Configuration

CSV

Xbq

View Data

- 1 Day
- 3 Days
- 5 Days
- 7 Days
- 4 Weeks
- 3 Months
- 6 Months
- 1 Year

- Graph (Static)
- Logger Properties
- Channel Properties
- Graph (Dynamic)
- Table View
- Logger Status

1 - Level

Account	Group	Data Number	Serial No
Fillongley	FILLONGLEY	882360001712473	203A6F

Document 2 – Photos of Volunteers Clearing Culvert





Document 3 – Photograph of Culvert Blocked with Debris



Document 5 – Debris taken out of Culvert – 22 Feb 24



Document 6 - Aerial footage taken by Drone – 20th October 2023







July 1

July 7



4 Impact of the M6 Motorway

As built construction drawings of the M6 were provided to NWBC by the Highways Agency, Management Agency Contractor for Area 9 (MAC9). At the time of request Optima were the MAC 9 agent, who has since been replaced by Amey Highways. This information has enabled more concise analysis to be undertaken of the contributing area of the M6 to the catchment.

An analysis has been carried out of the contribution to the overall catchment runoff of the M6 motorway.

	Catchment Inflows				
	100 Yr (m3/s)	75 Yr (m3/s)	50 Yr (m3/s)	25 Yr (m3/s)	10 Yr (m3/s)
Total Inflows	4.2	4	3.6	3.1	2.4
Motorway Runoff Contribution	0.76	0.7	0.62	0.5	0.37
Percentage Contribution from Motorway	18%	18%	17%	16%	15%

Table 2 – Percentage runoff contribution from M6 motorway

This table shows that the contribution from the M6 motorway is significant but it is not the main source of runoff in the catchment. The model has been simulated with a 100 year event with all of the motorway contribution removed. This was not sufficient to prevent flooding from occurring but did reduce the impact.

Recommended Action: - flood routing from the M6 should be examined in more detail. A possible solution would be to ascertain if there was sufficient space within the confines of the M6 boundary to provide a swale or pond storage system to attenuate the flows.

As an alternative, negotiations should take place with the MAC 9 agent to provide a percentage of the costs towards flood alleviation works elsewhere. There is currently no legal obligation for the Highways Agency to make a contribution for motorway runoff and the right of connection to the watercourse cannot be removed.

Table 3.1: Existing & Proposed Runoff Rates

Return Period (Yr.)	Existing Greenfield Runoff Rate (l/s)	Post-Development Unmitigated Runoff Rate (l/s)	Post-Development Increase	
			l/s	%
1	20.4	20.5	0.1	0.5
QBAR	24.6	24.7	0.1	0.4
30	48.2	48.3	0.1	0.2
100	63.2	63.4	0.2	0.3
100 + 40%*	93.7	93.9	0.2	0.2

* Calculated by multiplying Standard Annual Average Rainfall (SAAR) by 1.4 to simulate a 40% climate change uplift on rainfall intensity

- 3.24 As shown within **Table 3.1**, the post-development runoff rate, when factoring in the increased impermeable area from the ancillary equipment is anticipated to increase the QBAR rate by 0.1l/s (0.4%), the 1 in 100-year runoff rate by 0.2l/s (0.3%) and the 1 in 100-year plus 40% climate change by 0.2l/s (0.2%). Therefore, the impact of developing the Site is considered to have a negligible impact on the existing runoff rate.
- 3.25 An assessment of the impacts the proposed ancillary equipment will have on the 1 in 100-year 6-hour runoff volume post-development has been undertaken. The pre- and post-development runoff volumes are compared in **Table 3.2**, with the supporting calculations provided within **Appendix 6**.
- 3.26 As the proposed development area is currently entirely greenfield, the existing runoff volume has been calculated using MicroDrainage to be 12,907m³.
- 3.27 The runoff volume from the new impermeable area (i.e., 0.04ha associated with the ancillary equipment) has been calculated using an average rainfall intensity of 10.7mm/hr as calculated using FEH rainfall data within Micro Drainage, and multiplied by the impermeable area, as described within **Figure 3.1**. The 100-year, 6-hour rainfall profile is presented within **Appendix 7**.

$\text{Av. Rainfall (m/hr)} \times 6 \text{ (hours)} \times \text{Impermeable Area (m}^2\text{)} = \text{Runoff Volume (m}^3\text{)}$ $0.0107 \times 6 \times 387 = 25\text{m}^3$

Figure 3.1: 1 in 100-Year, 6 Hour Runoff Volume

- 3.28 As shown in **Figure 3.1**, the runoff volume from the newly introduced impermeable area is 25m³. The runoff volume from the remaining permeable portion of the proposed development area (62.16ha) has been calculated using MicroDrainage to be 12,899m³. As a result, the total post-development runoff volume is calculated to be 12,924m³.

Table 3.2: Runoff Volume Comparison

Existing Volume (m ³)	Proposed Volume (m ³)		Difference (m ³)
	Permeable	Impermeable	
12,907	12,899	25	17

- 3.29 As shown within **Table 3.2**, the proposed introduction of the ancillary equipment will result in an increase of surface water runoff volume during the 1 in 100-year 6-hour event by 17m³. This is an increase of approximately 0.1% of the existing conditions within the Site.
- 3.30 It is anticipated that any increase in surface water runoff volume leaving the site will be intercepted within the interception swales located across the site.

Interception Swales

- 3.31 It is proposed that the interception swales will have 1:4 internal side slopes with a maximum design water depth of 300mm. The material excavated to install the swales will be applied to the downstream edge of the features to create an earth bund. A typical cross section of the proposed interception swales is provided within **Appendix 4**.
- 3.32 The proposed swales have been positioned outside of Flood Zone 3 and are also not anticipated to adversely displace any existing floodplains within the Site as no level raising will be associated with the construction of the swales.
- 3.33 Based on the proposed dimensions of the interception swales, it is anticipated that the maximum storage capacity of the swales is approximately 0.4m³/m.
- 3.34 The interception storage capacity of the swales is such that an increase in runoff volume associated with the ancillary equipment will be intercepted by the proposed swales. Additionally, the inclusion of the swales within the development will act to provide a betterment to the existing surface water runoff rate and volume that will leave the Site onto surrounding land and Bourne Brook and the UOW post-development.
- 3.35 The inclusion of the interception swales across the development will also function as a mitigation measure to reduce the likelihood of any pollution incidents leaving the Site. As the risk of pollution incidents is more likely to occur during the construction phase as opposed to the operation of the Site, it is recommended that the swales are constructed early on during the construction phase and silt fences are utilised on the swales during the entire construction phase.
- 3.36 The proposed swales should be maintained throughout the lifetime of the development to reduce the risk of the features becoming less effective due to silt accumulation, litter accumulation or vegetation issues.

4. MAINTENANCE

4.1 The SuDS Manual maintenance schedule for swales, is shown in **Table 4.1**.

Table 4.1: The SuDS Manual Typical Maintenance Schedule for Swales

Maintenance Schedule	Typical Frequency	Required Action
Regular Maintenance	Monthly	<ul style="list-style-type: none"> Inspect inlets, outlets, and overflows for blockages, and clear if required.
	Monthly (or as required)	<ul style="list-style-type: none"> Remove litter and debris; and Inspect infiltration surfaces for ponding, compaction, silt accumulation, record areas where water is ponding for > 48 hours.
	Monthly (during growing season), or as required	<ul style="list-style-type: none"> Cut grass – to retain grass height within specified design range.
	Monthly for first year then as required	<ul style="list-style-type: none"> Manage other vegetation and remove nuisance plants.
	Monthly for 6 months, quarterly for 2 years, then half yearly	<ul style="list-style-type: none"> Inspect vegetation coverage.
	Half yearly	<ul style="list-style-type: none"> Inspect inlets and facility surface for silt accumulation, establish appropriate silt removal frequencies.
Occasional Maintenance	As required or if bare soil is exposed over > 10% of the swale treatment area	<ul style="list-style-type: none"> Reseed areas of poor vegetation growth, alter plant types to better suit conditions, if required.
Remedial Action	As required	<ul style="list-style-type: none"> Repair erosion or other damage by re-turfing or reseeded; Relevel uneven surfaces and reinstate design levels; Scarify and spike topsoil layer to improve infiltration performance, break up silt deposits and prevent compaction of the soil surface; Remove build-up of sediment on upstream gravel trench, flow spreader or at top of filter strip; and Remove and dispose of oils or petrol residues using safe standard practices.



SENT BY EMAIL

Flood Risk Management
Warwickshire County Council
Shire Hall
Warwick
Warwickshire
CV34 4RL

Tel: 01926 412982

FRMPlanning@warwickshire.gov.uk

www.warwickshire.gov.uk

FAO Jeff Brown

03 April 2024

Dear Mr Brown

PROPOSAL: Construction of a temporary Solar Farm providing 47.7 MW output, to include the installation of ground-mounted solar panels together with associated works, equipment, and necessary infrastructure

LOCATION: Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley

The Flood Risk Management Team as Lead Local Flood Authority have been asked to provide a brief report on their stance for the planning application 'Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley'. As part of our role as statutory consultee in the planning process, we are consulted by Local Planning Authorities (in this instance North Warwickshire Borough Council) to comment on all 'major' applications from a flood risk and surface water drainage perspective.

Location

The proposed development site is on the land 800 meters south of Park House Farm, Meriden Road, Fillongley. The site is directly north of the M6 motorway and at its northern most boundary approximately 1km from the centre of Fillongley Village.



*Working for
Warwickshire*

OFFICIAL



Figure 1: The red line boundary of the proposed solar farm, Fillongley.

OFFICIAL

LLFA Stance on the Development

The LLFA has been consulted on the proposed development since March 2023 and provided their last formal response on 27 October 2024. During this time the LLFA had multiple meetings with the applicant to discuss our initial objection and a telephone call with the Fillongley Flood Group to discuss their concerns with the proposal. Based on the information submitted in October 2024 the LLFA had no objection subject to the following conditions.

Condition

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

1. *Undertake infiltration testing to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.*
2. *Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.*
3. *Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.*
4. *Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:*
 - *Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.*
 - *Results should demonstrate the performance of the drainage scheme including attenuation storage, potential flood volumes and network status. Results should be provided as a summary for each return period.*
5. *Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:*
 - *Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.*

Reason

To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity;

Condition

A Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (NFW-BWB-ZZ-XX-RP-YE-0001_FRA) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority prior to site completion and subsequent use. The details shall include:

1. *Demonstration that any departure from the agreed design is in keeping with the approved principles.*
2. *Any As-Built Drawings and accompanying photos*
3. *Results of any performance testing undertaken as a part of the application process.*
4. *Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.*

OFFICIAL

5. Confirmation that the system is free from defects, damage and foreign objects.

Reason

To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy.

Condition

Prior to completion and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
4. Provide details of how site vegetation will be maintaining for the lifetime of the development.
5. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

Reason

To ensure the future maintenance of the sustainable drainage structures.

Informatives for the next stage of design

As outlined within the condition, the strategy should be treated as a minimum at this stage of the design. Further consideration should be given during the next stage of the design to incorporate additional, localised source control SuDS as part of a 'SuDS management train' approach to provide water quality, amenity and bio-diversity benefits and increase the resilience within the design. Reference is also made to our Flood Risk Guidance for Development' (updated June 2023) with more details and examples of SuDS which can be incorporated at later stages of design.

At the 'discharge of condition' stage proposals for surface water drainage should be approaching a level of detail suitable for tender or construction. Documentation should show the drainage scheme including SuDS features, specific details (e.g. standard details or cross sections) and demonstrate the performance and of the system through calculations and exceedance management respectively. Such scheme should be in line with the original planning application/permission and where significant changes are made, justification should be provided.

Whilst the applicant had demonstrated the principles of an acceptable surface water management strategy for the proposed site, further information is still required to be submitted to the LLFA as detailed above before any development can take place. If the LLFA is not satisfied with the information submitted, they will not recommend that the Local Planning Authority (LPA) discharge the conditions.

Decision Meeting

The Board deferred determination on Monday 04 March 2024, on the grounds that clarification was required of the LLFA's response on the potential flood impacts arising from the development. The Flood Group circulated a letter on the morning of the Monday 04 March 2024, outlining their concerns with the proposed development. The applicant met the Group's

OFFICIAL

representatives on site later on in the afternoon, however requested a second site visit was carried out with the LLFA present.

At the Board meeting there were concerns that the LLFA had not visited the site and therefore the formal responses submitted by the LLFA were "desk-based". The LLFA have no obligation to visit proposed development sites prior to reviewing the application. A decision was made that the LLFA would make an exception for this site given the relationship between the team and the Flood Action Group. It should be noted that this is not something the team typically do.

LLFA's Requirements and the Applicant Response.

Whilst it is widely considered that greenfield solar farms have negligible impact regarding surface water runoff, the LLFA raise a number of points in Warwickshire County Council's 'Flood Risk & Sustainable Drainage Local guidance for developers'. The key points from this document and the applicant's response and/or requirements are as follows:

- **Infiltration Testing**

Infiltration testing was carried out on site at 7 locations mutually agreed by the applicant and LLFA. The results of the infiltration testing showed that surface water naturally drains from the site via infiltration at varying rates.

- **Attenuation Features**

The LLFA require multi-functional above ground surface water attenuation features to be incorporated into the sites drainage scheme, with the purpose of capturing runoff from the solar panels. Ideally gravel filter trenches positioned under the drip line of each solar panel would be proposed to capture and store runoff from the panels. However, at a minimum there is a requirement to include above ground swales positioned strategically around the development to capture surface water runoff from the solar panels as water flows downslope.

The applicant has proposed the latter in that surface water runoff from impermeable areas will be captured by the proposed cut off swales located upstream from any offsite receptors of surface water runoff. Surface water captured by runoff swales will slowly infiltrate into the ground.

It is proposed that the interception swales will have 1:4 internal side slopes with a maximum design water depth of 300mm. The material excavated to install the swales will be applied to the downstream edge of the features to create an earth bund.

The proposed swales have been positioned outside of Flood Zone 3 and are also not anticipated to adversely displace any existing floodplains within the site as no level raising will be associated with the construction of the swales.

The inclusion of the swales within the development will act to provide a betterment to the existing surface water runoff rate and volume that will leave the site onto surrounding land and watercourses post-development.

- **Watercourse buffer strips**

Within the 'Flood Risk Recommendations' section of the SFRA it states that 'An appropriate buffer strip must be maintained along fluvial corridors respectively, to ensure that maintenance of the channel can be undertaken;'. This has been agreed with the applicant.

OFFICIAL

- **Construction activities and soil compaction**

The applicant has stated they aim to restrict vehicular movements on site to designated access tracks. In doing so, the risk of soil compaction is minimised and limited to specific locations. The vehicular access tracks are also proposed to be permeable.

- **Vegetation management**

The applicant has specified what type of vegetation will be planted across the site and will provide details of how this will be maintained. The ideal situation is that vegetation is grassed and is kept reasonably high or grazed by livestock. Good vegetation cover will limit the transfer of sediments and slow the flow of water. The LLFA are waiting further details of how this will be maintained appropriately on site to ensure that no debris enters the watercourses.

Fillongley Flood Action Group

Following on from the COVID-19 pandemic, the Flood Risk Management Team at Warwickshire County Council contacted Fillongley Parish Council in February 2022 expressing our desire to reengage and to support the Flood Action Group in order to improve community engagement. Since then the LLFA have had a close working relationship with the group, attended the village on numerous occasions and held multi-agency meetings to discuss flood related issues with other partners. Therefore, as stated by the Flood Action Group, we as a team are aware of the flood risk in Fillongley.

One of the primary concerns of the Flood Action Group which the LLFA are fully aware of is the build-up of debris at the trash screen situated next to The Manor House Pub in the village. As part of our formal response, we have included a maintenance condition which requires the applicant to provide an in-depth site-specific plan providing details of how surface water and each feature will be maintained and managed for the lifetime of the development, along with details of who is responsible. This also includes a sub-point of how vegetation will be maintained. If during any point, there are concerns that the site is not being maintained as agreed, the LLFA will be able to contact the parties responsible to ensure that all works are being carried out.

LLFA's Site Visit

As previously stated the LLFA have no requirement to attend site visits for proposed developments, however an exception for this site was made.

An updated Landscape Strategy was presented to the LLFA on arrival at the site visit. This had not been submitted to the LLFA for review as the changes made did not have an impact on the proposed drainage strategy. It is worth noting that the updated Landscape Strategy Plan illustrated additional hedgerows and vegetation planting across the site which further mitigate flood risk by slowing the flow off run off travelling across the site towards the watercourses.

The Flood Action Group discussed possible Natural Flood Management (NFM) measures including attenuation ponds, that could be installed within the development site boundary. The LLFA would be willing to support the group in any future projects moving forward. Although mitigation measures here would not eliminate flood risk to Fillongley village, they may reduce the risk by an unknown quantity by holding back the volume of water entering the watercourses at times of significant rainfall. Any NFM projects would need to be discussed and agreed with

OFFICIAL

the landowner, It is believed that the applicant (Environmena) will take over ownership rights for the lifetime of the development.

Summary

A site visit to the land 800 meters south of Park House Farm, Meriden Road, Fillongley was made on Monday 18 March 2024 with attendance from the LLFA, the applicant (Enviromena), the drainage designers (BWB) and members of Fillongley Flood Action Group. The attendees walked the boundary of the site and discussed various concerns from the Flood Group, these were largely addressed on site by the applicant with the exception of a small number of questions which were taken away.

The LLFA were requested in attendance due to the Flood Groups concern that the no objection subject to conditions response submitted by the LLFA to the LPA on the 27 October 2023 was based solely on 'desk-based' assessment. The LLFA have no formal requirement to undertake site visits, however it was felt that the site visit was benifital for all parties to better understand the concerns of Fillongley Flood Action Group.

The National Planning Policy Framework (NPPF) and supporting Planning Practice Guidance (PPG) provides the overarching national policy and guidance relating to flood risk and sustainable drainage. It states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Given this the LLFA position remains unchanged following on from the site visit to the proposed development site. The applicant has addressed all of the LLFA's points adequality at this stage in the planning process. Further details and information are still required to be submitted. If the LLFA are not satisfied with the information submitted, they will not recommend that the Local Planning Authority (LPA) discharge the conditions and no development should take place.

Yours sincerely,

Scarlett Robertson
Flood Risk Management Officer

OFFICIAL

Your ref: PAP/2023/0071
 Our ref: WCC002749 R2/FRM/SR/002
 Your letter received: 14/05/2024

**SENT BY EMAIL**

Mr Jeff Brown
 Head of Development Control
 North Warwickshire Borough Council
 The Council House
 South Street
 Atherstone CV9 1DE

Flood Risk Management
 Warwickshire County Council
 Shire Hall
 Warwick
 Warwickshire
 CV34 4RL

Tel: 01926 412982
FRMPlanning@warwickshire.gov.uk
www.warwickshire.gov.uk

FAO Jeff Brown

30 May 2024

Dear Mr Brown

PROPOSAL: Construction of a temporary Solar Farm providing 47.7 MW output, to include the installation of ground-mounted solar panels together with associated works, equipment and necessary infrastructure

LOCATION: Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley

Warwickshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 14 May 2023. It understood that the applicant has update the drainage strategy to now include additional SuDS features. The LLFA's last response on 22 November 2023 was no objection subject to conditions, given that the drainage scheme on the proposed site has been improved, the LLFA has **No Objection** subject to the following conditions which remain.

Condition

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

1. Undertake infiltration testing to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
2. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
3. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
4. Provide detailed, network level calculations demonstrating the performance of the proposed



*Working for
Warwickshire*

system. This should include:

- a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
 - b. Results should demonstrate the performance of the drainage scheme including attenuation storage, potential flood volumes and network status. Results should be provided as a summary for each return period.
5. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
- a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - b. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

Reason

To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity;

Condition

A Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (NFW-BWB-ZZ-XX-RP-YE-0001_FRA, rev P07) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority prior to site completion and subsequent use. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
2. Any As-Built Drawings and accompanying photos
3. Results of any performance testing undertaken as a part of the application process.
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
5. Confirmation that the system is free from defects, damage and foreign objects.

Reason

To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy.

Condition:

Prior to completion and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
4. Provide details of how site vegetation will be maintaining for the lifetime of the development.
5. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

Reason:

To ensure the future maintenance of the sustainable drainage structures.

Notice to LPA / Applicant regarding the conditions

Whilst the applicant has demonstrated the principles of an acceptable surface water management

strategy at the site, further information is still required as detailed above.

The applicant may prefer to provide these additional details at a later date during the detailed design stage and therefore we have recommended an appropriate pre-commencement condition to ensure that these details will be provided for review and approval by the LPA and LLFA before the development commences.

Alternatively, the applicant may wish to avoid any pre-commencement conditions therefore the information set out above should be provided at this stage prior to the determination of the planning application. Subject to the approval of such details, the LLFA would subsequently seek the agreed plans to be included within any 'built in accordance with' type condition.

Informatives for the next stage of design

As outlined within the condition, the strategy should be treated as a minimum at this stage of the design. Further consideration should be given during the next stage of the design to incorporate additional, localised source control SuDS such as green roofs, rain-gardens and tree pits as part of a 'SuDS management train' approach to provide water quality, amenity and bio-diversity benefits and increase the resilience within the design. Reference is also made to our *Flood Risk Guidance for Development* (updated June 2023) with more details and examples of SuDS which can be incorporated at later stages of design.

At the 'discharge of condition' stage proposals for surface water drainage should be approaching a level of detail suitable for tender or construction. Documentation should show the drainage scheme including SuDS features, specific details (e.g. standard details or cross sections) and demonstrate the performance and of the system through calculations and exceedance management respectively. Such scheme should be in line with the original planning application/permission and where significant changes are made, justification should be provided.

Yours sincerely

Scarlett Robertson

Scarlett Robertson
Flood Risk Management Officer

Approved Documents:

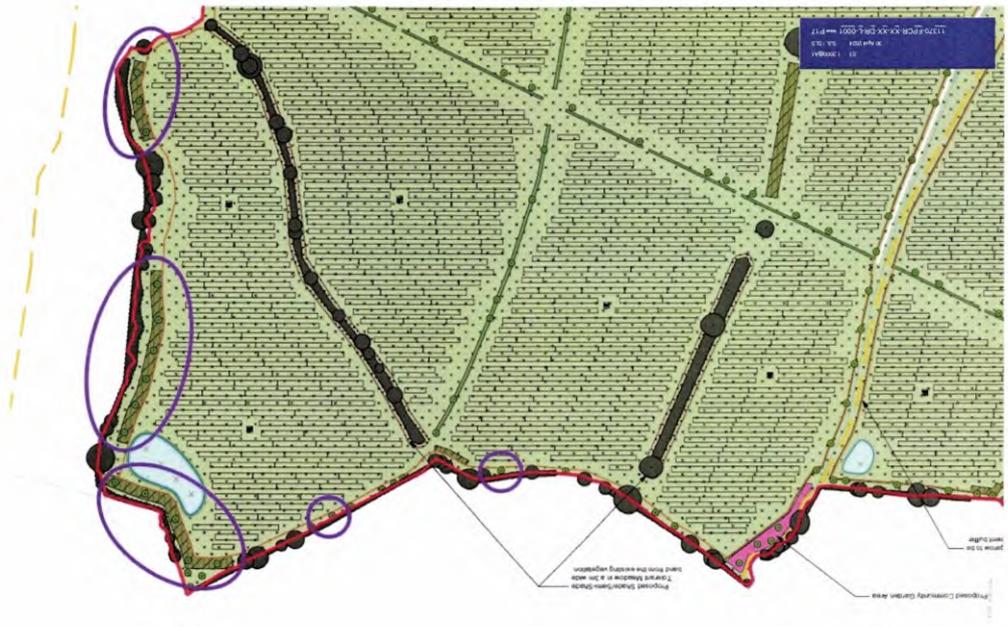
- Application Form.pdf
- Covering Letter_Redacted..pdf
- Planning Statement Feb 23.pdf
- Site location plan.pdf
- 3D Basins and Sections_S2-P01.pdf
- 11370 Land at Nailcote Farm, LVA Rev E.pdf
- Conceptual Drainage Strategy_S2-P07..pdf
- Drainage Strategy_S2-P07.pdf
- Flood Risk Assessment_S2_P07.pdf
- P17-Landscape Strategy Plan.pdf

N.B. On 10th January 2023, the Defra publishedⁱⁱ “the Review for implementation of Schedule 3 to the Flood & Water Management Act 2010;” this recommended implementation of Schedule 3 which the government has accepted. Warwickshire County Council will take on the role of the SuDS Approval Body (SAB), you can read more about this on our website which we will be updating periodically.

<https://www.warwickshire.gov.uk/severe-weather/planning-and-sustainable-drainage/2>

ⁱ <https://api.warwickshire.gov.uk/documents/WCCC-453486374-170>

ⁱⁱ <https://www.gov.uk/government/publications/sustainable-drainage-systems-review>



From: [Jeff Brown](#)
To: [planappconsult – Planning Support Team](#)
Subject: FW: Fillongley Solar Farm
Sent: 22/05/2024 09:20:39

Representation please – PAP/2023/0071

Thanks

Jeff

From: Heather Badham <clerk@fillongleyparishcouncil.co.uk>
Sent: Wednesday, May 22, 2024 9:17 AM
To: Jeff Brown <JeffBrown@NorthWarks.gov.uk>
Cc: Mark Simpson <MarkSimpson@NorthWarks.gov.uk>; David Wright <DavidWright@NorthWarks.gov.uk>; David Humphreys <DavidHumphreys@NorthWarks.gov.uk>
Subject: RE: Fillongley Solar Farm

Caution: Warning external email

Dear Jeff

Thank you for your email which was circulated to the Council before its recent meeting and discussed at the meeting.

Councillors understand the alterations and are of course pleased that the applicant is seeking to mitigate the flood issues but maintain their strong objections to the application.

FPC do not believe that this is appropriate development for BMV land in the green belt and that this land should be left as agricultural land, providing food security for the nation. Councillors are particularly concerned given recent Government advice/declaration that planning laws have not been interpreted correctly and that BMV land (such as this) should not be considered for solar farms. It was also said that solar farms should not be in clusters, which is again what appears to have happened in our part of North Warwickshire. FPC would hope that, particularly given the most recent communications from Parliament, the recommendation would be for refusal of this application and FPC maintain their strong objections.

Regards
Heather Badham
Clerk to Fillongley Parish Council

01676 549193

For ease of contact, the office is usually manned Monday, Wednesday and Friday afternoons subject to other appointments.

From: Jeff Brown <JeffBrown@NorthWarks.gov.uk>
Sent: Tuesday, May 14, 2024 2:57 PM
To: clerk@fillongleyparishcouncil.co.uk
Subject: Fillongley Solar Farm

Heather

Since deferral of the determination of this planning application at the March Board meeting, the applicant has engaged with both the Fillongley Flood Group and the LLFA. This resulted in an updated response from the LLFA as attached.

The applicant has also elected to add further measures – three on-site detention ponds. These are now included in amended plans which have been formally submitted along with an updated Flood Risk Assessment. These can all be found on the case file on the web site using the reference PAP/2023/0071 and are the documents received on 14 May 2024.

There is also an updated landscaping plan which adds further planting along the northern and eastern site boundaries.

These amendments are to be referred to the Planning Board on 10 June.

I would therefore welcome your Council's comments before 24 May so that they can be included in the written report. If not, then they will be reported verbally to the Board.

Many thanks



Jeff Brown
Head of Development Control
North Warwickshire Borough Council

Phone: 01827 719310

Web: www.northwarks.gov.uk

Social:     



Any opinions expressed in the email are those of the individual and not necessarily those of North Warwickshire Borough Council.

This email and any files with it are confidential and solely for the use of the intended recipient. If you are not the intended recipient or the person responsible for delivering to the intended

APPENDIX 4
Application PAP/2023/0071 Decision Notice



**North Warwickshire
Borough Council**

Mrs Amy Hindson
Barton Willmore, Now Stantec
The Pearl
New Bridge Street
Newcastle upon Tyne
NE1 8AQ

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

The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Telephone: (01827) 715341
Fax: (01827) 719225
E Mail: PlanningControl@NorthWarks.gov.uk
Website: www.northwarks.gov.uk

Date: 10 July 2024

**The Town & Country Planning Acts
The Town and Country Planning (Listed Buildings and
Conservation Areas) Act 1990
The Town & Country Planning (General Development)
Orders
The Town and Country Planning (Control of
Advertisements) Regulations 1992 (as amended)**

DECISION NOTICE

Major Full Planning Application

Application Ref: PAP/2023/0071

Site Address

Land 800 Metres South Of Park House Farm, Meriden Road,
Fillongley,

Grid Ref: Easting 427624.17
Northing 286021.23

Description of Development

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

Applicant

Enviromena Project Management UK Ltd

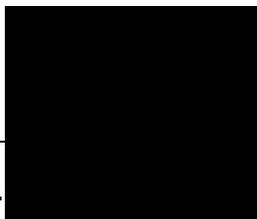
Your planning application was valid on 24 February 2023. It has now been considered by the Council. I can inform you that:

Planning permission is **REFUSED** for the following reason:

The proposed development is inappropriate development in the Green Belt. It is not considered that it would preserve the openness of the Green Belt as required by Policy LP3 of the North Warwickshire Local Plan 2021 and the National Planning Policy Framework (NPPF) 2023. It would additionally cause landscape and visual harm such that it does not accord with Policies LP1, LP14 and LP30 of the North Warwickshire Local Plan 2021, or Policies FNP01 and FNP02 of the Fillongley Neighbourhood Plan 2019. The Local and Neighbourhood Plan policies require new development to conserve and enhance the landscape; to integrate appropriately into the natural environment, harmonise with its immediate and wider settings, as well as to protect the rural landscape of the Parish, the scenic aspects of the village and the setting of the Church. The cumulative harms caused are considered to be substantial because of the development's proposed size, its siting on higher land, there being no surrounding higher land and its public visibility over a wide area. It is not considered that this substantial harm is clearly outweighed by any benefits that the proposal might give rise to.

Authorised Officer: _____

Date: 10 July 2024



INFORMATIVES

1. The Local Planning Authority has met the requirements of the NPPF in this case through active engagement with the applicant, to deal with a number of planning and technical issues which resulted in a series of amendments. However, on balance in the final assessment, the Council considered that they were not of such weight to clearly outweigh harms to Development Plan policies - particularly on Green Belt and Landscape matters.

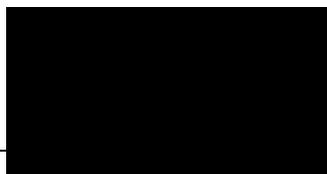
APPEALS TO THE SECRETARY OF STATE

- (1) If you are aggrieved by the decision of the Local Planning Authority, you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- (2) If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
- (3) Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- (4) The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (5) The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- (6) The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.
- (7) If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

NOTES

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>.

Authorised Officer: _____



Date:

10 July 2024

APPENDIX 5

Extracts from North Warwickshire Local Plan 2021

North Warwickshire

Local Plan

2021



**North Warwickshire
Borough Council**

**Adopted
September 2021**

Chapter 6 Sustainable Development

- 6.1 When considering development proposals that accord with policies in the Local Plan, the National Planning Policy Framework is also a material consideration. As delivery of the Local Plan is very important to the Council it will take a positive approach that reflects the presumption in favour of sustainable development. The Borough Council will always work proactively with applicants and other stakeholders jointly to seek solutions which mean that proposals can be approved wherever possible, and to secure development which sustainably improves the economic, social and environmental conditions in North Warwickshire.
- 6.2 Place making is a key part of considering development proposals and making them sustainable whatever their size. There are two overarching elements that make development proposals work for the long term. These are ensuring the development is of a quality that is long-lasting, and that infrastructure is provided.

Quality of Development / Place

- 6.3 The quality of development is important and can be helped through early consideration of the development. This is particularly the case in considering the natural and historic environment and how this will be dealt with. Considering biodiversity at an early stage of the planning process will assist in building in beneficial features to aid biodiversity.
- 6.4 The Council will work with and look to developers to contribute effectively to maintaining and developing local Quality of Life and assisting in the delivery of the Sustainable Community Strategy, through high standards of development; the type and character of buildings and uses proposed and from measures of the type set out below:
- ensure that the impact of development on the social fabric of communities is considered and taken into account;
 - seek to reduce social inequalities;
 - address accessibility (both in terms of location and physical access) for all members of the community to jobs, health, housing (particularly affordable housing), education, shops, leisure and community facilities;
 - take into account the needs of all the community, including particular requirements relating to age, sex, ethnic background, religion, disability or income;
 - deliver safe, healthy and attractive places to live; and,
 - support the promotion of health and well-being by making provision for physical activity including walking and cycling.
- 6.5 In addition to delivering suitable forms of development in appropriate locations, a main objective of the Core Strategy was to promote high quality development at all times. This continues in this Local Plan and policies in this Plan are formulated with this objective in mind. Quality developments rely on a combination of factors including aesthetics of the buildings; how water is dealt with and how development fits within the landscape, both rural and urban. Other policies play an equal part in the achievement of quality developments such as how access is gained to a site and how cars and lorries are treated within a scheme. All are crucial in achieving high quality developments within the Borough and making places work.
- 6.6 The Design Council has developed the Building for Life (BfL)¹ standard, in conjunction with the Home Builders Federation and is supported by government as the standard for the design quality on new homes. BfL provides a means of ensuring new housing meet appropriate design standards; respect their setting and are sustainable, thus creating quality places.

- 6.7 The Borough Council will encourage the use of the BfL standard within new residential developments. It will look to promote Building for Life and where appropriate, offer specific guidance drawing on this initiative. Consequently, the aim is to ensure that all new housing developments achieve a good standard of design as defined by the BfL standard and serve the needs of the existing and future residents.
- 6.8 Ensuring high quality design across the commercial and industrial sector is equally as important. Many elements of the BfL standard apply to non-domestic buildings and the Council will seek that development achieves a good standard.
- 6.9 The Council recognises the importance of planning development to reduce the opportunity for crime, including terrorism. Whilst crime levels across the Borough are generally lower than other areas of the West Midlands, design should ensure such figures are maintained and further lowered where possible. The fear of crime especially at night is still an issue. The Borough Council will use the Secured by Design² principles, which are widely accepted to contribute to lowering crime rates.
- 6.10 North Warwickshire is made up of a number of communities and thus there are very differing styles. With the Borough having over 50 settlements it is important that the local distinctiveness is reflected in any developments. This is particularly important in settlements that for the settlement hierarchy have a co-joined settlement boundary. This does not detract from the fact that these places consider themselves separate with each having their unique identities.
- 6.11 The Landscape Character Appraisal and individual Settlement Appraisals have been carried out and will be developed further into Supplementary Planning Documents and should be used as the basis for creating locally distinctive proposals. The Landscape Character Assessment identified landscape sensitivity areas surrounding settlements and these will be used when assessing impacts from developments. The Borough Council has Design Champions and they will be used to promote and encourage local distinctiveness in new developments.
- 6.12 Development can adversely affect public rights of ways. Therefore, the Council wants to ensure that public rights of way, where relevant to the development proposed, are protected and enhanced (including via relocation or alternative provision where justified).
- 6.13 Planning applications should be submitted with evidence to show how the design, scale and layout match the historic pattern of the surrounding development, its built form, density and overall appearance.

Implementation and Infrastructure

- 6.14 The delivery of infrastructure at the right time and in the right place will be essential to the success and delivery of developments for this Local Plan. Infrastructure can range from the provision of services and facilities to the provision of the open spaces to the provision of emergency services and waste collection services serving new homes. Considerable importance is attached to the need to ensure that existing and future local communities in North Warwickshire have reasonable access to a range of services and facilities.

¹ Design Council 2015; Building For Life, <http://www.designcouncil.org.uk/resources/guide/building-life-12-third-edition>

² ACPO CPI, 1989; Secured by Design, www.securedbydesign.com

- 6.15 A number of factors underpin the importance of planning agreements and Section 106 contributions in North Warwickshire:
- The area is relatively remote with a small but dispersed population and this has an impact on the cost of service provision.
 - The Borough Council has a history of working in partnership with developers to secure and deliver local benefits through the Planning process.
 - The area does not benefit from any significant UK, regional nor EU regeneration regimes.
 - There are significant public concerns to ensure the impacts of development are mitigated.
 - Again, there is public concern to maintain the provision of local services that are vital to community life.
 - Limited Council resources reflecting a small and rural population.
- 6.16 In the context of planning for the growth of an area, infrastructure can be defined as physical development needed to support communities and which directly relates to economic development and regeneration. This includes:
- Transport Networks - Pedestrian facilities, roads, public transport, cycle ways;
 - Health Facilities - Hospitals, care provision, GP and dentist surgeries
 - Education - Schools, higher education, research infrastructure;
 - Town and Local Centre improvements - Enhancements to the public realm through providing new facilities and highway improvements;
 - Green Infrastructure - Enhancing and creating networks of open spaces;
 - Leisure Facilities - Open space and built recreation facilities;
 - Protection of Environmental Assets - Mitigating impact from development on internationally and nationally protected habitats and species;
 - Utilities Facilities – Energy / waste / wastewater/ drainage plants, networks and treatment facilities;
 - Flood Prevention - Strategic defences to protect the town and enable growth;
 - Renewable Energy - District heating and renewable energy networks;
 - Communications Infrastructure - Broadband and mobile phone access;
 - Community Facilities - Includes libraries, community halls etc.
 - Emergency services
- 6.17 More details are provided in the Infrastructure Delivery Plan, Supplementary Planning Documents, and the evidence which underpins this Local Plan as indicated in Appendix C of this Local Plan. This information will be updated through the Plan period by the Council and the numerous partners, agencies and organisations.
- 6.18 Contributions towards infrastructure provision will be sought through appropriate use of planning conditions and obligations in accordance with national policy and associated Planning Practice Guidance, and statute
- 6.19 Alongside this Local Plan is an Infrastructure Delivery Plan. This sets out the known infrastructure requirements to accommodate the growth within the Borough. This will be updated on a regular basis. The Plan will feed into a Community Infrastructure Levy (CIL) which is a new planning charge that came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 (now amended by the Community Infrastructure Levy (Amendment) Regulations 2011). The Borough Council will work with partners to develop a Community Infrastructure Levy charging schedule as well as seek alternative funding opportunities. Both S106 obligations and CIL will need to have regard to viability issues to ensure the level of levy set or obligations sought does not prevent the delivery of development in general.

6.20 The policies give a framework within which assessments of S106, CIL or other legal agreements will be made. These will be supplemented, where necessary, over time by further advice in the form of guidance notes and Supplementary Planning Documents.

Future Growth

6.21 The Borough Council recognises that the pressure for growth will extend beyond 2033 and that this needs to be considered at an early stage. It will explore with partners and stakeholders' options for future growth of the Borough beyond 2033 to ensure options are explored and the required infrastructure is provided in a timely manner. This will enable a wide range of options to be explored, ensure infrastructure and the funding of it will be provided accordingly and that places are created that are sustainable.

LP1 Sustainable Development

Planning applications that accord with the policies in this Plan (and where relevant, with other development plan policies including those in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, applications will be determined in accordance with the presumption in favour of sustainable development.

Quality of Development / Place

All development proposals must;

- be supported by the required infrastructure
- be consistent with the approach to place making set out through development management policies, including, where relevant
- integrate appropriately with the natural and historic environment, protecting and enhancing rights of way network where appropriate
- demonstrate a high quality of sustainable design that positively improve the individual settlement's character; appearance and environmental quality of an area;
- deter crime;
- sustain, conserve and enhance the historic environment;
- provide, conserve and enhance biodiversity; and,
- create linkages between green spaces, wildlife sites and corridors.

Development should protect the existing rights of way network and where possible contribute to its expansion and management.

Implementation and Infrastructure

Infrastructure will be sought where it is necessary, directly related to the development and is fairly and reasonably related in scale and kind to the development. It may be related to social, economic and/or environmental issues. Supplementary Planning Guidance and documents will be used to guide provision, Infrastructure requirements are outlined in the Infrastructure Delivery Plan (For clarity, infrastructure projects drawn from the IDP are itemised and indicated to be either critical to the Plan's strategy as a whole, or necessary in association with particular allocations or projects, along with indicative timings are itemised in NWBC26, Appendix A) and the supporting documents contained in Appendix C of the Local Plan. The list is not exhaustive as each will be taken on a site by site basis and will depend on the viability of the scheme. Other site specific measures will be considered at the time of the planning permission. These will be secured through conditions, S106's or other agreements considered appropriate to ensure its delivery. It will be necessary to ensure the ongoing maintenance, where appropriate, of any infrastructure provision.

Where development is proposed in excess of plan requirements and would assist in the provision of or enabling infrastructure, particularly that related to facilitating development in the long term, or of affordable housing relative to needs, that will carry weight in favour of granting permission.

In Categories 1 to 4 settlements development within development boundaries will be supported in principle. Development directly adjacent to settlement boundaries may also be acceptable, including that which would enhance or maintain the vitality of rural communities, provided such development is proportionate in scale to the relevant settlement and otherwise compliant with the policies in the plan and national planning policy considered as a whole (including in respect of Green Belt protections)

Category 1: Market Towns of Atherstone with Mancetter and Polesworth with Dordon and the Green Belt Market Town of Coleshill

Category 2: Settlements adjoining the outer boundary of the Borough

Development will be permitted directly adjacent to built up areas of adjoining settlements if:

- a) the site lies outside of the Green Belt or Strategic Gap
- b) development would integrate clearly with wider development
- c) has a clear separation to an existing North Warwickshire settlement to ensure the character of North Warwickshire settlements are preserved; and,
- d) linkages are made to existing North Warwickshire settlements to ensure connectivity between places especially via walking and cycling

Category 3: Local Service Centres – Baddesley with Grendon, Hartshill with Ansley Common, New & Old Arley, Kingsbury, Water Orton

Category 4: Other Settlements with a development boundary - Ansley, Austrey, Curdworth, Fillongley, Hurley, Newton Regis, Piccadilly, Ridge Lane, Shuttington, Shustoke, Warton, Whitacre Heath, Wood End

Development within development boundaries will be supported in principle. Development directly adjacent to settlement boundaries may also be acceptable. All development will be considered on its merits; having regard to other policies in this plan and will cater for windfall housing developments usually on sites of no more than 10 units at any one time depending on viability, services and infrastructure deliverability

Category 5: All other locations

All Development

In all other locations development will not generally be acceptable, albeit as set out above that there may be some instances where development may be appropriately located and would enhance or maintain the vitality of rural communities under this category. Special circumstances should exist to justify new isolated homes in the countryside such as rural workers' needs, the optimal viable use of a heritage asset, the re-use of redundant buildings enhancing its immediate setting, the subdivision of an existing residential dwelling, or development of exceptional quality or innovative design or for rural exception sites in line with national planning policy. All such development will be considered on its merits and with regard to other policies in this plan.

Green Belt

7.12 National Green Belt policy operates over two thirds of the Borough. Within Green Belts the primary aim is to maintain the open nature of the area and there is a general presumption against development that is inappropriate, except in very special circumstances. The National Planning Policy Framework provides the strategic policy guidance. It gives advice on where and what development is appropriate or inappropriate in the Green Belt. This policy builds on the NPPF, provides the local context and provides

how it will be implemented in certain instances.

- 7.13 The pressure on the Borough from surrounding urban areas needs to be considered in the context of protections accorded to the Green Belt, and how areas of the Green Belt perform relative to the functions for Green Belt. Two studies have been carried out relating to the Green Belt.
- 7.14 The first relates to how broad areas and parcels of land perform in relation to the five purposes of Green Belt as defined by the NPPF.³ The Joint Green Belt Study highlighted some areas as relatively poor performing in some aspects of the purposes of Green Belt. Taking into account the needs of the Borough, the pressures for further development and the environmental impacts it is considered some of these sites will be either allocated now for development or safeguarded for development as and when required whether in this Plan period or the next. This is explained further in this Plan.
- 7.15 The maintenance of the Green Belt is seen as a vital component in protecting and enhancing the Borough as an area of pleasant countryside, especially by preventing the incursion of nearby urban areas. It is not just the wholeness of the Green Belt designation that is important but having defensive boundaries. As a result, a second Study of the Green Belt has been carried out looking at the future boundaries of the Green Belt in relation to the outer limits and the detailed boundaries around settlements.⁴ The study has been undertaken to look at ensuring that the boundaries continue to be defensible and follow clear physical features. The detailed boundaries of the Green Belt are shown on the Policies Map.
- 7.16 It is accepted that settlements surrounded by the Green Belt have smaller scale opportunities than those outside the Green Belt. This is in essence the role of the Green Belt, in protecting the openness between places. However, there may be opportunities for limited infill and redevelopment in villages still washed over by the Green Belt designation. Two settlements exhibit a clear, focused and cohesive settlement pattern with limited infill potential. Middleton and Lea Marston are considered to have the potential for one or two true infill plots. Therefore, infill boundaries have been drawn to indicate where infill and limited redevelopment would be permitted and are shown on the Policies Map.
- 7.17 It must be stressed that a Green Belt Infill Boundary is not the same as a Development Boundary. A Green Belt Infill boundary is only intended to accommodate that type of development defined as “infill” or “infilling”. The policy defines “limited” through the use of a boundary rather than by a number or indeed leaving the matter open to interpretation on a case-by-case basis. This is the same approach adopted for settlement and town centre boundaries. The village however remains “washed over” by Green Belt and development within the village continues to be controlled by National and Local Green Belt policy. The restriction on development classed as “inappropriate” within a Green Belt therefore still applies. A Development Boundary however excludes the area within it from the Green Belt and its policy constraints. It establishes the principle for development and enables all types of development to be accommodated (site availability and other policies permitting). This includes redevelopment of existing buildings and plots, such as the demolition of large properties in large plots or the redevelopment of garden areas for higher density housing proposals.

³ Joint Coventry & Warwickshire Green Belt Study – Stage 2 Report April 2016

⁴ North Warwickshire Green Belt Study 2016

- 7.18 One exception to the principle that construction of new buildings are inappropriate development in the Green Belt is where a building is replaced, providing the new building is in the same use and not materially larger than the one it replaces. Another is limited infilling or complete redevelopment of previously developed sites where that would not have a greater impact on the openness of the Green Belt. A further exception is an extension or alteration which is not disproportionate relative to the size of the original building.
- 7.19 It is not considered that the NPPF alone is all that is necessary for the management of new development proposals in North Warwickshire's Green Belt. The spatial vision and the strategic objectives set out in the Core Strategy 2014 and this Local Plan, emphasise that it is the rural character of North Warwickshire that distinguishes it from its neighbours. That character is to be retained by safeguarding that countryside and protecting its openness from encroachment. The Council therefore has to have robust and consistent policies to implement these objectives. The NPPF provides the background to do so, but it lacks definition when it comes to some of the details of handling planning applications. The policy below provides that definition as the alternative would be to rely on the wording of the NPPF and thus determine each application on its merits. This could result in an inconsistent approach, but on the other hand the use of stricter definitions should not be seen as prescriptive.
- 7.20 In particular it is some of the adjectives used in the NPPF that are considered to lack precision and it is the purpose of the policy below to make these explicit. It therefore addresses the main definition issues that are likely to arise when dealing with new development proposals in the Green Belt. There are two key quantitative adjectives "disproportionate" and "materially larger". In addition, it is considered necessary to consider how previously developed land is dealt with. These are explained below.
- 7.21 The present saved 2006 Local Plan policy ENV13 includes that extensions within the Green Belt will be considered against a figure of 30% as a guide in order to assist in the assessment as to whether extensions are disproportionate or not. This has been applied consistently since that Plan was adopted; it is well understood, it has been upheld throughout that period on appeal, and it has impacted on new development proposals. It is not considered that there is reason to vary this figure. However, the policy below does address a constant issue arising with its use and that is the relationship with permitted development rights. Each application will be dealt with on its merits against this policy. However, there may be circumstances whereby larger extensions might be deemed acceptable. Examples could include the existing building's setting, proximity and relationship with other buildings; its prominence in the landscape and whether there would be a substantial improvement in the overall design of the building. These considerations would also need to be assessed against the 30% figure set out in the policy.
- 7.22 The figure of 30% will also be used as a guide where it relates to replacement houses in the Green Belt. However, because of the different definitions in the NPPF – "disproportionate" and "materially larger" there could be case for different quantitative figures. The term "not materially larger" might suggest a lesser amount of development than "disproportionate". This is why it is also important to assess each application on its merits using the same considerations as set out above where appropriate. An additional consideration would be to look at the merits of replacing a building either on the same footprint as the existing or another.
- 7.23 It is considered that the use of a quantitative measure in these instances is a very useful indicator as to what the Council considers to be the meaning of these adjectives. Given the importance of retaining the Green Belt to the Council and to the consistent successful use of the measure since the adoption of the 2006 Local Plan, it is considered that it

should be retained.

- 7.24 The NPPF gives guidance on how to deal with applications for the partial or complete redevelopment of previously developed land. Redevelopment within the lawful use of the previously developed land is acknowledged as being appropriate development. A redevelopment proposal for an alternative use that is itself appropriate within the Green Belt by definition in the NPPF is clearly acceptable. Other development proposals are still appropriate development by virtue of the NPPF, but other material planning considerations may have to be considered in the final planning balance.

LP3 Green Belt

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Other than in instances where allocations are proposed, Green Belt within the Borough will be protected accordingly. The following criteria set out how Green Belt applies to land and settlements in North Warwickshire, whether named in LP2 or not, with development management policy/policies for the Green Belt set out subsequently.

- 1 The outer extent of the Green Belt as well as the detailed development boundaries for the settlements identified in Policy LP2 are shown on the Policies Map
2. Areas within Development Boundaries are excluded from the Green Belt.
3. Limited infilling in settlements washed over by the Green Belt will be allowed within the infill boundaries as defined on the Policies Map.
4. Limited infilling may also be acceptable where a site is clearly part of the built form of a settlement, i.e. where there is substantial built development around three or more sides of a site.
5. Settlements surrounded or washed over by the Green Belt will be able to pursue the Community Right to Build in accordance with the relevant statutory requirements.

When considering proposals within the Green Belt in addition to the NPPF, regard should also be had to the following considerations:

- a) provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, regard will be had to whether such proposals are of a scale necessary for the efficient function of the parent use concerned and that they are the minimum size necessary
- b) Extensions will be considered to be disproportionate building based on the merits of each individual case. Both quantitative and qualitative criteria will be used in this assessment. For the purposes of this policy, the original building is defined as that which was present on 1 July 1948 or that which came into being after this date as a result of the original planning permission, i.e., as built and volume is defined as gross external volume including basements and cellars.
- c) A replacement building will be considered to be materially larger based on the merits of each individual case. Both quantitative and qualitative criteria will be used in this assessment. Replacements should be located on the same footprint as the existing building unless there are material benefits to the openness of the Green Belt or, when environmental and amenity improvements indicate otherwise. For the purposes of this policy, volume is defined as gross external volume including basements and cellars.
- d) Consideration will be given to the removal of permitted development rights where the new development is considered to be at the maximum scale acceptable to ensure the openness of the Green Belt, or where other issues such as visual impact and impact on neighbouring residential amenity, are material.

- e) Relevant planning consideration, such as the sustainability of the location; landscape and visual appearance or impact, the loss of employment land and impacts on general amenity will all be considered in the final planning balance in respect of proposals to redevelop previously developed land within the Green Belt.

Strategic Gap

- 7.25 Polesworth with Dordon is one of the Market Towns in the Borough. Due to its location it has a close relationship with Tamworth. NW19 of the Core Strategy 2014 referred to a strategic gap between Polesworth and Dordon. This was to avoid coalesce with Tamworth. The Core Strategy however did not define where the boundaries of this area would fall and it was expected that this would be through the emerging Site Allocations Plan. As this Local Plan has superseded the production of the Site Allocations Plan it is now included in this Plan.
- 7.26 A detailed technical study has been carried out to look at the area and to determine where the detailed boundaries should be drawn. A separate consultation was carried out by the Council to consider the extent of the “gap” and this has informed the designation as shown on the Policies Map.
- 7.27 Following the approval of the site at the south-eastern site of junction 10 M42 and A5 for employment use the area south of the A5 is removed from the Meaningful Gap as proposed in the Draft Site Allocations Plan and Draft Local Plan. This means that any consideration of a contiguous area linking the Green Belt northwards cannot be considered. The Strategic Gap north of the A5 is therefore free standing. Its purpose is clear in that it is to maintain the gap, both visually and in landscape terms between the urban areas of Polesworth, Dordon and Tamworth.
- 7.28 The purpose of policy LP4 is to retain and respect the separate identities and characters of the settlements of Tamworth and Polesworth with Dordon to avoid their coalescence. The Strategic Gap seeks to retain and maintain the sense of space, place and separation between these settlements so that when travelling through the strategic gap (by all modes of transport), a traveller should have a clear sense of having left the first settlement, having travelled through an undeveloped area and then entering the second settlement.

LP4 Strategic Gap

In order to maintain the separate identity of Tamworth and Polesworth with Dordon, a Strategic Gap is identified on the Policies Map in order to prevent their coalescence. Development proposals will not be permitted where they significantly adversely affect the distinctive, separate characters of Tamworth and Polesworth with Dordon. In assessing whether or not that would occur, consideration will be given to any effects in terms of the physical and visual separation between those settlements.

Chapter 10 Environment

- 10.1 North Warwickshire is characterised by distinctive and open countryside with market towns and many small villages and hamlets. Large country estates make up part of the Borough and much of this open character is in part due to their existence. The overwhelming land use is agriculture, often in extensive estates and accompanied by countryside recreation. The Borough has many Sites of Special Scientific Interest (SSSI), areas of Ancient Woodland, Local Sites (Wildlife and Geological), Parks and Gardens of Historical Interest, Country Parks and Warwickshire Wildlife Trust Nature Reserves. However, biodiversity is not only restricted to these sites, but also extends into the wider countryside where protected, rare and endangered species exist, forage or rest, such as individual veteran trees. Assets are not only statutory and non-statutory sites, including potential sites, but also those that maintain connectivity within the landscape. Some of these assets have already been identified but are continually being updated. Therefore, Supplementary Planning Documents will be prepared in order to allow the information to be updated. Contributions will be sought to assist with the delivery of creating and maintaining the Borough's biodiversity and geo-diversity assets.
- 10.2 The Local Plan, therefore, recognises that it is essential for a healthy and diverse landscape to be protected and enhanced to ensure species movement throughout the Borough as well as into neighbouring authorities. This flow will assist with climate change adaptation by enabling species to expand populations as well as move to more favourable areas.
- 10.3 Due to the area's natural assets and growth pressure from surrounding areas the primary planning policy will be appropriate development of the appropriate size in the appropriate location. As a consequence it is important to ensure that new developments treat landscape and bio-diversity as integral parts of the whole proposal. This should assist in retaining, protecting and strengthening the visual amenity and bio-diversity of the setting.
- 10.4 The Borough has seen proposals that themselves change the landscape – e.g. new fishing pools. Either individually or cumulatively these can change landscape character as well as the hydrology of the area. The impacts of these proposals are therefore often much wider than perhaps just the immediate setting. Initial assessment of these impacts is thus important.
- 10.5 Regeneration of the Market Towns particularly through mixed-use development will allow the primary assets of the Borough - its countryside and settlements - to be protected and enhanced. Policies to protect and improve the Countryside beyond defined settlement boundaries and expected growth will continue through this Local Plan.
- 10.6 It is intended that mineral workings sites, both in use or exhausted, as well as existing employment sites be put back into appropriate Green Belt/rural uses as current operations and permissions cease and there is no realistic prospect of their re-use for that purpose (in line with the approach in the Warwickshire Minerals Plan such that resources of local and national importance are not needlessly sterilised by non-mineral development).

LP14 Landscape

Within landscape character areas as defined in the Landscape Character Assessment (2010), Arden Landscape Guidelines (1993) and the Historic Landscape Characterisation Project (June 2010) (or successor document) development should look to conserve, enhance and where appropriate, restore landscape character as well as promote a resilient, functional landscape able to adapt to climate change. Specific landscape, geo-diversity, wildlife and historic features which contribute to local character will be protected and enhanced as appropriate.

A Landscaping Proposals

New development should, as far as possible retain existing trees, hedgerows and nature conservation features such as water bodies with appropriate protection from construction where necessary and strengthen visual amenity and bio-diversity through further hard and soft landscaping. The Council will seek replacement or enhancement to such natural features where their loss results from proposed development.

Development proposals should be designed so that existing and new conservation features, such as trees and hedgerows and water bodies are allowed to grow to maturity without causing undue problems, or are not unacceptably compromised by development, for example by impairing visibility, shading or damage.

Development will not be permitted which would directly or indirectly damage existing mature or ancient woodland, veteran trees or ancient or species-rich hedgerows (other than where appropriate avoidance, mitigation, or compensation has been taken and any minimised harm is justified having considered the policies in this plan as a whole).

B New Landscape Features

The landscape and hydrological impacts of development proposals which themselves directly alter the landscape, or which involve associated physical change to the landscape such as re-contouring, terracing, new bunds or banks and new water features such as reservoirs, lakes, pools and ponds will be assessed against the descriptions in the Landscape Character Areas. Particular attention will be paid in this assessment as to whether the changes are essential to the development proposed; the scale and nature of the movement of all associated materials and deposits, the cumulative impact of existing and permitted schemes, the impact on the hydrology of the area and its catchment, any consequential ecological impacts and the significance of the outcome in terms of its economic and social benefits.

New landscape schemes will look to use native species and incorporate benefits for biodiversity. Species that are invasive or problematic to the natural environment will be avoided.

Historic Environment

10.7 North Warwickshire has been shaped by human activity over many thousands of years, and the distinctiveness of its present landscapes and settlements reflects this historic character. Amongst the more prominent features of its historic environment are remains of a number of monastic sites from the middle ages, whilst the economic exploitation of the Borough's geology has left a rich heritage of industrial archaeology. The 24km of canal system also adds to the industrial heritage of the Borough. The Warwickshire Historic Environment Record contains records of over 1350 archaeological sites, of which 29 are Scheduled Monuments. There are 579 Listed Buildings, 10 Conservation Areas and 3 Registered Parks and Gardens.

10.8 Apart from these discrete sites, the entire landscape has intrinsic historic interest which contributes to the local sense of place and is valued by residents and visitors. It has been

systematically characterised through the national programme of Historic Landscape Characterisation, a regional programme of Historic Farmsteads Characterisation and a Countywide Historic Town Study and results of this work have informed this Local Plan and will further inform the planning and design of developments.

- 10.9 The Historic Environment is a finite and non-renewable resource. 14 designated assets were identified by English Heritage as being 'at risk', mainly from disuse or neglect, in 2017. Kingsbury Hall is undergoing major work and Astley Castle has seen major works completed. The Borough Council will continue to work with owners to seek ways of securing their future. The Borough Council has an on-going programme for updating the areas Conservation Area Appraisals and will undertake management plans for them where appropriate. It will seek opportunities for enhancement through development and links with other projects and partnerships.
- 10.10 The Borough recognises the role of the Historic Environment in shaping the distinctiveness of the Borough and in contributing to quality of life and quality of place. It is committed to protecting and where possible, enhancing its historic assets including identification of areas where development might need to be limited in order to conserve heritage assets or would be inappropriate due to its impact upon the historic environment. Proposals for new development should reflect this commitment, with design that reflects local distinctiveness and adds value to it. The re-use and restoration/conservation of historic buildings can be a catalyst for regeneration. The Council have successfully implemented a Conservation Area Partnership Scheme in Atherstone and will seek ways of building on this success including the use of Neighbourhood Plans in the promotion of positive improvements to the Borough's historic environment. Proposals which may have an impact upon the Borough's Historic Environment will be assessed in accordance with local and national policy and guidance.

LP15 Historic Environment

The Council recognises the importance of the historic environment to the Borough's local character, identity and distinctiveness, its cultural, social, environmental and economic benefits. The quality, character, diversity and local distinctiveness of the historic environment will be conserved or enhanced. In particular:

- Within identified historic landscape character areas development will conserve, or enhance and where appropriate, restore landscape character as well as promote a resilient, functional landscape able to adapt to climate change. Specific historic features which contribute to local character will be protected and enhanced and, development, including site allocations, should consider all relevant heritage assets that may be affected, including those outside the relevant site
- The quality of the historic environment, including archaeological features, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, Conservation Areas and any non-designated assets; buildings, monuments, archaeological sites, places, areas or landscapes positively identified in North Warwickshire's Historic Environment Record as having a degree of significance meriting consideration in planning decisions, will be protected and enhanced, commensurate to the significance of the asset.

Wherever possible, a sustainable reuse of redundant historic buildings will be sought, seeking opportunities to address those heritage assets identified as most at risk.

All Scheduled Monuments, Registered Parks and Gardens, Conservation Areas are shown on the Policies Map.

Understanding the Historic Environment

All development proposals that affect any heritage asset will be required to provide sufficient information and an assessment of the impacts of those proposals on the significance of the assets and their setting. This is to demonstrate how the proposal would contribute to the conservation and enhancement of that asset. That information could include desk-based appraisals, field evaluation and historic building reports. Assessments could refer to the Warwickshire Historic Environment Record, Conservation Area Appraisals, The Warwickshire Historic Towns Appraisals, The Heritage at Risk Register and Neighbourhood Plans or other appropriate report.

Conserving the Historic Environment

Great weight will be given to the conservation of the Borough's designated heritage assets.-

Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification with regard to the public benefits of the proposal. A balanced judgement will be taken regarding the scale of any harm or loss to the significance of a non-designated heritage asset, and the relative significance of that heritage asset must be justified and will be weighed against the public benefits of the proposal.

Where a proposal affects the significance of a heritage asset, including a non-designated heritage asset, or its setting, the applicant must be able to demonstrate that:

- i) all reasonable efforts have been made to sustain the existing use; find new uses or mitigate the extent of the harm to the significance of the asset; and,
- ii) the works proposed are the minimum required to secure the long term
- iii) use of the features of the asset that contribute to its heritage significance and interest are retained.

Additional evidence, such as marketing details and/or an analysis of alternative proposals will be required where developments involve changes of use, demolitions, sub-divisions or extensions.

Where a proposal would result in the partial or total loss of a heritage asset or its setting, the applicant will be required to secure a programme of recording and analysis of that asset and archaeological excavation where relevant and ensure the publication of that record to an appropriate standard.

Natural Environment

10.11 The Borough Council recognises the need to establish a coherent and resilient ecological network in order to contribute towards the Government's target of halting the loss of biodiversity and emerging recovery networks. The Local Plan aims to achieve this by providing robust protection for these biodiversity assets that have a significant role and function in the Borough's existing ecological network and by seeking enhancements and gains where deficiencies are identified.

10.12 The natural environment contributes towards the health and wellbeing of the community and provides many services such as pollination, flood alleviation and carbon sequestration: helping to adapt to climate change and creating a resilient environment.

10.13 For clarification habitats includes: Habitats, species and features identified under Section 41 of the National Environment and Rural Communities Act as a principal of importance; proposed and designated Local Wildlife Sites and Local Geological Sites; Local Nature

Reserves; ancient woodlands and veteran trees; river corridors and canals; networks of natural habitats and legally protected species, including linear features and wildlife corridors, such as hedgerows.

- 10.14 All of these make a substantial contribution to the Borough's natural environment. The network however is not restricted to these sites but other features of biodiversity that add, buffer and link to the wider countryside, providing connectivity and facilitating species movement in response to climate change. There are also sites in other local authority areas which must also be considered, in particular, the River Mease Special Area of Conservation (SAC), Ensor's Pool SAC and the Cannock Chase SAC. Accumulative effects of development will be important considerations for both areas.
- 10.15 The Borough Council considers that virtually all habitats have a biodiversity value. The Warwickshire, Coventry and Solihull Green Infrastructure Strategy (or subsequent update) sets out the local approach to Biodiversity Offsetting; where the impact of the development on biodiversity is assessed and offsetting used to compensate for any calculated loss. Offsetting is the creation and/or enhancements of off-site habitats, where the long-term management and maintenance of habitat features is secured. Offsets should be created where they benefit local, regional or national ecological networks.

LP16 Natural Environment

The Borough Council recognises the importance of the natural environment to the Borough's local character, identity and distinctiveness. The quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced as appropriate relative to the nature of development proposed. This policy seeks to minimise impacts on, and provide net gains for biodiversity, where possible, relative to the ecological significance of international, nationally and locally designated sites of importance for biodiversity.

Understanding the Natural Environment

All development applications that affect the natural environment will be required to provide sufficient information and an assessment of those proposals on the natural asset(s) including via Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, or successor legislation, where likely significant effects individually or in combination with other schemes cannot be ruled out.

Conserving the Natural Environment

Sites of Special Scientific Interest (SSSI's) will be subject to a high degree of protection, in view of their national importance. Development adversely affecting a SSSI will only be permitted where the benefits of the development at these sites clearly outweigh the likely impacts on the site and any broader impacts on the national network of SSSI's.

Development that affects Sites of Regional and Local Importance for Nature Conservation will only be permitted where the benefits of the development outweigh the nature conservation value of the site and the contribution it makes to the Borough's ecological network.

Development that damages habitats and features of importance for nature conservation will only be permitted where there are no reasonable alternatives to the development taking place in that location. Where appropriate, developments will be required to help enhance these features and/or secure their beneficial management.

Planning permission will be refused if development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. Given the natural heritage of the Borough, the Council expects such circumstances to be wholly exceptional and for there to be a suitable compensation strategy in place where any loss or deterioration would occur

Developments should avoid significant harm to biodiversity by locating to an alternative site with less harmful impacts. If this is not possible adequately mitigate the impacts or, as a last resort compensate the loss. Where development takes place, it should help ensure there is a measurable net gain of biodiversity and geological interest. Warwickshire, Coventry and Solihull Biodiversity Impact Assessment calculator will be used to assess the changes to biodiversity resulting from the development and Biodiversity Offsetting will be used where net gain cannot be achieved within the site boundary. Offsets will be sought towards enhancements of the wider ecological network in the Borough or sub-region in line with local, regional and national priorities for nature conservation

A minimum buffer zone of 15m will be required in line with Government Guidance for ancient woodland and individual ancient or veteran trees. The size and type of buffer zone should vary depending on the scale, type and impact of the development and the sensitivity of the natural asset(s) that may be affected based on proportionate evidence.

Where possible, a buffer zone should:

- contribute to wider ecological networks
- be part of the green infrastructure of the area

Encouragement will be given to the planting of street trees, wherever possible.

Green Infrastructure

10.16 Green Infrastructure (GI) is a strategically planned and delivered network of high-quality green spaces and other environmental features. It should be designed and managed as a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities. Green Infrastructure includes parks, open spaces, playing fields, woodlands, allotments and private gardens. The Borough already has higher than average accessibility to woodland providing an excellent basis from which to develop a Borough wide network. However, there are still local deficiencies which need to be tackled as well as the creation of further woodlands helping to extend corridors.

10.17 The Borough Council along with other authorities in the sub-region and Natural England have developed a Sub-regional Green Infrastructure Strategy. This strategy has established criteria to identify sub-regional Green Infrastructure assets of Landscape, Accessibility and Biodiversity importance. The Borough is also a partner in the Coventry, Solihull and Warwickshire Biodiversity Offsetting pilot. Biodiversity Offsetting provides a standardised mechanism for quantifying and delivering compensation where adverse impacts on biodiversity cannot be avoided or mitigated on site. The outcome of this work and any additional local work will be taken forward in other Development Plan Documents as well as an explanation of how the formulae and offsetting will be translated into further guidance. Policy will need to set clear standards for when and how biodiversity offsetting may be used within the planning system.

10.18 The two canals in North Warwickshire can contribute towards the provision of significant local and strategic Green Infrastructure, as they provide important wildlife corridors and

can support significant biodiversity along their length. The definition of Green Infrastructure includes “blue infrastructure and blue spaces” such as waterways, towpaths and their environs. They also provide important open spaces. Further detail on the definition of “Green Infrastructure” can be found in the Glossary.

- 10.19 Opportunities exist throughout the Borough where development takes places. In particular the use of mineral sites provides an opportunity to create links and for biodiversity offsetting potential, for example the quarry sites of Purley, Jubilee and Oldbury. Offsets would be sought towards enhancements of the wider ecological network in line with local, regional and national priorities for nature conservation. In addition, the development of HS2 will also provide a corridor in its own right but equally could cause links across the railway line to be broken.

LP17 Green Infrastructure

Development proposals must, where appropriate, demonstrate how they contribute to maintaining and enhancing a comprehensive and strategically planned Green Infrastructure network. With reference to the Warwickshire, Coventry and Solihull Sub-Regional Green Infrastructure Strategy and Offsetting sub-regional Strategy for Green Infrastructure and the local green infrastructure resource development should:

- Identify, maintain and enhance existing Green Infrastructure assets where possible;
- In all cases should optimise opportunities to create links between existing Green Infrastructure within the district and to surrounding sub-regional networks;
- Help deliver new Green Infrastructure assets where specific need has been identified.

Where an existing asset is lost or adversely affected, and where mitigation or compensatory Green Infrastructure cannot be provided on site, contributions will be sought towards wider Green Infrastructure projects and improvements within the district or, where appropriate, in the sub-region.

Tame Valley Wetlands Nature Improvement Area (NIA) including Kingsbury Water Park

- 10.20 The River Tame and its valley extend from the Black County across Birmingham into North Warwickshire, through Tamworth and beyond. It is an important ecological area which is a regional asset that needs to be proactively considered and where possible enhanced as a tourist destination. The area has many functions – wildlife, flood storage, nature, and tourism. This is particularly true of the Tame Valley Wetlands, which cover the whole of the Tame Valley in North Warwickshire (and North Solihull, Castle View and Tamworth) covering the Birmingham & Fazeley Canal and the River Tame and tributaries, including the River Cole, River Blythe SSSI, River Bourne and River Anker. The Tame Valley Wetlands is designated as a Nature Improvement Area and is shown in Appendix H.

- 10.21 The Tame Valley Wetlands was designated as a Nature Improvement Area (NIA) by the Warwickshire, Coventry and Solihull Local Nature Partnership in October 2016. NIA’s are recognised in the NPPF as important areas. The area includes many sites important for nature conservation: there are 5 SSSI’s and 12 LNRs which are statutory sites plus a further 48 Local Wildlife Sites of county importance. The NIA is delivering aspects of the Local Nature Partnerships strategic vision.

- 10.22 NIA’s were established to create joined up and resilient ecological networks at a landscape scale; a mechanism identified in the Government’s 2011 White Paper to help us leave our natural environment in a better state than we inherited it. They are

Chapter 13 Development Considerations

- 13.1 The Council recognises the importance of sustainability. In this respect, all development should demonstrate that it is sustainable. This will be achieved by being well designed, laid out and constructed in a manner to ensure the long-term retention, adaptation and re-use of premises; where services and facilities link and support development they must be protected and improved where necessary; and that promotion of sustainable transport is prioritised, as there is a reliance on private vehicular transport. This is in line with the Government's intentions towards sustainable patterns of movement.
- 13.2 High quality design and place making should be the aim of all those involved in the development process. This policy aims to ensure that a high quality of design is achieved in North Warwickshire. The Policies in this section essentially reflect the approach taken in the existing Core Strategy and 2006 Local Plan.
- 13.3 Development proposals will be expected to adopt principles of good design so that they make a positive contribution to the character and quality of the area. Regard should therefore be had to good practice set out in the Planning Policy Guidance.
- 13.4 Reference should also be made to the design SPG's produced by the Borough Council. This includes 'A Guide for Shop Front Design', 'A Guide for the Design of Householder Developments' and 'A Guide for the Design of Lighting Schemes'. In addition to this the Council plans to prepare further design guidance. The timetable for this will be brought forward through the Local Development Scheme.
- 13.5 Equal opportunities are an increasingly important matter in planning. Recent legislation sets out the Council's obligations in ensuring that development is suitable for people of all ages, abilities and backgrounds. In addition, promoting healthy and active lifestyles is a key local priority, as set out in the North Warwickshire Sustainable Community Strategy⁶.
- 13.6 Open spaces, whether publicly or privately owned, are important within settlements as they break up the built form and contribute to local identity. Settlement Character Assessments will be undertaken to identify public spaces within the settlements and will seek to protect and enhance them. The Council's Open Space, Sport & Recreation Audit and Green Space Strategy⁷ and the North Warwickshire Playing Pitch Strategy identify existing shortfalls in provision, as well as further classifying the importance of existing open spaces and working to improve and protect sports facilities across the Borough.
- 13.7 People within the Borough should be able to enjoy places without undue disturbance or intrusion from neighbouring uses. The Council will look to protect and improve, where possible, living and working conditions through development proposals, which will be enforced by planning conditions or through the Council's Environmental Health powers.
- 13.8 The Rivers Tame, Blythe and Anker are all wildlife sites in the Borough. All are at risk of pollution, particularly the River Blythe, which is a Site of Special Scientific Interest. In addition, despite flood alleviation works in some parts of the Borough, a significant amount of residential and employment land along and near these corridors is at risk of flooding.

⁶ North Warwickshire Community Partnership, 2010; North Warwickshire Sustainable Community Strategy

⁷ NWBC, 2008; North Warwickshire Green Space Strategy

- 13.9 The Council has been monitoring and reporting on air quality across North Warwickshire for several years. An air quality review and assessment in 2000 concluded that the national objective levels for nitrogen dioxide would not be achieved beyond 2005 at an isolated farmhouse. The exceedance of the objective level was due to the dwelling being at the point where the M6 and M42 motorways converge to the south of Coleshill and this was subjected to significant vehicle emissions from congested traffic. As a result an Air Quality Management Area (AQMA) was declared in this location and a continuous automatic monitoring station was acquired to monitor more closely nitrogen dioxide and other pollutant levels in the vicinity. The monitoring carried out in recent years has not found any new objective level exceedances. However, it has shown a continued reduction in annual mean nitrogen dioxide levels at the affected farmhouse within the Air Quality Management Area (AQMA). During a round of assessment in 2012 it was proposed to revoke the AQMA as it no longer exceeded the objective level for nitrogen dioxide and the farmhouse was no longer a relevant receptor. This course of action was agreed by Defra and as a result the AQMA was formally revoked by the Borough Council and the Revocation Order came into effect on 1st February 2013. The automatic monitoring station was subsequently decommissioned
- 13.10 Nitrogen dioxide levels are being monitored at various locations across North Warwickshire. If air quality levels worsen this could result in a future AQMA. The Borough Council is continuing to work in partnership through the Coventry and Warwickshire Air Quality Alliance, which is made up of the Borough, Districts County Council and City Council as well as and Public Health England.
- 13.11 The Council seeks to reduce flooding risks by minimising surface water run-off to the main rivers and water courses in the Borough through the appropriate location of new development; the avoidance of development within Flood Zone 3, requiring sustainable drainage systems as well as other appropriate attenuation measures such as National Flood Management Schemes. In line with guidance, where possible, be protected and enhanced, especially as they can also result in environmental enhancement and provide benefits to wildlife. Land drainage too provides this function and should be adequately maintained.
- 13.12 The raw material, heavy infrastructure and disposal needs of the adjacent Birmingham conurbation and other nearby major urban areas have resulted in additional pressures on the Borough's land resources, including potential contamination. The Borough still has a legacy from extensive coal mining and other extraction. The Minerals and Waste Core Strategies will address specific detailed policies including how to assess viability of sites. Whilst the County Council sets out the strategic approach for mineral extraction and waste disposal, the Borough retains control over contaminated land issues. In line with national requirements and the intentions of the Council's Environmental Health section to identify and reduce the amount of contaminated land across the Borough, development proposals must identify contaminated and potentially contaminated land and secure land remediation where appropriate. Such identification may be necessary prior to determination of proposals depending on the sensitivity of the end use. In addition, strict control of the use and disposal of hazardous substances is necessary to safeguard land, premises and people.
- 13.13 Waste should be considered as part of the design of any development. This can be done through Site Waste Management Plans (SWMP's) or their successor. Attention should be given to opportunities to minimise the generation of waste as a by-product and development and ensuring waste arising and managed sustainably.

- 13.14 Development proposals particularly of facilities which attract members of the public will need to consider the measures it will need to take to make the sites as safe as possible and to deter terrorism.
- 13.15 'Secured by Design' (now owned by the Mayor's Office for Policing and Crime, MOPAC, on behalf of the UK police services) and NaCTOS (The National Counter Terrorism Security Office) provide on-line advice and guidance towards designing out crime and reducing vulnerability to the potential impact of terrorism in new development schemes as part of sustainable development proposals. The local police's Crime Prevention Design Adviser (CPDA) will also be able to provide advice on measures addressing particular types of crime or anti-social behaviour for both specific developments, or Design and Access Statements where compliance with the Secured by Design award scheme is sought.

LP29 Development Considerations

Development should meet the needs of residents and businesses without compromising the ability of future generations to enjoy the same quality of life that the present generation aspires to. Development should:

1. make effective use of brownfield land in appropriate locations reflecting the settlement hierarchy; and,
2. be adaptable for future uses and take into account the needs of all users; and,
3. maintain and improve the provision of accessible local and community services, unless it can be demonstrated that they are no longer needed by the community they serve; not needed for any other community use, or that the facility is being relocated and improved to meet the needs of the new, existing and future community; and services in line with policy LP21
4. promote healthier lifestyles for the community to be active outside their homes and places of work; and,
5. encourage sustainable forms of transport focussing on pedestrian access and provision of bike facilities; and,
6. Provide safe and suitable access to the site for all users; and
- 7 before proposals are supported expand or enhance the provision of open space, sport and recreation facilities, using, in particular, the Green Space Strategy and Playing Pitch Strategies; and,
- 8 not lead to the loss unless a site of equivalent quality and accessibility can be provided, or shown that it is surplus to needs; and,
9. avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution; and in this respect identification of contaminated and potentially contaminated land will be necessary prior to determination of proposals depending on the history of the site and sensitivity of the end use and,
10. protect and enhance the historic and natural environment; and,
11. manage the impacts of climate change through the design and location of development, including sustainable building design and materials, sustainable drainage, water efficiency measures, use of trees and natural vegetation and ensuring no net loss of flood storage capacity; and,
- 12 protect the quality and hydrology of ground or surface water sources so as to reduce the risk of pollution and flooding, on site or elsewhere; and
- 13 not sterilise viable known mineral reserves; degrade soil quality or pose risk to human health and ecology from contamination or mining legacy and ensure that land is appropriately remediated, and,

- | | |
|----|--|
| 14 | seek to maximise opportunities to encourage re-use and recycling of waste materials, both in construction and operation, and, |
| 15 | Adequate space for bins should be provided within all new developments to enable the storage of waste and for materials to be re-cycled. Guidance is provided in the Document "Design Guide for Bin Storage" |
| 16 | provide for information and communication technologies; and, |
| 17 | seek to reduce crime and in particular the threat of terrorism. |

Built Form

- 13.16 The Council does not wish to stifle innovative design. However, it is expected that new buildings and extensions or alterations to existing buildings integrate well into their surrounding environment so that a local sense of place is reinforced.
- 13.17 The impact of a large extension to a building is greater when the building is located in the countryside rather than inside the development boundary of a settlement. This policy seeks to protect rural character and openness and to avoid suburbanisation of the countryside.
- 13.18 The policy introduces a set of criteria against which design issues can be assessed. The Borough Council has prepared Design Guides in order to illustrate these matters.
- 13.19 Planning applications should be submitted with evidence to show how the design, scale and layout match the historic pattern of the surrounding development, its built form, density and overall appearance.

LP30 Built Form

General Principles

All development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. Local design detail and characteristics should be reflected within the development. All proposals should therefore:

- a) ensure that all of the elements of the proposal are well related to each other and harmonise with both the immediate setting and wider surroundings;
- b) make use of and enhance views into and out of the site both in and outside of the site;
- c) make appropriate use of landmarks and local features;
- d) reflect the characteristic architectural styles, patterns and features taking into account their scale and proportion,
- e) reflect the predominant materials, colours, landscape and boundary treatments in the area;
- f) ensure that the buildings and spaces connect with and maintain access to the surrounding area and with the wider built, water and natural environment;
- g) are designed to take into account the needs and practicalities of services and the long term management of public and shared private spaces and facilities;
- h) create a safe, secure, low crime environment through the layout, specification and positioning of buildings, spaces and uses in line with national Secured by Design standards;
- i) reduce sky glow, glare and light trespass from external illumination; and
- j) ensure that existing water courses are fully integrated into site layout at an early stage and to ensure that space is made for water through de-culverting, re-naturalisation and potential channel diversion.

Where Design Briefs are adopted for allocated sites and Neighbourhood Plans address design matters, then all development proposals will be expected to accord with the principles set out therein.

Specific Development Types

Infill development should reflect the prevailing character and quality of the surrounding street scene. The more unified the character and appearance of the surrounding buildings and built form, the greater the need will be to reproduce the existing pattern.

Back-land development should be subservient in height, scale and mass to the surrounding frontage buildings. Access arrangements should not cause adverse impacts to the character and appearance, safety or amenity of the existing frontage development.

Alterations, Extensions and Replacements

Extensions, alterations to and replacement of existing buildings will be expected to:

- a) respect the siting, scale, form, proportions, materials, details and overall design and character of the host building, its curtilage and setting;
- b) retain and/or reinstate traditional or distinctive architectural features and fabric,
- c) safeguard the amenity of the host premises and neighbouring occupiers
- d) leave sufficient external usable private space for occupiers, and
- e) satisfy the design criteria set out in the Document "Design Guide for Extensions".

Extensions should be physically and visually subservient to the host building including its roof form so as not to dominate it, by virtue of their scale and siting.

Frontages, Signage and External Installations

13.20 The principle purpose of a commercial frontage is the advertisement and display of goods and services provided inside the building. Good design will reinforce the business's identity and its location in the street, but by reflecting the style of the whole building above street level, and that of its neighbours. A good design will treat the frontage as an integral part of the whole building and street frontage without focussing exclusively on the business alone.

13.21 The Council has to balance the important economic and social function with the commercial interests of properties. This is particularly important in the historic town centres so as to retain a viable retail base whilst preserving the historic and traditional appearance of our town centres. The Council's adopted "*Guide for Shop Front Design*" provides advice, guidance and examples of the preferred approach to development affecting all shop fronts and commercial properties. This will continue to be used for planning purposes for all commercial, business and service uses. Since the adoption of this plan the Use Class Order has been updated which allows a greater range of change of use. The physical change to the frontages is still considered important to the locality.

LP31 Frontages, Signage and External Installations

Development proposals involving change to existing, or the introduction of new service frontages, advertisements, external illumination and external installations will be expected to have regard to the host building and the wider street scene in terms of their scale, proportion and overall design. -In particular,

- the proportions of the changed new elevations should harmonise with the main building
- materials should reflect the existing range on the original building
- the ground floor should not be treated in isolation from the other levels
- it should add interest to the street scene
- where sites are located within the Conservation Area or within the setting of a Listed Building they should reflect or respect the appearance and character of the Conservation Area/Listed Building

In addition, in relation to external illumination proposals will be expected to adopt a scale, detail, siting and type of illumination appropriate to the character of the host building, the wider street scene and longer distant views.

External installations and security measures should be integrated into the overall design of the host building with the aim of avoiding harm to the appearance of the building and the street scene. The design criteria will be set out in an SPD and its requirements will need to be satisfied.

New Agricultural, Forestry and Equestrian Buildings

13.22 The rural character of the Borough is very important. Any buildings within the countryside can have an adverse effect on the locality generally and on local amenity specifically. Agricultural and equestrian buildings, in particular, can have substantial visual impacts. Encouragement will be given to the use of existing buildings wherever possible. Any impacts will be balanced against the economic need for such buildings.

LP32 New Agricultural, Forestry and Equestrian Buildings

New or extensions to existing agricultural, forestry and equestrian buildings or structures will be supported if it can be demonstrated that they are reasonably necessary both in scale, construction and design for the efficient and viable long-term operation of that holding; that there are no other existing buildings (other than where that would be demonstrably impractical, have adverse visual effects compared with an alternative location, or where a new holding and buildings are being established) or structures that can be used, altered or extended, that they are located within or adjacent to a group of existing buildings, the site selected and materials used would not cause visual intrusion and in the case of livestock buildings their location would not cause loss of residential amenity.

Water Management

13.23 Water Management is an important issue that must be addressed in any development proposal. Flooding events, in particular, are making headlines on a more regular basis. Existing issues may not be able to be addressed completely but they should not be made any worse by development taking place and where possible improvements should be made. Any development should have no greater run-off than a greenfield site.

13.24 The Water Framework Directive has resulted in a number of River Basin Management Plans covering the whole country. Two specifically relate to North Warwickshire. Humber River Basin Management Plan covers the majority of the Borough and a smaller area north of Coventry is covered by the Severn River Management Plan. The Rivers Tame, Blythe and Anker are all subject to pollution. Particular attention will be paid to remediation measures to benefit the River Blythe Site of Special Scientific Interest, which is currently under serious threat from pollution run-off.

- 13.25 The Borough Council will consider the impact of flooding in its consideration of development within or adjoining floodplains. Any development within Flood Zones Two and Three will need to provide a site-specific Flood Risk Assessment to demonstrate that it will be safe and will not increase flood risk elsewhere. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. It should take into account all sources of flood risk and climate change. Up to date indicative Flood Maps for Planning can be obtained from the Environment Agency and the Government's website
- 13.26 Effective flood protection requires proper maintenance of watercourses and their associated infrastructure as well as the control of water discharge through drainage systems. Ponds and other wetland features form an important function that should where possible be protected and enhanced. Managing flood risk is thus based on minimising the risk of flooding by avoiding development in high risk areas; restricting discharge to greenfield runoff rates and ensuring development is designed so as to minimise surface water flooding risks, including the retention of existing natural wetland features and the safeguarding of land adjacent to these features. Sustainable drainage systems are an important feature in ensuring flood risk is effectively managed and thus all developments are expected to include the use of such systems unless demonstrated that they would be inappropriate. Sufficient space should thus be allowed for and around them in all developments. All such systems should aim to protect and enhance water quality by reducing the risk of diffuse pollution by treating such possibilities at source including where necessary through multiple different treatment measures. All of these systems should be designed in accordance with relevant national standards and long-term operation and maintenance arrangements should be put in place for the lifetime of the development. Flood alleviation requires a holistic approach to water management. Rivers and streams need to be allowed to function via natural processes and to connect with the flood plain in order to increase and maintain capacity and to store flood water. Artificial surface water infrastructure needs to be well designed and be properly maintained whilst the ecosystem that helps manage water also need to be protected to allow greater ground water storage, to prevent rapid surface run-off and soil erosion. In these ways natural flood management and the re-naturalisation of water courses and their flood plains can help to reduce flood risk and water pollution; increase biodiversity and contribute to improving public health.
- 13.27 Natural flood management and the re-naturalisation of water course and their flood plains can help to reduce flood risk and water pollution and can increase biodiversity and contribute to improving public health.

LP33 Water and Flood Risk Management

In line with the objectives of the Water Framework Directive, development proposals must not detrimentally affect the ecological status of a waterbody and where appropriate, incorporate measures to improve its ecological value.

Opportunities should be sought to de-culvert rivers, in order to reduce flood risk through stopping flows backing up by undersized culverts. This should only be undertaken when it is demonstrated to not increase flood risk elsewhere. If de-culverting is not proposed evidence will be required to demonstrate why this is not possible. River channel restoration should also be undertaken to return the water course to its natural state and restore floodplain to reduce the impact of flooding downstream.

New developments should also seek opportunities to improve natural riverine processes and in-stream and bankside morphology through watercourse re-naturalisation and the removal of man-made structures, both on the development site and in the wider catchment. Water runoff from new development must be no more than natural greenfield runoff rates and developments should hold this water back on the development site through high quality Sustainable Urban Drainage (SuDS), reducing pollution and flood risk to nearby watercourses. The culverting of watercourses will only be approved in exceptional circumstances.

The multifunctional benefits of natural flood management, the re-naturalisation of watercourses and their floodplains and the safeguarding of land for local flood risk management schemes will be promoted when considering any developments in the Borough.

New development proposals in or land raising within Flood Zone 3 (including Climate Change) should provide for the following:

- i) Floodplain Compensation; provide floodplain compensation on a level-for-level basis;
- ii) should set back 8m from the top of the banks of Main Rivers and any culverted watercourse, regardless of the flood zone;
- iii) Finished floor levels (FFL) within Flood Zone 3 (including climate Change) and on land adjacent should be set a minimum of 600mm above Flood Zone 3, (including climate change) flood level;
- iv) have agreements in place that “less vulnerable” uses are prevented for changing to those that are more vulnerable, and (only applies to ground floor developments in line with SFRA section 12.4), and single storey residential development, basements and buildings on stilts should not be located within Flood Zone 3 (including climate change), and
- v) include mitigation measures to account for up to the 1 in 100 year (1% AEP) plus climate change fluvial flood event as well as safe access and egress

In order to improve and protect water quality, infiltration measures are the preferred means of surface water disposal where ground conditions are appropriate and where practicable, the separation of surface water from sewers should be undertaken. New development proposals should be accompanied by a Water Statement that includes evidence to demonstrate that there is adequate sewerage infrastructure in place or that it will be in place prior to occupation.

Parking

13.28 Transport in a rural area has a different dynamic to that in a built up area. There is a strong dependence on the use of the motor car, as rural bus services may not provide the required journey at the relevant time to access employment sites, in particular. This issue is being exacerbated by the cut in funds to bus operators. This reliance on the motor car can lead to local issues that may result in a greater need for on-site parking and thus result in localised parking standards. It is important that provision is made for proper vehicular access, sufficient parking and manoeuvring for vehicles in accordance with adopted standards;

13.29 Parking reviews undertaken in recent years have indicated the Borough’s historic town centres are approaching capacity at peak times. Nevertheless, the reviews note that, if managed correctly, there was sufficient capacity to meet demand until at least 2018. The reviews also noted that the impact of the increased rail service on parking would be minimal and this appears to be borne out by recent assessments particularly for Atherstone, although the private car park provision at both Coleshill and Water Orton are often over capacity at peak hours resulting in spill over parking occurring. Coleshill town centre currently suffers from insufficient publicly accessible parking to serve both its commercial, economic and residential needs and functions.

Electric Vehicle Charging points

Electric charging points will be provided as part of all relevant developments to an agreed specification and location dependent on the scheme proposed and applicable technical guidance. Rapid charging points will be provided on sites when located in the public realm. On housing sites homes with on-site parking will provide an electric charging point in an accessible location close to the parking space(s). On commercial sites there will be employee and visitor rapid charging points.

Lorry Parking

Proposals which reduce lorry parking (either informal or formal parking areas) should be accompanied by evidence to support its loss and explore opportunities for alternative provision. In recognition of the Borough's strategic location and demand for lorry parking, the Council will give weight to lorry parking provision and facilities, and opportunities for alternative provision and for improved management in decision-taking.

- 13.33 Climate change is a key priority for all and over the coming years the move to zero carbon will influence the future policy background. Changes, especially with the improvement in green technology, can have a major long lasting impact. The Borough Council is committed to reducing the carbon footprint of the Borough and encourages changes that lead to such improvements. It has worked with other authorities in the sub-region to produce a Renewable Energy Study. This indicated there was little opportunity for large scale wind generation or district and community heat and power schemes. The report also highlighted how a reasonable proportion of properties in the Borough are still not connected to mains gas supply. In addition, it has worked with the sub-regional authorities and the Carbon Trust to produce a renewable energy toolkit.
- 13.34 Wind turbines are a means of providing renewable energy. A key factor of their development will be their impact on the landscape and the local community. A study has been undertaken to consider the possibility of using district heating schemes. This showed that there was limited scope, but large development should look at the possibility of such proposals.
- 13.35 All proposals will be required to provide detailed information on associated infrastructure required, including roads and grid connections, impact during construction and operational phases of the development, including visual impact, noise and odour issues and provisions made for restoration of the site.

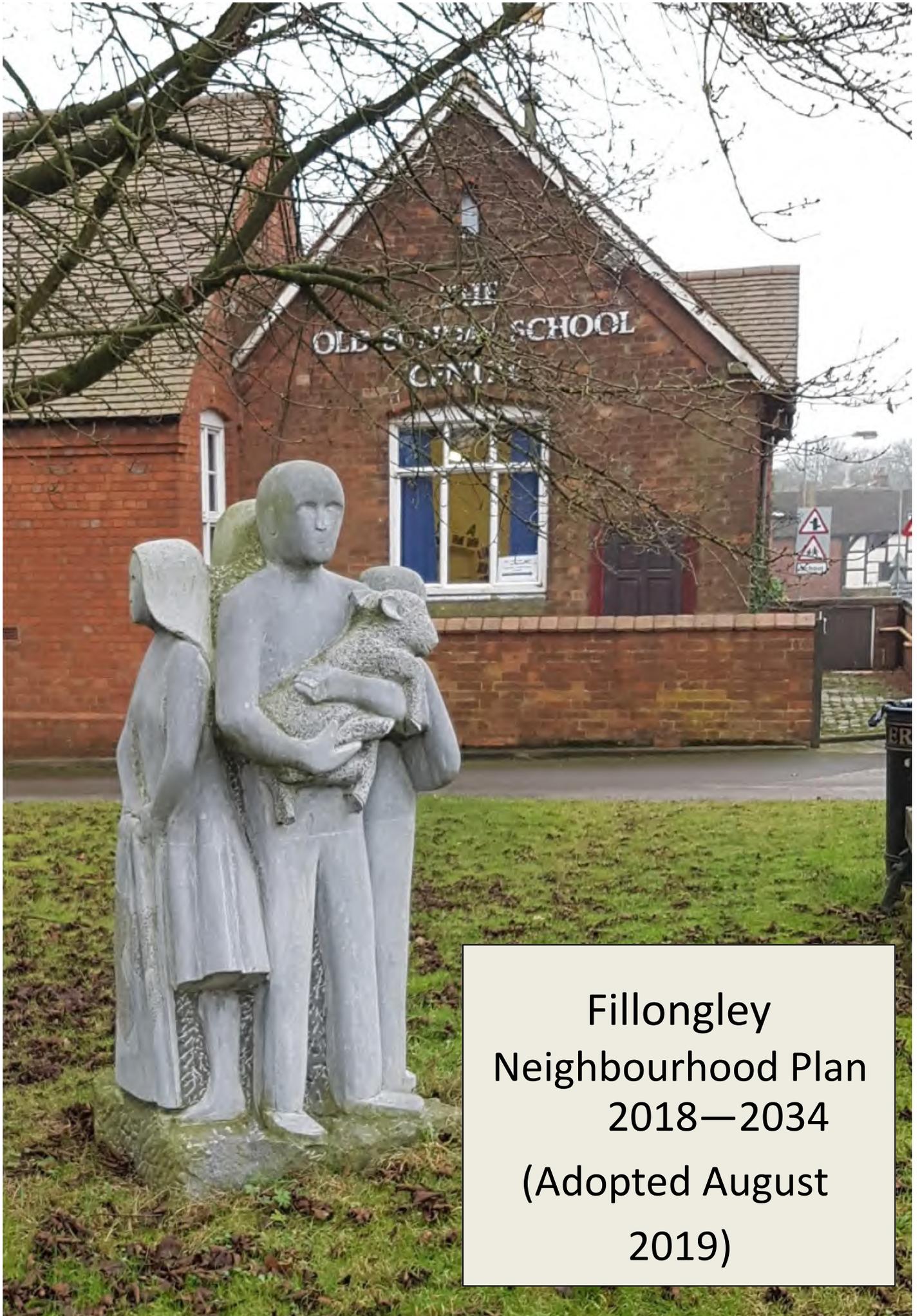
LP35 Renewable Energy and Energy Efficiency

Renewable energy projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. In particular, they will be assessed on their individual and cumulative impact on landscape quality, sites or features of natural importance, sites or buildings of historic or cultural importance, residential amenity and the local economy.

New development will be expected to be energy efficient in terms of its fabric and use including, where viable, the production of 10% of operational energy from on-site renewables, in support of the Government's Clean Growth Strategy.

APPENDIX 6

Extracts from Fillongley Neighbourhood Plan 2018 – 2034



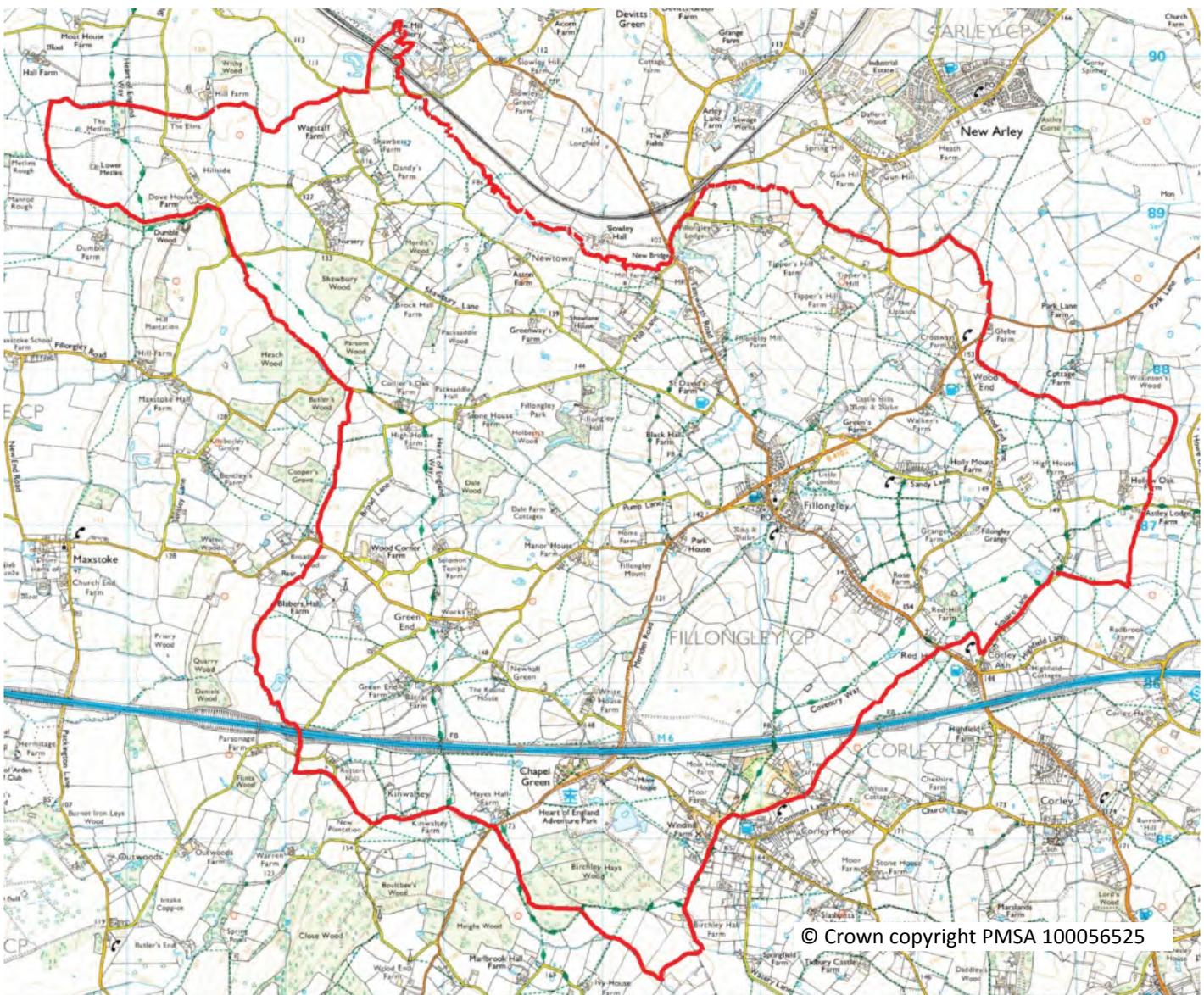
Fillongley
Neighbourhood Plan
2018—2034
(Adopted August
2019)

Fillongley Neighbourhood Plan

1 Background

In 2013 the Parish Council asked the local community for volunteers to work on the neighbourhood plan for Fillongley. Throughout the process, we strived to get all members of our community involved and harness both the technical expertise within our community and everyone else (with technical ability or not) to ensure that the views of all the community were included. We had input from numerous community groups including: Fillongley Scouts and Cubs, Fillongley Golden Years, Bournebrook School, St Marys and All Saints Church, local business owners, farmers, Landlords and users of the local pubs.

MAP1 : Fillongley Parish



Fillongley Parish covers a very large geographic area. It is made up of the village centre and numerous hamlets (noted on the map) which derive from the farming history of the Parish which is still very much in evidence today.

1.0.1 Characteristics of Fillongley

Fillongley falls within the Ancient Arden Landscape and has with it characteristics such as holly hedges interspersed with oak trees which are indicative of the area.

- Centre of village is a Conservation Area.
- Ribbon development through centre of village
- Dispersed settlements in hamlets
- Dispersed Listed Buildings
- Predominantly rural, and historically farming village
- Red sandstone buildings and walls created from local stone that is still found in fields.

1.0.2 History

Fillongley has 2 Ancient Monument Sites; a 12th Century Ring & Bailey called Castle Yard that lies 80m to the South West of the village centre and an 11th Century Motte & Bailey Castle called Castle Hills which lies 200m to the North West. The origins of a settlement can be traced further back, but through the ages, the area has been a peaceful, rural, predominantly farming community.

1.0.3 Vision Statement

To value, protect and promote the parish of Fillongley; a thriving rural community, preserving its historic setting and character whilst working to ensure its long term future by meeting the needs of those who live and work in this outstanding rural area. The built and natural heritage of the Parish will be maintained and protected. Future housing building should conform to the existing character by comprising small developments in keeping with their surroundings. Provision of a mix of housing for all sectors of the community must be made. Rural setting and character will be preserved and enhanced for residents and visitors alike.

1.0.4 Monitoring and Review

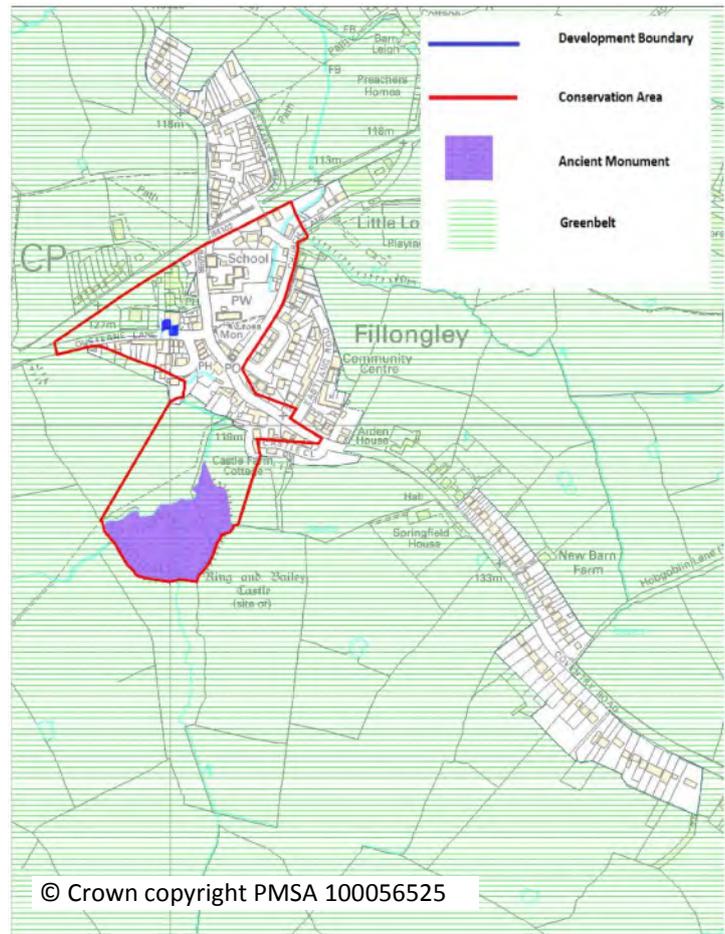
To be effective plans need to be kept up-to-date. Our neighbourhood plan is likely to require updating in whole or in part at least every 5 years. Reviews should be proportionate to the issues in hand. Once the Plan has been accepted the Parish Council will annually consider whether any major changes should be made to the Plan. This process should ensure that the Plan remains current and relevant during its projected life.

The Plan will be reviewed formally on a five year cycle or to coincide with a review of NWBC Local Plan.

1.0.5 MAP2 : Fillongley Development Boundary and Conservation Area

Fillongley Parish has two separate “*Development Boundaries*” within which development is permitted (subject to NWBC policies). Outside of development boundaries all of the land lies within the Green Belt.

NWBC has reviewed the Boundaries (which were put in place prior to 1995) and there are no plans to alter these.

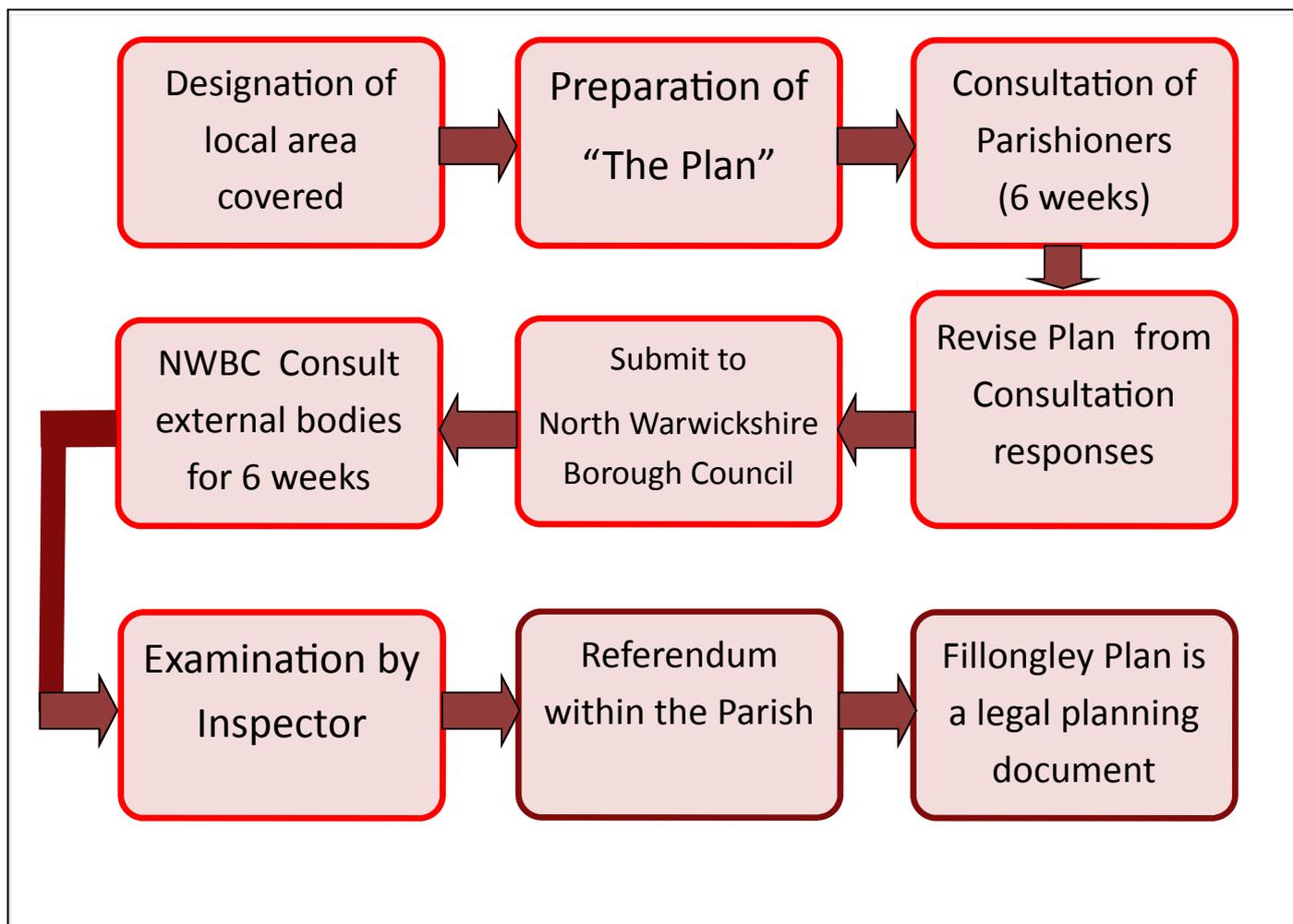


The Conservation area covers much of the centre of the village and includes Fillongley Castle which is a Scheduled Ancient Monument. There are further restrictions on properties and trees within the Conservation Area.

Whilst, in theory, the laws and Policies already in place should protect our Green Belt, it has been shown that to bolster these laws with a robust Neighbourhood Plan can ensure that future development fits local wishes. Future development can be where we want it and what is needed within the Parish, ensuring a good mix of accommodation, making Fillongley attractive to all ages and ensuring its survival.

NWBC requires Fillongley to grow, helping the Borough to meet its housing requirements. However as the majority of the Parish lies within the Green Belt we would expect most future developments to take place within the Development Boundary. Housing is likely to come forward on windfall sites through the re-use of brownfield sites or the conversion of rural buildings.

1.0.6 Neighbourhood Plan Preparation Process



Before the examination, and at a number of stages during the process, the Parish Council and Neighbourhood Planning Group had informally requested NWBC to check the plan for conformity, to minimise the risk of failure at the examination stage.

The Fillongley Neighbourhood Plan has been the subject of an independent examination where it was scrutinised. The Plan has been considered to be in conformity with local and national strategic planning policy as issues raised by the Inspector have been amended to comply.

If the plan is agreed by referendum, the Fillongley Neighbourhood Plan will form part of the development plan along with NWBC Local Plan, and will be used to assess the acceptability of planning applications in the Parish.

1.1.0 Preparation of the plan

Scoping Survey and Analysis

1.1.1 The NP group devised a scoping survey to ascertain what was important to local people. It was decided that there would be more Community engagement if members of the NP group visited community groups discussing and handing out the survey and waiting for responses rather than just posting them to each household. Surveys were taken to Community Groups, (Golden Years, Gardening Club, Scouting units, Bournebrook School Pupils) asking what they liked and disliked about the Parish and what they would consider makes their community special and distinctive, by answering questions including what are you most proud of as a resident? In identifying the groups listed above, care was taken to ensure that these groups were representative of the wider community to provide a suitably balanced output. Identical surveys were also delivered to every farm and known business premises in the Parish together with stamped addressed envelopes for returns. Surveys were also left in the pubs with a box for returns.

1.1.2 The results were analysed and split into 2; business and residential. It was evident upon examination that there were clearly responses from those who live outside the Parish but as they appear to be involved in Parish life through groups and organisations and so have positively contributed to the development of Fillongley Neighbourhood Plan. It was agreed that the number of non-residents completing the form would not have skewed the overall results.

1.1.3 The analysis of the survey gave us a wide range of likes and dislikes, desires for improvement and things to maintain as they are. There were some over-riding issues which dominated the responses and as these are then obviously what matters to people, this is how we formulated the areas for the NP policies.

1.2.0 Recording and Fact Finding

1.2.1 A group established key facts about the Parish from the Census etc, including population, age groups, where people worked etc.

1.2.2 A Housing Needs Survey was carried out with the guidance of North Warwickshire Borough Council to try and estimate future requirements.

1.2.3 WCC Ecology department mapped and recorded some of the key landscape and ecological sites in the Parish.

1.2.4 Separate groups researched existing documents in each area to gain as much insight into each sector and to ascertain existing “rules” that the NP would need to adhere to.

1.3.0 Sustainability appraisal

1.3.1 The Neighbourhood Planning Group prepared a draft Sustainability Appraisal to ascertain the viability of doing this for each site that may be put forward.

1.3.2 Sustainability Appraisals are not required as no site allocations for development are being proposed within the Neighbourhood Plan.

1.4.0 Consultation

1.4.1 The First Consultation—The Scoping Survey

The initial survey consisted of very open questions to prompt discussion. This was delivered by members of the NP Group to village groups including Bournebrook School, Golden Years, Scouts, Cubs, Gardening Club, sent to all local businesses (including farms), and left at central locations such as village pubs for collection.

1.4.2 Fillongley Show

This is an annual agricultural show that has been running in the parish since 1919. Fillongley Parish Council had a stand at the Fillongley Show and were actively promoting completion of the initial survey and participation in the Plan to as many of the Shows' 5000 visitors as possible.

1.4.3 "The Flyer"

At the end of 2015 we published the proposals for our Neighbourhood Plan in the form of an 8 page A4 document which was delivered to every household. It used the issues identified from the initial scoping survey which the Community felt needed tackling, together with the evidence base of existing parameters and local research to set out a vision for our community for the future.

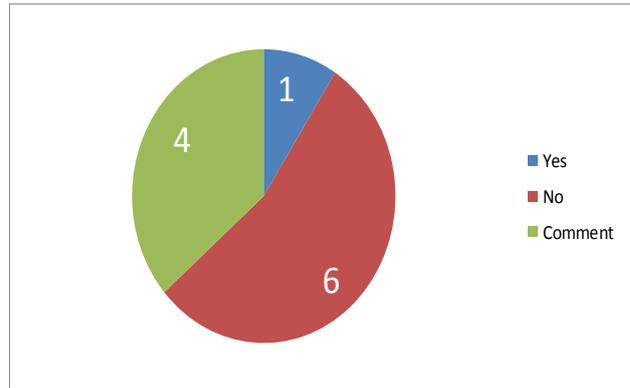
1.4.4 The Second Consultation Event

The flyer was followed up with an information packed drop-in afternoon at the village hall which had been well publicised (on the flyer, posters and Parish Magazine) and was well attended by a wide spectrum of the Community. There was a questionnaire for attendees to complete if they wished, giving people the opportunity to make further comment, ask questions, compliment or criticise any part of the proposals.

The Parish Council collated the information and responses.

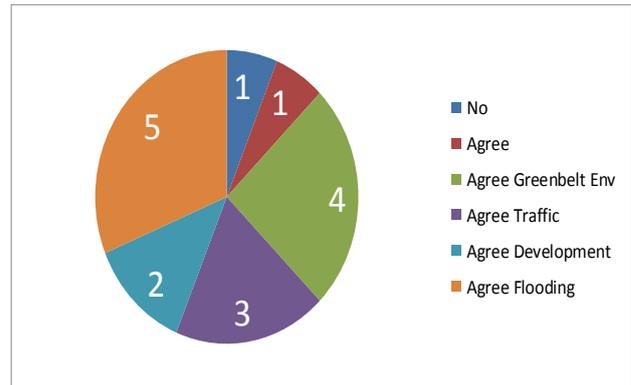
Do you strongly disagree with current proposals?

Yes	1
No	6
Comment	4



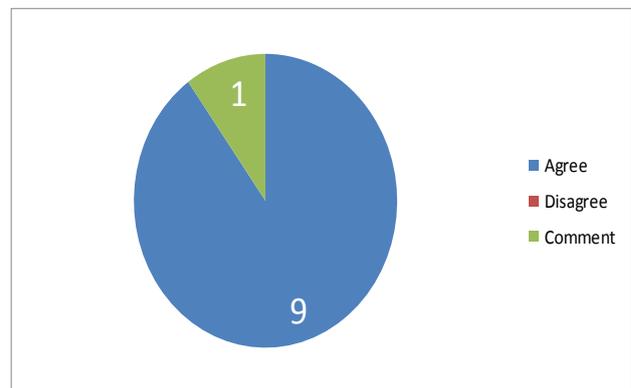
Do you agree with current proposals ?

No	1
Agree	1
Agree Greenbelt Env	4
Agree Traffic	3
Agree Development	2
Agree Flooding	5



Do you agree with proposed objectives and the future of the Parish?

Agree	9
Disagree	0
Comment	1



1.4.5.0 Final consultation

1.4.5.1 Being mindful of the fact that the Fillongley Neighbourhood Plan has to conform with both national and local planning policy, the Parish Council have informally consulted NWBC throughout the process to ensure that there are no obvious areas of conflict.

1.4.5.2 The final round of consultation was the publication of the draft Fillongley Neighbourhood Plan. Full copies were delivered to every property in the village, statutory consultees and was also viewable/downloadable from the Parish Council website. Comments were returned to the Clerk to the Parish Council. Comments were then reviewed and amendments made where appropriate.

1.5.0 Matching community needs and development

Having assembled a wealth of information from national policy and from local responses to the consultation exercises, there was a need to try and make community desires/needs match up with established policies/laws. One example of this is housing;

1.5.1 The Housing Needs Survey evidence supplied by NWBC showed that there would be a future need for a variety of homes in the Parish. (EB 07/02 Fillongley Housing Needs Survey Jan 2014 - NP)

1.5.2 NWBC adopted Core Strategy required a minimum of 30 homes to be built in the Parish however the current submitted Local Plan has removed any reference to require specific numbers.

1.5.3 There is no specific requirement from NWBC as to which type of homes these should be.

1.5.4 There were some sites allocated by NWBC in the Parish within the NWBC Site Allocations Plan 2014. None of these had wholehearted support from local people during discussions during public consultations and at PC meetings.

1.5.5 In 2014 NWBC Site Allocation plan, the sites provided 11 houses which was not the targeted number of 30 that were in the NWBC Core Strategy.

1.5.6 The village has a Development Boundary, with the remainder of the Parish being Green Belt, therefore to comply with NWBC policy any proposed development should be within the Development Boundary. However, under the NPPF paragraph 89 there are exceptions to building within the Green Belt.

1.5.7 The landscape and ecological survey identified some sites that have high ecological value and should not be built on in order to protect the rural environment that people have said that they value highly.

1.5.8 As FNP must comply with NWBC policies this has created conflict. Following lengthy investigation it was decided that the most appropriate way forward is to rely on windfall sites (barn conversions etc) and brownfield sites to fulfil the requirement.

1.5.9 Some suggestions were however not put forward; a train line circling the village and a runway able to accommodate the Airbus A380 were found to be suggestions from younger children based on their current aspiration of “what you want to do when you’re older”, and were not indicative of general opinion and also did not comply with NWBC Core Strategy and the Draft Local Plan!

1.5.10 The Parish Council’s role in these exercises was to ensure that the NP Group complies with other plans that form part of the Development Plan for the area, was representative of the community and that Parishioners were actively involved. It was important for them to take this overview as it was critical that the plan received the overall support of the Parish in a referendum.

1.5.11 Continued...

peaceful village that we have. Many responses request the return of the Post Office, improved local shopping and improved bus services. We do not wish for large industry to come to the locality and change the nature of our Parish. We do not wish to have so many new houses that the natural gaps separating the hamlets from surrounding Parishes are filled. Protection of the Green Belt and our tranquil environment is predominant.

2.0 Policies and Proposals

2.1

Built Environment

2.1.0 Key Facts

2.1.1 Fillongley Parish is made up of dispersed rural settlements including farms and barns with a distinct local style. The village centre includes a number of listed buildings; some showing the remains of 16th and 17th century timber framing. Most 'traditional' housing is mainly two storey, and of red brick or rendered construction with flat clay tiles or slate roofing and small vertical windows.

2.1.2 There is some ribbon development mainly radiating from the centre of the village, where dwellings have been built side by side on road frontages in typical suburban pre and post war style with further development taking place in the 1960s using tile clad front elevations and interlocking tile roofing.

2.1.3 A Conservation Area covers an area of the village centre.

2.1.4 NWBC have defined 2 Development Boundaries: this allows building within those areas. Land outside these areas is designated Green Belt.

2.1.5 There are several areas with parking issues; predominantly either where houses have no parking area (often due to the historic nature of the Parish) or where properties have been extended and numerous members of the household have multiple vehicles such that there is not enough space for all including on-street parking.

2.2.0 Survey Responses Indicated

2.2.1 Desire to maintain geographical independence from Birmingham, Coventry and other settlements.

2.2.2 Limit development to small plots of land.

2.2.3 Preserve older houses and rural character of the village.

2.2.4 Maintain village atmosphere and strong sense of community.

2.2.5 Lack of parking spaces.

2.2.6 New builds 'not in keeping' with village.

- 2.2.7 Maximise and develop in and around the village centre.
- 2.2.8 Safe and friendly space for families and children to grow up in and businesses to thrive.
- 2.2.9 Policies to encourage sustainable development and renewable energy.

2.3.0 NP Objectives

- 2.3.1 Ensure the designs of new buildings do not cause a detrimental change to the overall character of the village by encouraging developments that use the scale, shapes and forms of traditional Arden valley buildings, especially in or close to the 'Conservation Area'.
- 2.3.2 Encourage developments that follow the existing dispersed settlement pattern throughout the Parish and that blend with the natural features of the landscape.
- 2.3.3 Not to exacerbate existing parking issues or create new ones.

FNP01 Built Environment

Development proposals where possible should ensure the designs of new buildings (including extensions) do not cause a detrimental change to the overall character of the village, the rural landscape of the parish and the setting of the Church through;

- Encouraging developments that use the scale, shapes, forms of 'traditional Arden Valley buildings', especially in or close to the Conservation Area
- Development should conserve the built character of Ancient Arden Landscape by ensuring that new development reflects vernacular features as stated in 'Design Guidelines for Development in Ancient Arden' (WCC Arden Character Guidelines 1993) (Evidence Base 05/03 National Character Assessment Area 97 Arden). See FPC website.
- Development that will affect the setting of the Church should be in accordance with the North Warwickshire Local Plan and the advice of Historic England

2.4 Green Belt

2.4.0 Key Facts

- 2.4.1 The Green Belt has the purposes of safeguarding the countryside from encroachment and also protecting the setting of historic towns. It is an important planning policy designation and has a huge impact on Fillongley. Fillongley has two separate areas that are defined by a development boundary. The remainder of the Parish lies within the Green Belt.
- 2.4.2 National Planning Policy Framework (NPPF) states that Green Belt boundaries should only be altered in "exceptional circumstances".

2.5.0 Survey Responses Indicated

- 2.5.1 Maintain geographical independence from Birmingham, Coventry and other settlements.
- 2.5.2 Protect Green Belt including area around village.
- 2.5.3 Protect Green Belt, restore Daw Mill to a green belt designated site as per 1996 planning consent.

2.6.0 NP Objectives

- 2.6.1 To protect the Green Belt

2.7.0 Summary

2.7.1 As per the NPPF Fillongley is in the Green Belt and inappropriate development will not be permitted unless very special circumstances can be demonstrated. The Greenbelt Policy is set out in the NPPF and so no separate policy is required within this plan.

2.8 Natural Environment

2.8.0 Key Facts

2.8.1 The Landscape Character Assessment (reference EB 05/14) records the landscapes of Fillongley as Ancient Arden: Arden Valleys. This is a specialist description of the local character and distinctiveness of the area. The Neighbourhood Plan has collected new evidence of the ecology of the Parish—both the species that live here and the way they use the fields, woodland and hedgerows to move around. (This data is called Biodiversity Interconnectivity Mapping, reference EB 05/01).

2.8.2 There are many relatively small green open spaces around the Parish that contribute to the overall nature of the area and the well-being of the Community.

2.9.0 Survey Responses Indicated

- 2.9.1 The rural environment is important for living & working
- 2.9.2 Countryside is valued
- 2.9.3 Want protection from wind turbine development
- 2.9.4 There is some existing traffic noise pollution
- 2.9.5 Natural water sources are valued
- 2.9.6 Natural darkness is preferred to light pollution
- 2.9.7 Protect ancient woodland, hedges, trees, and wildlife
- 2.9.8 Enjoy walks in the countryside
- 2.9.9 Peaceful surroundings

2.10.0 NP Objectives

2.10.1 To protect and enhance the natural environment.

2.10.2 To protect the visual appearance and important scenic aspects of the village centre (the setting) and other rural and natural features in the landscape.

2.10.3 Ensure new residential and commercial development meets the following criteria;

- ⇒ Blends sympathetically with the landscape
- ⇒ Does not spoil any scenic aspect of, or distract from, the visual appearance of the village centre or countryside.
- ⇒ Not unduly prominent
- ⇒ Not create adverse impact on an area when added to existing buildings in that area
- ⇒ Does not disturb the tranquillity of rural life

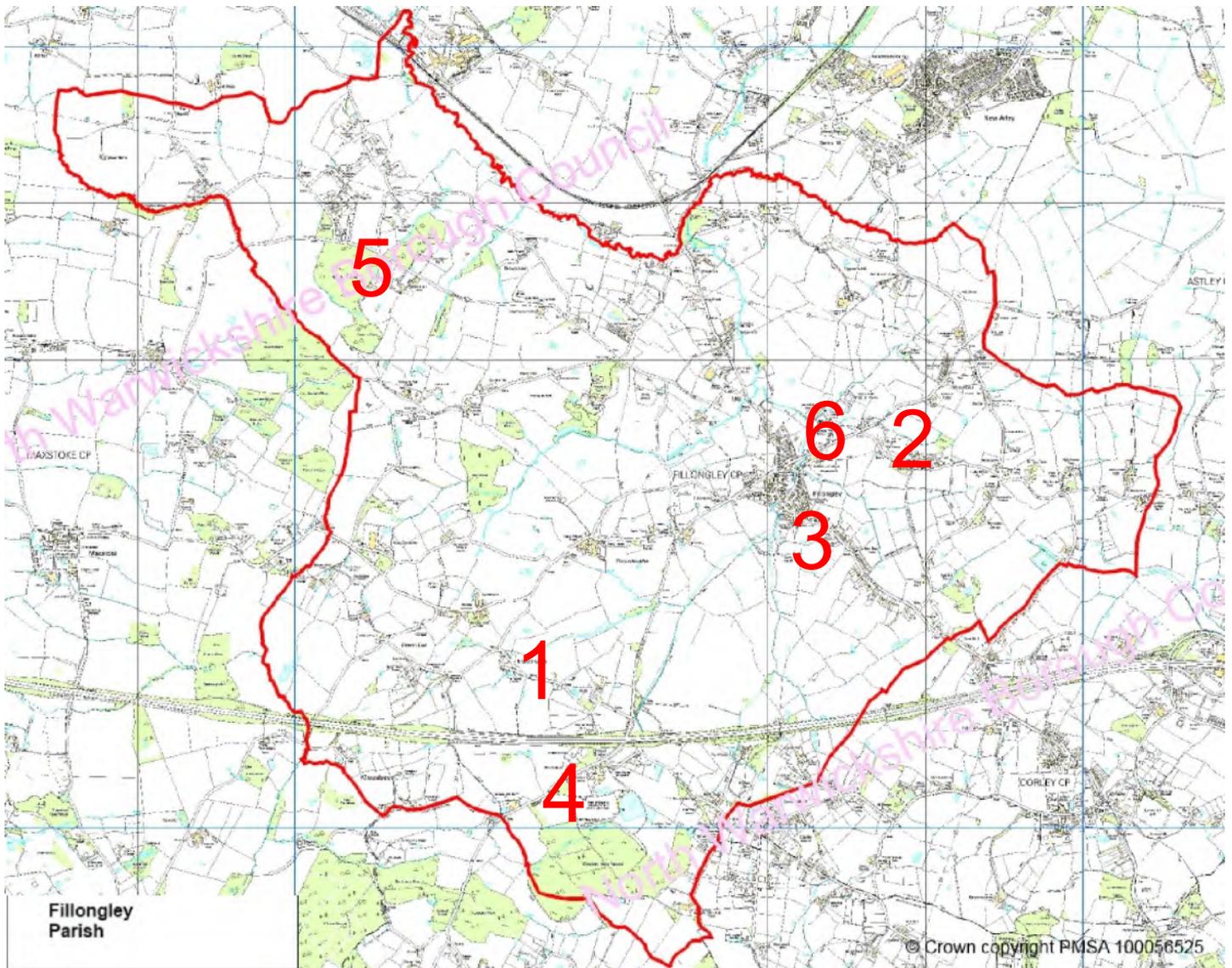
2.10.4 To protect the existing health and wellbeing of the local community.

FNP02 Natural Environment

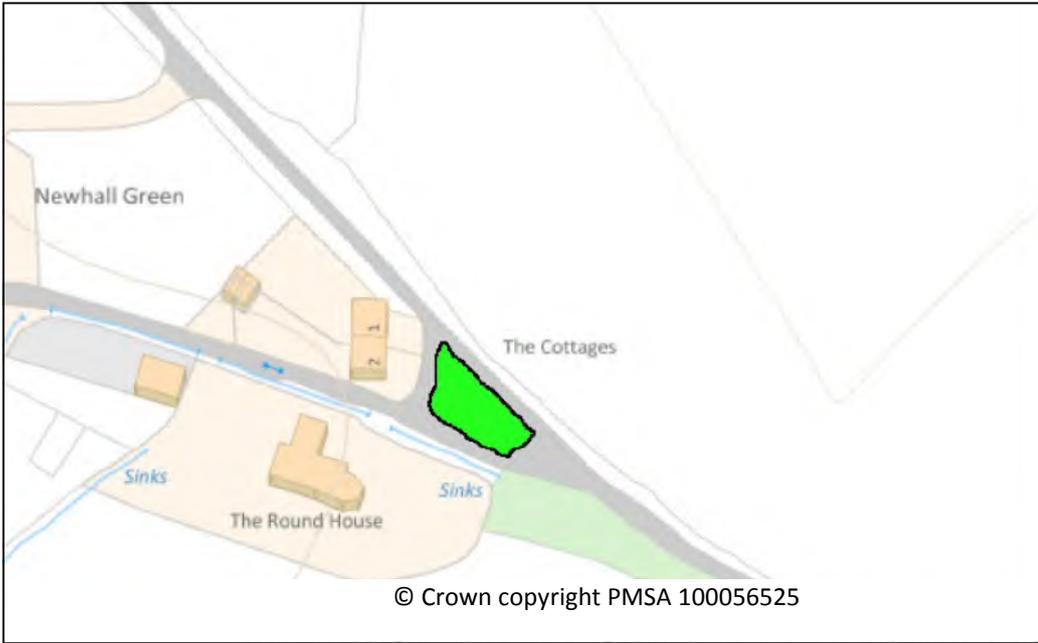
Development proposals should wherever possible should seek to enhance and conserve the Natural Environment. Proposals will be supported in principle providing they meet the following considerations

- No adverse impacts on the visual appearance and important scenic aspects of the village centre (the setting) and other rural and natural features in the landscape.
- Existing greenspaces that already exist within and on the edges of the developed areas of the Parish should be protected and enhanced wherever possible (See maps on pages 17-19).
- Protect and increase, where possible, current levels of biodiversity and interconnectivity by ensuring current wildlife corridors (using data from Biodiversity Interconnectivity Mapping) are maintained, and increased where practicable.
- Any development should have regard to the Habitat Biodiversity Audit (EB 05/01)
- Section 106 payments/CIL financial contributions, should wherever possible go towards improvements to levels of biodiversity and interconnectivity using data from the Habitat Biodiversity Audit in the locality of the development (Reference EB 05/01)
- Existing definitively mapped footpaths that criss-cross our Parish should be protected and enhanced wherever possible
- Existing habitats of native species should be protected wherever possible (using data from Habitat Distinctiveness Area map).
- Protect traditional Arden landscaped hedges and native trees wherever possible.

Fillongley Parish Open Spaces



- 1) Newhall Green (Outside the cottages)
- 2) Sandy Lane (between the main road and the crescent)
- 3) Butts Field (surrounding your Village Hall)
- 4) Chapel Green "Godcake" opposite the entrance to the Heart of England Centre
- 5) Shawbury (outside no 12+others Shawbury Lane Shustoke)
- 6) Recreation Ground



Newhall Green (Outside the cottages)



Sandy Lane (between the main road and the crescent)

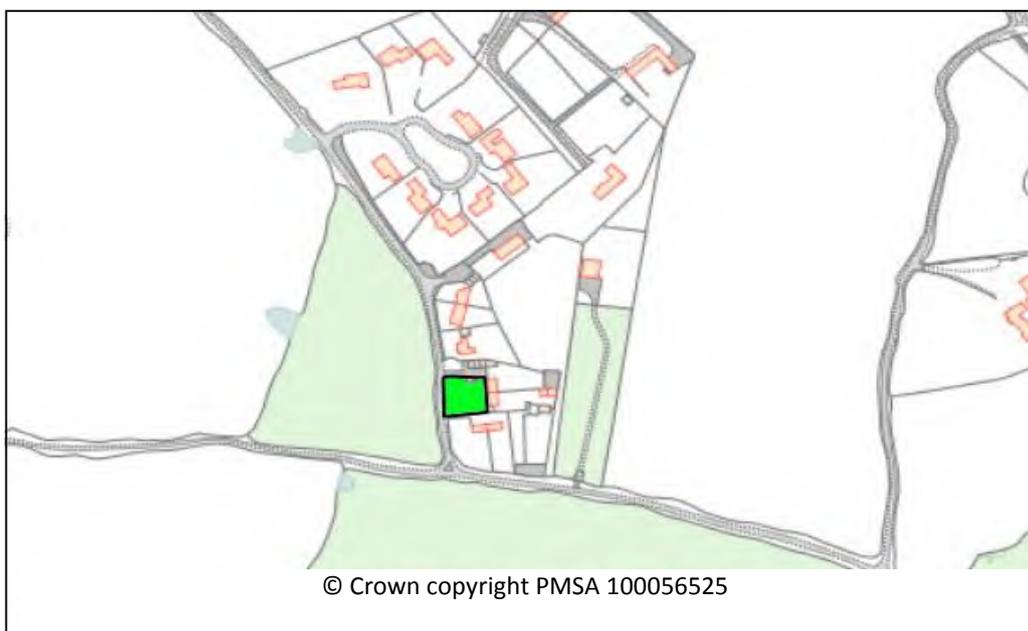


Butts Field (surrounding your Village Hall)



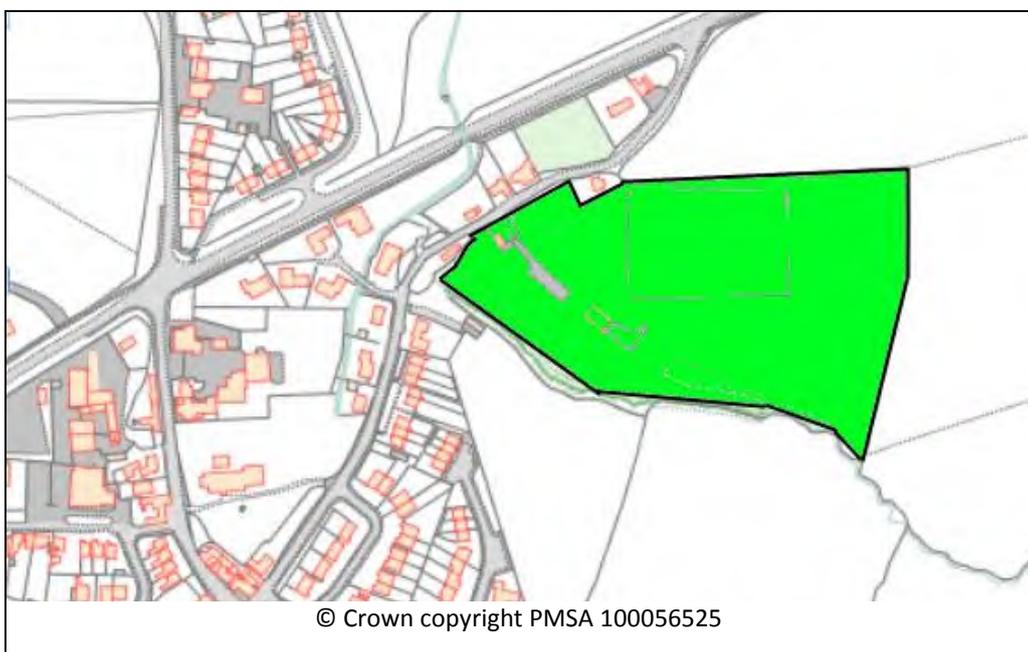
Chapel Green "Godcake"
opposite the entrance to the
Heart of England Centre

© Crown copyright PMSA 100056525



Shawbury (outside no
12+others Shawbury Lane
Shustoke)

© Crown copyright PMSA 100056525



Recreation Ground

© Crown copyright PMSA 100056525

2.11.0 Key Facts

2.11.1 The village centre and some properties downstream have a history of periodic flash flooding of the Bourne Brook.

2.11.12 Severn Trent has said that some foul and storm water sewers in the village are not currently adequate and could exacerbate flooding with contaminated water.

2.11.13 Severn Trent are unable to object to additional housing; they have a duty to ensure water services are provided.

2.11.14 Global warming predictions indicate more frequent incidences of flooding in the future.

2.11.15 A NWBC Hydrology study has predicted village flood zones and some properties at possible risk of flooding after rainfall events.

2.11.16 Use of Sustainable Urban Drainage Systems (SUDS) can reduce the frequency and/or severity of flooding if the scale and size of the measures can accommodate larger rainfall events. On a smaller scale it can also be designed to slow water down (attenuate) before it enters a watercourse, provide areas for water storage in natural contours, and can be used to allow water to soak (infiltrate) into the ground, be evaporated from surface water and/or transpired from vegetation (known as evapotranspiration). It can also provide or enhance biodiverse ecological habitats.

2.12.0 Survey Responses Indicated

2.12.1 Improve flood defences.

2.12.2 Better drainage needed.

2.12.3 Improve drainage through road gullies.

2.12.4 Reduce storm water flow through village culvert and improve downstream watercourse.

2.12.5 Request for balancing ponds to slow the flow of water in heavy rain periods.

2.12.6 A specific proposal to reduce flooding before any further planning proposals are considered.

2.13.0 NP Objectives

2.13.1 To minimise flood risk within the village.

FNP03 Flooding

Development should minimise flood risk within the village whilst maintaining balance with other policies. Any developments will ameliorate flood risks by providing SUDS as required in consultation with the lead flood authority.

2.19.3 Support digital infrastructure provision. Support local business/amenities such as shops/pubs.

FNP05 Economy

Proposals for the development of new rural businesses and rural employment opportunities will be supported in principle, provided that

- there would be no adverse impact on the amenities of neighbouring businesses or residential properties, for example in relation to factors such as noise and disturbance; and
- the development is supported by sufficient car parking and access arrangements to meet its needs
- it is accessible by other sustainable transport means (walking, cycling, car-share and public transport)

2.20

Heritage

2.20.0 Key Facts

2.20.1 The Historic Environment Record shows the extent to which Fillongley is rich in built and natural heritage, of both local and national importance.

- 50 listed structures
- Ridge and furrow fields
- Parkland surrounding manor houses
- WW2 defence remains

2.20.2 Written records relating to Fillongley refer back to the year 900 showing significant settlements then.

2.20.3 Two moated sites from Norman and earlier times, and related parkland in the central location form part of the evidence of the steady development of a settlement throughout the centuries.

2.20.4 Strong sense of Community with numerous extended families having resided within the Parish for generations.

2.20.5 Wide variety of community activities throughout the Parish aimed at all ages of Parishioners.

2.21.0 Survey Responses Indicated

2.21.1 Value the character and atmosphere of the village

2.21.2 Protect the castle remains

2.21.3 Value the Church

2.21.4 Value the Ancient woodland

2.21.5 The strong sense of history matters in the living, working and leisure environment.

2.21.6 Protect the village, keeping it's 'feel'.

2.22.0 NP Objectives

2.22.1 Work towards further protection and enhancement of both the recorded assets of the parish, and other locally identified heritage features .

2.22.2 Work towards building on existing 'Design Guidelines for development in Ancient Arden' and for 'Fillongley Conservation Area' which describe local distinctiveness, character, and historic context.

2.22.3 Encourage maintenance of existing community spirit.

FNP06 Heritage

Development should protect, enhance and respect the local built, historic and natural heritage assets or any other locally identified heritage features of the village (Appendix EB06/04 Fillongley Parish Historic EnvirRecord Monuments)

Applications for development that will harm designated and non-designated heritage assets will be refused unless the circumstances that would permit approval specified in the appropriate part of paragraphs 133 to 135 of the NPPF(2012) apply

2.23

Traffic and Transport

2.23.0 Key Facts

2.23.1 As the origin of the Parish is scattered settlements, a large number of the houses in the Parish are on single track roads with high banked hedges obscuring forward vision.

2.23.2 Fillongley Village centre is set on two main roads. The B4098 from Coventry to Tamworth and the B4102 from Meriden to Nuneaton

2.23.3 The village has a pinch point near the church which makes it difficult for HGV's to pass oncoming traffic.

2.23.4 The pavements in the village are in places extremely narrow and somewhat uneven and in some places non-existent.

2.23.5 There is a school, church and a public house in the centre of the village, which generate between them the majority of the pedestrian traffic .

2.23.6 The use of cycles by the village residents is low.

2.23.7 The village is poorly supported by public transport; villagers mainly use private cars to commute to and from work.

2.23.8 There are future threats on our roads from potential developments from; UK Central, at Meriden (Coleshill South), 800 Housing Development Keresley, Daw Mill Colliery development application.

APPENDIX 7

Application PAP/2014/0483: Land East of Grendon House Farm, Warton Lane, Grendon Application



**North Warwickshire
Borough Council**

Mr Phil Holdcroft
Savills (UK) Limited
Wessex House
Priors Walk
East Borough
Wimborne
BH21 1PB

**Jeff Brown BA Dip TP MRTPI
Head of Development Control Service**
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Telephone: (01827) 715341
Fax: (01827) 719225
E Mail: PlanningControl@NorthWarks.gov.uk
Website: www.northwarks.gov.uk

Date: 13 November 2014

**The Town & Country Planning Acts
The Town and Country Planning (Listed Buildings and
Conservation Areas) Act 1990
The Town & Country Planning (General Development)
Orders
The Town and Country Planning (Control of
Advertisements) Regulations 1992 (as amended)**

DECISION NOTICE

Largescale Major - Full Planning Application

Application Ref: PAP/2014/0483

Site Address

Land East Of Grendon House Farm, Warton Lane, Grendon,

Grid Ref: Easting 429958.19
Northing 301789.43

Description of Development

Development of solar photovoltaic panels including new access track (off existing farm track); temporary construction compound; double inverters; transfer station; collecting station; security fencing; CCTV cameras and poles; landscaping and associated works and infrastructure

Applicant

Big 60 Million Ltd

Your planning application was valid on 12 September 2014. It has now been considered by the Council. I can inform you that:

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the location plan and plans numbered PO2/SP/A; P17/AT/A, P16/CS/2A. CCTV 2 Cameras, CCTV 1 Camera, PO3/CC/A, PO6/SA/A, P12/PC/A, P13/PE/A, P15/MB/A, P11/SC/A, PO3/D1/A, PO7.TS/A, P14/DNO/A, PO8/CS1/A, PO9/CT/A, CE/GH0737/DW03c/Final, the plan and accompanying Habitat Management Plan, Chapter 4 of the Environmental Report (Landscape and Visual Assessment), The Floor Risk Assessment site drainage layout plan (Appendix B), the Statement of Community Involvement (Big 60 Million investment opportunity, section 1.13) all

Authorised Officer: 

Date: 14 November 2014

received on 11 September 2014, the lighting details and the Youngman Lighting Review received by e-mail on 11 November 2014, the wheel wash detail received on 12 November 2014, the details of the repair of the existing access received on 12 November 2014 and the Written Scheme of Investigation for an Archaeological Watching Brief received on 7 November 2014.

REASON

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

3. This planning permission is for a period of 25 years from the date that the development is first connected to the electricity grid. The date of this connection shall be notified to the Local Planning Authority in writing within 28 days of it occurring. In accordance with the Decommissioning Statement approved under condition 2, all solar arrays, their supports and foundations, inverters, transformer stations, site substations, access tracks, fencing and security cameras and their supports must be removed from the site and the site reinstated to its former arable condition within twelve months of the solar park ceasing to be operational.

REASON

To reflect the temporary nature of the development and ensure appropriate reinstatement of the site.

4. There shall be no construction work whatsoever undertaken, including any delivery to the site of construction materials, other than between 08:00 and 18:00 hours during weekdays and between 08:00 and 13:00 hours on Saturdays with no work on Sundays and Bank Holidays.

REASON

In the interests of the residential amenity of nearby residents.

5. The Rating Level LArTr (to include the 5dB characteristic penalty, if appropriate) of the noise emanating from the approved scheme shall be at least 5dB below the measured background noise level at any time at the curtilage of any noise-sensitive properties lawfully existing at the date of this planning permission. In the event of complaints or at the reasonable request of the Local Planning Authority, the rating level LArTr and the background noise level (LA90) shall be determined and submitted, in writing, to the Local Planning Authority in accordance with the guidance and methodology set out in BS4142:1997.

REASON

To reduce the risk of noise pollution.

6. Following the commencement of the operational use of the site, the whole of the construction compound shall be permanently removed and the site fully re-instated for agricultural purposes.

REASON

In the interests of the visual amenities of the area.

Authorised Officer: _____



Date:

14 November 2014

7. In line with the Written Scheme of Investigation approved under condition 2, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in that Written Scheme, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.

REASON

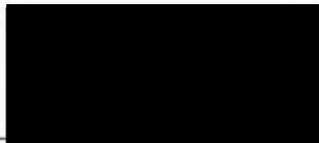
To safeguard the recording of archaeological matters in accordance with the National Planning Policy Framework 2012.

INFORMATIVES

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through pre-application discussion and by ensuring that there has been continued dialogue as a consequence of consultation responses
2. Public Footpath AE13 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or materials during construction.
3. If it is necessary to temporarily close AE13 for any length of time during construction, then a Traffic Regulation Order will be required from Warwickshire County Council.
4. Any disturbance to the surface of AE13 will require prior notification and approval by the County Council, as does the installation of any gate or other structure on the path. Attention is drawn to Sections 149, 151, 163 and 184 of the Highways Act 1980. the Highway Area Team can be contacted on 01926 412515.

APPEALS TO THE SECRETARY OF STATE

1. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
2. If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
3. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at www.planning-inspectorate.gov.uk and www.planningportal.gov.uk/pes.
4. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
5. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Authorised Officer: 

Date:

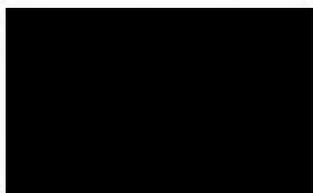
14 November 2014

PURCHASE NOTICES

1. If either the Local Planning Authority or the Department for Communities and Local Government grants permission to develop land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
2. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

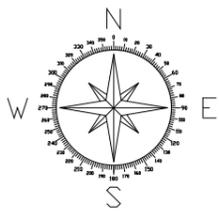
NOTES

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

Authorised Officer: 

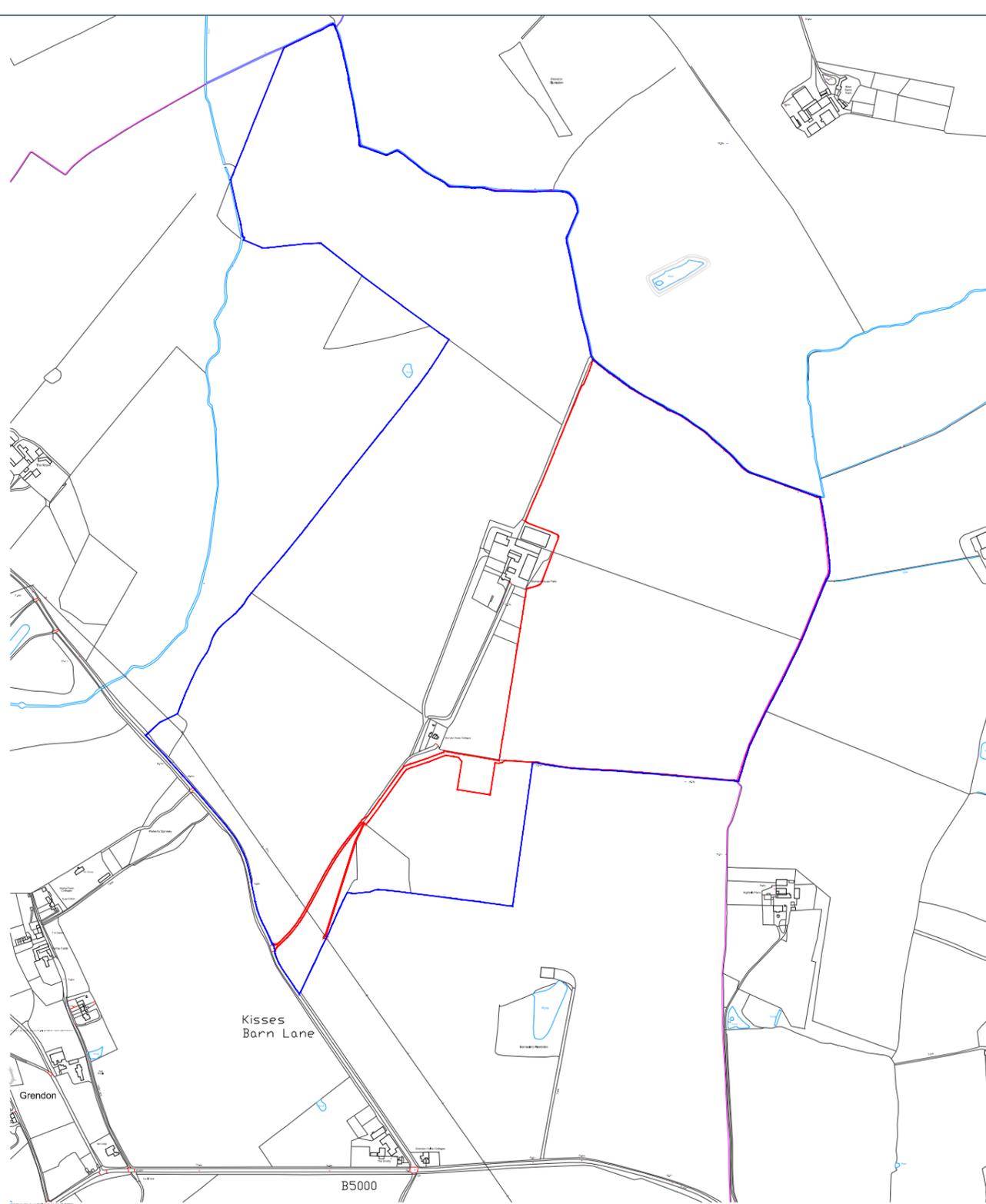
Date:

14 November 2014



Development Boundary
Land Ownership Boundary

2014/0483



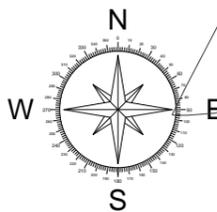
**NORTH WARWICKSHIRE
BOROUGH COUNCIL**

**RECEIVED
11-Sep-14**

**PLANNING & DEVELOPMENT
DIVISION**

Plan description: Atherstone Solar Farm Site Location Plan				Drawing Reference: Atherstone Solar Farm_P01_SLP_RevA		Coordinates: longitude: -01.5590 latitude: 52.612		Site: Atherstone Solar Farm Grendon, Atherstone Warwickshire CV9 3DT		<p>Thorney Weir House, Thorney Mill Lane, Iver, Buckinghamshire, SL0 9AQ</p> <p>Tel: +44 (0) 1895 452 640 Web: www.belectric.com</p>
Date:	Editor:	Revision:	Checked:	Reference drawings:		Date: 07/08/2014		Scale: 1:5000@A3		
07/08/2014	M.F.B.									

Variations in design can occur to site conditions. This drawing may not be reproduced or be made available to third persons or competing companies without permissions. The reproduction, distribution and utilization of this document as well as the communication of its contents without explicit authorization is prohibited. Offenders will be held liable and can be fined.

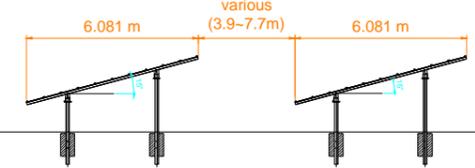


2014/0483

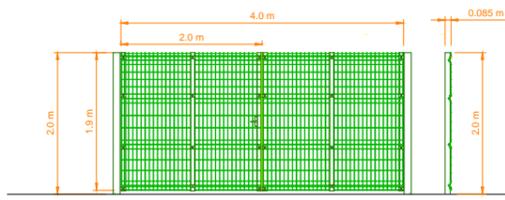
**NORTH WARWICKSHIRE
BOROUGH COUNCIL**
APPROVED
14-Nov-14
UNDER THE PROVISIONS
OF THE TOWN & COUNTRY PLANNING ACTS
**SUBJECT TO CONDITIONS
ON NOTICE**

**NORTH WARWICKSHIRE
BOROUGH COUNCIL**
RECEIVED
11-Sep-14
PLANNING & DEVELOPMENT
DIVISION

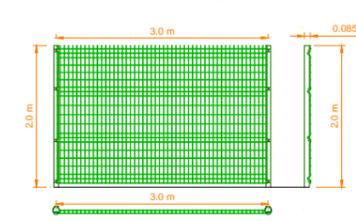
Side View: Typical Section PV Array
Scale: 1:250@A3



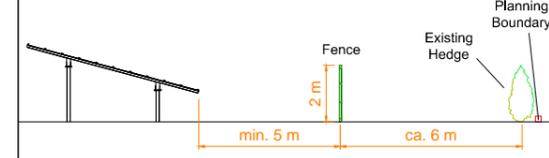
Typical Elevation for Gate
Scale: 1:100@A3



Typical Elevation for Fence
Scale: 1:100@A3



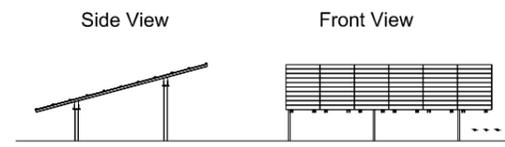
Side View: Typical Section A-A'
Scale: 1:250@A3



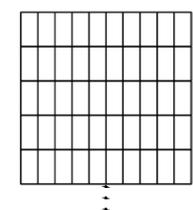
Side View: Typical Section B-B'
Scale: 1:500@A3



Typical Elevation for PV Array
Scale: 1:250@A3



Top View



Site Layout Plan

Atherstone Solar Farm

FS395_SMA

Coordinates 52.6120° N 01.5590° W

Country - United Kingdom
Region / Province - Northamptonshire
Municipality - Atherstone

Key

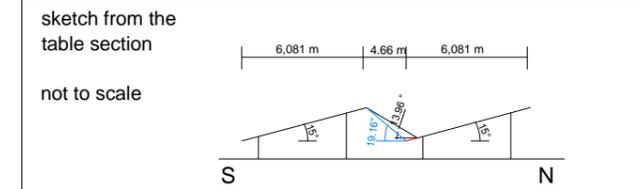
- Solar Modules
- Development Boundary
- Fencing
- Double Inverter Platform
- Storage Container
- Energy Storage Container
- Temporary Construction Compound
- CCTV Pole (3.5m high)
- Existing Hedge
- Door
- Cable route
- ComBox, FoBox & Antenna
- DNO Transfer Station
- Collecting Station 1
- Collecting Station 2
- PADCON monitoring camera
- Meter Box (Close to DNO Transfer Station)
- PRoW
- DNO Access Track & Hard Standing Area
- Auxiliary Transformer

project data

plot area	- 32.14 ha
fenced area	- 28.32 ha
fence length	- 3,213 m
number of structures of modules (10x15)	- 1028
number of modules	- 154,200
type of modul / power	- FS-395 W-DC
inverter	- 12 x SMA SC 900CP XT
	= 6 Double Inverter Stands
plant system rating	- 14.649 MWp-DC

construction and parameter

construction series	- FS 10er 15°
connection	- 15 / string (hz)
shading	- 1,5 modules
sun angle / shadow angle	- 13.96° / .19.16°



RevA	Site Layout Plan	M.F.B.	06.08.2014
Rev	changes in the design	name checked date	
<input checked="" type="checkbox"/>	for review	<input type="checkbox"/>	for construction
<input type="checkbox"/>		<input type="checkbox"/>	as built
Preliminary Design		BELECTRIC	
scale 1: 5000		@ A 3	
Atherstone Solar Farm_P02_SP_RevA			

Date, Signature	Date, Signature	Date, Signature	BELECTRIC GmbH Wadenbrunner Str. 10 97509 Koltitzheim Tel. + 49 (0)9385 9804-0 Fax. + 49 (0)9385 9804-590
Christian Fries COO BELECTRIC	Stephan Weippert Dipl.-Ing. (FH) Electrical Engineering	Florian Borchardt Dipl.-Ing. (FH) Project Planning	

This drawing may not be reproduced or be made available to third persons or competing companies without permission. The reproduction, distribution and utilization of this document as well as the communication of its contents without explicit authorization is prohibited. Offenders will be held liable and can be fined up to 50% of the project cost. Variations in designs can occur to site conditions.

1:5000



6) Application No: PAP/2014/0483

Land East Of Grendon House Farm, Warton Lane, Grendon,

Development of solar photovoltaic panels including new access track (off existing farm track); temporary construction compound; double inverters; transfer station; collecting station; security fencing; CCTV cameras and poles; landscaping and associated works and infrastructure, for

Big 60 Million Ltd

Introduction

This application was reported to the Board at its October meeting when it resolved to visit the site and its surroundings. This has now taken place and the matter is referred back to the Board for determination. For the benefit of those Members not attending the visit, a collection of photographic montages will be available at the meeting illustrating the vantage points around the site, some of which were visited by Members.

A copy of the last report is attached at Appendix A for convenience as it describes the site and outlines the proposal in more detail together with its supporting documentation. It is not intended to repeat matters covered therein, but it should be treated as an integral part of this determination report.

Consultations

Hinckley and Bosworth Borough Council – No comments to make

East Midlands Airport – No safeguarding objection

Warwickshire County Council (Rights of Way) – No objection subject to notes being attached to any planning permission drawing attention to the footpaths across the site

Environmental Health Officer – No objection subject to conditions about construction working in view of the proximity to the two cottages located at the access drive to the farm

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

Warwickshire Museum – No comments yet received

Representations

One representation has been received asking if the airports have been consulted.

Two letters of objection have been received. One is from the occupiers of Highfields Farm, the closest property to the site to the south west. The matters raised include:

- The development is not accompanied by sufficient information
- The Landscape Character will be detrimentally affected
- There is no cumulative assessment of impact

- The full range of impacts as described in the documentation is flawed. The precautionary principle should apply.

The second is from a resident of Sheepy Magna who resides just beyond the address referred to above. The following matters are raised:

- The farmer has in the past not shown care and consideration for the surrounding countryside
- This is the industrialisation of the countryside
- Walkers will be affected and there will be perimeter fencing
- There will be a visual impact
- The land will need time to recover after the panels have gone
- Where are the pylons to go?
- Concern about the airports.

The CPRE has objected on a number of grounds as outlined in its letter attached at Appendix B.

Applicant's Response

The letter from the CPRE and the objection from the residents of Highfields Farm were forwarded to the applicant for his comments, and these are attached at Appendices C and D.

Observations

a) Introduction

The application has to be considered against the Development Plan. As Members are aware this now constitutes two parts. Policy NW11 of the Core Strategy says that renewable energy projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. This would include both individual and cumulative impact on landscape quality, nature conservation, heritage assets, amenity and the local economy. This goes further than saved policy ENV10 of the 2006 Local Plan which says that renewable energy schemes will be supported where they do not have an unacceptable impact on the environment. Both of these policies are thus supportive in principle to the development being proposed here. The Core Strategy will carry more weight as it is up to date and has been found to accord with the National Planning Policy Framework – the “NPPF” – particularly Section 10. As such the application will be assessed against this policy.

The Core Strategy also has a policy – NW13 – referring to the natural environment. This requires the quality, character, diversity and local distinctiveness of the natural environment to be protected and enhanced. In particular development should respect landscape character.

The Government has also published National Planning Practice Guidance – “NPPG” – and there is a specific chapter in this on renewable energy projects. This explains that all communities have a responsibility to help increase the use and supply of green energy but it continues by saying that this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. The NPPG also includes a list of planning considerations which need to be addressed in respect of planning applications for ground mounted solar photovoltaic farms. In effect the list expands on the issues covered by Policy NW11 described above, and the report below will do so.

One of the objectors refers to the BRE National Solar Centre's 2013 document on planning guidance for large scale solar farms. This is a material consideration and it largely covers the same matters as the NPPG.

Given this background it is now proposed to address the various considerations covered by Policy NW11, the NPPG and the BRE document.

b) Landscape Character

The applicant has addressed this issue using the correct base-line, that is to say the North Warwickshire Landscape Character Appraisal. The site falls within the “Little Warton to Fields Farm Fen Lanes” and its general landscape characteristics are outlined in Appendix A. The issue is how well the proposal “fits” into the landscape here and would it materially affect the landscape character described as described in this Appraisal.

The overall landscape value of this landscape character is assessed as being of “medium” value as judged against a number of criteria such as whether it is protected; rare, of particular scenic value and its overall condition. It is agreed that this is an appropriate judgement. The applicant has selected eight vantage points from which to assess the impact of the proposal. Additionally cycle routes, roads, public footpaths and residential properties have all been included. In summary the applicant concludes that there would only be a limited number of public viewpoints where parts of the site would be visible – and at these locations the overall change to the landscape would be medium to small. However there would be a very high change for users of the footpaths that cross the site and those that are close by. In other words significant change would be limited to the immediate area in and around the site, and that the impact here would be major.

This overall conclusion is agreed. There are a number of reasons for this. Firstly the actual site itself is well located in that it is not on high ground and it fits in with the slopes of the undulating surrounding topography. This was evident from the site visit. Secondly, the area is relatively isolated from a public visibility point of view apart from public footpaths. Thirdly, the proposal comprises low-level development with a consistency of form and layout. Fourthly it would be for a period of 25 years. This might appear to be odd, but in landscape terms this is not a long time. Fifthly, there would be mitigation measures around the site – increasing the height of the perimeter hedgerows and new tree planting. Sixthly, views from the surrounding footpath network are limited because of intervening trees, hedgerows and buildings. Even on the higher ground to the north there would be low inter-visibility with the site. As a consequence it is not considered that there is a case here for refusal on landscape impact.

A number of matters need to be dealt with here as a consequence of the representations received. Firstly, the impact on users of the footpaths across and through the site will be transitory, not permanent. Secondly, Members will be aware that there is no "right to a view", but that the outlook from a property can be considered in overall residential amenity terms. Here the closest private houses are some distance away with low inter-visibility with the site. It is not considered that impacts will be so material to conclude that residential amenity will be "dominated" by the proposal. Thirdly, there will be an adverse visual impact arising from the construction compound. However this again will be transitory – some 12 weeks – as the land will be re-instated. Additionally, conditions can be attached to the grant of any planning permission to assist in mitigating potential adverse impacts. Fourthly, there is the overall issue about the "industrialisation" of the countryside. Members are reminded that planning applications should be determined on the basis of whether they accord with the Development Plan. The introduction to this section referred to policy NW11 of the Core Strategy. That supports renewable energy projects in principle where they respect the sensitivity of the landscape and the individual and cumulative landscape impacts have been assessed. This assessment has been undertaken and it is concluded that the development accords with this policy. That is not to say that the proposal would not be visible in some part in some locations. The issue is whether the development adversely affects the overall landscape character to such a degree that the landscape is changed. Finally, there is no cumulative impact to consider here as there are no other such solar developments in the locality – either built, committed or the subject of a current undetermined application.

As a consequence of these matters it is considered that this particular proposal does accord with Core Strategy policy NW11. As this policy is specifically directed to renewable energy projects as here, it is considered that it is the "lead" policy. It is accepted that there will be residual adverse landscape impacts arising from the development, and so the full terms of Core Strategy policy NW13 might not be engaged. However these are outweighed by the public benefit of the project and its overall low landscape impact.

c) Heritage Impact

Core Strategy policy NW11 refers to the need to assess heritage impacts and such an assessment is more fully explained in Core Strategy policy NW14.

The applicant's heritage assessment correctly identifies the existing assets around the site. In general terms it concludes that there would be no adverse impacts, with the impact on the character and appearance of the Orton Conservation Area perhaps being of most interest along with the settings of the two Listed Buildings of the Church in Orton and the New House Grange complex.

This overall assessment is agreed. In terms of the nearest Listed Buildings, then the New House Grange farm complex is 1.4 km to the north-east of the site. The applicant's appraisal describes the significance of this complex as being the relationship of the buildings with each other, the immediate agricultural landscape reflective of the former holdings of Merevale Abbey and the route-ways surrounding the complex. It is concluded that this would not be altered by the development. There would be some partial inter-visibility with the site but because of the presence of intervening modern agricultural buildings there would only be minimal impact on the setting.

The Church of St Edith in Orton is prominent and views of it contribute to the significance of the asset. There are however no views of the site from the Church itself at ground level. Due to the low-lying nature of the site and the position of the Church the proposed development will not impact on views towards the Church tower from south of the application site. Overall there is not considered to be an adverse impact.

It is agreed that the setting of the Orton Conservation is also of interest. Whilst the site is at a lower level than that of the Conservation Area, the most likely impact would be on views out of that Area. However because of the high degree of intervening vegetation surrounding buildings in Orton-on-the-Hill along hedgerows and roads, views of the site are highly screened. It is agreed that there would be very little adverse impact, with the character and appearance of that Area remaining unaffected.

Given these conclusions it is not considered that the development would adversely impact on the significance of heritage assets to warrant refusal under Core Strategy policies NW11 and 14.

d) Ecology

Core Strategy Policy NW11 refers to nature conservation impacts and policy NW15 of the Core Strategy assists here.

The applicant concludes that there would be no demonstrable impact or displacement of habitat of flora and fauna but that the enhancement proposals would be of benefit. This overall conclusion is agreed based on the evidence submitted. However one of the objectors has raised a number of criticisms of this evidence. These revolve around three issues. Firstly, it is said that a full protected species of the potential area of influence has not been undertaken – eg the water bodies within 250 metres of the site, and buildings where bats could be present. The applicant's response to this is attached at Appendix C. This sets out the procedures adopted and the reasons for doing so. These are all proportionate to the scope and nature of the proposal as well as to the nature of the habitats surveyed and the habitats available in the locality. The response also details the reasoning behind the survey work undertaken for newts and bats, referring to relevant evidential matters consistent with each species. This approach is reasonable and within the terms of current practice and procedure. Secondly, there was criticism of the timing of survey work. The applicant's response is that the surveys were all undertaken within relevant guidance and within the optimum period of habitat based assessments. The applicant considers that they are thus robust and representative. Finally there is criticism that no further ecology surveys are recommended. The applicant's response is that the work undertaken meets legislative requirements and policy guidelines following accepted standard best practice.

The content of this response is accepted as it aligns with current best practice. There is no evidence available to suggest that the ecology conclusions are invalid.

e) Traffic Impacts

The traffic generated by the development once operational would be minimal. It is thus perhaps only really necessary to assess the impact of the construction period. This however would be only for a short time – 12 weeks – and involve direct access to Warton Lane and the B5000. HGV movement would be at its highest in the initial set up period - 25 movements a day reducing to some 15 a day thereafter. The Highway Authority has no objection.

f) Flood Impacts

The findings of the applicant's assessment are agreed. The site is almost wholly within Flood Zone One and the development is not of a nature or design to limit or restrict flood waters. Moreover a number of new attenuation measures are being proposed.

g) Agricultural Land

The present NPPG says that solar farms should be encouraged on brown field land or non-agricultural land. However where they are proposed on greenfield land then lower grade land should be used; there should be continued agricultural use made of the land and that bio-diversity improvements need to be incorporated around the solar arrays. These criteria are met here. Moreover there is no previously developed land in close proximity to the site or land within the lower grades 4 and 5. Whilst the CPRE refer to potential new guidance, the current application has to be determined under the existing guidance available.

h) Other Matters

As can be seen above there is no objection from the East Midland Airport and neither is there concern from the Council's Environmental Health Officer or the Highway Authority's Public Rights of Way team. The perimeter fence would be located within the site boundary behind existing hedgerows which would be allowed to grow up to around 3 metres. There will be no additional pylons as the electricity connection will be made underground to the existing overhead lines which cross the farm access track just off Warton Lane.

Conclusions

Overall it is considered that the application can be supported as it accords with policy NW11 of the Core Strategy which itself accords with the NPPF and NPPG. There is not considered to be a planning consideration here of such weight to significantly or demonstrably lead to an adverse impact.

It is noteworthy that the number of objections is low and that the local Parish Councils have not submitted objections.

Recommendation

That subject to no objections being received from the Warwickshire Museum, planning permission be granted subject to the following conditions:

Defining Conditions

- i) Standard Three year condition
- ii) Standard Plan Numbers – the Location Plan and plan numbers PO2/SP/A; P17/AT/A, P16/CS/2A, CCTV 2 Cameras, CCTV 1 Camera, P03/CC/A, P06/SA/A, P12/PC/A, P13/PE/A, P15/MB/A, P11/SC/A, P04/DI/A, P07/TS/A, P14/DNO/A, P08/CS1/A, P09/CT/A and CE/GH0737/DWO3c/Final all received on 11/9/14.

iii) Within 25 years following the development hereby permitted being brought into use (that date being notified to the Local Planning Authority in writing within 7 days of it occurring), or within 12 months of the cessation of electricity generation by the development hereby permitted (that date being notified to the Local Planning Authority in writing within 7 days of it occurring) whichever is the sooner, the solar PV panels, racking, electrical control cabinets, substations, fencing and all associated structures hereby permitted shall be dismantled and removed from the site. The site shall be decommissioned and restored to agricultural use in accordance with a Decommissioning Method Statement approved under condition (vii).

Reason: In order to define the limits of the planning permission

iv) There shall be no construction work whatsoever undertaken, including any delivery to the site of construction materials, other than between 0800 and 1800 hours during weekdays and between 0800 and 1300 hours on Saturdays with no work on Sundays and Bank Holidays.

Reason: In the interests of the residential amenity of nearby residents.

v) The Rating Level LArTr (to include the 5dB characteristic penalty) of the noise emanating from the approved scheme shall be at least 5dB below the measured background noise level at any time at the curtilage of any noise-sensitive properties lawfully existing at the date of this planning permission. The LArTr and the background noise level (LA90) shall be determined in advance with the Local Planning Authority in writing, and shall be calculated in accordance with the guidance and methodology set out in BS4142:1997.

Reason: To reduce the risk of noise pollution.

vi) Following the commencement of the operational use of the site, the whole of the construction compound shall be permanently removed and the site fully re-instated for agricultural purposes.

Reason: In the interests of the visual amenities of the area.

Pre- Commencement Conditions

vii) The development hereby permitted shall not be commenced until a Decommissioning Method Statement has been submitted to and approved in writing by the Local Planning Authority. It shall include the timing of the decommissioning of all, or part, of the solar farm if it ceases to be operational, along with measures and a timetable for their completion to secure the removal of PV panels, plant, fencing and equipment. Decommissioning shall be carried out in accordance with the approved Statement and its details.

Reason: In order to ensure the proper removal of the development upon cessation of the permission.

viii) No development shall commence on site until full details of the landscaping measures proposed, together with the bio-diversity enhancements to be introduced, have first been submitted to and approved in writing by the Local Planning Authority.

Only the approved details shall then be implemented on the site.

Reason: In the interests of the visual amenities of the area and to enhance bio-diversity

ix) No development shall commence on site until full details of the surface water drainage attenuation measures to be introduced have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site.

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

x) No development whatsoever shall commence on site until such time as details of all lighting for the site and the construction compound have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

Reason: In the interests of the visual and residential amenities of the area.

xi) No development shall commence on site whatsoever until such time as noise levels have been agreed in writing by the Local Planning Authority for the operation and use of the construction compound during its use within the hours permitted by condition (iv) above.

Reason: In the interests of reducing noise pollution.

xii) No development shall commence on site until measures to repair the existing vehicular access have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

xiii) No development shall commence on site until measures to minimise /prevent the spread of extraneous material on the highway have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

Pre-Operation Condition

xiv) The development hereby permitted shall not be brought into use for electricity generation purposes until such time as the details approved under conditions (viii) and (ix) have first been fully implemented on site to the written satisfaction of the Local Planning Authority.

Reason: In the interests of the reducing any adverse impacts

On-Going Conditions

xiii) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying the Order) no fixed plant or machinery, buildings, structures and erections or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission in writing from the Local Planning Authority.

Reason: In the interests of the amenities of the area.

together with conditions as recommended by the Warwickshire Museum

Notes:

- i) The Local Planning Authority has met the requirements of the NPPF in this case through pre-application discussion and by ensuring that there has been continued dialogue as a consequence of consultation responses.
- ii) Public Footpath AE13 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or materials during construction.
- iii) If it is necessary to temporarily close AE13 for any length of time during construction, then a Traffic Regulation Order will be required from the Warwickshire County Council.
- iv) Any disturbance to the surface of AE13 will require prior notification and approval by the County Council, as does the installation of any gate or other structure on the path.
- v) Attention is drawn to Sections 149, 151, 163 and 184 of the Highways Act 1980. The Highway Area Team can be contacted on 01926 412515.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2014/0483

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	11/9/14
1	Hinckley and Bosworth Borough Council	Consultation	23/9/14
3	East Midlands Airport	Consultation	1/10/14
4	M Wilson	Representation	2/10/14
3	Mr and Mrs Miles	Objection	6/10/14
6	Mr and Mrs Bennett	Objection	9/10/14
7	Warwickshire Rights of Way	Consultation	6/10/14
6	Case Officer	Letter	14/10/14
9	EHO	Consultation	14/10/14
10	Applicant	Email	14/10/14
11	CPRE	Objection	27/10/14
12	Applicant	Letter	27/10/14
13	WCC Highways	Consultation	29/10/14
10	Applicant	Email	30/10/14

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



Appendix A

Application No: PAP/2014/0483

Land East Of Grendon House Farm, Warton Lane, Grendon,

Development of solar photovoltaic panels including new access track (off existing farm track); temporary construction compound; double inverters; transfer station; collecting station; security fencing; CCTV cameras and poles; landscaping and associated works and infrastructure, for

Big 60 Million Ltd

Introduction

This application is reported to the Board at this time for information alone. It describes the site, the nature of the application and sets out the planning policy background.

The appropriate Agencies have been consulted and neighbour notification letters have been circulated, including the Parishes that adjoin the Borough in Hinckley and Bosworth.

The Site

In short this covers two fields, amounting to 32 hectares in extent, to the east of Grendon House Farm off Warton Lane about 750 metres north of its junction with the B5000.

The Farm itself stands well back from Warton Lane – some 500 metres – and is accessed directly from that Lane via a long drive. The farm itself comprises the farm house together with ranges of farm buildings within close proximity of each other to the north and west. There are two cottages on the side of the access track and other dispersed dwellings and farmsteads along the B5000 and Warton Lane – ranging from 600 metres to over a kilometre away. The area is open countryside in appearance and characterised by large arable fields. There are hedgerows and hedgerow trees, particularly along the road sides. There is not a substantial copse or woodland cover and hedgerows around the farm itself have been removed.

The land here generally rises away from Warton Lane towards the north east and there is a more marked incline to the north of the farm up towards Orton-on-the-Hill. The farmstead itself however does stand on a small "island" of higher ground, such that the site is on lower ground. There is around a 6 to 7 metre height difference across the site as a whole.

The two fields the subject of the application, are both surrounded by existing mature hedgerows with an occasional hedgerow tree.

A small stream runs to the west of the site and there is a ditch alongside the access drive.

A public footpath – the AE13 – crosses diagonally north-west/south-east through the more southern of the two fields, connecting to the local footpath network throughout the area around the farm.

The site's general location is illustrated at Appendix A.

Background

Many of the buildings at the farm benefit from planning permissions for business uses.

The Proposals

a) Description

This is for a solar array with an overall area of 32 hectares contained within two existing fields - together with a variety of ancillary operational developments. A layout of the array is provided at Appendix B.

There would be a temporary construction compound occupying around 3600 square metres of land within a further field to the south-west. This would provide the base for the construction of the array which would be fully installed in around 12 weeks. It is located close to the access drive and would be re-instated to its former agricultural use following the construction period. All vehicular access for construction would be via the B5000 and Warton Lane, utilising the existing drive over its first half but latterly a new 6 metre wide permeably surfaced drive would be created parallel to but adjoining that track over its last 300 metres.

The solar panels would amount to some 1028 modules with an overall 154,200 individual panels, generating some 14.6 MW of electricity. These arrays would not wholly follow the ground contours but the whole array would vary between 2500 and 2700 mm above ground. The maximum height would be 1500 mm with a tilt angle of 15 degrees. The rows would be placed between 3 and 6 metres apart to avoid shading and to take account of winter sun heights and the actual ground topography. They would be south facing.

A number of ancillary operational developments are required – transfer stations; invertors, transformers, collecting stations, meter boxes and cameras. These are to be generally located at the south west corner of the site, but the cameras would be located around the perimeter as would a security fence within the field boundary hedgerows. Appendix B again illustrates their various locations. It also shows that the existing route of the public footpath across the site would be retained, but that would be fenced for security reasons.

Existing hedgerows would be allowed to grow to between 2.5 and 3 metres tall and there would be new land drainage swales introduced around the site to enhance bio-diversity. The land beneath the arrays would be grassed enabling sheep grazing.

No staff would be employed on the site and access would only be required for maintenance and security reasons.

The whole facility would have a 25 year life.

b) Community Benefits

The applicant states that it is a "Community Benefit Energy Company" and will provide the opportunity for residents to benefit from solar farms. The applicant seeks to "open" the investment it has made to residents by offering Solar Bonds specific to each project for £60 each marketing them at first to local residents. They are said to offer a fixed rate return based on the economics of each project – typically 5 to 7% (before tax) paid each year for five years when options can be reviewed. The applicant says that he also offers environmental benefits through enhancing bio-diversity through planting and landscaping, as well as educational benefits by opening up the development to school parties.

Supporting Documentation

A significant amount of supporting documentation has been submitted by the applicant. Summaries of their content are provided below.

a) Planning, Design and Access Statement

This describes the site and sets out the detail of the proposed array and its associated operational developments. It also identifies the relevant planning policies at both local and national level and summarises the more detailed reports that accompany the application. It particularly highlights the national need for renewable energy sources. Many of the documents it refers to are referenced in the "Other Material Planning Considerations" section below. It concludes by saying that the proposal in the applicant's view would not cause significant or demonstrable adverse impacts and being a sustainable development should be supported.

b) Agricultural Land

This report describes survey work undertaken throughout the two fields looking at soils, sub-strata and natural land drainage. This shows that the top soils are medium clay loam over a heavy clay upper subsoil and a slowly permeable clay lower subsoil. As a consequence drainage is imperfect leading to a mixed classification of grades 3a (28%) and 3b (72%) depending on the depth of the underlying clay. The proposal would have very little disturbance overall on the soils and the site would be returned to agricultural use in the same state as existing after the 25 years.

c) Flood Risk Assessment

The majority of the application site is in Flood Zone 1 (low risk), however a very small part is in Flood Zone 3 because of the proximity of an adjacent stream. The assessment concludes that if only one array is removed, the whole site would be in Zone 1. The access road is in Zone 1 and thus the risks are low. As a consequence the site is considered to be safe from fluvial flooding. The development itself has such a small proportion of hard surfacing that the assessment concludes that surface water flooding consequential to the development is very unlikely. The perimeter swales will assist

drainage and capture surface water. Overall the assessment concludes that there would not be adverse flooding consequences.

d) Ecology Report

There is a designated site – an SSSI – about 1.6 kilometres from the site at Birches Barn Meadow, but otherwise there are no recognised statutory or non-statutorily recognised wildlife sites within two kilometres of the site, but there are fourteen potential local wildlife sites within that radius. The site itself is arable farmland with hedgerows, a wet ditch and occasional trees. Overall these habitats were found to offer low ecological interest and diversity, but with some connectivity to the wider landscape. There were limited opportunities for a wide range of bird species but bat foraging "corridors" are likely here. The habitat was found to be "sub-optimal" for badgers, otters, voles, reptiles or amphibians. The proposals are therefore unlikely to have any demonstrable impact or displacement, but proposed enhancement measures would considerably increase the ecological potential of this site.

e) Landscape and Visual Assessment

There are no statutory or non-statutory landscape designations affecting the site or its environs. The site and the surrounding area are within the "Little Warton to Fields Farm-Fen Lanes" section of North Warwickshire's Landscape Character Assessment. This describes the character as being "flat, open arable landscapes with large rectilinear field patterns under intensive cultivation, scattered farmsteads, hedgerow field boundaries with frequent ditches and low tree cover, a relatively unsettled peaceful and quiet landscape, but with subtle variations in landform allowing local views across open arable fields". The north and eastern boundaries of the site are very close to the administrative area of Hinckley and Bosworth Borough Council. Its landscape here is defined as being the "Fen Lanes" area and the main characteristics are generally consistent with those described above. The applicant's assessment concludes that the overall landscape is of "medium value" and with a medium sensitivity to change. A total of eight vantage points around the site were used in order to assess likely landscape change as a consequence of the development. Whilst the introduction of the arrays would inevitably have an immediate local impact particularly on users of the footpath, their low level, visual consistency and the low inter-visibility would not alter the overall landscape framework. Overall the report concludes that the landscape has the capacity to accommodate the scale of the development with only very localised landscape and visual effects. The eight vantage points include the junction of the B5000 with Warton Lane; Orton Lane on the south side of Warton, three points around the site boundary itself including the footpath crossing the site and three points on footpaths to the north and east, two being south of Orton on the Hill.

f) Cultural Heritage

There are no designated sites or assets on the application itself but there are three scheduled monuments; one Grade 1 Listed Building; three Grade 2 star Listed Buildings and ten Grade 2 Listed Buildings within a two kilometre radius of the site. The Monuments are a medieval moated site at Pinwall; the New House Grange farm complex to the east, and the old Grendon bridge. The Grade 1 building is the Church at Orton on the Hill. The grade 2 star buildings are All Saints Church, Church Farmhouse and Lower Farm. The historic landscape context of the site is considered to be of limited

heritage value. There is considered to be some potential for underground prehistoric, Roman and mediaeval heritage assets, but because of the limited amount of ground disturbance arising from the development there would be a limited impact on any buried archaeology and there is no evidence that such remains would be of such significance to preclude the development. The Assessment also concludes that the settings of the respective heritage buildings would not be altered largely as a consequence of distance, there being no inter-visibility, the low height of the development and it not being within the most sensitive part of the building's setting. In respect of Conservation Areas then the closest are at Orton, Twycross, Polesworth and Atherstone. The latter three would be unaffected because of there being no lines of sight to the application area. The Orton Area is about 1.6 km to the north-east and the land here does slope towards the site. However because of the density of vegetation, built development alongside roads and field boundaries views to the site are screened and limited to first floor windows of property on its south-western edge. There would thus no adverse impact on the setting of this Area.

g) Construction Traffic

The proposed routes and means of access were described above with the existing farm drive providing access over the majority of its length with the final section using a new track to the construction compound and to the site adjoining that drive. Construction would take place between 0700 and 1900 during the week and 0700 to 1300 on Saturdays and no Sunday working. There great majority of HGV movements would be associated with the construction and the estimated pattern would be the initial set up over two weeks (270 movements); the construction over ten weeks (860 movements) and completion over the final week (170 movements). The proposed HGV route is from the A5 Merevale roundabout through Holly Lane and onto the Atherstone Road to Pinwall and thence to the site. Construction staff will arrive by car or mini-bus.

h) Statement of Community Involvement

In advance of submission, the applicant held a public information day in July at Grendon Community Centre. Residents close to the site were notified (106 addresses), and it was also advertised in the Parish Newsletter. 22 people attended the event and 16 forms were completed. 15 of these indicated support. The one not doing so cited "potential countryside impact" as the reason.

Development Plan

The North Warwickshire Core Strategy 2014 – Policies NW8 (Sustainable Development); NW9 (Renewable Energy and Energy Efficiency), NW10 (Quality of Development), NW11 (Natural and Historic Environment) and NW13 (Green Infrastructure).

Saved Policies of the North Warwickshire Local Plan 2006 – ENV10 (Energy Generation and Energy Conservation); ENV11 (Neighbour Amenities), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation), ENV16 (Listed Buildings) and ECON8 (Farm Diversification)

Other Material Planning Considerations

The National Planning Policy Framework 2012

National Planning Practice Guidance 2014

UK Solar PV Strategy Parts 1 and 2

National Policy Statement EN1; Overarching National Policy Statement for Energy 2011

The BRE National Solar Centre "Planning Guidance for the development of large scale ground mounted solar PV systems" 2013.

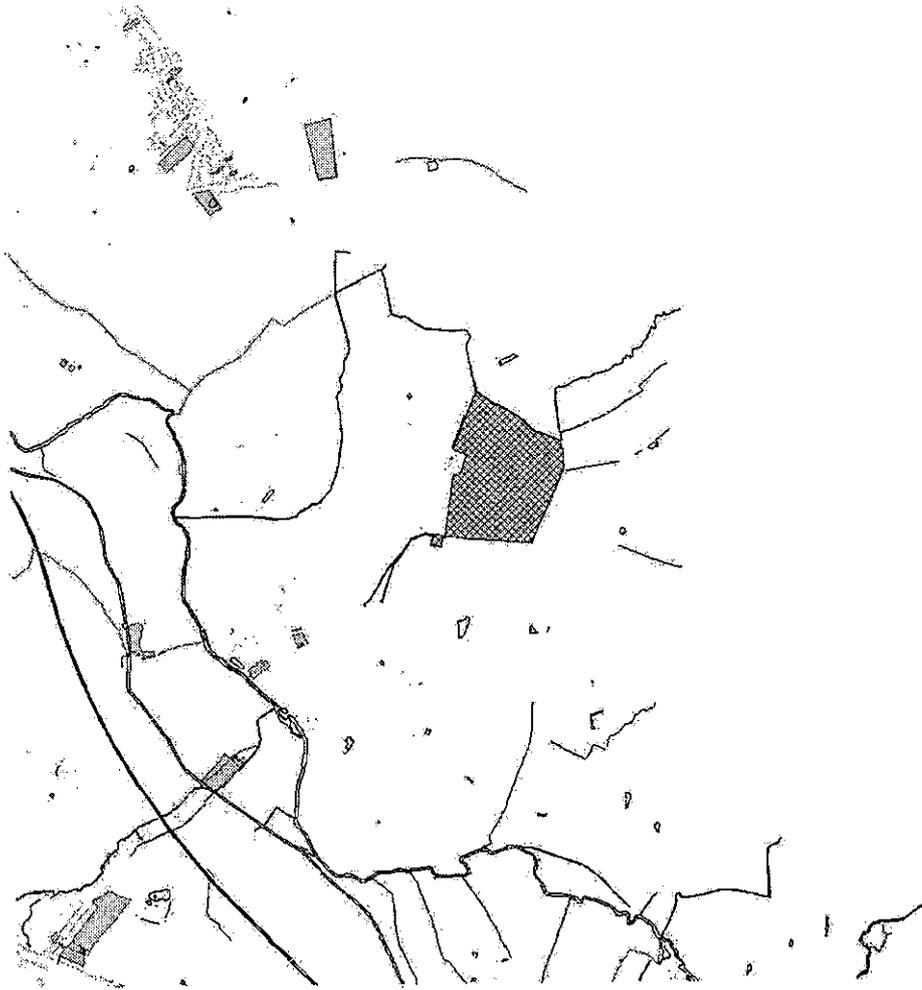
Observations

The Development Plan has policies encouraging renewable energy development as well as policies protecting landscape character. National policies too are significant in both of these respects. The main issue here will be to balance the development within their context. As such the impact on landscape character and the associated visual impact will feature heavily in that assessment. The supporting documentation shows the need to explore a number of other planning considerations, all of which will have to be weighted in the final balance of issues. The responses from the various consultations will be important in this respect. Because of the site's proximity to the Hinckley and Bosworth Borough Council area, neighbour consultations have also been widened to include property to the east of the site as well as to those Parish Councils bordering the common administrative boundary.

As the impact on landscape character and the visual effects are central to this case, it is recommended that Members visit the site before determination, as well as visiting some of the vantage points in the surrounding area.

Recommendation

That receipt of the application be noted and that Members visit the site and its surrounding area prior to the determination of the application.



Allen, Jeanette

From: Judy Vero <secretary@atherstonecivicsociety.co.uk>
 Sent: 27 October 2014 10:22
 To: planappconsult
 Cc: Brown, Jeff
 Subject: PAP/2014/0483: Land East of Grendon House Farm, Warton Lane, Grendon

For the attention of Jeff Brown

PAP/2014/0483: Land East of Grendon House Farm, Warton Lane, Grendon –Development of solar photovoltaic panels including new access track (off existing farm track); temporary construction compound; double inverters; transfer station; collecting station; security fencing; CCTV cameras and poles; landscaping and associated works and infrastructure

We wish to register a strong objection to this proposal on the grounds that it is contrary to Core Strategy Policy NW11 which requires renewable energy projects to 'respect the capacity and sensitivity of the landscape and communities to accommodate them.'

Policy NW11 goes to say that 'they will be assessed on their individual and cumulative impact on landscape quality, sites or features of natural importance, sites or buildings of historic or cultural importance, residential amenity and local economy.' In our view this proposal fails to satisfy any of these criteria.

The NPPF, at paragraph, 97 suggests that areas for renewable energy development should be identified in local plans, though this is with the proviso that 'adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.' The proposed site has not been identified in the Core Strategy and would have significant visual impacts. It is clear therefore that there is no support for this proposal in the NPPF.

What is proposed is, in fact, an industrial development of 32 hectares in open countryside with all the infrastructure that one would expect on an industrial estate – service buildings and installations, CCTV with poles and security fencing. The site is less than five kilometres from Birch Coppice, over 100 hectares of warehousing of which almost half has been taken from agricultural land. Change of use in the countryside is already beginning to diminish agricultural as the major land use.

On such an open site it would be impossible to disguise the presence of 32 hectares of solar panels. The Applicant's Environmental Report admits that of eight Viewpoints, seven are assessed as of 'High Sensitivity' and only one of 'Medium Sensitivity.' This is not a remote countryside area, far from habitation or settlements and the urban nature of the development would be felt very keenly in the neighbourhood. Furthermore the development would have a visual impact on historic sites, such as New House Grange with its Grade II* Barn. No longer would it be possible to enjoy a country walk as the development would be visible from footpaths in the area.

The Government has now recognised the damage to the landscape done by solar farms, and in an announcement made on 19 October 2015, Environment Secretary, Elizabeth Truss, said that English farmland is some of the best in the world and she wanted 'to see it dedicated to growing quality food and crops.' She did 'not want to see its productive potential wasted and its appearance blighted by solar farms. Farming is what our farms are for and it is what keep our landscape beautiful.'

The application site is in agricultural use and the 32 hectares would be lost to food production. The Government is to scrap farming subsidies for solar fields, and planning rules are to be amended to ensure that 'whenever possible solar installations are not put in fields that could be used for farming.' Furthermore, renewable energy subsidies for new large-scale solar farms are to be ended in April. Instead, the Minister said, 'solar panels should be placed on the 250,000 hectares of south-facing commercial rooftops where they will not compromise the success of our agricultural industry.'

One local farmer has placed solar panels on the roof of a new barn, which is far less obtrusive than ground-based panels. Some of the new houses in Rowlands Way, Atherstone also have solar roof panels. It is our view that this is the way to increase the supply of renewable energy and not through damaging the visual amenity of the countryside, which is so precious to all of us, especially urban-living visitors who need the countryside as a place of recreation.

We respectfully urge the Council to refuse this planning application.

Judy Vero
Hon. Secretary
Atherstone Civic Society
Tel.: 01827 712250
Email: Secretary@atherstonecivicsociety.co.uk

27th October 2014

savills

Mr Jeff Brown
 Head of Development Control Service
 North Warwickshire Borough Council
 The Council House
 South Street
 Atherstone
 Warwickshire
 CV9 1 DE

Phil Holdcroft
 E: p.holdcroft@savills.com
 DL: +44 (0) 1202 856 903
 F: +44 (0) 1202 856 800

Wessex House
 Priors Walk
 East Borough
 Wimborne BH21 1PB
 T: +44 (0) 1202 856 800
savills.com

Dear Mr Brown,

**PROPOSED SOLAR FARM
 GRENDON HOUSE FARM, GRENDON, ATHERSTONE**

Thank you for your email with the attached letter of objection from Mr and Mrs Miles.

We respectfully acknowledge their comments and concerns. However, to avoid any confusion, we clarify the following issues.

Introduction / planning issues

- The letter states that the submitted reports 'do not contain an assessment of the cumulative effect of the various developments that have already occurred on this property along with the proposed development of a Solar Farm'. Reference is drawn to Planning Guidance (KN5524)

KN5524 is the BRE guidance document 'Planning guidance for the development of large scale ground mounted solar PV systems' which, our client, Belectric, has endorsed. However, that document explains that a cumulative assessment is specific to the potential impact from other (nearby) solar farm proposals, either existing or approved developments. There are no solar schemes within a 5km radius of the site. The landowner's present farming activities / building operations do not have any significance to this cumulative assessment of other solar schemes.

- Reference is made to the 'precautionary principle' which if applied would mean the scheme would be rejected.

Excluding the use of the 'precautionary approach' for telecommunication developments, we are unsure as to what principle Mr and Mrs Miles are referring to? From a planning perspective, the 'Precautionary Principle' was incorporated into the 1992 Rio Declaration on Environment and Development, promoting the use of renewable technologies such as solar energy stating that, "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."

Landscape character and visual issues

- Concern is raised regarding issues about the visibility of the development from Orion Hill Conservation Area.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East
 Savills Plc, Chartered Surveyors, A subsidiary of Savills plc. Registered in England No. 2601138.
 Registered office: 25 Abchurch Lane, London, EC4A 3DF



The theoretical visibility from Orton Hill Conservation Area was identified by the Zone of Theoretical Visibility (ZTV) which is a computer generated desktop (theoretical) calculation that does not include the screening afforded by built development and vegetation, other than the main woodland blocks. A ZTV therefore requires verification in the field and this was carried out from a number of publicly accessible locations within the Conservation Area as part of the site assessment, as summarised at paragraph 4.38 of the LVIA – in particular:

The land within the Conservation Area slopes southwestwards towards the Site which would indicate that there could be views to the Site, however in reality due to the density of vegetation surrounding built development along field boundaries and roads, views to the Site are predicted to be screened.

There is no contradiction between theoretical visibility of the Proposed Development as illustrated on the Zone of Theoretical Visibility (ZTV) at Figure 4.1 and Notable landscape and visual effects, as defined by a Zone of Primary Visibility (ZPV) on Figure 4.2. This is because theoretical visibility determined at desktop stage is different from Notable effects, which are judged following the field assessment, as defined at paragraphs 4.12 and 4.13 of the LVIA report respectively.

- Requested provision of photomontages from the Orton Hill Conservation Area.

In response, given that following the field assessment, no views of the Site or Proposed Development are predicted from the designation, this would not be a proportionate approach in accordance with best practice guidance 'Guidelines for Landscape and Visual Impact Assessment' (3rd Edition 2013). As stated at paragraph 4.7 of the LVIA, the guidance states at paragraph 1.20 that "judgement needs to be exercised at all stages in terms of the scale of the investigation that is appropriate and proportional". It also states at paragraph 3.16 of the GLVIA: "the level of detail provided should be that which is reasonably required to assess the likely significant effects".

- Issues about the visual amenity effects during Construction.

The temporary construction compound is not predicted to be widely visible from Highfields Farm due to the mature vegetation screening along the western boundary. However, any theoretical glimpses e.g. from upper floor windows would not result in Notable visual effects; as the whole construction process across the Site itself would not be visible due to intervening mature tree screening, which is where the greatest visual impact during the construction period would occur.

- Raised issues about the effects on views from private dwellings.

The response considers that it 'is essential that a full detailed assessment of visual impact on residential receptors is undertaken in order to inform the Planning Authority'. We disagree on the basis that intervisibility was assessed from nearby public locations and by looking from the Site back towards properties which was sufficient to predict the likely significant effects. Highfields Farm does not fall within the Zone of Primary visibility as a combination of intervening barns and mature tree cover restricts visibility of the Proposed Development (see 4.94 of the LVIA).

Council Officers, during their site visit, would be able to verify this assessment without visiting Highfields Farm by looking back at the dwelling from the public footpath and the highest points on the site in the vicinity of Grendon House Farm.

The letter states that they are surprised that the assessment can determine some residential properties to be a 'high sensitivity receptor' whilst others are 'medium sensitivity receptors'. This does not imply, as claimed that individual residents can be more or less sensitive to visual impacts than their neighbours. As explained at para 4.127 the sensitivity of private views from dwellings at Grendon House Farm are High from ground floor rooms and medium from upper floor rooms, assumed to be bedrooms. This is consistent with the methodology at Appendix 4.2 and best practice guidance where at paragraph 6.36 of GLVIA3 it recognises the particular sensitivity of rooms normally occupied in waking or daylight hours.



Compliance with Local Policy

- The contents consider that the scheme is contrary to the key saved Local Plan policies. In particular: site selection / alternative site analysis (Policy ENV1); industrialisation of the landscape (Policy ENV10); effect from the 'security provisions in the scheme and along the boundaries of the development area of concern' (Policy ENV11); and potential adverse impact on the siting of the Conservation Area (Policy ENV15).

In our opinion, the Planning, Design and Access Statement (Chapter 3 – p.27 - 33) provides a comprehensive analysis and response to each of the listed, 'saved' policies. However, with regard to Policy ENV1, we can not find any reference to 'by careful site selection' as suggested by the letter. Notwithstanding, this consideration is fundamental to the scheme's progression and we reiterate that the submitted Soils and Agricultural Use and Quality Report surveyed the site and showed that it comprises 72% Grade 3b (and 28% Grade 3a). The scheme will not adversely impact on the best and most versatile agricultural land. We refer to the enclosed appeal decision, at Burthy Farm (appeal reference: APP/D0840/A/14/2212340), where the Inspector determined that the proposed solar farm's temporary 25 year lifespan would not lead to the permanent loss of agriculture, at a site which similarly consisted of Grades 3a and Grade 3b land:

The appeal proposal is for a period of 25 years and can be conditioned accordingly. Thereafter it would revert to agricultural use. While not necessarily a short period in human terms, it would not amount to a permanent loss. In taking account of the economic and other benefits of the best and most versatile agricultural land, as I am required to do by Framework paragraph 112, I do not therefore consider that there would be any conflict with national planning policy in this regard' (para 22).

However, for means of completeness, an Alternative Agricultural Land Availability Report has been completed and submitted to the Council. That report concludes that there is no previously developed land in close proximity or no lower quality Grade 4 agricultural land or lowest quality Grade 5 agricultural land available.

With regard to Policy ENV10, we believe that these concerns regarding landscape impact is overstated.

With regard to Policy ENV11, we note and understand security concerns. We draw attention to the Planning, Design and Access Statement (Chapter 5, Design Principles – p.45) we explains that the use of CCTV cameras are designed to 'provide coverage along the site boundaries, and the cameras would not therefore point away from the site'. Further to that information, we are happy to address any other specific query regarding the CCTV camera design and operation.

Ecology issues

In response the letter, Avian Ecology's reply is appended.

Aviation issues

- Concerns are raised about the provision of supporting information to address the Civil Aviation Authority development from Orton Hill Conservation Area.

As part of the application process, we note that the Council has consulted East Midlands Airport. In response, they have confirmed no objections to the scheme.

I hope this addresses each of the comments raised in this letter and demonstrates our client's preparation of a scheme which, as far as possible, reduces possible impacts on the environment. Should you have any queries please do not hesitate to contact me.



Yours sincerely

A handwritten signature in black ink, appearing to read "Phil Holdcroft", written over a horizontal line.

Phil Holdcroft
Associate Director
Savills

Enc: Avian Ecology
Appeal decision - Land at Burthorpe Farm, Summercourt, Newquay TR8 5BN

CC: Mike Rogers Boelectric
Jo Stark Savills

G:\OBS\Boelectric\Atherstone\Post submission\22nd Oct_Response to the Council - WC edits.docx

24th October 2014

Site name: Atherstone Solar Farm

Application No. PAP/2015/0483

Introduction

This statement responds to the comments made in the letter (dated 6th October 2014) with the respect to the Objection & Concerns Regarding PAP/2015/0483 Application for Solar Farm at Grendon House Farm, Warton Lane, Grendon. This statement addresses those comments made in relation to the Ecology Report (Section 5); the three main areas of concern are:

- 1) Protected species;
- 2) Timing of survey; and,
- 3) Requirement for further ecological survey.

Protected Species

Comment:

A full protected species survey of the potential 'Area of Influence' of the development has not been undertaken. For example, all water bodies within 250m of the site boundary have not been surveyed nor have adjoining properties / trees etc. where bat roost sites could be present. Therefore, the potential presence of protected species requiring licences etc. for undertaking of the works cannot be established. Neither can potential impacts on species which are protected under legislation (both national and European) be sufficiently determined. This is considered if applying the 'Precautionary Principle' to mean the Planning Authority can either reject or cannot determine this application.

Applicant Response:

Amphibians and Waterbodies

Two ponds were identified within 250m of the application site; one of which (referred to as P1) was subject to a Habitat Suitability Index (HSI) assessment for great crested newts (identified as being of 'poor' suitability for great crested newt). The second pond was located approximately 200m north of the application site under different land ownership and was therefore not accessed. A 'Reasonable Avoidance Measures' (RAMs) approach was considered appropriate; this is a perfectly common and fully acceptable approach designed to minimise the potential for adverse effects on newt populations or indeed individual animals. We have adopted this approach for numerous solar farm developments across the England and Wales to the full satisfaction of regulators and nature conservation organisations.

Survey work serves as a mechanism to establish potential impacts upon the protected species, but is not an end in itself. Provided the extent to which a protected species might be affected by a development can be confidently established by the planning authority on the basis of the information available, then the requirement for further survey work would become redundant.

Furthermore, appropriate avoidance measures, as implemented here, are an established way of negating adverse effects and remaining compliant to relevant legislation and planning policy.

For clarity, we are aware that ponds are present in the surrounding landscape (with two ponds identified within 250m of the application site) and this was given consideration when determining the potential for adverse impacts on great crested newts. The simple presence of a pond does not mean that surveys are required; rather it depends on the nature of the development, construction methods and the quality of terrestrial habitats around the ponds (and connectivity between features).

High quality great crested newt habitat should provide (1) permanent areas of refuge habitat for shelter in the more extreme weather conditions (i.e. drought in summer and freezing in winter), (2) daytime refuges, (3) foraging opportunities, and (4) dispersal opportunities. Permanent refuge habitat can be accommodated by ground cover of various kinds such as rough grassland, scrub and woodland. For hibernation, amphibians seek locations that afford them protection; including underground crevices, tree root systems, mammal burrows and rubble piles (Langton *et al*, 2001).

The arable land within the application site does not offer most of the above habitat requirements and is therefore considered to offer sub-optimal for amphibians. Arable land typically supports few if any refuges and the poor invertebrate diversity provide poor foraging habitat. In some cases, intensively managed farmland can result in a barrier to dispersal (Langton *et al*, 2001). The field margins and habitat (e.g. woodland and tall ruderal vegetation) outside the application site are more likely to be used by amphibians and provide both improved foraging opportunities and places of shelter. While the arable land may occasionally be used by individual newts while foraging during the active period (typically between March to October); habitats such as woodland, tall ruderal vegetation and hedgerows are likely to be used all year round in favour of habitats within the main body of the site.

The footprint (i.e. the panel supports) of a solar farm requires only a very small percentage of the total development land take (typically less than 4%). The construction of solar farms is also of low impact, does not require large excavations or movements of earth and the construction phase are typically short and usually complete within 13 weeks. Subsequently the potential for adverse impacts is restricted to a low level of short-term effects on low quality newt habitat and the RAMs approach included in the application is clearly appropriate. This is in accordance with Natural England guidance, which also states *'although great crested newts can disperse over 1km from breeding ponds, the probability of an offence outside the core breeding and resting area (generally considered to 50m-100m from breeding ponds) is acknowledged to be very small and even if an offence takes place, the effect on populations is likely to be negligible.*

It is therefore concluded that no further surveys are required to both inform the ecological appraisal or additional mitigation above that already proposed. The proposed habitat enhancement including the reversion of arable land to grassland, native hedgerow planting will undoubtedly result in a net gain locally for amphibians.

Bats and Roost Potential

No detailed surveys of nearby properties or adjacent trees were undertaken as the proposed development will not impact these features and there are no risk bats being disturbed as a result of the proposed development.

As part of the extended Phase 1 habitat survey, boundary trees were subject to an initial scoping exercise to assess roost potential. During the scoping survey, three mature oak trees were identified

as Category 2 trees. Category 2 trees are classified on the basis 'that they have no obvious potential, although the size and age mean that elevated surveys may result in cracks or crevices being found; or the tree supports some features which may have limited potential to support bats' (Hundt, 2012). Following guidance published by the Bat Conservation Trust, there is no requirement to undertake further surveys on Category 2 trees even where these are to be affected by arboricultural works (it is recommended that trees may be felled taking reasonable avoidance measures).

The proposed habitat enhancement including the reversion of arable land to grassland, native hedgerow planting the inclusion of bat boxes will result in a net gain locally for bats both in terms of foraging and roost opportunities.

Timing of survey

Comment:

The survey was undertaken during one season and given the lack of water at that point cannot be robustly considered to represent the full picture of the biodiversity present on the site and within the area.

Applicant Response:

All surveys were completed with reference to relevant guidance (e.g. JNCC, 2010 and Hundt, 2012) and were undertaken within the optimum period of undertaken habitat based assessments (April to September); whilst it is acknowledged any survey records just a 'snapshot' of time, it is intended to provide an overview to inform a planning application. It is considered that the survey provides both a robust and representative baseline on which to base such an appraisal.

Requirement for further ecological survey

Comment:

We consider further ecological surveys are required before the application can be determined.

Applicant Response:

It is considered that the level of detail provided within the Ecology report (Section 5) is sufficient to allow the Local Planning Authority and their ecological advisers to confidently determine the application. It is also in full accordance with legislative requirements and policy guidelines. The appraisal discusses the extent to which a protected species might be affected by the development and presents mitigation measures where relevant to avoid impacts on both habitats and species. Furthermore, the application throughout adopts standard best practice approaches, recognised mitigation and biodiversity enhancement measures and so is considered to be fully robust.



Appeal Decision

Site visit made on 5 August 2014

by **Brian Cook BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 September 2014

Appeal Ref: APP/D0840/A/14/2212340

Land at Burthy Farm, Summercourt, Newquay TR8 5BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Elgin Energy EsCo Ltd against the decision of Cornwall Council.
 - The application Ref PA13/05983, dated 3 July 2013, was refused by notice dated 29 October 2013.
 - The development proposed is installation of photovoltaic power-plant including: photovoltaic panels, electrical substation, inverter stations, pole-mounted CCTV cameras, security fencing and other ancillary works.
-

Decision

1. The appeal is allowed and planning permission is granted for the installation of photovoltaic power-plant including: photovoltaic panels, electrical substation, inverter stations, pole-mounted CCTV cameras, security fencing and other ancillary works at Land at Burthy Farm, Summercourt, Newquay TR8 5BN in accordance with the terms of the application, Ref PA13/05983, dated 3 July 2013, and the plans submitted with it, subject to the following conditions set out in the Schedule at Appendix A.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Policy

3. Section 10 of the National Planning Policy Framework (the Framework) is very supportive of the delivery of renewable and low carbon energy and associated infrastructure saying that this is central to the economic, social and environmental dimensions of sustainable development (paragraph 93). Local planning authorities are asked to consider identifying suitable areas for renewable and low carbon energy sources where this would help secure the development of such sources (paragraph 97, 3rd bullet). Framework paragraph 98 confirms that applicants do not need to show an overall need for renewable or low carbon energy and further confirms that local planning authorities (and by extension the Secretary of State on appeal) should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions (1st bullet). It also says that applications should, unless other material considerations indicate otherwise, be approved if the impacts are or can be made to be acceptable.

4. However, a balance needs to be struck between the effects on, for example, sensitive landscape and visual receptors and the benefits of the proposed development. This is a theme of the Framework where paragraph 6 confirms that what amounts to sustainable development is set out in the Framework as a whole.
5. This balance has been further confirmed by the Minister in the statement accompanying the publication on-line of the Planning Practice Guidance on 6 March 2014 and in a further statement in the House on 9 April 2014 by the Secretary of State. He confirmed that in publishing the Planning Practice Guidance the coalition Government was making it clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities.
6. The Framework, the Planning Practice Guidance and the two ministerial statements referred to are material considerations to which I attribute very substantial weight in the determination of this appeal.
7. Saved policy 10 of the Restormel Borough Council Local Plan (LP) adopted in 1999 is cited in the second reason for refusal. The supporting text to the policy does not refer at all to photovoltaic (PV) energy proposals. However, the policy itself refers to renewable energy proposals and, while PV schemes are not mentioned in criterion (2), the inclusion of the term 'such as' indicates that the list is not exhaustive. Given the generally permissive wording and the inclusion of clear reference to the benefits of renewable energy proposals being taken into account in applying the policy, I see no inconsistency between it and the Framework policy.
8. The Council published the Cornwall Local Plan Pre-submission document in March 2013. There is nothing in the evidence to say what, if any, progress has been made since. Draft Policy 15 addresses Renewable and Low Carbon Energy. It is a criteria-based policy setting stringent conditions only in respect of development proposals in or adjacent to Areas of Outstanding Natural Beauty and the undeveloped coast. The supporting text states that a supplementary planning document will be formally progressed to accompany the Local Plan. The implication of the text is that this document is '*An assessment of the landscape sensitivity to on-shore wind energy and large scale photovoltaic development in Cornwall*' 2011 prepared by Land Use Consultants (LUC). It is not clear what 'formally progressed' means since such documents are not subject to examination under the 2004 Act regime.
9. The LUC document provides for each of the landscape character areas (LCA) identified an overall assessment of landscape sensitivity to wind energy and solar PV development with a landscape strategy put forward to guide decision-making for each type of renewable energy scheme.
10. From the evidence before me it is not apparent that the LUC document is intended to be drawn into any policy in the emerging Local Plan. While I give some weight to the sensitivity assessments made within it, in the circumstances described, I consider that very limited weight should be attributed to the landscape strategy since, as it stands, there seems to be no mechanism for this to be subject to independent examination. In addition, following the guidance in Framework paragraph 216, I give very limited weight to the emerging Cornwall Local Plan since it is at a very early stage towards adoption.

Main Issues

11. From my reading of the evidence and my inspection of the site and the wider area within which it sits I consider the main issues to be the effect that the development would have on:
- (a) the landscape character and visual amenity of the area; and
 - (b) the best and most versatile agricultural land.

Reasons

The effect on the landscape character and visual amenity of the area

12. The appeal site lies on the boundary of two LCAs, Newlyn Downs (CA14) and St Austell or Hensbarrow China Clay Area (CA17). The bulk of the site is within CA14. It comprises six fields with a total area of about 24 hectares. These slope generally towards the west or south west and are typically laid to pasture or arable. They are bounded and divided by Cornish hedges and trees and much of the surrounding area exhibits similar uses and landscape features. Generally to the east, the spoil heaps associated with the China Clay workings are prominent and indeed there is an Aggregates Industries site quite close by. While these provide a backdrop to the appeal development in some views, the appeal site is more typical of the landscape character of CA14 than it is of CA17.
13. The proposal would introduce a 10MW solar PV power plant into these fields comprising static PV panels, a sub station, 10 inverter stations, security (deer) fencing some 2.4m in height with four pole-mounted passive infra-red technology cameras standing a maximum of 3m high at certain points. The PV panels would be mounted onto racks, angled at some 25° and orientated in a southerly direction. They would be dark blue/black in colour and would be coated in anti-reflective material. The arrays would be about 6m apart to avoid any shadowing of one by another and to allow access between them. Their maximum height would be some 2.4 to 2.8m above ground level.
14. The appellant's zone of theoretical visibility map reveals that the appeal proposal would be visible from a relatively limited area. Indeed, the predicted zone of visual influence, which is based on topography, landscape and built form, shows that, for the most part it extends for little more than 1km. Visual influence to the south would be even more limited which is important since this is the direction from which the 'face-on' view of the arrays would be available.
15. The arrays would be installed into each of the six fields and entirely contained by the existing field boundary hedging which would be unaltered save for some additional planting to close a gap now there. Access to each field would be via existing gateways so no hedgerows would be removed. There would be no change therefore to the basic landscape structure.
16. Although there would be a change in character from agriculture to one that would be a mix of agriculture (assuming the sheep grazing suggested goes ahead) and energy/industrial use, that would not be readily apparent in close views (such as those from adjoining highways) because the development would be largely obscured by boundary and field hedges. The change would be limited to the appeal site itself and, in my opinion, although of some direct local significance, would be appreciated only from the limited number of higher ground views.

17. The land generally falls away from the higher ground which is broadly to the east. The arrays would be aligned across the contours in order to face south. The view of the development that would be presented would therefore vary and would mostly include views of the rear and side of the arrays with the upper parts of the fields being the most prominent. The associated buildings are small-scale and would generally be tucked close to the hedgerows so as not to compromise the effectiveness of the installation. From my inspection of the area I would agree with the appellant's assessment that it is from Seaview Terrace that the greatest visual impact would be experienced. These are however private views and limited in number with any publicly available view from the highway being largely obscured by the few residential properties and hedgerows. Views across the appeal development from other places, as indicated by the representative viewpoints, would be limited. As the report to the Strategic Planning Committee acknowledges the intervisibility and thus the cumulative impact of the appeal proposal and the other nearby solar farms is very limited.
18. I have also considered the extent to which any glint or glare might exacerbate the visual impact by drawing the eye to the proposed development. The appellant's assessment, which the Council does not dispute, indicates that glare would not be an issue and that glint would be experienced at the studied receptors for a very few minutes only early morning or early evening (but not both) on not more than 200 (and typically considerably fewer) days in any one year. The modelling does not account for any screening by vegetation or buildings and thus represents a theoretical worst case rather than the likely actual position. In my view, attention would not be drawn to the arrays by any glint from them.
19. For the reasons set out I do not consider that the limited discernable effect that there would be on landscape character and visual amenity as a result of either the development itself or the appeal proposal in combination with the other solar farms nearby would amount to the substantial harm necessary to cause a conflict with LP policy 10. In any event, this policy deals only with effects on designated and protected landscapes and the countryside generally and does not address visual amenity. As stated in the Policy section above, it also requires regard to be had to the benefits of renewable energy proposals. These are set out in Government policy and summarised above. On this issue I consider that any harm would be outweighed by the contribution that there would be to national energy and climate change policies. This reinforces my conclusion that there would be no conflict with LP policy 10 and to the extent that a policy addressing general design matters is relevant to this issue, LP policy 5.

The effect on the best and most versatile agricultural land

20. The appellant has submitted detailed evidence about the condition of the land both to the Council prior to determination and at appeal responding to the first reason for refusal. The Council does not dispute the evidence that while the appeal site is a mix of grade 3a and grade 3b land, the difference between the two in this case is marginal at 2% less clay content. However, the appellant asserts that because the agricultural land quality does not follow the field boundaries exactly, for all practical purposes the land is farmed as if it were grade 3b.

21. However, that does not appear consistent with plan KCC2 in the 'Agricultural Considerations' report submitted by the appellant at appeal. This shows that two of the fields that would house the arrays are almost wholly grade 3a with only two of the remaining four being wholly grade 3b. The Council's evidence is that it is the grade 3a fields that have been typically laid to arable crops.
22. The appeal site would not go wholly out of agricultural use if, as contended by the appellant, sheep grazed the grass that would grow between the arrays. There is though no certainty that this would occur and no mechanism to ensure that it would. Nevertheless, even if this did not occur, the appeal proposal would not lead to any permanent loss of agricultural land irrespective of quality. The appeal proposal is for a period of 25 years and can be conditioned accordingly. Thereafter it would revert to agricultural use. While not necessarily a short period in human terms, it would not amount to a permanent loss. In taking account of the economic and other benefits of the best and most versatile agricultural land, as I am required to do by Framework paragraph 112, I do not therefore consider that there would be any conflict with national planning policy in this regard. The Council does not cite any conflict with its Renewable Energy Planning Guidance Note 2. A note at the outset of that explains that it has no statutory status pending the adoption of the Council's Core Strategy (*sic*) and confirms that the weight to be afforded to it in reaching decisions on planning applications is therefore limited.

Other matters

23. The second reason for refusal reflects a concern expressed by members of the local community and the Council's own landscape officer that the landscape is approaching or has reached its capacity to absorb energy developments. It is argued that the number and type of such developments are beginning to define the character of the area which is becoming over industrialised. Others have argued that there should be a pause pending the resolution of these matters through the emerging local plan. The appellant asserts with reference to paragraph 40 of the *Planning Practice Guidance for Renewable and Low Carbon Energy* (July 2013) that this misunderstands how cumulative impact should be assessed. There it is stated that cumulative impact may arise where two or more of the same type of renewable energy development would be visible from the same point or in sequence. The appellant points out that the reason for refusal considers the cumulative impact from both PV schemes and wind turbines.
24. Visually, I consider that in this area the eye is drawn to the number of wind turbines, partly because of the size of some, partly because the blades are turning and the movement attracts the eye and partly because it these that have come to dominate parts of the expansive landscape that can be appreciated from the open areas and through-routes such as the A30. If anything, I believe the turbines deflect the attention from the far less prominent solar arrays and thus the extent to which they make any contribution to a change in the landscape character. In my judgement, the visual impact of the existing solar arrays and that proposed in this appeal would also be limited in such a context of visual competition.
25. Turning briefly to the capacity point raised, this is not a matter that is addressed in the landscape strategy part of the LUC document. I have explained above why I give no weight to these LCA strategies. However, it

- seems to me that they require a case-by-case judgement to be made in accordance with the criteria set out and do not indicate that there is a finite capacity for CA14.
26. Several references have been made to an overall constraint on the capacity of the grid to accept further power from renewable energy schemes. However, while the grid management company has not commented there is no evidence before me to support that contention.
27. St Enoder Parish Council suggests that a community benefit in the sum of £7,000 has been offered and that an obligation under s106 of the principal Act has been entered into to secure this. The Council required some amendments to this to broaden the way that the benefit might be used by the Parish Council. However, I have not been provided with any such obligation in either the original or amended form and can therefore give no weight to this in my determination of the appeal.

Conditions

28. The Council has suggested a number of conditions which I have considered in the light of the Planning Practice Guidance. I consider all to meet the tests set out although the wording of some has been amended for clarity. In addition to the standard commencement condition and one to confirm the approved plans a number of others are necessary to control various matters.
29. A number of matters need to be secured before development takes place. These include a programme of archaeological work in view of the potential for buried features of significance and full details of the exact location and external appearance of the ancillary structures to be provided. A number of conditions are suggested for the period of construction and decommissioning to control noise at occupied residential dwellings, the hours when activities may take place and the way traffic will be managed. All are required to protect the living conditions of nearby occupiers of properties. For similar reasons a condition is required to control noise during the operation of the development although I shall omit the caveat proposed first as it seems unnecessary and, second, as it is not clear as drafted what level it relates to since there is no '*' in the condition itself.
30. It is important that the landscape and ecological mitigation plan and the sustainable urban drainage scheme are both implemented as submitted since these have been taken into account in concluding that those matters are satisfactorily addressed. Any rights to carry out development without the need for express planning permission conferred by the Town and Country Planning (General Permitted Development) Order 1995 as amended should only be removed by condition where it is justified to do so. In this case I believe it is since the uncontrolled development of additional structures, buildings and plant and machinery could have an unacceptable impact on the landscape character of the area.
31. Finally, it is important to bring the development to an end and to secure the removal of all the installed equipment either at the end of the 25 year period for which planning permission is sought or the cessation of electricity generation if that is sooner. It is also necessary for a decommissioning method statement to be approved. I agree that this should be submitted and approved prior to the commencement of the development in case electricity generation

ends over part or the whole of the site before the 25 year period. However, although not specified within the condition, I believe that the approved scheme should allow for a review as good practice could develop over what could be a lengthy period before the scheme is implemented.

Conclusions

32. For the reasons given above I conclude that the appeal should be allowed.

Brian Cook

Inspector

APPENDIX A: SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 180/001 Rev A; 180/002; proposed 03; 152/02 LEMP; and 152/03 FENCING.
- 3) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:
 - i) The programme and methodology of site investigation and recording;
 - ii) The programme for post investigation assessment;
 - iii) Provision to be made for analysis of site investigation and recording;
 - iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) Provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

No development shall take place other than in accordance with the WSI. The development shall not be used for the commercial production of electricity until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved WSI and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 4) The Rating Level LArTr (to include the 5 dB characteristic penalty) of the noise emanating from the approved scheme shall be at least 5 dB below the measured background noise level at any time at the curtilage of any noise-sensitive properties lawfully existing at the date of this planning permission. The LArTr and the background noise level (LA90) shall be determined in accordance with the guidance and methodology set out in BS4142: 1997.
- 5) The submitted Landscape and Ecological Mitigation Plan (October 2013) and its associated drawing (152/02) shall be implemented in full in accordance with the approved timetable and shall thereafter be maintained in accordance with the management plan for the duration of the development hereby permitted. In the event of failure of any vegetation to become established or to prosper for a period of 5 years following the completion of the approved planting scheme, such vegetation shall be replaced on a like-for-like basis.
- 6) No development shall take place until a scheme detailing the final location, design, external finishes and noise attenuation of the inverter housings and substation has been submitted to and approved in writing by the local planning authority. The development hereby permitted shall

then be constructed, operated and maintained in accordance with the approved scheme.

- 7) No external lighting shall be installed during the period that the development hereby permitted is in place.
- 8) No deliveries shall be taken at or despatched from the site or construction or decommissioning works take place outside the hours of 08:00 to 18:00 Monday to Friday; 08:00 to 13:00 Saturday nor at any time on Sundays, Bank or Public Holidays.
- 9) The noise emissions during construction and decommissioning periods of the development hereby permitted shall not exceed a LA_{eq,T} noise level of 55 dB 1 metre from the façade of any occupied residential dwelling.
- 10) The development hereby permitted shall be carried out strictly in accordance with the approved Construction Traffic Management Statement – Issue 1, dated 26 July 2013.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no fixed plant or machinery, buildings, structures and erections or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission in writing from the local planning authority.
- 12) Prior to the first time that energy is fed into the national grid from any part of the development hereby permitted, the Sustainable Urban Drainage Scheme (SUDS) as set out in the submitted H20K drawing J-4-30.4-FM Drawing 3001 rev.D shall be fully implemented and shall thereafter be maintained to achieve the calculated levels of attenuation for the duration of the planning permission hereby granted.
- 13) Within 25 years following the development hereby permitted being brought into use (that date being notified to the local planning authority in writing within 7 days of it occurring) or within 12 months of the cessation of electricity generation by the development hereby permitted (that date being notified to the local planning authority in writing within 7 days of it occurring) whichever is the sooner, the solar PV panels, racking, electrical control cabinets, substations, fencing and associated structures hereby permitted shall be dismantled and removed. The site shall be decommissioned and restored to agricultural use in accordance with the Decommissioning Method Statement approved under condition 14.
- 14) The development hereby permitted shall not be commenced until a Decommissioning Method Statement (DMT) has been submitted to and approved in writing by the local planning authority. The DMT shall include the timing for decommissioning of all, or part, of the solar farm if it ceases to be operational, along with measures and a timetable for their completion to secure the removal of PV panels, plant, fencing and equipment. Decommissioning shall be carried out in accordance with the approved DMT and details.



Costs Decision

Site visit made on 5 August 2014

by **Brian Cook BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 September 2014

Costs application in relation to Appeal Ref: APP/D0840/A/14/2212340 Land at Burthy Farm, Summercourt, Newquay TR8 5BN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Elgin Energy EsCo Ltd for a full award of costs against Cornwall Council.
 - The appeal was against the refusal of planning permission for installation of photovoltaic power-plant including: photovoltaic panels, electrical substation, inverter stations, pole-mounted CCTV cameras, security fencing and other ancillary works.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The application was made on behalf of the appellant by Whitehead Planning by letter on 19 March 2014. The Council responded by letter on 17 April and Whitehead Planning submitted further comments by letter dated 29 April.
3. Guidance on the award of costs in appeal proceedings is given in the relevant parts of the on-line Planning Practice Guidance. For an award to be justified there has to be both unreasonable behaviour on the part of one party and unnecessary or wasted expense incurred by the other directly as a result of that unreasonable behaviour.
4. The first reason for refusal concerns the loss of best and most versatile agricultural land. This matter was the subject of an update report to the Strategic Planning Committee following further more detailed information from the appellant which was peer-reviewed by the Council's land agent. Members were also advised of further representations in addition to those summarised in the officers' report. One of these, said to be from someone with a farming background, claimed that it was not true that sheep can graze under the panels due to the height of the panels and the presence of cabling. On the other hand, another representation, said to be from a sheep farmer, confirmed their experience that grass flourished under the panels and sheep thrived both from the grazing and the shelter provided by the panels.
5. While it is correct that officers did not accept the appellant's conclusion that the mixed nature of the grade 3a and 3b land meant that, in practice, the land was farmed as grade 3b throughout the appeal site, Members were advised that a number of matters were not disputed. These included there being no inherent conflict with planning policy and that the difference between the grade 3a and

- the 3b classification was slight. The advice was that although a material consideration to be taken into account with other factors in site selection and the assessment of the planning merits, that balance did not justify a refusal of planning permission on this ground in this case.
6. That Members took a different view is clear from the reason for refusal. What is unclear is the evidence for doing so. The author of the Council's appeal statement makes a series of assertions concerning the quality of the grass that could be grown, the fact that sheep may not in fact graze the land (with speculation as to why), speculation about the purpose of Framework paragraph 11.2 and the length of time ('many years') that it would take post-decommissioning of the development to return the land to optimum food producing capacity. I am not aware of any evidence to support any of these assertions, most of which contradict the professional advice given to the Members.
 7. A failure to produce evidence to substantiate each reason for refusal on appeal and making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis are among the examples listed in paragraph 49 of the relevant part of the Planning Practice Guidance as potentially giving rise to a substantive award against a local planning authority. I consider that both are applicable to the first reason for refusal and that the Council has behaved unreasonably in refusing the application for that reason. Furthermore, the appellant has called expert evidence specifically to address this reason and has thus incurred wasted or unnecessary expense. The two conditions for an award to be made in respect of the first reason for refusal have therefore been met.
 8. Turning now to the second reason for refusal, I consider this to be primarily a matter of judgement. It is clear from the officers' report that the Council's landscape officer is becoming increasingly concerned that the sheer number of energy schemes being permitted on an incremental basis is creating an energy landscape in the vicinity of the appeal site. While posing the question about whether the capacity to absorb further such developments is being reached, the officer unhelpfully does not offer an opinion on the answer. However, what is said is also a reflection of some of the representations from the local community on this matter.
 9. The case officer quite properly does advise the Members. Paragraph 59 of the report confirms that, on balance, the appeal proposal would not 'tip the balance' to create a landscape defined by renewable energy. However, that paragraph goes on to say that future applications would have to be assessed on their own merits. The next paragraph confirms that there would be limited views of the site from vantage points and important recreational footpaths. It does however conclude by saying that the key landscape characteristics would not be undermined in a significant way when weighed against the positive support for renewable energy. The balancing exercise of harm against benefits is thus clearly put before the Members.
 10. It seems to me that the Members took a different view of that balance having weighed the considerations about which they were advised differently to the officers. It is a clear principle that weight is a matter for the decision maker and that unless it is irrational there can be no criticism of that decision.

11. I agree with the appellant that some of the assertions made in the Council's appeal statement to support the reason for refusal contradict what is said in the officers' report and are not supported by the evidence. I agree also that expressing the cumulative impact in terms of the effect of both solar schemes and wind turbines, as the reason for refusal does, appears to be contrary to the Planning Practice Guidance at paragraphs 13, 14 and 22 of the relevant section.
12. Nevertheless, the second reason for refusal is underpinned by a balancing exercise that the Members were entitled to carry out and the decision they reached is not therefore unreasonable.

Conclusion

13. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a partial award of costs is justified.

Costs Order

14. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Cornwall Council shall pay to Elgin Energy EsCo Ltd, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in addressing the first reason for refusal.
15. The applicant is now invited to submit to Cornwall Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Brian Cook

Inspector

Brown, Jeff

From: Phil Holdcroft <PHoldcroft@savills.com>
Sent: 30 October 2014 11:24
To: Brown, Jeff
Subject: FW: PAP/2014/0483: Land East of Grendon House Farm, Warton Lane, Grendon
Attachments: ATT00001.txt; ATT00002.htm

Dear Mr Brown,

Further to the comments of Atherstone Civic Society, which you forwarded (below), I provide, on behalf of my client Belectric, our response below.

Reference is made to the recently adopted Core Strategy (October 2014). In particular, Policy NW9 – *Renewable Energy and Energy Efficiency*, confirms the Council's commitment to green technology. The Policy states that *'development... will be assessed on their individual and cumulative impact on landscape quality, sites or features of natural importance, sites or buildings of historic or cultural importance, residential amenity and the local economy'*. Whilst the Civic Society's view is that the proposal fails to satisfy any of these criteria, we refer to the application's detailed reports and plans which address, in detail, all these key considerations.

Section 10 of the National Planning Policy Framework (the Framework) is very supportive of the delivery of renewable and low carbon energy and associated infrastructure saying that this is central to the economic, social and environmental dimensions of sustainable development (paragraph 93). Local planning authorities are asked to consider identifying suitable areas for renewable and low carbon energy sources where this would help secure the development of such sources (paragraph 97, 3rd bullet). Framework paragraph 98 confirms that applicants do not need to show an overall need for renewable or low carbon energy and further confirms that local planning authorities should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The fact that the site has not been identified within the Core Strategy is not relevant. The application should be considered on the basis of the development plan (as a whole) together with other material considerations.

With reference to the Environmental Report, in terms of viewpoint categories, the sensitivity of the viewpoint is only one aspect of the assessment and as best practice dictates the assessment of visual significance should combine sensitivity with magnitude. Apart from the immediate vicinity of the Site, the magnitude of change as a result of the Proposed Development would be modest and consequently the geographical extent of Notable effects would be limited. It is concluded that the wider amenity of the countryside experienced by users of public rights of way would not be adversely affected. Similarly, with regard to the nearest listed buildings, the Environmental Report (Chapter 5) identified five designated assets. The nearest being a cluster of listed buildings at New House Grange, approximately 1.4km north-east of the site. This includes the 'Great Barn' (Grade II*). The setting and significance of those heritage assets was not considered to be impacted on by the proposed development. The report concludes that: *'Development of the site would not lead to any harm to known heritage assets through. Alteration of their setting. Thus the development proposals are considered to be compliant with both national and local planning policy for heritage'* (para6.89).

Reference is also made to the quote from Environment Secretary, Elizabeth Truss (made direct to the Sunday Mail newspaper) regarding the removal of farming subsidies for farmers switching to solar development and her views on 'ugly greenfield solar development' and 'boosting food production'. Firstly, those available monies (under the Common Agricultural Policy – CAP) are not relevant to this scheme and have very little financial impact (farmers with solar panels are expected to lose about £220 per year per hectare of land). Singling out solar schemes as a means of reducing food production is misguided and no reference was drawn to other non-food production processes that take place on agricultural land (such as growing energy crops, hosting camping / tourist sites etc). Rather, her comments need to be put into context of next year's general election (and the newspaper to whom she was being interviewed by). Similarly, in terms of roof-mounted solar the availability and crucially usability of rooftops needs to be fully understood. To provide context, the largest roof mounted solar installation in the UK is at the Bentley Motors factory, in Crewe, where the overall site extends to approximately 22ha, but the useable roof space only extends to 3.5ha, where 5MW of solar panels were installed. Reference to individual, nearby homes having new solar panels is to be applauded but even collectively this is still unable to match the energy production benefits of this single solar scheme.

The views of Atherstone Civic Society are respectfully noted but we consider that all relevant planning issues have been appropriately addressed in the application.

APPENDIX 8

Application PAP/2015/0459: Land South of Pogmore Spinney Merevale Lane, Merevale



North Warwickshire
Borough Council

Jeff Brown BA Dip TP MRTPI
Head of Development Control Service
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Nick Leaney
Aardvark EM Limited
Higher Ford
Wiveliscombe
Taunton
TA4 2RL

Telephone: (01827) 715341
Fax: (01827) 719225
E Mail: PlanningControl@NorthWarks.gov.uk
Website: www.northwarks.gov.uk
Date: 29 February 2016

The Town & Country Planning Acts
The Town and Country Planning (Listed Buildings and
Conservation Areas) Act 1990
The Town & Country Planning (General Development)
Orders
The Town and Country Planning (Control of
Advertisements) Regulations 1992 (as amended)

DECISION NOTICE

Major Full Planning Application

Application Ref: PAP/2015/0459

Site Address

Land South Of Pogmore Spinney, Merevale Lane, Merevale

Grid Ref: Easting 428395.01
Northing 297049.35

Description of Development

Standalone solar PV array, access, associated infrastructure, landscaping and cable route

Applicant

Murex Solar Ltd

Your planning application was valid on 24 July 2015. It has now been considered by the Council. I can inform you that:

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 263.b/D001; 002, 003, 004, 005, 006, 008, 009, 010, 011, 012, 014, 015 and 016 all received by the Local Planning Authority on 22 July 2015.

REASON

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

Authorised Officer: _____

Date:

29 February 2016

Controlling Condition

3. This planning permission is for a period of twenty five years from the date that the development is first connected to the national electricity grid. The date of this connection shall be notified to the Local Planning Authority in writing within 28 days of it occurring. All solar arrays, their supports foundations, inverters, transformer stations, site substations, access tracks, fencing and security cameras and their supports shall be removed from the site and the land reinstated to its former arable condition within twelve months of the solar park ceasing to be operational.

REASON

To reflect the temporary nature of the development and ensure appropriate reinstatement of the site.

Pre- Commencement Conditions

4. No development shall commence on site until an archaeological investigation has first taken place; the contents submitted to the Local Planning Authority and the written agreement of that Authority given that the development as approved may proceed.

REASON

In the interests of the potential archaeological interest in the land.

5. No development shall commence on site until a detailed surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and geo-hydrological context of the development together with details of how the system will be maintained in perpetuity over the length of the operation have all first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

To reduce the risk of flooding and to protect water quality.

6. No development shall commence on site until full details of all of the landscaping measures to be undertaken have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

7. No development shall commence on site until full details of the measures to be implemented on site to protect existing flora and fauna and to enhance bio-diversity throughout the lifetime of then development, have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests to promoting the ecological value of the site.

Authorised Officer: _____



Date:

29 February 2016

Other Conditions

8. There shall be no construction work whatsoever undertaken including any delivery to the site of construction materials other than between 0730 and 1930 hours during weekdays and between 0730 and 1200 hours on Saturdays with no work on Sundays and Bank Holidays.

REASON

In the interests of the residential amenity of nearby residents.

9. Following the commencement of the operational use of the site, the whole of the construction compound shall be permanently removed and the site fully re-instated for agricultural purposes.

REASON

In the interests of the visual amenities of the area.

INFORMATIVES

1. The Local Planning Authority has met the requirements of the NPPF in this case by engaging in pre-application discussions and following through the planning issues with detailed analysis and imposing appropriate conditions.
2. Attention is drawn to the advice of the Local Lead Flooding Authority that the strategy as set out in the submitted plans needs to be revised to provide more surface water attenuation. For instance in other cases, the excavated spoil from the construction of the swale has been placed on the downslope of the swale so as to provide additional attenuation storage and once the site is decommissioned the excavated material can simply be brought forward to fill the swale.
3. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.

4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Authorised Officer: _____

Date:

29 February 2016

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

APPEALS TO THE SECRETARY OF STATE

1. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
2. If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
3. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at www.planning-inspectorate.gov.uk and www.planningportal.gov.uk/pcs.
4. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
5. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

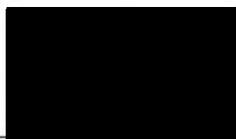
PURCHASE NOTICES

1. If either the Local Planning Authority or the Department for Communities and Local Government grants permission to develop land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
2. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

NOTES

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

Authorised Officer: _____



Date:

29 February 2016



NORTH WARWICKSHIRE
BOROUGH COUNCIL

APPROVED
29/02/2016

UNDER THE PROVISIONS OF
THE TOWN & COUNTRY PLANNING ACTS

**SUBJECT TO CONDITIONS
ON NOTICE**

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED
22/07/2015

PLANNING & DEVELOPMENT
DIVISION

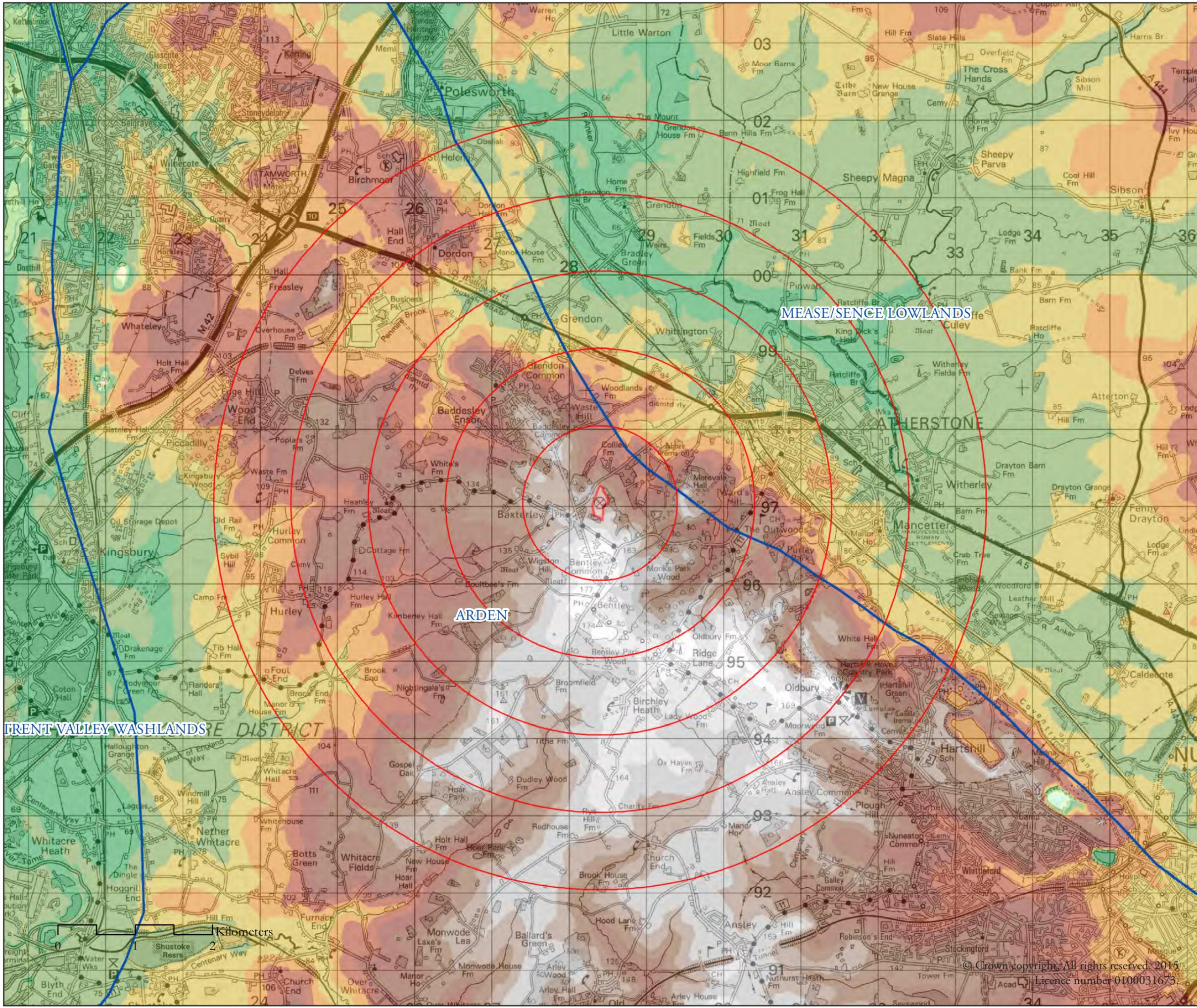
Drawing No:	1263.b/D002
Revision:	V.b
Date:	26 June 2015
Project:	Magazine Field
Drawing Title:	Location Plan
Scale:	1:2,500 @ A1

aardvark
environment matters

Aardvark EM Limited
Higher Ford Wivelscombe
Taunton Somerset TA4 2RL
Tel: 01984 624989
Fax: 01984 623912
environment@aaardvarkem.co.uk
www.aardvarkem.co.uk

Key:

 Application Boundary



Legend:

-  Site (indicative)
 -  Site centre (indicative)
 -  1km bands from site centre
 -  National Character Areas
- Elevation AOD metres
-  27.1 - 30
 -  30.1 - 40
 -  40.1 - 50
 -  50.1 - 60
 -  60.1 - 70
 -  70.1 - 80
 -  80.1 - 90
 -  90.1 - 100
 -  100.1 - 110
 -  110.1 - 120
 -  120.1 - 130
 -  130.1 - 140
 -  140.1 - 150
 -  150.1 - 160
 -  160.1 - 170
 -  170.1 - 180

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED

22/07/2015

PLANNING & DEVELOPMENT
DIVISION

Project: Land at Magazine Field, Merevale

Title: Figure 1: Topography and NCAs

Date: June 2015

Ref: 1191/01

Scale: 1:45,000 at A3



Pogmore Spinney

Track

Pond

NORTH WARWICKSHIRE
BOROUGH COUNCIL
APPROVED
29/02/2016
UNDER THE PROVISIONS OF
THE TOWN & COUNTRY PLANNING ACTS
**SUBJECT TO CONDITIONS
ON NOTICE**

Drawing No:	1263.b/D001
Revision:	V.c
Date:	09 July 2015
Project:	Magazine Field
Drawing Title:	Indicative Site Plan
Scale:	1:1,000 @ A2



aardvark
environment matters

Aardvark EM Limited
Higher Ford Wiveliscombe
Taunton Somerset TA4 2RL
Tel: 01984 624889
Fax: 01984 623912
environment@aardvarkem.co.uk
www.aardvarkem.co.uk

Key:

	Application Boundary
	Inverter Transformer Building
	Private Substation Building
	GRP Enclosure (DNO building)
	Solar PV array
	5m Ecological Exclusion Zone
	Storage container
	Fence
	Proposed Internal Access Track
	Gate
	New Hedgerow
	Customer Room
	Control Building
	Swales

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
22/07/2015
**PLANNING & DEVELOPMENT
DIVISION**

(7) Application No: PAP/2015/0459

Land South of Pogmore Spinney, Merevale Lane, Merevale,

Standalone solar PV array, access, associated infrastructure, landscaping and cable route, for

Murex Solar Ltd

Introduction

The receipt of this application was reported to the last meeting of the Board and it resolved to visit the site prior to making a determination. That visit has now taken place and the matter is referred back to the Board for determination.

For convenience the previous report is attached at Appendix A. No further changes have been made to the proposal since it was submitted and the planning policy background has also not changed. That report describes the site and the proposal and so those matters will not be repeated here.

The plans and photographs attached to Appendix A will be displayed at the meeting.

Representations

Atherstone Civic Society - The Society objects because of the visual impact on an historic landscape and the cumulative impact with the major industrial developments on the former colliery site and its shale tip – the car distribution depot and the AD plant. The Society describes the proposal as a “brutal engineering solution without any aesthetic consideration with the only palliative being suggested that it is partially out of sight and masked by some hedgerows and trees”. The objection covers the impact on open countryside; the impact on heritage assets, the nature of the associated infrastructure, the cumulative impact, energy and financial considerations and reference to best practice. The full objection letter is attached at Appendix B.

Atherstone Town Council - The Council supports the objection of the Civic Society

One representation has been received from an Atherstone resident pointing out that the submitted photographs were taken in the summer months when vegetation is in full leaf, and that the view from Twenty One Oaks should not be lost.

All households in Baxterley village were notified of the application as well as the Baxterley Parish Council. There have been no responses received.

Consultations

Severn Trent Water Ltd – No comments to make

Warwickshire County Council as Highway Authority – Originally submitted an objection because of concerns about highway safety in the construction period. Additional survey work has been requested and carried out. This is now with the County Council and a further response is awaited.

Warwickshire County Council as Lead Local Flood Authority – No objection subject to conditions.

Birmingham Airport – No objection

Environmental Health Officer – No objection

Observations

a) Planning Policy

The site is not in the Green Belt.

Planning policy in respect of renewable energy projects is found in the Development Plan and in the NPPF. The NPPF supports the “transition to a low carbon future” and the “encouragement of the use of renewable resources” as guiding principles. It also says that “small scale projects provide a valuable contribution to cutting greenhouse emissions”. The NPPF therefore concludes that Local Planning Authorities should have a positive strategy to promote energy from renewable sources and “approve applications if their impacts are or can be made acceptable”. The relevant policy in the Core Strategy is NW11 which says that, “renewable energy projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. In particular they will be assessed on their individual and cumulative impact on landscape quality, sites or features of natural importance, sites or buildings of historic or cultural importance, residential amenity and the local economy”. This reflects the approach of the NPPF where it says that, “when determining applications local planning authorities should approve the application if its impacts are acceptable” unless material considerations indicate otherwise. The Government’s NPPG on renewable energy projects again reflects this approach. In general terms this reiterates the commitment to increasing the amount of energy from renewable technologies. In respect of solar farms the guidance identifies a number of factors which will need to be assessed. These include whether the land is greenfield or brownfield; the agricultural grading of the land, bio-diversity impacts, the effect of glint and glare, the need for additional infrastructure, the visual impact, the effect on landscape character together with the impacts on heritage assets.

The common theme running through these documents is that the presumption is in favour of the grant of planning permission unless the impacts are so great that they cannot be mitigated or made acceptable through amended plans or planning conditions. This therefore is the starting point for the assessment of this application.

It is proposed to deal with all of the matters raised in the NPPG. The most significant matters in respect of this particular case are those relating to visual impacts; to the impact on landscape character and thirdly on heritage assets. Before addressing these, a number of the other matters will be dealt with first.

b) Residential Amenity

It is considered that there will be no adverse impact on the amenity that nearby residential occupiers might reasonably enjoy. This is because there is no residential property directly overlooking the site. Part of the site will be visible from the upper floors of Bentley Nursing Home in Twenty One Oaks but the impact is limited and will be mitigated by the proposed peripheral planting on that part of the site boundary which is the most visible from this property. Moreover the area of the site affected is very small

and when considered in the very wide panorama from this property, it is concluded that this is not a significant issue. The lack of any representation from residents in Baxterley, surrounding dwellings or indeed from the proprietors of the Nursing Home, support this conclusion. As such it is considered that there is no material harm arising in respect of this issue.

c) Agricultural Land

It is agreed with the evidence of the applicant that this land is Grade 3b and that part of the site at its northern end is probably at a lower value than that. As such there is no material harm arising from consideration of this particular issue. The land will also be put to pasture thus enabling some agricultural use. Members will also be aware that the proposal is reversible and time limited to some 25 years.

d) Drainage

Given the advice of the Local Lead Flooding Authority there is no objection here in principle. The condition recommended will require a sustainable drainage solution to be designed and agreed. This is in line with the applicant's intentions. Given the slope of the land; the peripheral safeguarded boundary and the spaces between the panels, there are many opportunities here to provide such a solution.

e) Bio-Diversity

There is no evidence submitted in rebuttal of the conclusions found in the applicant's own ecological survey which recommends that there is a good opportunity here to enhance bio-diversity within and around the site – the peripheral zones; the new hedgerows and trees and the introduction of pasture. Suitable conditions can protect the management of existing flora and fauna. There is no material adverse impact here to warrant a refusal.

f) Construction

The Environmental Health Officer has not raised any issues in respect of the construction management plan as set out in Appendix A. This was to be expected given the temporary nature of the construction period (12 to 15 weeks) and the fact that there are very few if any affected residential properties.

g) Access Arrangements

The Highway Authority has no concerns with the use when it is operational as traffic movements are likely to be no more or possibly less than existing agricultural traffic generation using the field gate access. The Authority's main concern is thus with the construction period because of the larger and slower vehicles using the access and its location particularly in respect of visibility to the north where there is the crest of the hill. Additional survey work has been undertaken at the request of the Highway Authority as mentioned above – speed surveys in particular. Subject to the Highway Authority's clearance it is considered that there is likely to be no objection subject to the usual conditions.

h) Visual and Landscape Impacts

The applicant's evidence concludes that the development would introduce a modern low-level engineered element into a well wooded semi-enclosed farmland landscape but without any significant change to the character of the landscape or visual impact. This conclusion needs to be assessed as members are fully aware of the significant landscape value of this part of the Borough.

This value arises from the topography of the area being located on the top of a substantial scarp slope overlooking very wide and far panoramas. The North Warwickshire Landscape Character Guidelines show that the site is in an area described as the "Baddesley to Hartshill Uplands". It defines a distinct and unified upland landscape on a steeply sloping and undulating rock scarp. It has a complex land use pattern of settlements; woodland, recreation, quarrying and associated industry and farmland. The landform too gives rise to characteristic heavily wooded areas, heath and pockets of permanent pasture in small hedged fields as well as isolated large arable fields between woodland blocks. Settlements and industry are generally absorbed by the prevailing upland character. Long views from highpoints are significant.

The definition also describes a relatively undisturbed heavily wooded landscape around Merevale Hall which has a "strong sense of unity".

The characteristics of the proposal limit its harm on the character of the landscape as set out above. This is because it is low-level containing linear elements which will have a dark matt colouring and because it is time limited. The development is reversible. The selected site also has real advantages. It is surrounded by heavy woodland and is thus within an enclosed or contained setting. It is in a field that is not on the crest of the scarp or readily visible from the north and itself is an undulating field. It therefore "sits" very well in the surrounding landscape. It is not considered that it would adversely affect the overall character of the landscape as described. It is sited in a sensitive area but the actual development would be absorbed into the landscape without material harm to that landscape.

In terms of visual impact then as indicated it would not be readily visible from the north, even several kilometres away; it would not be visible from Merevale Lane and there are no public footpaths across or in the vicinity of the site or its surrounding area. Visual impact is limited to partial views of the site from Twenty One Oaks to the south and south-east. However these are transitory and glimpsed views. They are proposed to be mitigated through hedgerow and tree planting along the site's boundaries in this corner of the development such that the site would become self-contained. Importantly the development would not be seen as a foreground feature from this road within the wide panoramic views to the north, which is perhaps the most substantial of the likely concerns. It is agreed that this particular corner of the site is presently visible from the upper floors of Bentley House but again, the mitigation measures proposed will greatly assist in lessening adverse impacts.

In conclusion therefore it is not considered that there are adverse landscape or visual impacts here to warrant there being more than minor harm.

i) Heritage Impacts

This again is a significant concern. As reported in Appendix A there are three Grade 1; nine Grade 2 star and 27 Grade 2 Listed Buildings within five kilometres of the site. In addition Merevale Park is a Registered Park and there are eight scheduled monuments within the same five kilometres.

It is concluded immediately that there is no adverse impact or harm to the setting of the Atherstone Conservation Area given the separation distances and the lack of any inter-visibility.

There is also considered to be no harm to any of the Scheduled Ancient Monument Sites given the separation distances. However given that there has little archaeological fieldwork undertaken in the general area of the site and because of its proximity to the Watling Street and the 12th Century Cistercian Monastery at Merevale Abbey, the development enables archaeology fieldwork to be undertaken prior to the development commencing.

An assessment has been made by the applicant of each of the Listed Buildings referred to earlier. This involves a description of each; its landscape context and presence, its setting, views of the building and the sensitivity of the asset concluding with an assessment of the magnitude of the impact of the proposed development on the setting and significance of the asset. Of these individual assessments, none has resulted in in any impact greater than minor to moderate. This occurred in only two cases – that of the Grade 2 star Merevale Hall and the Registered Park/Garden of the Hall. All other impacts were found to be neutral or negligible because of separation distances and lack of inter-visibility or historic and architectural association or linkage. These assessments have been explored and there is nothing found to warrant any different conclusions.

Clearly the two assessments referred to above need to be examined further particularly as NPPF guidance is that harm to heritage assets has to be given substantial weight in the determination of development proposals reflecting the relevant planning legislation. The significance of Merevale Hall is as a country house with late 17th Century origins but which was rebuilt in the late 19th Century of regional architectural and historic value located on a site with a long history and within an associated garden/park/estate built in an Elizabethan style which has been preserved and well maintained together with an associated stable block. It is set in a landscaped wooded estate framed by formal gardens and standing in a hill top location with commanding views, thus being visually dominant. Given this description the Hall is sensitive to any change or interruption where focus is removed from the building itself.

The issue is thus what impact the proposal would have on this description. The applicant considers that the site may be visible from the upper floors of the Hall but that the site and development will be screened from the gardens, grounds and stables as well as the lower floors. As such there would only be minor impacts. This is agreed. The development's characteristics are helpful as to assessing the impact of the proposal on wider views looking from outside of the immediate area around the Hall, into the Hall itself. The question as set out in the final sentence above, is would the visual prominence of the Hall be diluted or lessened by the development because the eye would be drawn away from the Hall? The development is low-level with dark matt colouring and the site is surrounded by woodland blocks with new planting proposed. It is considered that the proposal would have no significant impact on this issue but that there may be some visual distraction from more distant views. However this would not be significant and thus the applicant's assessment is agreed.

It will not be surprising that the gardens and parkland of the Hall are registered by Historic England as a heritage asset. This is a 185 hectare asset containing ten hectares of gardens with the remainder as parkland. It extends to the Watling Street, the B4116 and Merevale Lane. The parkland is recognisable as such with sweeping pasture and mature trees which make a visible landscape presence but not one dominant in the landscape. The development site is outside of the Registered Park and Garden area being in the surrounding farmland. The parkland itself is very sensitive to changes or additions – views across parkland; to and from the Hall and views of post-medieval parkland and medieval monastic landscapes. The impact of the proposal on this significant asset will thus be highly important. The features of the development itself as set out previously are important factors here as are the surrounding woodland blocks. There is no impact on any of key views or vistas although the site may be visible as before over the parkland from the upper floors of the Hall and from some other locations within the park itself. The Council's saved policy ENV16 says that developments adjoining registered parks will not be permitted if they adversely affect the character and setting of the area. In these circumstances set out above, it is considered that the overall impact on the significance of the parkland asset is minor to moderate and thus there would be no adverse impact to warrant a refusal under this saved policy.

The overall conclusion therefore is that there will be impacts on the totality of the heritage assets within the area around the site but that at worst these would be minor to moderate.

Members however are also asked to consider any cumulative impacts arising from this proposal. There is only the one other solar farm at Grendon some five kilometres from the site and there are no other outstanding planning applications for such developments. It is not considered that there would be a cumulative impact here given the separation distances and the fact that the two sites are largely not inter-visible. As indicated above the south east corner of the present site will be planted and landscaped so that the development would not be seen in the foreground of any wider views looking north and the site is very largely not seen from the north looking south because of its location over the crest of the slope and the surrounding woodland blocks. There is however an issue with the other commercial uses nearby – the former colliery site and the former shale tip. These two sites are close by and are significant developments. However they are on sites that are very largely contained. The AD plant on the former shale tip is hardly visible at all from any public viewpoint and the colliery site too is surrounded by existing woodland. Members have visited both of these sites in the past and should thus be fully aware of this conclusion. The application site too as described above is self-contained. Each development is thus absorbed into the landscape with no adverse alteration to its overall character and appearance.

j) Other Matters

Birmingham Airport has not come back with any objection.

The report at Appendix A outlines the community consultation that the applicant carried out prior to submission of the application. This concluded that community benefit should preferably be in the form of a "fuel poverty" scheme for local residents. The applicant proposes to set up a Charitable Trust which would administer local projects including community projects and a local fuel poverty scheme. This would amount to £1000 a year (index linked) over the lifetime of the project. This is considered to be a benefit that weighs in favour of the application.

The Civic Society has raised the issue of a deferral asking the applicant and land owner to review the application in light of recent Government announcements on reductions of tariffs for ground based solar farms and that it is keen to give priority to brownfield land and to roof coverage rather than to sites in open countryside. Members will be aware that the application has been submitted and should be determined on its planning merits as it stands now. The government announcement has not been translated into changes to the National Planning Practice Guidance.

Conclusion

The key issue here is whether the support for renewable energy projects as set out in the NPPF and the Development Plan should be set aside here because greater weight should be given to the retention of the landscape character and quality together with the significance of the heritage assets in the locality. It is agreed that the sensitivity of the site in regard to these two factors is high and that particular weight has to be given to any assessment where there is harm to heritage assets. As a consequence the judgement here is finely balanced.

Whilst the Board will need to address all impacts here, it is worth recording that it is not considered that there is significant harm arising from drainage, amenity, ecological, agricultural and construction issues either individually or when added together. The highway situation is still to be resolved. No statutory objections have been received and it is noticeable that the only objection received has a different focus entirely. The issues raised by the various consultation responses can be dealt with through planning conditions.

This therefore brings the matter back to the two key issues. There is no doubt that this is a valued landscape both at a local level but perhaps more so because of the panoramas both into and out of this upland scarp. The characteristics of the development and its actual immediate setting here are of significant weight in that the proposal is very largely a self-contained site. Whilst the Civic Society dismisses additional planting so as to enhance that self-containment, it is considered that this is a significant mitigation measure and one that is of overall benefit. These measures affect the south –east corner of the site. Had such measures been proposed over a far wider area of the site then the conclusion here may well have been different. The planting too significantly reduces the visual impact of the development being a foreground feature when views are taken looking north. There are two nearby sites that contain industrial uses but again because of the visual self-containment of these there is not considered to be any significant cumulative impact. In the case of the application site and that of the AD plant then they are not readily visible from the public's perspective and it is considered that all three would not therefore be perceived together from a visual point of view. Overall the conclusion is that with these measures there would only be minor harm to visual and to landscape character.

The heritage issue here is also of weight because of the combination of the potential impacts on a Grade 2 star Listed Building and its associated Registered Parkland. It is considered that the harm to the Listed Hall is minor because of separation distances and intervening woodland. Importantly the visual prominence of the Hall within its setting would not be harmed either when looking into the Hall from outside from different positions around it or when overlooking the Hall from the higher ground to the south when looking towards the north. Given this conclusion and that in respect of the visual and landscape impacts, it is not considered that there would be harm to the setting or significance of the associated parkland. The parkland can be seen in its wider setting because of views into the Hall and across it. Also there is the more local impact from

within the grounds itself either looking within or out of the site. There is not considered to be any significant harm to either of these concerns.

As a consequence it is concluded that the actual harm to these issues would be minor, particularly with the additional mitigation measures as proposed. In these circumstances the balance should lie in favour of the grant of planning permission.

The proposed community trust is a material consideration here but it is not seen a determining factor of significant weight. The recommendation below allows for it to be established.

Recommendation

That subject to there being no objection from the Highway Authority and completion of a Section 106 Agreement to establish the Community Trust as outlined in this report, planning permission be granted subject to the following conditions and any conditions required by the Highway Authority:

Standard Conditions

1. Standard Three year condition
2. Standard Plan Numbers - 1263.b/D001; 002, 003, 004, 005, 006, 008, 009, 010, 011, 012, 014, 015 and 016 all received on 22/7/15.

Controlling Condition

3. This planning permission is for a period of twenty five years from the date that the development is first connected to the national electricity grid. The date of this connection shall be notified to the Local Planning Authority in writing within 28 days of it occurring. All solar arrays, their supports foundations, inverters, transformer stations, site substations, access tracks, fencing and security cameras and their supports shall be removed from the site and the land reinstated to its former arable condition within twelve months of the solar park ceasing to be operational.

REASON

To reflect the temporary nature of the development and ensure appropriate reinstatement of the site.

Pre-Commencement Conditions

4. No development shall commence on site until an archaeological investigation has first taken place; the contents submitted to the Local Planning Authority and the

written agreement of that Authority given that the development as approved may proceed.

REASON

In the interests of the potential archaeological interest in the land.

5. No development shall commence on site until a detailed surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and geo-hydrological context of the development together with details of how the system will be maintained in perpetuity over the length of the operation have all first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

To reduce the risk of flooding and to protect water quality

6. No development shall commence on site until full details of all of the landscaping measures to be undertaken have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

7. No development shall commence on site until full details of the measures to be implemented on site to protect existing flora and fauna and to enhance biodiversity throughout the lifetime of then development, have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests to promoting the ecological value of the site.

Other Conditions

8. There shall be no construction work whatsoever undertaken including any delivery to the site of construction materials other than between 0730 and 1930

hours during weekdays and between 0730 and 1200 hours on Saturdays with no work on Sundays and Bank Holidays

REASON

In the interests of the residential amenity of nearby residents

9. Following the commencement of the operational use of the site, the whole of the construction compound shall be permanently removed and the site fully reinstated for agricultural purposes.

REASON

In the interests of the visual amenities of the area.

Notes:

1. The Local Planning Authority has met the requirements of the NPPF in this case by engaging in pre-application discussions and following through the planning issues with detailed analysis and imposing appropriate conditions.
2. Attention is drawn to the advice of the Local Lead Flooding Authority that the strategy as set out in the submitted plans needs to be revised to provide more surface water attenuation. For instance in other cases, the excavated spoil from the construction of the swale has been placed on the downslope of the swale so as to provide additional attenuation storage and once the site is decommissioned the excavated material can simply be brought forward to fill the swale.
3. Standard Radon Gas Note
4. Standard Coalfield Standing Advice Note

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0459

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	22/7/15
2	A Whyman	Representation	11/8/15
3	Atherstone Civic Society	Objection	14/8/15
4	Birmingham Airport	Consultation	17/8/15
5	WCC Highways	Consultation	18/8/15
6	Severn Trent Water	Consultation	19/8/15
7	Atherstone Town Council	Objection	20/8/15
8	Environmental Health Officer	Consultation	2/9/15
9	WCC Flooding	Consultation	5/8/15
10	Applicant	Letter	11/9/15
11	Applicant	E-mail	23/9/15

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

General Development Applications

(#) Application No: PAP/2015/0459

Land South of Pogmore Spinney, Merevale Lane, Merevale,

Standalone solar PV array, access, associated infrastructure, landscaping and cable route, for

Murex Solar Ltd

Introduction

This application has recently been received and is reported at this time for information. Given the location and size of the proposal it is recommended below that Members undertake a site visit prior to determination.

The Site

This amounts to some 5.2 hectares of arable agricultural land on the east side of Merevale Lane and to the north of Twenty One Oaks. The immediate surrounding area comprises blocks of woodland and other agricultural land. Whilst on the high scarp running parallel to the A5, the actual site itself slopes towards the south with a height difference of around 10 metres. The nearest residential property is located at the junction of Merevale Lane with the Coleshill Road – some 130 metres distant; Colliery Farm to the north at 350 metres and the Bentley House Care Home to the south at 400 metres. Merevale Hall is over a kilometre to the north-east. There are no public rights of way across or near to the site.

The general site is illustrated at Appendix A.

The Proposals

The proposal comprises a 5MW photovoltaic solar array with its associated infrastructure, landscaping and cable route to enable the export or renewable energy to the National Grid – sufficient it is said for consumption by around 1000 dwellings. It is not proposed to conduct any levelling works as the arrays will be able to be fitted directly into existing ground levels such that they face south. The rows of panels would be 3.5 metres apart and vary from 0.8 metres to 2.5 metres in height above ground level with an angle of around 25 degrees. The panels would be a matt blue-grey in colour.

The arrays would be connected via an underground cable to the National Grid on the 33Kv line to the north-west. The onsite sub-station would be located on the west side of the site close to the access. It would be 9.2 by 5.8 metres and 4.2 metres tall and constructed in colour coated steel. An associated car park would be needed together with a collection of other buildings.

There will also be a collection of inverter stations throughout the array. These would be metal clad buildings measuring 6.6 by 2.8 metres and be 2.3 metres tall.

A security fence and CCTV cameras are proposed. This would be 2.5 metres tall and be similar to deer fencing which is made of a high tensile steel mesh. CCTV cameras would be located every 60 to 70 metres around the perimeter on 4.5 high metre poles.

Access to the site for construction and maintenance once installed would be via an improved existing field gate on Merevale Lane. Construction is expected to take between 12 and 15 weeks, seven days a week, with a maximum of between 18 to 20 HGV movements a day particularly at the beginning of that period.

In this case a full planning permission is sought rather than a time limited one usually 25 years.

The developer proposes to set up a Solar Charitable Trust for the duration of the operational period of the solar array. This would be for use by the local community either for community projects or for a local residents' fuel poverty scheme. No decision has yet been made or terms of reference drawn up.

Plans at Appendices B to D illustrate the matters referred to above.

A number of supporting documents accompany the application.

A Design and Access Statement describes the appearance of the various pieces of plant, equipment and structures to be installed as well as summarising operations.

An Agricultural Appraisal describes the setting and the work done in investigating the nature of the soils across the site also looking at cropping and field conditions. It concludes that the site can be classified as Grade 3B agricultural land – e.g. “land capable of producing moderate yields of a narrow range of crops principally cereals and grass, or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year”.

An Ecological Survey describes the site as an enclosure bordered by conifer and broadleaved woodland and a species rich hedgerow. A number of recommendations are made: all boundaries need to be protected during the construction period, further badger surveys are needed but the current level of activity is not a constraint, bats may use the woodland to the east and so if these trees are to be managed further survey work is needed and all construction work should be carried out between September and February to avoid the nesting bird season. The site has good potential for bio-diversity enhancement and an appropriate plan should be drawn up.

A Flood Risk Assessment shows the site to be in a low risk area for fluvial flooding. There is a low risk of surface water flooding from the PV array but the sustainable drainage system involving the use of swales running across the slope at regular intervals is supported.

A Construction Management Plan says that the construction period would last between 12 and 15 weeks. Whilst 24/7 working is suggested there would be no deliveries on Sundays as HGV movements would operate between 0730 and 1930 during the week, with hours of 0730 to 1200 on Saturdays.. All construction traffic would use Merevale Lane and the A5. The temporary site compound would be within located in the field between the actual site and Merevale Lane adjacent to the access. The majority of the HGV movements (15 to 20 a day) would be in the first 10 weeks of the overall programme.

A Statement of Community Involvement states that apart from pre-application discussions with various Agencies, the applicant undertook a “mail-shot” to residential properties within 2 kilometres of the site as well as to Baxterley Parish Council including a response sheet. The responses are said to be supportive and there was a majority of respondents saying that any community benefit should go towards a local residents’ fuel poverty scheme.

A Heritage Impact Assessment says that the site is on the edge of the Merevale Park Estate, historically part of a 12th Century Cistercian Monastery. Very little archaeological fieldwork has been undertaken but due to the proximity of the Watling Street; the former Monastery and the medieval activity in the area, the opportunity should be taken to carry out some field work here. There are three Grade 1 and nine Grade 2 star Listed Buildings including a Registered Park within 5km of the site together with a further 27 Grade 2 Buildings and eight Scheduled Ancient Monuments. The Assessment concludes that most of these assets are located some distance away from the site so as to minimise any impact on their settings or indeed on their actual architectural and historic characteristics either individually or cumulatively. Additionally intervening topography and woodland suggests that they would be partly or wholly insulated from the effects of the proposed solar array. The overall conclusion is that only six assets or groups of assets would be affected, but that the level of harm overall would be negative/minor – there being negative or minor harm to Merevale Abbey, Oldbury Camp, The Gate House and the remains of Merevale Abbey but with negative/moderate harm to Merevale Hall and is registered parkland.

A Landscape and Visual Impact Assessment concludes that the development would introduce a modern low-level engineered element into a well wooded semi-enclosed farmland landscape. As the development would contain linear elements, the proposal would relate well to the undulating terrain and the land cover pattern. Landscape character effects would occur primarily within the 0.2 to 0.3 km distance from the site principally focused to the south/south-east. No views would be available from the principal settlements in the area. There would be some localised visual impacts during construction particularly from the upper floors of Bentley House. There are no public footpaths in the area and views from the highway network would be very limited but these at worst would be transitory glimpses. Overall the Assessment concludes that the development would be accommodated within the existing landscape structure but that there would be very limited views of it from publically accessible locations or from private dwellings. These would be reduced by on-site planting and strengthening of hedgerows.

A Planning Policy Statement sets out the planning policy background referring to the National Planning Policy Framework; the 2014 Core Strategy, the saved policies of the 2006 Local Plan and to the National Planning Practice Guidance. Other Material Planning Considerations relevant to solar arrays is referred to. The Statement concludes that the development accords with this policy background.

Appendices E to H are photographs of the actual site from just inside the access track. Appendix I illustrates the site from Twenty One Oaks.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW10 (Development Considerations), NW11 (Renewable Energy), NW12 (Quality of Development), NW13 (Natural Environment) and NW14 (Historic Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution); Core Policy 3 (Natural and Historic Environment), Core Policy 11 (Quality of Development), ENV1 (Protection and Enhancement of Natural Landscape), ENV10 (Energy Generation), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation) and ENV16 (Listed Buildings)

Other Material Planning Considerations

The National Planning Policy Framework 2012

National Planning Practice Guidance 2014

Planning Guidance for the Development of Large Scale Ground Mounted Solar PV Systems – BRE

Solar Farm – 10 Commitments: Solar Trade Association.

Observations

At this stage this report is for information so as to acquaint Members with the recently submitted application. A full determination report will be prepared in due course once full consultation has taken place with a number of relevant Agencies and the local community.

Perhaps the key issues when dealing with the application will be to assess the visual impact and the impacts on the character of the surrounding landscape. As in previous cases it is recommended that Members visit the site and its surrounds.

Recommendation

That Members note the receipt of the application and undertake a site visit prior to determination.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

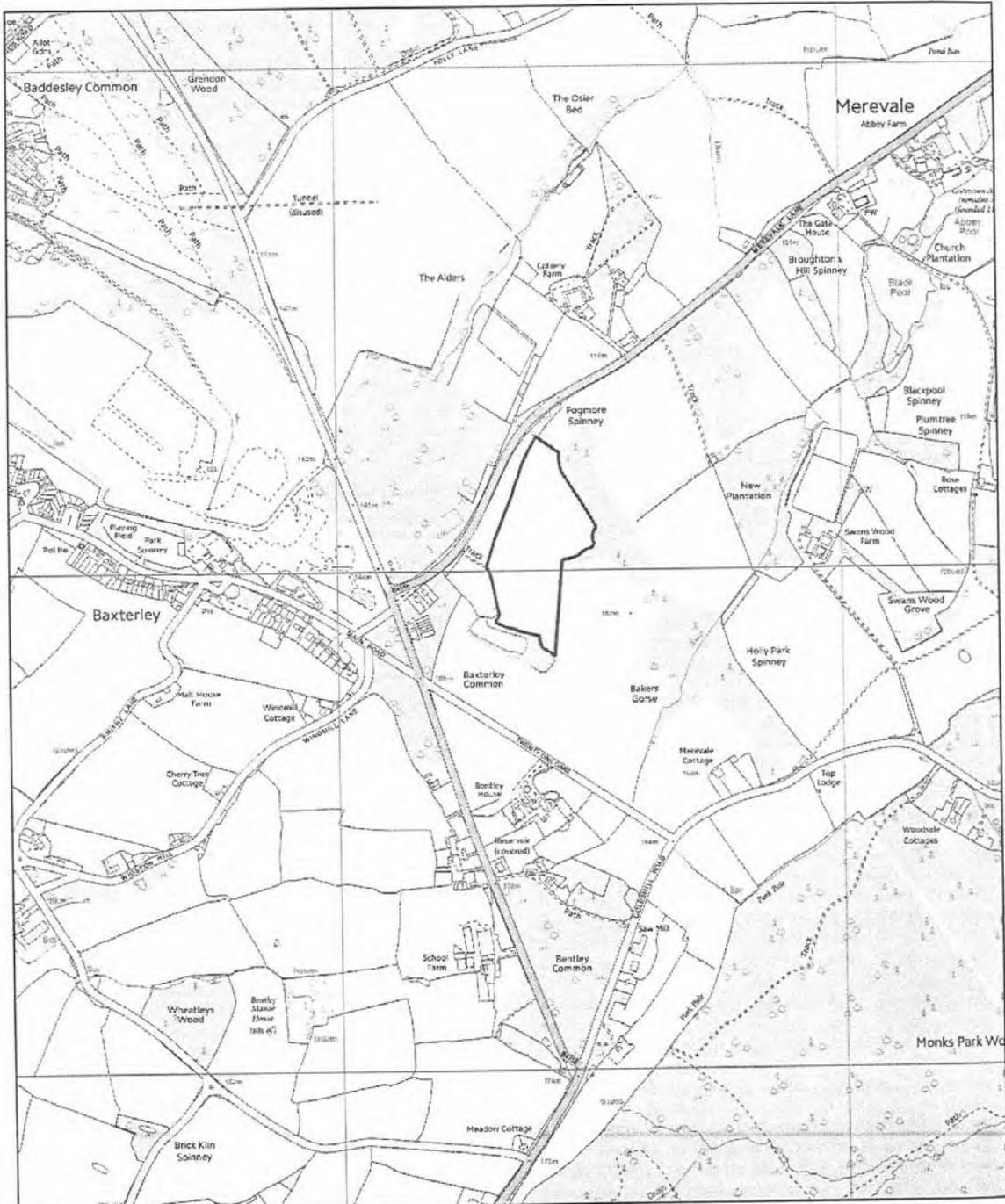
Planning Application No: PAP/2015/0459

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	22/7/15

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

MUREX - LAND AT MEREVALE LANE SOLAR SITE PROPOSED LOCATION

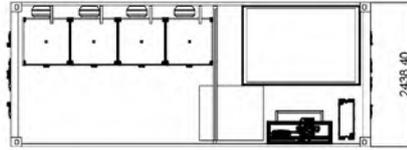
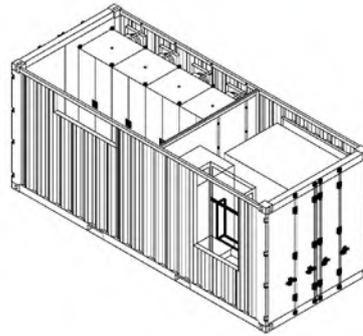


N
1:10,000
0 125 250 500 Meters
Legend
— Site Boundary

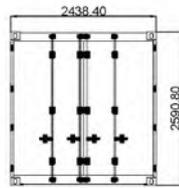
Ordnance Survey Crown Copyright 2012. All rights reserved. Licence number 100020449



LATERAL



PLAN



FRONT

Drawing No:	1263.bv004
Revision:	v.1
Date:	15 June 2015
Project:	Magazine Field
Drawing Title:	North Warrishiers Borough Council, Division and
Scale:	1:50 @ A3



- Notes:**
- Building colour RAL 6005
 - Building will be mounted on a 500mm foundation

NORTH WARRIERSHIER
BOROUGH COUNCIL
RECEIVED
22/07/2015
PLANNING & DEVELOPMENT
DIVISION

For details of the Council's Environmental Information Policy, please refer to the Council's website: www.northwarrishiersboroughcouncil.gov.uk

Appendix E

PAP/2015/0459



Existing View
 < continued on previous page



Grid reference: 428307 297003
 Location: South-western site boundary
 Camera and lens: Canon 5Diii/50mm
 Viewer height: 1.6m
 Viewing distance: 300mm
 Angle of view: 60°
 Date: 3 June 2015
 Time: 1:00 p.m.
 Weather: Fine

Project: Land at Magazine Field, Merevale
 Title: Viewpoint 1: South-western site boundary looking south-east
 Ref: 1190/06.01 sheet 4 of 4

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED
22/07/2015
PLANNING & DEVELOPMENT DIVISION

landscapevisual
 Landscape Architecture
 Tel: +44(0)1825 289 589
 www.landscapevisual.com

PAP/2015/0459



Existing view

< continued on previous page

continued on next page >



Grid reference: 428307 297003
 Location: South-western site boundary
 Camera and lens: Canon 5Diii/50mm
 Viewer height: 1.6m
 Viewing distance: 300mm
 Angle of view: 60°
 Date: 3 June 2015
 Time: 1:00 p.m.
 Weather: Fine

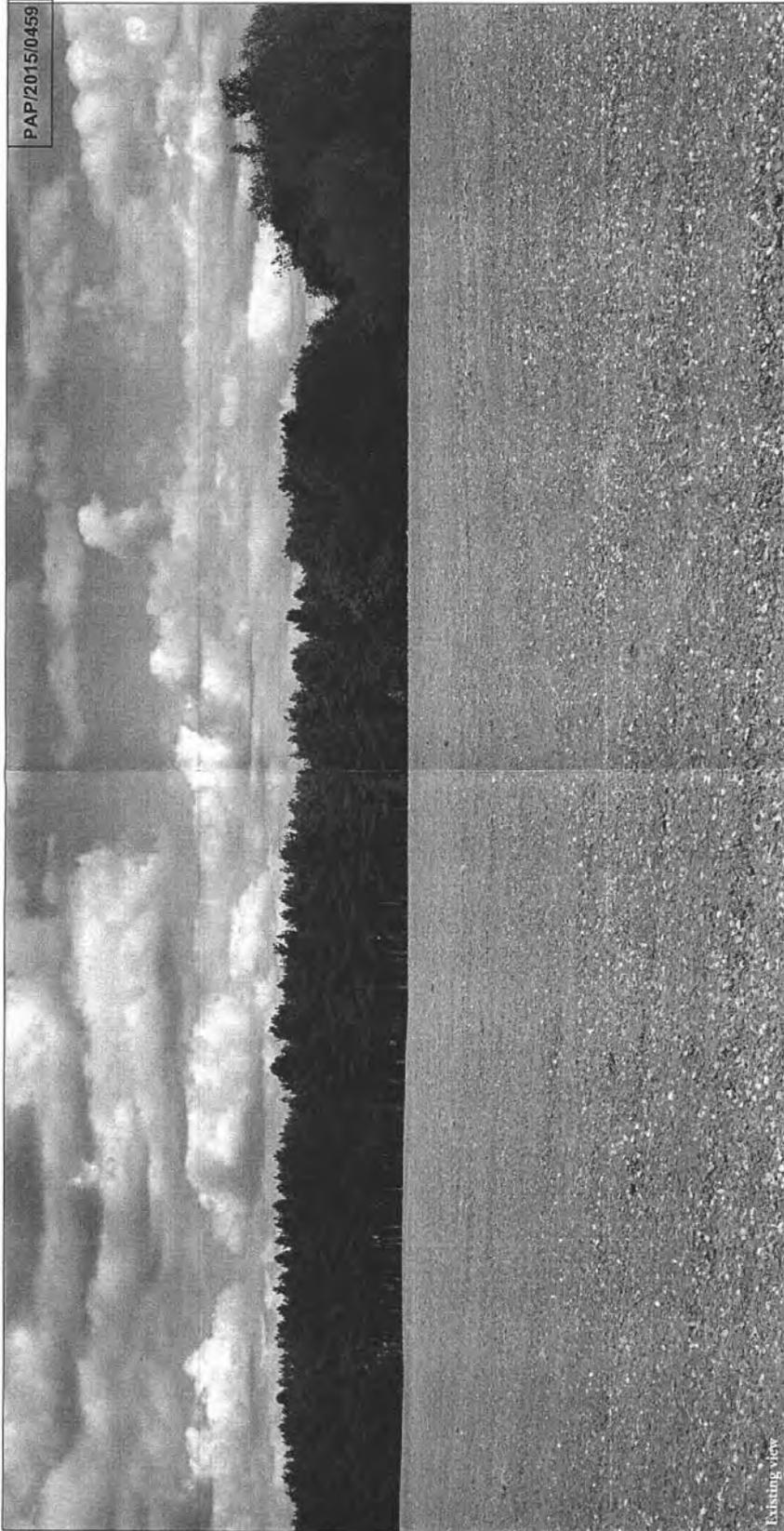
NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED
22/07/2015
PLANNING & DEVELOPMENT DIVISION

Project: Land at Magraire Field, Merevale
 Title: Viewpoint 1: South-western site boundary looking east
 Ref: 1190/06.01 sheet 3 of 4

 **Landscape VISUAL**
 Landscape Architecture
 Tel: +44(0)1825 280 580
 www.landscapevisual.com

Appendix F

PAP/2015/0459



Existing view

< continued on previous page

continued on next page >



Grid reference: 428307 297003
 Location: South-western site boundary
 Camera and lens: Canon 5Diii/50mm
 Viewer height: 1.6m
 Viewing distance: 300m
 Angle of view: 60°
 Date: 3 June 2015
 Time: 1:00 p.m.
 Weather: Fine

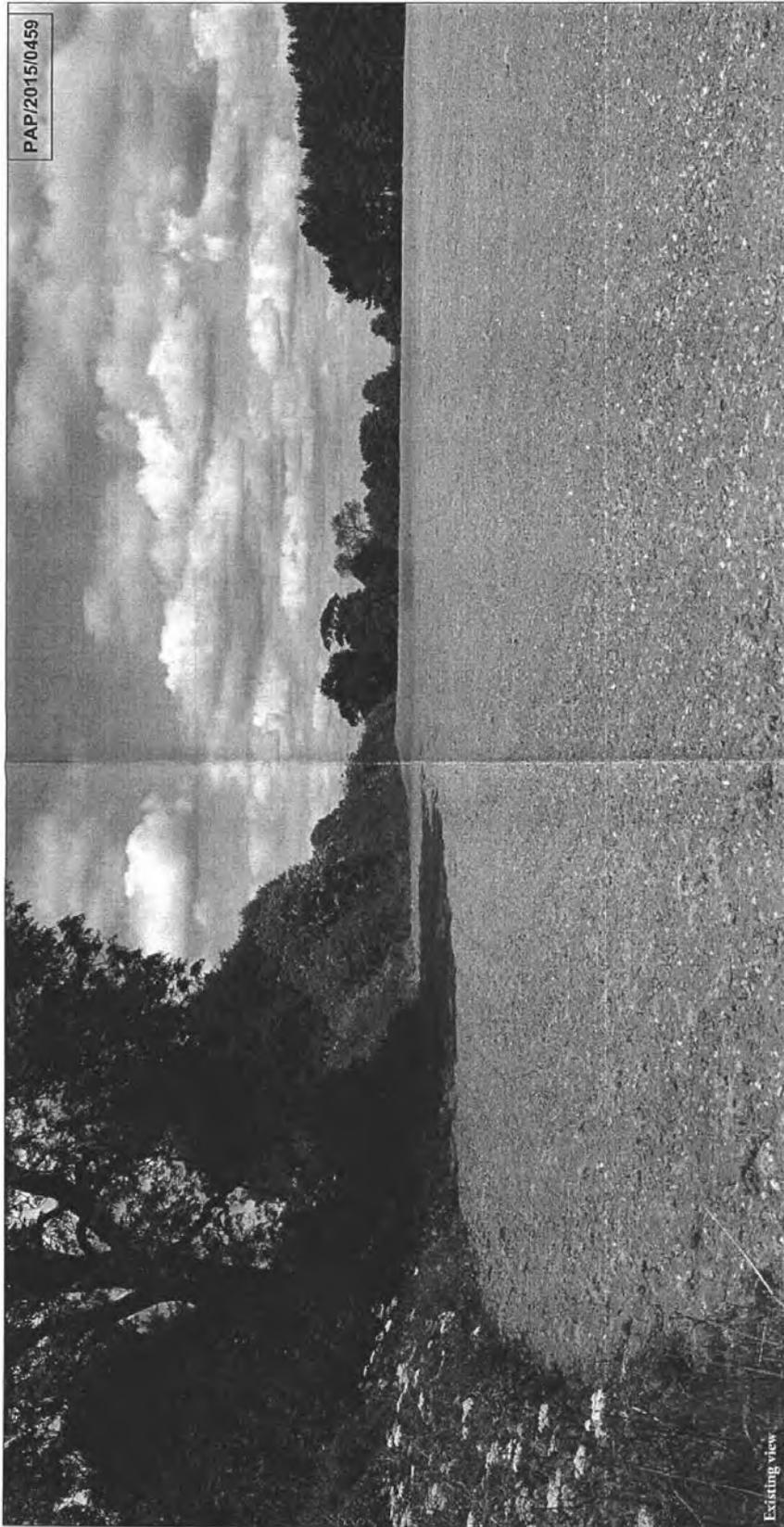
NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 22/07/2015
PLANNING & DEVELOPMENT DIVISION

Project: Land at Magazine Field, Merevale
 Title: Viewpoint 1: South-western site boundary looking north-east
 Ref: 1190/06.01 sheet 2 of 4

landscapeVISUAL
 Landscape Architecture
 Tel: +44(0)1825 280 580
 www.landscapevisual.com

APPENDIX G

PAP/2015/0459



continued on next page >

APPENDIX H

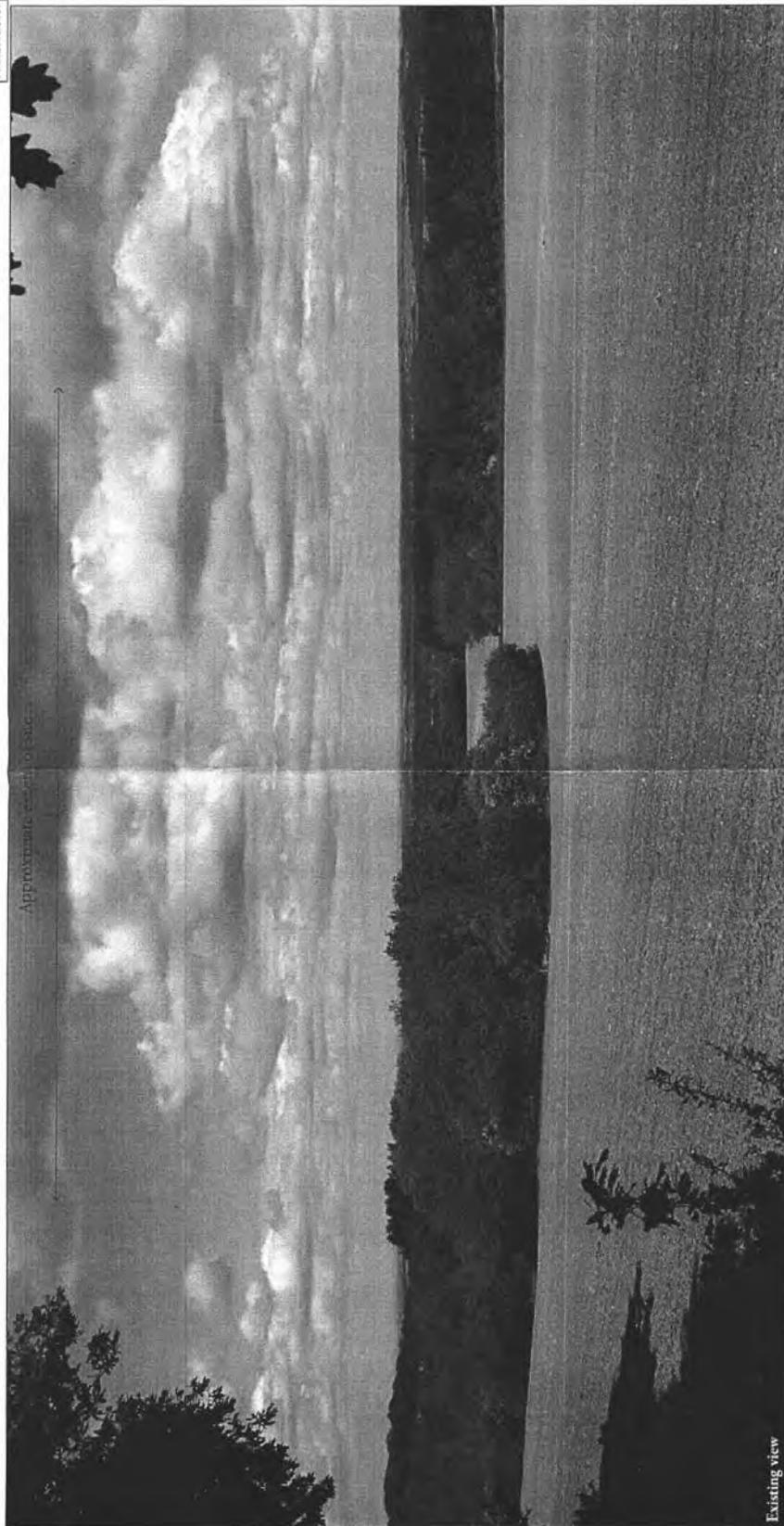
Project: Land at Magazine Field, Merevale
 Title: Viewpoint 1: South-western site boundary looking north
 Ref: 1190/06.01 sheet 1 of 4

LandscapE VISUAL
 Landscape Architecture
 Tel: 044001825 280 380
 www.landscapEvisual.com

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 22/07/2015
PLANNING & DEVELOPMENT DIVISION

Grid reference: 428307 297003
 Location: South-western site boundary
 Camera and lens: Canon 5Diii/50mm
 Viewer height: 1.6m
 Viewing distance: 300mm
 Angle of view: 60°
 Date: 3 June 2015
 Time: 1:00 p.m.
 Weather: Fine





Appendix II

Project: Land at Magazine Field, Merevale
 Title: Viewpoint 2: Twenty One Oaks road opposite Bentley House
 Ref: 1190/05.02

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 22/07/2015
PLANNING & DEVELOPMENT DIVISION

Grid references: 428440 296611
 Location: 215m to the south of the site
 Camera and lens: Canon 5Diii/50mm
 Viewer height: 1.6m
 Viewing distance: 300mm
 Angle of view: 60°
 Date: 3 June 2015
 Time: 11:50 a.m.
 Weather: Fine



landscapevisual
 Landscape Architecture
 Tel: +44(0)1825 280 580
 www.landscapevisual.com

Harbon, Amanda

From: Judy Vero <secretary@atherstonecivicsociety.co.uk>
Sent: 14 August 2015 09:33
To: planappconsult
Cc: Brown, Jeff
Subject: PAP/2015/0459: Land south of Pogmore Spinney, Merevale Lane, Merevale

For the attention of Jeff Brown

PAP/2015/0459: Land south of Pogmore Spinney, Merevale Lane, Merevale – Standalone solar PV array, access, associated infrastructure, landscaping and cable route

Thank you for your consultation of 28 July 2015.

We **object** to this proposal for its visual impact on an historic landscape and the cumulative impact with two other major industrial developments on the Merevale Estate. Our reasons are as follows:

The proposed development

The proposed development is of a large unacceptable scale, with the installation of 19,230 photovoltaic panels on a greenfield site in open countryside. The scheme illustrates a brutal engineering solution without any aesthetic consideration. The only palliative suggested is that it would be partially out of sight and masked by some hedgerows and trees.

The site in open countryside

The siting of this apparatus is in a hitherto unspoilt area of the North Warwickshire countryside in an agricultural setting. It is of paramount importance that these areas are rigorously protected against all types of building, however credible their credentials. To permit such development in an historic landscape could be seen as setting precedent both locally and nationally.

Although the Merevale Estate has very limited public access, the views across it are some of the greatest attractions of North Warwickshire. Of special note is the view north across Leicestershire from the vantage point of 21 Oaks. This currently very beautiful view would be seriously damaged by the proposal. Government guidance is clear on the need to protect the landscape. *The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes.* (Planning Practice Guidance – Renewable and low carbon energy, para 010 Ref: ID 5-010-20140306, revision Ref: ID: 5-013-201503272, Mar 2015). The Council's Core Strategy reinforces this: *Renewable energy projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. In particular they will be assessed on their individual and cumulative impact on landscape quality, sites or features of natural importance, sites or building of historic or cultural importance....* (Policy NW11)

This is an undulating landscape. Until the Warwickshire Structure Plan was abolished, it was included in its Special Landscape Area policy. In the Warwickshire Landscape Guidelines (1993), the area was described as *Arden: Wooded Estatelands: A well-wooded estate landscape characterised by a large scale rolling topography and prominent hilltop woodlands.* The North Warwickshire Landscape Character Assessment of 2010, (which has, in effect replaced the designation of SLA), states that, *A relatively undisturbed heavily wooded landscape surrounds Merevale Hall. The Hall is a prominent landmark building set within an historic Registered Park and Garden, affording long views across the Anker Valley to the north. A significant proportion of the adjacent Monk's Park/Bentley Park Wood is designated as a SSSI, reflecting*