

Planning Appeal Main Statement of Common Ground

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

LPA Ref: PAP/2023/0071

Appeal by Enviromena Project Management UK Ltd

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

1) Introduction

This Statement of Common Ground (SOCG) has been prepared jointly by the Appellant and the Local Planning Authority – the North Warwickshire Borough Council – in respect of the appeal as referenced above and follows the PINS guidance updated 14th November 2024.

The description of development is:

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

The reason for refusal was:

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

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

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

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

2) The Appeal Site

- i. The site area is 61 hectares.

- ii. There is an existing storage container in the south east of the site, used for seasonal shoots.
- iii. The existing land use is agricultural.
- iv. In terms of physical features and topography the Appellant's drainage strategy drawing p07 (CD1.44) and landscape strategy drawing p17 (CD1.20) show topographical information and existing vegetation.
- v. In terms of vegetation and landscaping, the Appellant's tree survey (CD1.5) and landscape strategy drawing p17 (CD1.20) show vegetation and existing 'landscaping'.
- vi. The M6 Motorway runs along the southern boundary and the B4102 adjoins its western side
- vii. Public footpath M294/1 is routed through the site running from south to north.

- Green belt
- Fillongley Conservation Area
- Park House Farm Listed Building (LB) Grade II
- Fillongley Mount LB Grade II
- Manor House Farm LB Grade II
- White House Farm House LB grade II
- The 12th century Ringwork Scheduled Ancient Monument.

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

"The Site extends to 61 hectares (150 acres) and is currently in agricultural use, consisting of several agricultural fields with trees and hedgerows present. The topographical plan shows an undulating land-form with higher land running through the centre of the site. A watercourse, Bourne Brook, traverses the north-western boundary with drainage ditches located in the north west area. A second unnamed watercourse runs through the site from the southern boundary to its northern one.

Open countryside comprising predominantly agricultural fields, surrounds the site. Within the wider open countryside around the Site are isolated homes, commercial premises, and farmsteads.

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

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

The Site is not covered by any statutory heritage designations nor are there any listed structures within its boundaries. There are, however, listed structures (Grade II and II) within a 1.5km radius and the scheduled ancient monument Ringwork Castle, is situated approximately 500m northeast of the Site.*

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

A Public Right of Way (the M294/1) runs north-south across the site and is situated on the western side of the site. Other public footpaths run just beyond the site's eastern boundary (the M294a/1 and 5) together with connections further to the east (the Coventry Way) and to the west (the M289a/1).

The Site lies wholly within the Green Belt.

The Site consists of agricultural land which is identified as comprising of Grade 3a (63.691%) Grade 2 (32.599%), Grade 3b (1.989%) and non-agricultural (1.781%) value"

3) The Local Area

The settlements of Fillongley, Corley Moor and Corley are respectively 500 metres north, 500 metres south-east and 1.8km west of the site.

The site is located in the rural area between Coventry, Nuneaton and the suburbs of eastern Birmingham, north of the M6, southwest of the village of Fillongley.

4) Planning History

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

5) The Appeal Proposal

No changes from planning application description of development.

The Location Plan P.Nailcote Farm/04 REVA

The Planning Layout Drawing P. Nailcote Farm/09 revE (not sent to the LPA, and not requested by the LPA)

Section Views drawing P. Nailcote Farm/06RevB (sheets 1 and 2)

DNO Building - P007039/11/DNO Subsections REVA

Access Plan 2210072/05
Landscape Strategy Plan 11370-FPCR-ZZ-XX-DR-L-0001-P17
NFW/BWB/ZZ/XX/RP/CD/0001/DS Rev P07) <i>Drainage Strategy document: NFW/BWB/ZZ/XX/RP/CD/0001/RevP07</i> <i>and the Flood Risk Assessment: NFW/BWB/ZZ/XX/RP/YE/0001/FRA/ REV P07</i>

A number of the plans and documents references were updated between the March and July meetings, because ponds had been added to the drainage strategy, by the Appellant, in response to concerns raised by a local flood group.

However, one drawing reference was not updated, and therefore the drawing stands out from the others in this respect, namely Planning Layout revD.

A revE drawing was prepared, but due to oversight, was not submitted to the LPA by the then agents in advance of the July 2024 meeting.

The site area is 61 hectares.

The Development comprises of ground-mounted solar photovoltaic arrays together with ancillary infrastructure and landscaping and biodiversity enhancements. The solar farm will have an export capacity of up to 45.9MW of electricity at peak operation and is proposed for a period of 40 years.

To achieve maximum solar gain the panels (2.3m to highest point) are laid out in east-west rows with space of at least 5.5 metres between each row to prevent overshadowing. The fixed modules will be tilted at a site-specific angle of 25 degrees based upon the topography and latitude of the Site and mounted facing due south. The arrays are finished with non-reflective material to ensure that there is no glare.

The panels will be supported by associated infrastructure including:

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

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

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

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

For security purposes there will be a requirement to enclose the solar panels, however, given the rural context, it is proposed to install 2m deer fencing, which

comprises of timber posts and wire meshing. Such fencing is designed to ensure most wildlife can continue to travel through and use the site.

There will be no lighting within the site during its operational period.

The following documents were submitted with the planning application:

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

There are no other associated applications.

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

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

The planning application was reported to Planning and Development Board on 4th March 2024 with a recommendation for approval. The planning application was deferred for further landscaping to be included in the plans, as well as ponds to satisfy the concerns of a local flood group.

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

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

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

The planning application was refused for the reason given in the decision notice.

The decision notice was dated 10th July 2024.

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

the North Warwickshire Local Plan (2011-2033) adopted in September 2021 and the Fillongley Neighbourhood Plan adopted in August 2019

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

Other relevant policies of the Local Plan are:

- LP15 (Historic Environment)
- LP16 (Natural Environment)
- LP17 (Green Infrastructure)
- LP23 (Transport Assessments)
- LP29 (Development Considerations) LP33 (Water and Flood Risk Management)
- LP35 (Renewable Energy)

Other relevant policies of the neighbourhood plan are:

FNP03 (flooding)

FNP06 (heritage)

The parties remain of the view that the presumption is not engaged.

For the LPA:

LP1 (Sustainable development), LP3 (Green Belt), LP14 (Landscape), LP15 (Historic Environment), LP29 (Development Considerations), LP30 (Built Form), LP35 (Renewable Energy), FNP01 (Built Environment), FNP02 (Natural Environment) and FNP06 (Heritage).

For the Appellant:

The proposal may be said to conflict with LP30 and FNP01 as discussed in the Appellant's statement of case.

Fillongley Parish Council has commenced consultation on a Regulation 14 Neighbourhood Plan Review. The closing date is 16 March 2025. The LPA consider a Regulation 16 version is anticipated to be referred to the Borough Council's Planning and Development Board on 7 April 2025.

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

n/a

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

n/a

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

n/a

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

No known SPGs

7) National Policy and Other Guidance

For the appellant:

NPPF 2024:

38

56 to 58

85

124

125a, b

155

160

161

165

168

169

193

212

215

Glossary definition of grey belt.

NPS EN1:

1.1.1

1.2.1

2.3.4

4.1.1

4.1.7

4.2.4

4.2.5

NPS EN3:

1.2.1

Section 2.10 and paragraphs 2.10.59 to 2.10.67 in particular.

For the LPA:

NPPF 2024 – paras 7, 8, 56 to 58, 85, 89, 105, 124, 135, 142, 143, 153, 154, 155, 160, 161, 165, 168, 181, 182, 187 (b) and (d), 193, 208, 212, 213, 215 and the Glossary definition of “grey belt”.

The PPG – the sections on renewable and low carbon energy and the Green Belt.

Key documents include:

- Clean Power 2030 (NESO 2024)
- Clean Power 2030 Action Plan (UK Govt 2024)
- Powering Up Britain March 2023, and the accompanying Net Zero Growth Plan March 2023 and Energy Security Plan March 2023

- National Policy Statement on Energy – EN1
- National Statement for Renewable Energy Infrastructure – EN3
- British Energy Security Strategy April 2022
- Energy Security Bill July 2022
- Net Zero Strategy: Build Back Greener, dated October 2021
- National Infrastructure Strategy – November 2020
- Energy White Paper December 2020
- Net Zero Strategy December 2020
- UK Industrial Strategy
- UK Clean Growth Strategy 2017
- Kyoto Protocol 2005
- UN Framework Convention on Climate Change 2015
- Climate Change Act 2008 – Net zero 2050 (2019)

8) Areas of Agreement

i) Local Plan policy LP35 is not cited in the Decision Notice. There is no reason for refusal against policy LP35.

ii) The appeal site is not allocated for development in the Development Plan.

iii) The appeal site is in the Green Belt.

	Appellant	LPA
Grey belt definition (from pg. 73 of Glossary to NPPF 2024):		
Previously Developed Land	No	No
Any other land?	Yes	Yes
Land does not strongly contribute to any of purposes a, b or d	Yes. It does not strongly contribute to any of purposes a, b or d.	Agreed.
Footnote 7 policies	None apply.	N/A
Is grey belt land?	Yes.	Yes
Para 155 elements:		
Other development	Qualifies	Yes
a. Would utilise grey belt land	It would.	Yes

a. Would not fundamentally undermine the purposes (taken together) of the remaining green belt across the area of the plan	Agreed. It would not.	It would.
b. There is a demonstrable unmet need for the type of development proposed	Agreed. There is a demonstrable unmet need.	Yes, but that has to be weighed in the final planning balance.
Footnote 56	Is not relevant.	N/A
c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework	Agreed. It would be.	There is no reason for refusal referring to the sustainability of the location.
Footnote 57	Is not relevant.	N/A
d. Where applicable the development proposed meets the 'Golden Rules' requirements	The golden rules are not applicable.	N/A
Complies with requirements of paragraph 155?	Yes.	No.
iv) The appellants Landscape and Visual Assessment was prepared following the appropriate industry standard - (Guidelines for Landscape and Visual Impact Assessment – 3rd Edition).		
v) The appellant's assessment of Landscape Value also takes account of guidance in Landscape Institute Technical Guidance Note 02-21 "Assessing landscape value outside national designations".		
vi) At most there is less than substantial harm caused to the heritage assets as set out in the Heritage SOCG between the Appellant and the LPA.		

vii) There is no “heritage” reason for refusal.			
viii) There is no “highway” reason for refusal as the proposal satisfies Local Plan Policies LP23 and LP29 (6) together with the relevant NPPF policy in para 116.			
ix) There is no “flooding” or “drainage” reason for refusal as the proposal satisfies Local Plan policy LP33 together with paragraphs 181 and 182 of the NPPF.			
x) The proposal was submitted prior to the Biodiversity Gain (Town and Country Planning) (England) Regulations 2024 coming into force. Notwithstanding this, the proposal has reported the following BNG scores over time:			
BNG report version no.	Dated	Habitats	Hedgerows
V2	7th March 2023	64.99%	12.67%
V3	6th November 2023	63.96%	12.67%
V5	30th January 2024	62.54%	25.76%
V6	15th May 2024	63.17%	25.76%
V7	18th November 2024	63.23%	25.76%
xi) There is no “ecology/biodiversity” reason for refusal as the proposal satisfies Local Plan policy LP16.			
xii) c.32.599% of the site is Grade 2 land, 63.631% is Grade 3a land, 1.989% is Grade 3b land and 1.781% is non-agricultural land.			
xiii) There is no reason for refusal based on the use of agricultural land.			
xiv) There is no refusal reason arising from the potential glint and glare impacts.			
xv) There is no refusal reason arising from the potential noise emitted from the development.			
xvi) There is no refusal reason arising from any adverse arboricultural impacts on retained trees.			
xvii) There is no refusal reason arising from potential risks of pollution as a consequence of contaminated land.			
xviii) It is agreed that the most significant benefit of the appeal proposal is its contribution to the generation of renewable energy.			
xix) There is no residential amenity reason for refusal.			


Section 9) Areas of Disagreement

<p>i) The degree, of Green Belt harm caused. Turning to NPPF paragraph 155:</p> <p>The LPA:</p> <p>The development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.</p> <p>The Appellant:</p> <p>The development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.</p>
<p>ii) The adequacy of the 'Approximate Visual Envelope' (LVA revE Fig.6). An alternative has now been submitted in response to comments made by the Council, but the applicant still relies on this. The Council now does not agree that the former figure (the approximate visual envelope) is adequate, but does agree that Drawing no. P24 – 1827-09 dated 2/10/24 is a better alternative.</p>
<p>iii) The findings and judgements of the LVA and the degree of landscape and visual harm assessed.</p>
<p>iv) The relative weights to be attributed to the harms and benefits of the proposal within the final planning balance and thus whether there are “very special circumstances” to support the proposal.</p>

10) Schedule of Conditions and Draft Terms of S106

A schedule of possible planning conditions, together with the reasons for them is attached to this SoCG at Appendix 1.

11) Signatures

	Name	Position	Signature	Date
For the appellant	Steven Bainbridge BSc MSc MRTPI	Head of Planning		10/2/25
For the LPA	Jeff Brown BA, DipTP, MRTPI	Head of Development Control		10/2/25

Standard Condition

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

REASON

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

Defining Conditions

2. *The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents:*
 - a. *The Location Plan P.Nailcote Farm/04 REVA*
 - b. *The Planning Layout Drawing P. Nailcote Farm/09 REVE*
 - c. *Section Views drawing P. Nailcote Farm/06RevB (sheets 1 and 2)*
 - d. *DNO Building - P007039/11/DNO Subsections REVA*
 - e. *Access Plan 2210072/05*
 - f. *Landscape Strategy Plan 11370/FCPR/XX/XX/DR/L/0001 Rev P17*
 - g. *Drainage Strategy (document NFW/BWB/ZZ/XX/RP/CD/0001/DS Rev PO7) prepared by BWB Consulting Ltd*
 - h. ***The Flood Risk Assessment NFW/BWB/ZZ/XX/RP/YE/001/FRA/Rev PO7.***

REASON

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

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

REASON

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

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

REASON

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

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

REASON

In order to define the scope of the permission and to confirm that it for a temporary period only. The case of the grant of planning permission is that the development is for a 40-year life-span and is thus reversible. The condition deals with the operational requirements on that de-commissioning.

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

REASON

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

Pre-Commencement Conditions

7. *Notwithstanding the approved plans defined in condition 2, prior to their erection on site, details of the proposed materials and finish, including colour, of all solar panels, frames, ancillary buildings, equipment, fences and enclosures shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details and shall be maintained as such for the lifetime of the development.*

REASON

In the interests of the appearance of the area. The condition enables any changes that may be required by the appellant since submission to be included in a final discharge of condition application.

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

REASON

In the interests of the appearance of the area and to ensure that there is no avoidable loss of landscaping and bio-diversity enhancement. Local Plan policy LP35 applies here as well as Local Plan policy LP16 (Natural Environment) on the need to retain the importance of the natural environment. As above the condition enables a final detailed submission to be made following any changes sought by the appellant.

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

REASON

In the interests of the residential amenity of neighbouring occupiers. Local Plan policy LP29 on Development Considerations at point 9 requires there to be avoidance of impacts such as those that might arise from new lighting. No details or specifications have yet been submitted.

10. *No development shall take place on site including any site clearance or preparation prior to construction, until all three of the following have been completed.*
 - a. *A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work over the whole site has been submitted to and approved in writing by the Local Planning Authority.*
 - b. *The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken and a report detailing the results of this fieldwork and*

confirmation of the arrangements for the deposition of the archaeological archive has been submitted to the Local Planning Authority.

- c. An Archaeological Mitigation Strategy (including a WSI for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. The Strategy should mitigate the impact of the proposed development and should be informed by the evaluation work undertaken.*
- d. The development and archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents shall all be undertaken in accordance with those documents.*

REASON

In the interests of the potential archaeological value of the site. Local Plan policy LP14 on the Historic Environment requires archaeological features to be protected and enhanced commensurate with the significance of the asset. The WSI will provide the evidence for this assessment and point to an appropriate mitigation strategy.

11. No development shall commence on site until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. Evidence to show whether an infiltration type drainage strategy is an appropriate means of managing surface water run-off;*
- b. Demonstration of support of the scheme through “feature specific” detailed plans and calculations of the proposed attenuation system, cross sections, attenuation features and outfall arrangements in line with CIRIA Report C753,*
- c. Provision of detailed network level calculations demonstrating the performance of the proposed system to include suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a surcharged outfall) with justification of such criteria, simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events, together with results demonstrating the performance of the drainage scheme including attenuation storage, potential flood volumes and network status for each return period,*
- d. The provision of plans such as external levels plans supporting the exceedance and overland flow routing provided to date. This overland flow routing should demonstrate how run-off will be directed through the development without exposing properties to flood risk and recognition that exceedance can occur due to a number of factors such that exceedance management should not rely on calculations demonstrating no flooding.*

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

site.

REASON

To reduce the risk of increased flooding and to improve and protect water supply. Local Plan policy LP33 on Water Management requires sustainable urban drainage systems to be provided to reduce surface water run-off so reducing the risk of flooding. The condition requires the full technical evidence base for the design of those systems.

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

REASON

In the interests of highway safety. Local Plan policy LP29 (Development Considerations) at point 6 requires safe and suitable access arrangements. They need to be implemented in full if they are to be safe.

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

REASON

In the interests of highway safety. Local Plan policy LP29 (Development Considerations) at point 6 requires a safe and suitable access. This needs to apply to the construction period as well.

Pre-Operational Use Conditions

14. *There shall be no commercial export of electrical power from the site until a Drainage Verification Report for the installed surface water drainage system based on the Drainage Strategy approved under condition 2 and the system as approved under Condition 11 has been submitted to and approved in writing by the Local Planning Authority. It should include:*
- a. *Demonstration that any departures from the approved design are in keeping with the approved principles.*

- b. *As built photographs and drawings*
- c. *The results of any performance testing undertaken as part of the application process,*
- d. *Copies of all statutory approvals such as Land Drainage Consent for Discharge,*
- e. *Confirmation that the system is free from defects, damage and foreign objects.*
- f. *The report should be prepared by a suitably qualified independent drainage engineer.*

REASON

To ensure that the development is implemented as approved and thereby reducing the risk of flooding. Local Plan policy LP33 on Water Management requires sustainable urban drainage systems to be provided to reduce surface water run-off so reducing the risk of flooding. The condition requires the evidence base for the full implementation of the approved design of those systems

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

REASON

To ensure that the maintenance of sustainable drainage structures so as to reduce the risk of flooding Local Plan policy LP33 on Water Management requires sustainable urban drainage systems to be provided to reduce surface water run-off so reducing the risk of flooding. The condition requires the details of monitoring arrangements for the on-going maintenance of the approved arrangements.

16. *There shall be no commercial export of electrical power from the site until a Landscape and Ecological Management Plan ("LEMP") has first been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be in general accordance with the approved Landscape Strategy Plan approved under condition 2 and shall include reference to the community garden*

shown on that Plan. The LEMP shall include:

- a. a description and evaluation of the features to be managed;*
- b. ecological trends and constraints on site that might influence management,*
- c. the aims, objectives and targets for the management,*
- d. descriptions of the management operations for achieving the aims and objectives,*
- e. prescriptions for management actions,*
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period),*
- g. Details of the monitoring needed to measure the effectiveness of management,*
- h. Details of each element of the monitoring programme,*
- i. Details of the persons or organisations(s) responsible for implementation and monitoring,*
- j. Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve the required aims, objectives and targets,*
- k. Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage,*
- l. The legal and funding mechanisms by which the long-term implementation of the LEMP will be secured by the developer and the management body(ies) responsible for its delivery,*
- m. How contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (k) above shows that the conservation aims and objectives set out in (c) above are not being met so that the development still delivers the full functioning bio-diversity objectives of the originally approved scheme.*

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

REASON

In the interests of enhancing and protecting bio-diversity. Local Plan Policy LP16 (Natural Environment) requires provision of net gains for bio-diversity. The condition requires details of how this is to be provided, implemented and monitored.

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

REASON

In the interests of highway safety. Local Plan Policy LP29 Development Considera-

tions) at point 6 requires safe and suitable access. This condition requires the highway specifications to be implemented in full in order to provide the required outcome.

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

REASON

In the interests of highway safety. Local Plan policy LP29 (Development Considerations) at point 6 requires safe and suitable access arrangements. They need to be implemented in full if they are to be safe.

Other Conditions

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

REASON

In the interests of the appearance of the area and to ensure that this is maintained throughout the life of the permission. Local Plan policy LP16 (Natural Environment) seeks net bio-diversity gain. This condition assists that outcome. Additionally Local Plan policy LP14 (Landscape) seeks replacements of landscaping features LP35. This condition ensures that all of these objectives are on-going.

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

REASON

In the interests of ensuring that the nature conservation value of the site is maintained. Local Plan policy LP16 (Natural Environment) seeks protection of the natural environment.

21. *No gates shall be located within the vehicular access to the site during the construction and de-commissioning phases so as to open within 20 metres of the near edge of the public highway carriageway.*

REASON

In the interests of highway safety. Local Plan policy LP29 (Development Considerations) at point 6 requires safe and suitable access arrangements. This requirement will achieve this but needs to be implemented in full if the access is to be safe.

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

REASON

In the interests of ensuring access to the public footpath network. Local Plan policy LP29 (Development Considerations) at points 2 and 6 require safe and suitable access for all users. This condition will provide this.