

## **General Development Applications**

**(8/a) Application No: PAP/2023/0071**

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

**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., for**

**Enviromena Project Management UK Ltd**

### **Introduction**

This application has been submitted recently and this report provides an outline of the proposal, describes the site and sets out the relevant planning policies in respect of its eventual determination. A further report will thus be referred to the Board in due course.

The recommendation below is that the application's receipt be noted at this time and that a site visit be organised for the Board to better understand the setting of the location. This will take place at a time when the case is ready to be reported for determination.

A significant amount of supporting documentation has been submitted with the application. Whilst this is summarised below, Members are asked to refer to the case file on-line by using the planning reference as set out above, in order to fully understand the applicant's case.

The application falls under the Town and Country Planning (Consultation) (England) Direction of 2009 being "Green Belt" development as defined under the Direction. This means that should the Council be minded to support the proposal, it would need to be referred to the Secretary of State to see if he would call-in the application for his own determination following a Public Inquiry. If the Council resolves not to support the proposal, it can do so without referral.

Members will be aware of similar proposals that have also recently been considered. As they are aware, each application is to be determined on its own merits. However, any cumulative impacts whether adverse or of benefit, can be considered as a material planning consideration in the final planning balance.

### **The Site**

This is roughly a rectangular area of agricultural land comprising six large irregular shaped arable fields and extending over 61 hectares. It is sited immediately north of the M6 Motorway and to the east of the B4102 Meriden Road where it passes under the Motorway. It is around 600 metres south of Fillongley. A water course – the Bourne Brook – crosses the north-western boundary – and a second un-named watercourse runs from the southern boundary towards the south-east. Other on-site ditches drain north to these watercourses.

The landform is undulating with a relative ridge in the centre of the site running north/south with levels falling away on either side. The lowest point is to the north-east and the fall is around 27 metres.

There is agricultural land around the site with a dispersed pattern of individual residential units and farmsteads. Members will be familiar with nearby commercial enterprises south of the Motorway and also in Corley Moor within a kilometre to the south-east on the other side of the Motorway. The main vehicular access into the site is from field access points along the B4102 frontage. There is a public footpath – the M294 - which runs north-south through the site from the M6 Bridge into Fillongley close to its western boundary. A further footpath - the M294a - runs north/south from Corley Moor into Fillongley, just to the east of the site boundary.

A general location plan is at Appendix A and an aerial photograph which also shows the surrounding public footpath network, is at Appendix B.

## **The Proposals**

The development comprises the solar panels laid out in straight south-facing arrays throughout the site within existing field boundaries. These arrays would have a 5.5 metre gap between the rows and have a maximum height of three metres above ground level. The gap between them and the retained field boundaries would be four metres. The panels would be supported by associated infrastructure, namely inverters mounted to the reverse of the arrays; transformers spread evenly throughout the site and customer switchgear and DNO substations which would be buildings measuring 7 by 2.8 metres and 2.3 metres tall located in the south-west corner of the site close to the access onto the Meriden Road. There would be perimeter deer-proof fencing to a height of 2 metres comprising wooden posts with a wire mesh. Pole mounted CCTV cameras of 3 metres in height would be located at regular intervals along the perimeter fence.

The works will need to connect to the National Grid but that is not included as part of this application as it is said that that connection would be undertaken under “permitted development” rights.

The arrays would leave the line of the M294 footpath unaltered and would neither affect the line of the watercourses that cross the site. Maintenance corridors would be left on either side of these ditches as well as alongside the footpath.

As the panels are to be located within existing fields, their hedgerow boundaries and trees will be retained. There would be enhancements of these features throughout the site. This would also apply along the length of the public footpath. It is also proposed to plant a diverse meadow grassland under and around the panels and where appropriate, bat and bird boxes would be provided.

The proposed construction access would be via the existing field access off Meriden Road close to the M6 bridge. This is already used by agricultural vehicles. It would need to be upgraded to accommodate safe and suitable access for the construction period. The route to be taken by construction traffic would be to and from the south, thus not entering Fillongley. The construction period would be around 30 weeks resulting in an anticipated six two-way movements per day. During the operational period there would be minimal traffic - one van on one or two occasions a month.

The operational period and lifespan of the development is 40 years. A de-commissioning process would remove all of the infrastructure and panels as described above and have the land fully re-instated and returned to agricultural use.

The proposed layout is illustrated at Appendix C with panels and buildings shown in Appendices D and E.

It is now proposed to summarise the documentation submitted with the application.

A Glint and Glare Assessment considers the potential impacts of the proposals on road safety, residential amenity and aviation activity. The Assessment looks at the potential impact on 134 dwellings and concludes that there could be a low impact on only 18 of these, with the remainder ruled out because of existing intervening screening and the basic geometry. In respect of users of the B4102, it concludes that that solar reflections are geometrically possible along the length of the road alongside the site, but that existing road boundary screening together with the proposed set-back and further enhancements would lead to these being of a low impact. The same applies to users of the M6, but here the Assessment recommends that existing screening is strengthened because of the number of gaps in the existing screen and the difference in height. The Assessment does not consider that there would be any impact on aviation activity.

The Traffic Assessment sets out the background as recorded above. It considers that the existing access proposed for improvement is capable of providing appropriate viability and width in line with standards for the road conditions – a 60mph limited road.

A Flood Risk Assessment identifies the whole site as being within Flood Zone One. However, extents of surface water Flood Zones 2 and 3 are shown at the northwest site boundary associated with the Bourne Brook and the unnamed watercourse to the east of the site. Drainage ditches in the site drain to the Brook and the watercourse. The Assessment concludes that the proposal is at an acceptable level of flood risk subject to recommended flood mitigation measures being implemented. These are the site excluding the buildings and access tracks would be a fully vegetated pastoral grassland, the introduction of interception “swales” along the downstream edge of the arrays and the raising of all ancillary equipment by 150mm above external ground level to prevent water ingress. The location of the swales is shown on Appendix F.

An Ecological Appraisal shows that the site is not subject to any statutory or non-statutory designation, and neither is there such a site within 2 kilometres of the site. There were neither any locally designated habitats found on the site, but there are four within two kilometres of the site. The report considers that there would be no adverse impact on these due to the separation distances, the nature of the proposal and the lack of interconnectivity. There were no notable habitats found on the site and no protected plant species found. There neither are any ponds on the site but there are several within 500 metres where records suggest the presence of greater crested newts. Given the distances and the lack of suitable habitats on-site, the report considers that no mitigation is needed on site, but that precautionary measures should be outlined in the construction management plan. There were signs of bat roosting in some of the on-site trees, but as no trees or hedgerows are to be removed, no direct mitigation is recommended, and the Construction Management Plan can pick up on precautionary measures. The Appraisal found no evidence of on-site badger setts or indications of

other protected species. As a consequence, the report concludes that the site offers limited opportunities for protected fauna and that any habitats of value are the field boundaries which are to be retained.

A Bio-Diversity Assessment provides an evaluation of the proposed plans compared to the existing ecological baseline and identifies whether there is a nett gain or loss to biodiversity. The report concludes that there would be a 12.6% gain for linear features and a 65% gain in overall habitat. The proposed ecological “map” is attached at Appendix G.

An Arboricultural Impact Assessment concludes that no trees will be required to be removed to physically construct the panels and ancillary equipment, or that there would be any indirect adverse impacts. An Arboricultural Method Statement is however recommended for the construction period.

A Ground Conditions Survey concludes that the site is largely covered by glacial drift deposits overlying sandstone. This is a principal aquifer and there is a groundwater abstraction point south of the Motorway. It is not an area affected by shallow coal mining or are there are recorded landfill operations. There are however two unspecified “pits” which may contain organic sediments that could represent a potential source of gas. The conclusion is that a further intrusive ground investigation would be appropriate to verify the risks identified – the potential for gas emissions and the potential risk to the aquifer.

A Heritage Impact Assessment concludes that there would be no direct physical impact on designated heritage assets as a consequence of the development. One non-designated asset is recorded within the site, but that is now demolished and no evidence of the structure remains above ground. The Assessment considers that there will be no impact on the setting or significance on most of the designated assets within a kilometre of the site. Further analysis was however undertaken on four of these as they are visible from the site. Three are grouped together at Park House - around 400 metres north of the site – and the fourth is White House Farmhouse to the west. In both cases this further assessment concluded that the site does not contribute to the setting or significance of these assets and thus the harm would be less than substantial. There is little record of recent archaeological investigations and the Assessment considers the only potential is for relict remains of cultivation furrows and field boundaries. This could be verified through pre-commencement site evaluation.

A Landscape and Visual Impact Assessment concludes that the development would be contained by existing features and the proposed landscaping. The screening elements are hedgerows, trees, topography and the M6 corridor, such that these provide a green framework for the development. It can be absorbed into this setting, giving rise to only a local landscape impact with a moderate to minor adverse impact. The majority of the residential properties that are affected are located along the southern boundary of Fillongley, at Park House Farm and at White House Farm with views available from first floor level, but the development, following additional landscaping is considered to have only a minor adverse impact. However, users of the footpaths will have direct visibility. The transitory nature of this impact would however be affected by the length of path affected, giving rise to major adverse visual impacts. Views from the highway network would be limited with a minor adverse impact. The proposed Landscape Strategy is at Appendix H.

An Agricultural Land Classification Investigation, including an intrusive on-site survey shows that 24% of the site would be Grade 2 and 71% Grade 3a and thus is predominantly, best and most versatile land.

A Statement of Community Involvement describes the pre-application community consultation undertaken by the applicant. This comprised a leaflet drop (to 900 homes), a project website and a meeting with the Parish Council. This requested responses to three questions. The first was to ascertain support or not for the use of renewable energy. Of those replying, 71% responded positively. The second sought support or not for the proposed development. That resulted in support from 38% of the respondents and 60% opposed. The third question invited further comments. The main issues raised were – loss of agricultural land; loss of Green Belt, questioning the need for further such developments in the area, negative visual and ecological impacts as well on drivers on the M6.

A Planning Statement draws together all this documentation and outlines the planning context in which the case should be determined. It describes the planning considerations which the applicant argues do have sufficient weight to clearly outweigh the cumulative harms caused, so as to amount to the very special circumstances necessary to support the proposal. The overriding matter in his view is the generation of 45.9 MW of clean renewable energy powering the equivalent of 15,800 homes.

## **Development Plan**

The North Warwickshire Local Plan 2021 – LP1(Sustainable Development); LP3 (Green Belt), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP29(Development Considerations), LP30 (Built Form), LP33 (Water and Flood Risk Management) and LP35 (Renewable Energy and Energy Efficiency)  
Fillongley Neighbourhood Plan 2018 – 2034 – FNP02 (Natural Environment)

## **Other Material Planning Considerations**

The National Planning Policy Framework 2021 – (the “NPPF”)

National Planning Practice Guidance

National Policy Statements EN1 and EN3

National Infrastructure Strategy 2020

Energy White Paper 2020

British Energy Security Strategy 2022

Energy Security Bill 2022

North Warwickshire Landscape Character Appraisal 2010

## **Observations**

A full determination report will be prepared in due course and that will outline the responses received from the consultation process.

As the site is in the Green Belt, it will follow the sequence with which Members are familiar. The first matter will be to establish whether the proposal is appropriate or inappropriate development in the Green Belt as defined by the National Planning Policy Framework. That approach taken in the remainder of the report will then follow what is concluded on this matter. In the event that the proposal is found to be inappropriate development, then Green Belt harm will be caused by definition. The Board however will also need to establish the degree of actual Green Belt harm caused. Any other harms will need to be identified and weighted. This will enable the Board to identify the “harm” side of the final planning balance.

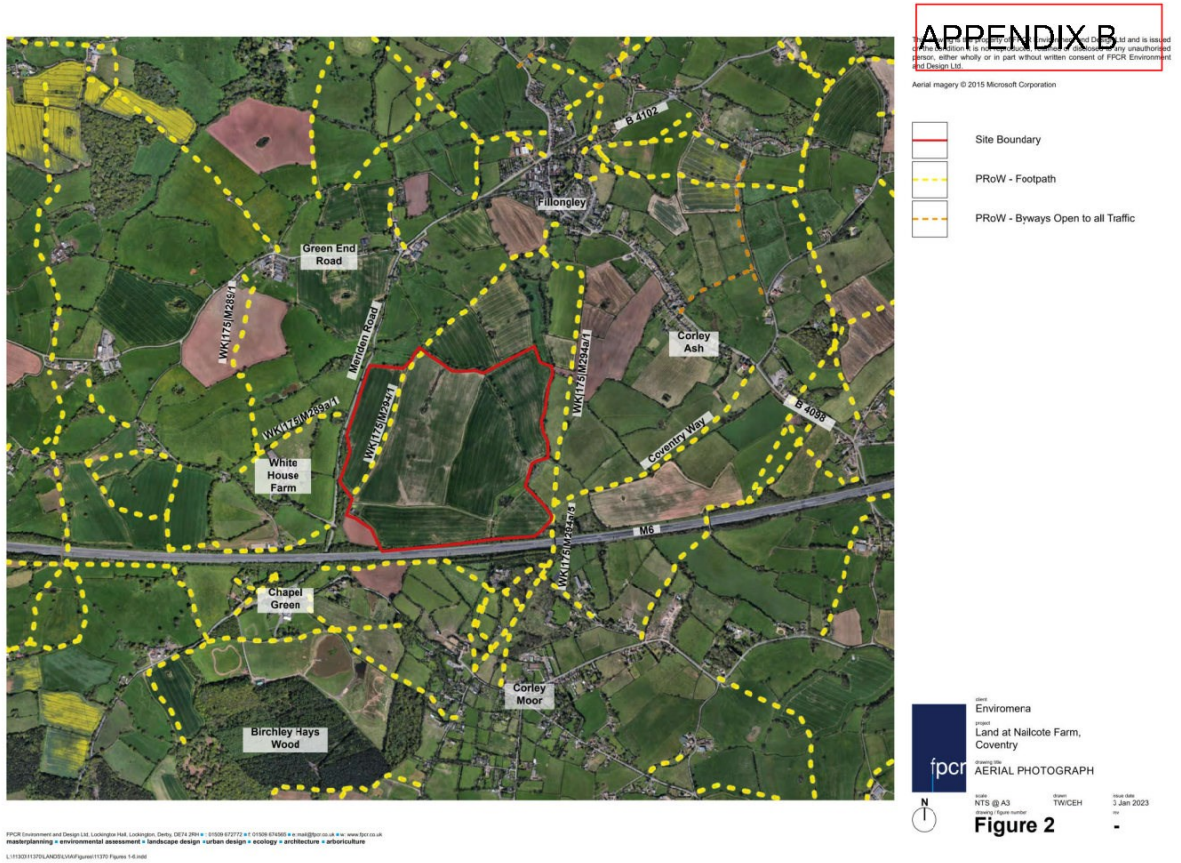
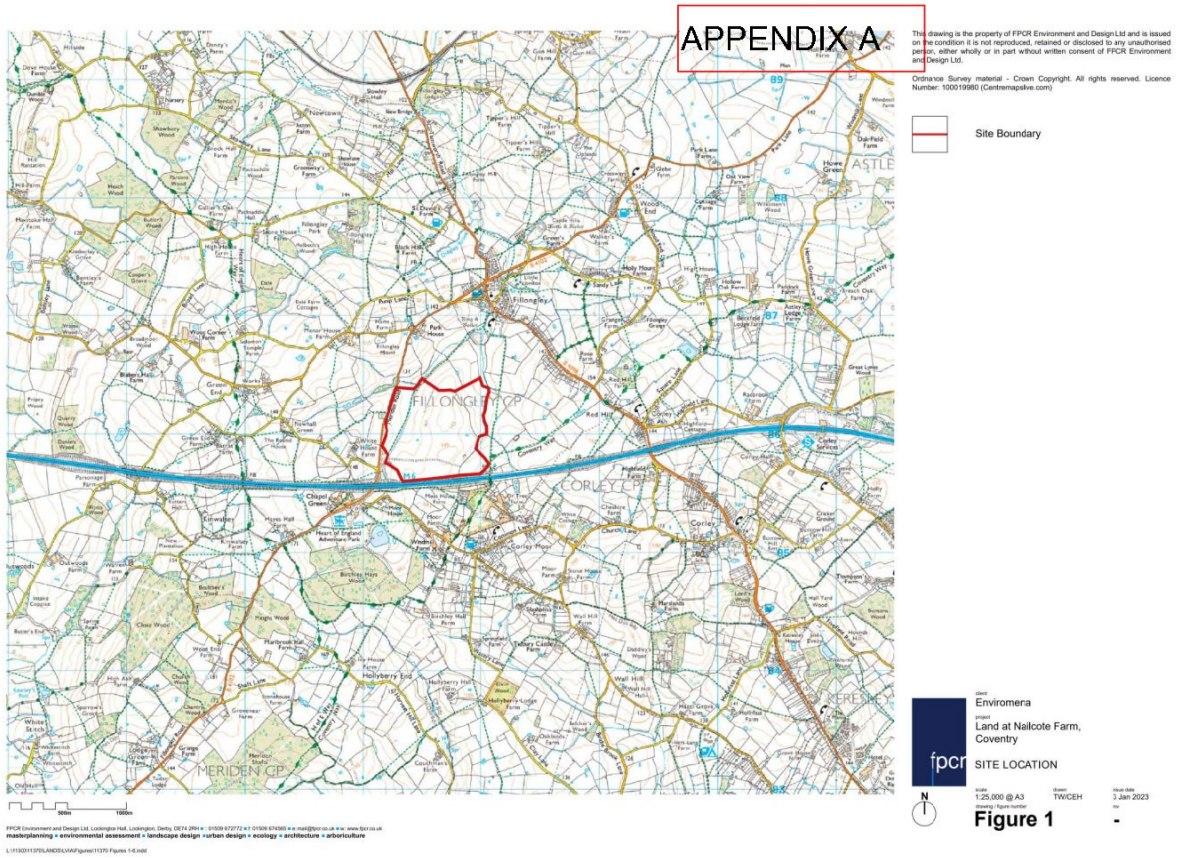
The applicant’s case will then be assessed and the planning considerations which he considers support that case will need to be assessed. This will thus result in the other side of the planning balance being identified and thus weighted. If the cumulative weight of these considerations is such that they “clearly” outweigh the cumulative harm caused, then the very special circumstances will exist for the proposal to be supported.

If the proposal is found to be appropriate development in the Green Belt, then there would be no Green Belt harm caused. There will still be a need to identify any other harms that might be caused and these would then sit on the “harm” side of the final planning balance. It will still be necessary to weight the applicant’s planning considerations on the other side of that balance. Members are advised that in this circumstance, any harms identified will need to be significant and demonstrably supported by evidence, if they are to “clearly” outweigh the applicant’s case.

## **Recommendation**

That the Board notes the receipt of this application and that a site visit be arranged prior to its determination.





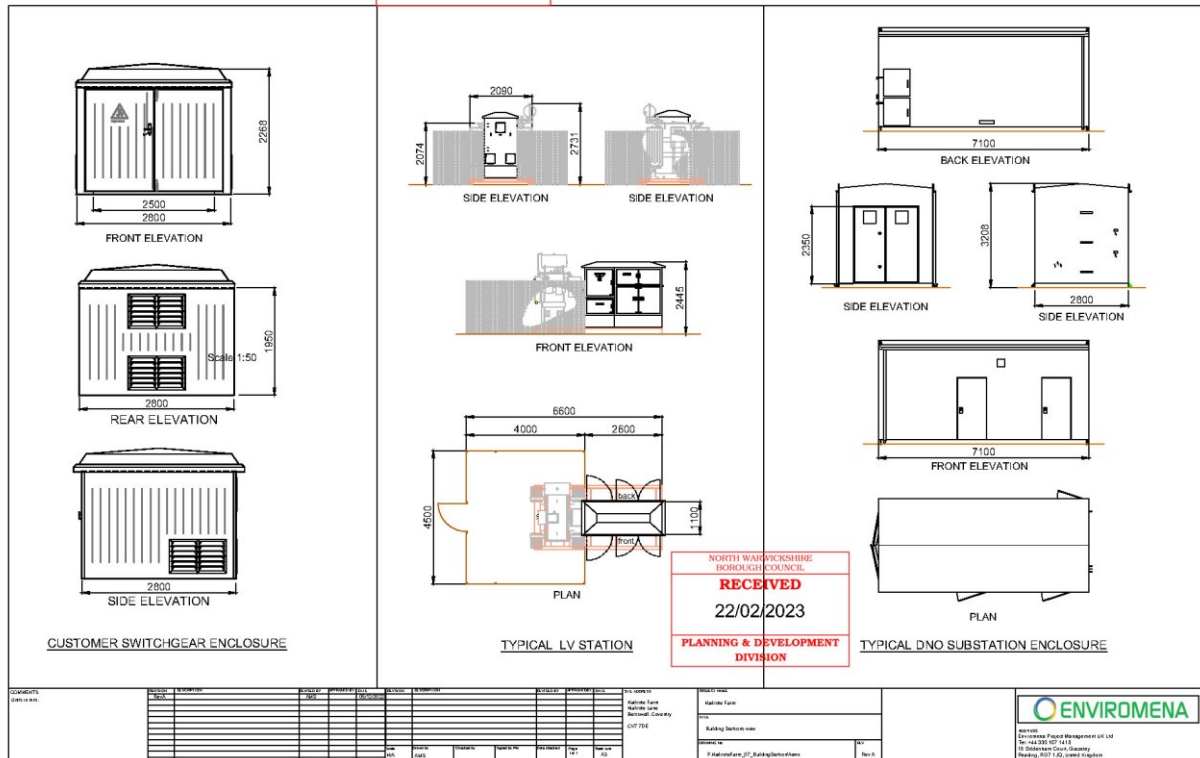






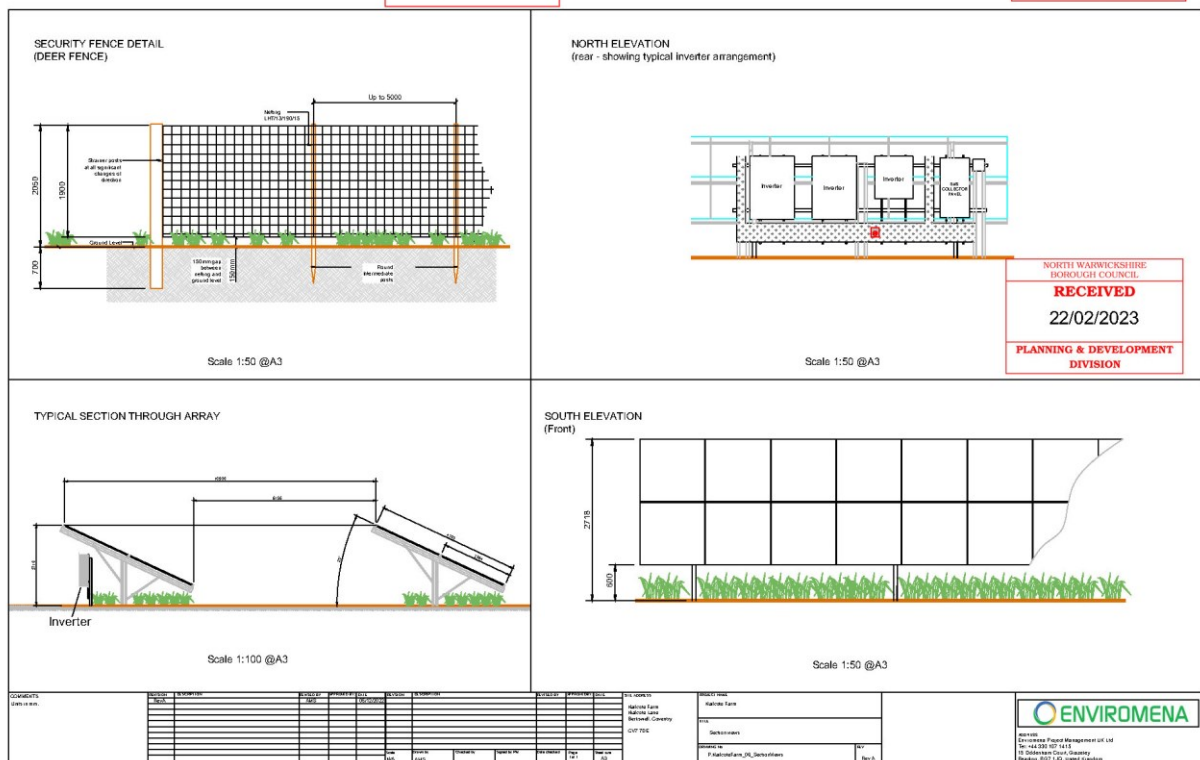
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APPENDIX D



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APPENDIX E





# APPENDIX G

BNG at Land at Nailcote Farm CV7 8DW



7<sup>th</sup> March 2023

## **File Note: BNG report for Land at Nailcote Farm, Fillongley, Coventry, North Warwickshire, CV7 8DW**

**Ref:** Biodiversity Net Gain (BNG) reporting file note

**Site address:** Land at Nailcote Farm, Fillongley, Coventry, North Warwickshire, CV7 8DW

**National Grid Reference:** Centred on SP 276 859

**Site area:** 62.2ha

**Recipients:** Enviromena Project Management UKLtd

### **Record of activity**

#### ➤ **Background**

Arbtech consulting Ltd were instructed by Enviromena Project Management UKLtd to undertake a Biodiversity Net Gain (BNG) evaluation of a development on the site, subject to a planning application with North Warwickshire Borough Council for:

- Photovoltaic arrays

#### ➤ **Purpose of survey**

The National Planning Policy Framework (NPPF) makes it clear (para 170) that “Planning policies and decisions should contribute to and enhance the natural and local environment by; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.

Paragraph 174 requires the promotion of “the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”.

Proposals for net gain should be clearly recorded and reported through use of an appropriate metric such as the DEFRA Biodiversity Metric 3.1. Natural England advise that any net gain should be fully secured and funded for the lifetime of the development.

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Therefore, the purpose of this survey report is to provide an evaluation of the proposed plans compared to the ecological baseline, and to report any net gain (or loss) to biodiversity using the DEFRA Biodiversity Metric 3.1 scheme.

➤ **Surveyor and date of survey**

This survey report was carried out by Craig Williams, BSc (Hons), MSc, DIC, MRSB of Arbtech Consulting Ltd. on 7<sup>th</sup> March 2023. A previous preliminary ecological appraisal (PEA) is used as the ecological baseline and was carried out on 1<sup>st</sup> December 2022. The baseline habitat map and the current proposed soft landscaping plans are found in appendix 1 and 2.

**Summary findings**

- The full results of the metric are included in the excel file:

***Biodiversity Metric 3.1 (Land at Nailcote Farm CV7 8DW) v2 (11370-FPCR-ZZ-XX-DR-L-0001-P05-Landscape Strategy Plan)***

This highlights that the change in biodiversity metrics is:

- +64.99% in habitat units
- +12.67% in linear units

- The results indicate a net gain in area and linear units, contributed to the creation of moderate condition modified grassland underneath the photovoltaic arrays, the retention of arable margins, neutral grass and a woodland copse as well as boundary hedges and tree lines and the planting of a new native hedge through the centre of the site.

The modified grass habitat onsite would need to satisfy the following condition criteria for this gain:

**Enhancement details**

Modified grassland of moderate condition

Criteria of success:



1. There must be 6-8 species per m2. If a grassland has 9 or more species per m2 it should be classified as a medium distinctiveness grassland habitat type. NB - this criterion is essential for achieving moderate condition.
2. Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm) creating microclimates which provide opportunities for insects, birds and small mammals to live and breed.
3. Some scattered scrub (including bramble) may be present, but scrub accounts for less than 20% of total grassland area. Note - patches of shrubs with continuous (more than 90%) cover should be classified as the relevant scrub habitat type.
4. Physical damage is evident in less than 5% of total grassland area. Examples of physical damage include excessive poaching, damage from machinery use or storage, erosion caused by high levels of access, or any other damaging management activities.
5. Cover of bare ground is between 1% and 10%, including localised areas (for example, a concentration of rabbit warrens).
6. Cover of bracken less than 20%.
7. There is an absence of invasive non-native species (as listed on Schedule 9 of WCA, 1981).

Four of these conditions are to be met for the targeted moderate condition including mandatory condition 1 as well as e.g., 3, 5 and 6.

## Discussion

- The creation management of the habitats on site to the appropriate condition would need to be finalised, re-run through the BNG metric to confirm the net gain and then secured for at least 30 years - linked to the application through a planning obligation in Section 106 (S106) agreement. A management and monitoring plan would also be required for this.

## Appendix 1: Habitat baseline map



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## Appendix 2: Proposed ecological map of the site (based on the site habitats in the metric)



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