General Development Applications

(5/c) Application No: PAP/2023/0071

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

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

Enviromena Project Management UK Ltd

1. Introduction

1.1 This application was referred to the Board's March meeting, but determination was deferred. This was so that clarification could be sought on matters raised by the Fillongley Flood Group and to request the applicant to look at the possibility of additional mitigation in the form of further landscaping.

1.2 For convenience, that Board report is attached at Appendix 1. It remains an integral part of this current report.

1.3 The Board should be aware that a Ministerial Statement was published on 15 May entitled "Solar and protecting our Food Security and Best and Most Versatile Land (BMV)". A copy is attached at Appendix 2. There are no other changes to the Development Plan or other material planning considerations.

1.4 The Board is also reminded that, should it be minded to support the recommendation below, the case would need to be referred to the Secretary of State under the 2024 Direction.

2. Additional Information

a) Drainage and Flooding

2.1 Members will be aware that the Lead Local Flood Authority (LLFA) did not object to the proposal. Its original letter is at Appendix 3 and is recorded in the previous Board report at para 4.38. The LLFA required additional drainage measures above those originally submitted by the applicant - a number of swales. Their inclusion led to there being no objection.

2.2 The request for clarification on the Flood Group's concerns arose from its letter of 4th March which was received on the morning of the March Board meeting. It is attached in full to this report as Appendix 4. Members will recall that at the Board meeting, reference was made to a site meeting that afternoon between representatives of the Group and the applicant. Matters have now moved on since the deferral.

2.3 The Group's letter was forwarded to the LLFA and a response was requested from them by officers, such that the Group could be fully familiar with the measures being proposed; the response to the Group's concerns could be explained and an explanation given as to the LLFA's response of there being no objection. The LLFA was also asked to comment on the criticism that that Authority had not visited the site.

2.4 The applicant met representatives of both the LLFA and the Group on site on 18 March.

2.5 As a consequence, an updated letter from the LLFA was received and this is attached at Appendix 5. This recommends a number of conditions - all of which have been agreed with the applicant as well as identifying the on-site measures referred to in para 2.1 above.

2.6 Additionally, this LLFA letter refers to the existing flooding situation. The applicant has now elected to voluntarily propose betterment beyond that necessary to mitigate the impacts of his own proposals, by including further additional measures to assist in mitigating the existing situation. This comprises three additional detention basins - two along the stream that runs through the site and a third in the north-east corner where there is a further water course. The location of these is shown on Appendix 6 which also depicts the additional swales referred to in para 2.1. An updated Flood Risk Assessment accompanies these plans.

2.7 This Plan together with the updated Assessment has been forwarded to the LLFA and it reiterates its response of there being no objection subject to conditions - see Appendix 7. These will need to be added to those previously recommended.

2.8 The LLFA letter at Appendix 5, the plan at Appendix 6 together with the updated Assessment have also been forwarded to the Fillongley Flood Group. Its response is awaited. Members will be notified if this is received between the date of preparation of this report and the Board meeting.

2.9 It is considered that this chain of events provides the Board with the clarification which it sought in its resolution to defer. The introduction of measures that assist in addressing the existing flooding situation are very welcome and Members will be aware that these go over and above, that which is necessary to make the proposals acceptable under both national and local planning policy. Substantial weight is thus given to the LLFA letters at Appendices 3, 5 and 7. It is thus considered that there is no weight to be given to a potential refusal reason based of non-compliance with Local Plan policy LP33, or the supporting sections of the NPPF.

b) Landscaping

2.10 It is noteworthy from the LLFA letter of 3 April - Appendix 5 - that the additional landscaping which was included in the latest plan referred to the Board at its March meeting, was considered to have a drainage benefit.

2.11 The applicant has submitted a further landscape plan which strengthens the screening along the northern and eastern boundaries as depicted in Appendix 8.

2.12 As a consequence of the additional three basins and the trees, the Bio-Diversity nett gain for habitats rises from 62% to 63.17% and from 25% to 25.76% for linear features.

c) Further Representations

2.13 Re-consultation has taken place on the further changes as described in paragraphs 2.6 and 2.10. There have been twenty representations received, all maintaining original objections that have previously been reported in Appendix 1.

2.14 Fillongley Parish Council also objects because of the use of BMV land in light of the recent Ministerial Statement as referred to in para 1.3 - see Appendix 9.

d) Other Matters

2.15 A number of other matters have arisen during the re-consultation on the receipt of amended plans.

i) Capacity

2.16 The first of these concerns the capacity of the proposed development. This is because if the generating capacity is over 49.9MW(AC), then the proposal becomes a development that would become a Nationally Significant Infrastructure Project and thus the determining Authority would be the Secretary of State and not the Local Planning Authority. In this case the developer has confirmed that the current capacity is below this figure. In order to “safeguard” this position, a planning condition can be attached to define this upper threshold. That can be verified and monitored via the Distribution Network Operator at the point of contact and if necessary, Ofgem.

2.17 This factor also has relevance in respect of the weight to be given to the recent Ministerial Statement. This will be referred to below.

ii) Appeal Cases

2.18 The second matter is that those making representations have referred to appeal decisions where there have been refusals on the grounds of the use of Best and Most Versatile Agricultural Land (BMV). The appeal references quoted have been identified as s62A/2022/0011, APP/F1040/W/22/3313316 and APP/J1869/W/23/3325112. In terms of “fairness”, the applicant was asked to quote appeal decisions where development has been allowed on BMV. He refers to four 2024 decisions referenced APP/J1535/W/23/3334690, APP/E2530/W/24/3337544, APP/L3245/W/3332543 and

APP/X1925/V/23/3323321. As Members are aware, each case is determined on its own merits and the circumstances pertinent to each proposal and site. There will thus be different appeal outcomes, just as with different determinations for planning applications.

2.19 However looking more closely at these decisions, it is noticeable that the key locational determinant in locating sites for solar projects is the availability of a connection into the National Grid where there is existing capacity. Therefore, if national energy and planning policy on increasing dependence on renewable energy sources is to be delivered, then these projects will inevitably be located in certain geographic areas. The respective Inspectors in the quoted cases recognise the significance of this determinant. In this case, there is spare capacity and the applicant has confirmed that a point of connection has been guaranteed. This adds considerable weight to the applicant's case. In some of the appeal cases above, the Inspectors were not able to reach such a conclusion and so the weight given to it was reduced, enabling the weight given to recognised harms to override it. Here that locational requirement happens to involve the use of BMV. The harm thus afforded to it has to be assessed in the final planning balance. The local significance of this was explained in paras 4.62 to 4.66 of Appendix 1. The conclusion reached was that the harm in this case would not be substantial. One of the matters raised there, was that there has been no evidence submitted relating to adverse effects on food production, food security or a dis-benefit to a current farming holding/business. For instance, in one of the dismissed appeals there was evidence submitted relating to a material loss of potato production.

2.20 Members are advised that the use of BMV is not a reason for refusal as a matter of principle. The final planning balance has to be assessed on the individual circumstances of each respective case and that is why different appeal decisions can be found.

iii) The Ministerial Statement

2.21 Ministerial Statements are material planning considerations where they relate to a relevant planning application as here. The issue for the Board is how much weight should it be given in the final planning balance in this case.

2.22 It is important to note that the Statement does not alter national planning policy in respect of solar projects. There are no new additional requirements or considerations. It outlines that solar power is a "key part of the Government's strategy for energy security, net zero and clean growth" reinforcing the recent National Policy Statement on Energy. It too recognises that "food security is an essential part of national security". It is thus down to the planning system "to balance these considerations". The Statement therefore does not mean that a proposal should be refused as a matter of principle, if it involves the use of BMV.

2.23 This application is not for a Nationally Significant Infrastructure Project as outlined above and thus the advice that such projects should "avoid the use of BMV where possible" does not apply.

2.24 In other cases such as the current application, it is acknowledged that planning policy sets out a “preference” for brownfield land and lower quality agricultural land to be used. However, this is a preference and therefore does not preclude the use of BMV and neither is there a need for a “sequential” test to be carried out. The use of BMV has to be justified and cumulative impacts also assessed. The applicant has done so here – the locational determinant to be able to connect to the Grid, the BMV assessment in Appendix 1 and there being no agricultural evidence submitted to show a material loss of food production.

2.25 In conclusion therefore, the new Statement emphasises the existing policy position. The determination of this case will fall on the assessment that is made of the final planning balance which takes into account all planning considerations.

Recommendation

a) That the Council is minded to GRANT planning permission, subject to the completion of a Section 106 Agreement as set out in Appendix 1, together with the conditions as set out therein but with the following revisions and additions, and that as a consequence, the case be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2024:

i) Condition 2 to be amended to include the most recent plans as described in this report -i.e.

The Landscape Strategy Plan 11370/FPCR/XX/XX/DR/L/0001/P17;
Drainage plan - NFW/BWB/ZZ/XX/DR/CD/0001/RevPO7,
NFW/BWB/ZZ/XX/RP/CD/0001/RevPO7 and the Flood Risk Assessment
NFW/BWB/ZZ/XX/RP/YE/0001/FRA/ REV PO7.

ii) The addition of a condition within the “Defining Conditions” section to read:

“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.

iii) The addition of the following two drainage conditions in the Pre-Operational Use Conditions.

“Prior to the first commercial export of electrical power from the site until a Verification Report for the installed surface water drainage system for the site based on the Flood Risk Assessment
(NFW/BWB/ZZ/XX/RP/YE/0001/FRA/rev PO7) has first been submitted to and approved in writing by the Local Planning Authority. The details of this Report shall include:

a) A demonstration that any departure from the agreed design is in keeping with the approved principles.
b) As Built drawings and accompanying photographs.
c) The results of any performance testing undertaken as part of the application process.
d) Copies of any Statutory Approvals and
e) 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 the Development Plan.

“Prior to the first commercial export of electrical power from the site, a detailed site- specific maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

a) The names and contacts of the parties responsible for the maintenance.
b) Plans illustrating the location of all features requiring maintenance and how these are to be accessed.
c) Details of how each water feature is to be maintained and managed for the life-time of the development.
d) Details of how site vegetation will be maintained for the life-time of the development.

The approved Plan shall remain in place throughout the life-time of the development.

REASON

To ensure the future maintenance of the sustainable drainage structures.

b) If the Secretary of State does not intervene and on completion of the Section 106 Agreement, planning permission be granted.

APPENDIX 1

General Development Applications

(6/g) Application No: PAP/2023/0071

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

- Enviromena Project Management UK Ltd

1. Introduction

1.1 The receipt of this application was reported to the Board in May last year. That report is attached as Appendix A. The Board resolved to visit the site and a note of that visit is attached at Appendix B. Both Appendices should be treated as an integral part of this current report.

1.2 The Board should be aware that the following changes have been made to the details of the proposals since that May meeting. Apart from the first of these identified below, the remainder all relate to increased hedgerow and tree planting. The changes are:

a) Reducing the angle of tilt of the panels from 25 degrees to 20 degrees which also reduces the height of each panel from 2.7 to 2.3 metres.
b) Increased planting along the M6 boundary and in the south-east corner of the site together with additional tree and hedgerow planting in the north-east and north-west corners.
c) Division of the central large area with new hedgerows, extended hedgerows and tree planting.
d) All new hedgerows to be maintained at a height of 2.5 metres.
e) A "clump" of new tree planting on the highest part of the site.
f) Widening the corridors either side of the public footpath crossing the site enabling hedgerow and tree planting.
g) The provision of a small community garden in the far north of the site adjacent to the stream that runs through the site.

1.3 For the benefit of Members, the latest layout plan is at Appendix C. There has been re-consultation with the Fillongley and Corley Parish Councils on this Plan together with those who submitted objections following the initial submission.

1.4 Additionally, the applicant was asked to respond to the proportion of Best and Most Versatile Land within the site. This is at Appendix D.

1.5 The applicant has also provided a response to the earlier representations made by the Fillongley and Corley Parish Councils – see Section 3 below. This is at Appendix E.

1.6 Whilst there has been no change to the Development Plan since the last meeting, Members should be aware of the following changes to other material planning considerations.

a) The National Planning Policy Framework (the "NPPF") was updated in late December 2023. References in this report will thus be to that edition.
b) The Bio-Diversity Gain Requirements (Exemptions) Regulations came into effect in February 2024. These define a number of exemptions for the mandatory requirement for new development to provide a 10% nett bio-diversity gain. These exemptions and the mandatory requirements do not cover the current proposal, as it was submitted prior to the introduction of these Regulations.
c) The Town and Country Planning (Consultation) (England) Direction of 2021 was updated in early 2024. The proposal is "Green Belt" development as defined by that 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 proposals for his own determination. If the Council resolves not to support the proposal, it can do so without referral.
d) Objectors have referred to a document from February 2024 on "Planning for Solar Farms" which is in the House of Commons Library. It provides an overview of current planning guidance. Its summary is attached at Appendix F. The current proposal is a "small-scale" solar farm for the purposes of this document.

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

2. Consultations

a) Responses

Environment Agency – Solar farms are considered to be low risk developments in respect of whether they have a high level of environmental risk. In the event of fires, the Agency is notified by the emergency services. The Agency will then respond depending on the severity of the risk to potential environmental impact (including the risk of water pollution).

Warwickshire County Council (Public Rights of Way) – Public path M294 passes through the site. There is no objection to the latest plan which shows adequate space between the adjoining stream, the path and the security fencing.

Warwickshire County Archaeologist – No objection subject to conditions

National Highways – No objection following receipt of amended plans showing additional planting close to the M6 Motorway.

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

Cadent – No objection to the amended plans.

Warwickshire County Arboricultural Officer – No objection.

Warwickshire Fire and Rescue Services - No objection.
NATS Safeguarding – No objection.

Warwickshire Police (Designing out Crime) – No objection.

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

Warwickshire County Ecologist – Agrees that there is more than a 10% net bio-diversity gain, but has concerns about the impact on the skylark population. As a consequence, an off-setting contribution is necessary which can be dealt with through a Section 106 Agreement.

Environmental Health Officer – No objection.

Natural England – Its comments are advisory and were received in response to the applicant's statement at Appendix D. "If the proposals are temporary, it is unlikely that they will lead to a significant permanent loss of BMV land. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality, provided appropriate soil management is employed and the development is undertaken to high standards. It is considered that the inherent soil, site and climatic properties required to determine agricultural land classification grading would remain unaffected by solar developments and therefore not alter the grading in the long term. Although some components of the development may permanently affect agricultural land – e.g. substations - this would be limited to small areas. However, during the life of the proposed development, it is likely that there will be a reduction in agricultural production over the whole development area. It is for the Authority to consider whether this is an effective use of land in line with both national and local planning policy and national planning practice guidance which encourages the siting of large-scale solar farms on previously developed and non-agricultural land".

b) Section 106 Matters

The County Council has requested a financial contribution of £79,200 as an off-site bio-diversity contribution to create a minimum of 5 hectares of grassland.

This Agreement would be between the applicant and the County Council.

3. Representations

3.1 Fillongley Parish Council objected to the original proposal in May 2023. Its letters are at Appendix G and in summary, the matters raised are:

- The proposal does not enhance or conserve the natural environment.
- It has an adverse impact on the visual appearance, rural and natural landscape features.
- It is inappropriate development in the Green Belt.
- Solar farms should preferably be on areas of poorer quality land. This site is not poor soil.
- There will be a loss of food security.
- The proposal will "dwarf" the village changing its character and the settings of its historic assets.
- The cumulative impact of such developments in the area.
- There will be impacts from glint and glare.
- Bio-diversity improvements are not clear.
- The proposals will exacerbate local flooding issues in the village.

3.2 Its further comments on the latest plan referred to at Appendix C, are at Appendix H. These repeat many of the matters raised above but emphasise that the land is good quality agricultural land; that brown field land is to be preferred for proposals such as this and the overriding need to protect the rural environment and the openness of the Green Belt.

3.3 Corley Parish Council objected to the original proposal. Its letter is at Appendix I. It refers to:

- The proposal will lead to the loss of good food producing land.
- A forty-year period is not temporary.
- The "green" credentials of the site are doubted when the manufacture, transportation and disposal of the panels is taken into account.

3.4 Its further comments on the latest plan referred to at Appendix C, are at Appendix J. These repeat the concerns highlighted above.

3.5 The Fillongley Flood Group considers that there are inadequate measures to prevent a heightened risk of flooding in the village. This concern is retained following receipt of the amended plan.

3.6 Over sixty letters of objection were received following the receipt of the original application. The majority were from Fillongley and Corley residents. The contents generally re-iterate the matters summarised above by the two Parish Councils.

3.7 Additional comments raised refer to:

- The health risks of this type of development
- The increased fire risk and
- The potential for contaminated water from fire-fighting to pollute ground water, particularly here because the aquifer beneath the site.
- There will particularly be an adverse impact on the loss of habitat for sky-larks.

3.8 There have been eleven further representations made following re-consultation on the amended plan described in paragraph 1.2 above. These repeat earlier concerns as recorded above indicating that the amendments don't alter those initial objections. New concerns raised are:

- The proposal would "discourage" people from visiting the village.
- The community garden would be unlikely to be used.

3.9 Two letters of support have been received from a Corley and a Fillongley resident referring to the need to improve the amount of solar power produced and indicating that the proposal would have very little impact.

4. Observations

a) Green Belt

4.1 The site is in the Green Belt. Members will be aware that the construction of new buildings is defined by the NPPF as being inappropriate development in the Green Belt. This would therefore include the construction of all of the structures connected to the solar farm in this proposal – e.g., the substation, the panels and the fencing. As such, the proposal is harmful by definition to the Green Belt and should not be approved except in very special circumstances. In respect of "renewable energy projects", the NPPF says that many of the elements of these projects will comprise inappropriate development and thus the applicant has to demonstrate very special circumstances if such proposals are to proceed. The applicant too acknowledges that the proposal is for inappropriate development. Substantial weight is thus to be given to this "definitional" Green Belt harm.

4.2 The Board will now have to assess what the "actual" Green Belt harm is in the circumstances of this particular case at this site. In other words, is there anything on the ground here that might reduce the weight to be given to this harm to the Green Belt.

4.3 The essential characteristics of the Green Belt according to the NPPF are its openness and its permanence. In respect of the former, then the NPPF does not provide a definition of openness, but in planning terms it is usual to treat it as being the absence of development. The National Planning Practice Guidance

however does assist by outlining four elements to openness. The first is a spatial element. The proposal is large in terms of ground cover and there is height to the associated structures and buildings. The setting is within open countryside with an overall undulating land-form. Ground levels rise from the village of Fillongley in a southerly direction towards the M6 Motorway and the site itself is a large "domed" ridge with two valleys on either side, the one to the east being more pronounced. Apart from the Motorway there is very little built form around its perimeter or indeed beyond it. There are some field hedgerow remnants within the site with isolated trees. The surrounding landscape is open with wide ranging views. The proposal would introduce new built development into this setting. Notwithstanding the low levels of the structures, the existing topography would not contain the development spatially. This is because of the extent of the site, the proportion of higher ground within the site and there being no other such land outside of the site to contain or absorb the development. The setting of the site would be materially altered. However, the introduction of tree planting in and around the site, re-instating former field boundaries as well as re-enforcing existing ones, together with the new "landscape feature" of the new copse of trees, significantly reduces the impact on openness. The spatial impact on openness is thus considered to be moderate, because of its size. The second factor is the visual one. There is no residential property around the actual perimeter of the site but there are a few more distant properties that overlook parts of the site – particularly on the Meriden and Green End Roads. There is also visibility from the rear of properties along Coventry Road in Fillongley. The overall impact would however be limited because of the distances involved, the existing landscaping and the proposed mitigation. The site would be visible from the Meriden Road and certainly from the elevated Motorway, but these views would be transitory and mitigated to some degree by the proposed planting. The site would be visible from the public footpath to the east of the site. However, the one through the western part of the site continues for some length and even though transitory, the visual impact would be substantially adverse. Overall, therefore the visual element would result in harm. However, the introduction of tree planting in and around the site re-instating former field boundaries as well as re-enforcing existing ones, together with the new "landscape feature" of the new copse of trees, significantly reduces the visual impact. The visual impact on openness is thus considered to be moderate again because of the size of the proposal. The third element is to assess the activity associated with the proposal. Here the construction period would be short lived and once operational, the use would require minimal activity on the site – perhaps less than the current agricultural levels. The final element is whether the proposal is permanent or not. A 40-year life is being proposed and that is not a permanent loss of openness. When all of these elements are put together it is considered that the openness of the Green Belt would not be preserved. However, over time and with the mitigation measures now proposed, it is considered that the actual Green Belt harm caused would be moderate.

4.4 The second characteristic is the permanence of the Green Belt which was referred to above.

4.5 The NPPF also refers to development not conflicting with the purposes of including land within it. Of these five purposes, it is only the third – assisting in "safeguarding the countryside from encroachment"- that is relevant here. It is considered that there would be conflict here. In line with the conclusions above, this is due to the addition of a sizeable non-agricultural development on raised ground which alters the surrounding countryside appearance and character. However, given the life-span of the development and the impact of the mitigation measures over time, this conflict is considered to amount to moderate harm.

4.6 In conclusion therefore the actual Green Belt harm caused is considered to be moderate.

4.7 In making this Green Belt assessment, it is therefore considered that there is substantial definitional harm caused and moderate actual harm.

4.8 It is now necessary to assess whether the proposal would cause any other harms which would need to be added to that side of the final planning balance.

b) Other Harms

i) Landscape and Visual Impacts

4.9 Policy LP14 of the Local Plan says that new development should look to conserve, enhance and where appropriate restore landscape character so as to reflect that as described on the North Warwickshire Landscape Character Assessment of 2010. This aligns with policy LP1 which says that development must "integrate appropriately with the natural and historic environment", and also with Policy LP30 which says that proposals should ensure that they are "well related to each other and harmonise with both the immediate and wider surroundings". The Fillongley Neighbourhood Plan Policy FNP02 says that "development should not have adverse impacts on the visual appearance and important scenic aspects of rural and natural features in the landscape". These matters are reflected in the NPPF at para 180, which says that planning decisions should "recognise the intrinsic character and beauty of the countryside."

4.10 Looking first at the possible landscape impacts then the site is within the "Church End to Corley – Arden Hills and Valleys" character area as defined by the 2010 Assessment. Here the landscape is described as being "an elevated farmed landscape of low rounded hills, steep scarps and small incised valleys. This landform combined with extensive woodlands and tree cover creates an intricate and small-scale character, punctuated by numerous scattered farms and hamlets. The majority of the character area is deeply rural". The landscape

management strategies identified include "conserving rural character by restricting changes in the use of rural land".

4.11 The site is very much seen as displaying many of these characteristics and thus does not stand alone within this Character Area. It is part of the much wider Area. Whilst it is not a designated landscape or recognised within the Development Plan as being particularly distinctive, its quality lies in its intrinsic largely unchanged rural character. Whilst the original proposals retained existing field boundaries and would have enhanced perimeter hedgerows, there would still have been a material change in the landscape which would not be contained. This was due to the extensive area of the site, its height and there being no immediate surrounding higher land that would contain the site naturally such that it would retain its openness. The amended plans have sought to address these matters. This is because they have "compartmentalised" the site by re-introducing former hedgerow boundaries, added new site wide hedgerows and strengthened perimeter planting. A notable addition is the proposed "clump" on the highest ground. As a consequence of these measures, the site is divided and the eye drawn to skyline tree planting. The North Warwickshire Local Plan identifies the quality of the Borough's natural and historic environment as its first "key quality" – para 3.9 - and that is transferred into its spatial vision which is to retain and reinforce its rural character to ensure that it is distinctive from the surrounding urban areas – para 4.2. This is why the significance of adverse change to a largely unchanged rural landscape would be considered to cause significant harm. The amendments here however are material and address the key components of the harm that would have been caused. The landscape harm is thus reduced to moderate in impact.

4.12 Turning to the possible visual impacts, it is first proposed to look at impacts from existing residential property before looking at the impacts on footpath users and drivers. Members will be aware that the loss of a view or a change to a view is not necessarily a material planning consideration. In this case the site is not adjacent to and neither does it adjoin established residential property. Surrounding property is either scattered and dispersed or within the village of Fillongley itself. The proposed would be glimpsed from the rear of south facing property on the southern edge of Fillongley some 550 to 600 metres away, seen through existing trees, but constituting a small part of the overall view. Properties on the southern side of the Coventry Road extending eastwards out of the village are on higher ground and would similarly be able to view the eastern most field as well as the higher ground within the site - some 520 metres distant. The whole site would not be visible and thus again the views would be only a small part of the overall extensive panorama from these properties. The closest property is Park House Farm, but this is still some 500 metres from the edge of the site with intervening trees. As it is on elevated land, there would be partial views of the northern slopes of the site. There are residential properties in Green End Road up to some 700 metres from the site and on elevated land. The elevated section of the site would be visible from first floor windows. The higher part of the site would also be visible from White House Farm to the west - some 250 metres - but there is far more in the way of intervening woodland which helps to mitigate

visual impacts. Taken together, and when considered against the original submission, any adverse visual impacts from existing residential property would have been considered to be generally minor. The amended plans address these harms and overall, they would be reduced to having a limited impact.

4.13 Looking at the visual impact from drivers, then the Meriden Road runs alongside the western side of the site for its whole length. There is significant existing woodland along part of the boundary – at its southern end – and the remainder to the north is now to be further strengthened thus reducing visibility. The views would now be glimpsed and partial as well as being transitory. The higher level of Green End Road to the west would similarly have views over the higher part of the site. The enhanced planting now proposed would significantly reduce any impacts because of its focus on skyline planting.

4.14 There will be glimpsed views of the site by drivers of the M6 motorway due to gaps within the existing tree cover and the motorway's raised level. Whilst additional planting can help here, the impact is very transitory.

4.15 In overall terms therefore any adverse visual impacts for drivers of the adjoining highways are considered to be minor.

4.16 Finally, it is proposed to look at the potential impact on footpath users. The M294/1 runs north/south through the western portion of the site within a shallow valley over several hundred metres. There would be panels on either side of the retained footpath corridor. Views would be contained and would introduce a wholly urbanised context regardless of the new planting. The experience of walking a rural footpath would be lost. This is a well-used footpath, and it is routed directly into the village centre. The development would significantly reduce the experience of walking in a rural landscape between the M6 Motorway and the village. Because of its length, this experience would be more than transitory and change the character of this part of the footpath. The adverse impacts would thus be major.

4.17 The Public footpath M294a/1 passes the eastern side of the site, running north/south from a footbridge over the M6 to the centre of the village. It varies between less than 100 to 400 metres from the site. Whilst the site would only be glimpsed at its northern end as with the residential properties here, it would become visible as one walks south. This is because the eastern field of the site comes into view as well as the higher portions of the site itself. The path here is at a higher level than that eastern field. At the motorway bridge, the site will become quite dominant in the views because of the bridge being at a higher level and the extensive views northwards from there. The enhanced mitigation measures in the amended plans will reduce the overall impact of users of this path which would be moderate in scale.

4.18 The Coventry Way is a footpath which runs east/west beyond the eastern side of the site linking up with the M298/1 at its southern end so as to cross the Motorway. The site will be evident to users of this path due to the elevated levels of the path and the highest part of the site itself. However, with the new planting there will be a limited impact.

4.19 When these visual impact matters are assessed cumulatively together with the mitigation proposed, it is considered that overall, there are generally minor impacts on residential property and road users, but more moderate impacts on footpath walkers.

4.20 These have to be added to the moderate harm to the landscape character as concluded above.

4.21 In all of these circumstances, the proposal would not wholly satisfy Local Plan policies LP1, LP14 and LP30 as the landscape character would not be conserved or enhanced and the proposal would not integrate or harmonise well with its surroundings. Neither would it satisfy the Neighbourhood Plan Policy FNP02 on the important scenic aspects of the natural landscape. This means that para 180 of the NPPF is also neither satisfied. However, the degree of non-compliance is moderate in impact.

ii) Heritage Impacts

4.22 Local Plan policy LP15 says that the quality, character, diversity and local distinctiveness of the Borough's historic environment will be conserved and enhanced. In order to do so, an assessment has to be made of the potential impact of the proposals on the significance of heritage assets that might be affected by the proposal as set out in Section 16 of the NPPF. Whilst there are no assets on the site, the Fillongley Conservation Area is to the north and there are a number of Listed Buildings in the locality.

4.23 The Council is under a Statutory Duty to pay special attention to the desirability of preserving or enhancing the character or appearance of its Conservation Areas. The southern edge of the Fillongley Conservation Area lies around 300 metres to the north of the site. The significance of the Area lies in the recognition of the historic old core of the village and the cluster of historic buildings within it – particularly focussed on the Church. There is however a substantial extension to the south of open agricultural land so as to include the Scheduled Ancient Monument of the earthworks of the former Motte and Bailey Ringwork Castle at Castle Farm. It is the historical significance of the evolution of the village that is the main characteristic. The Area is not tightly drawn around its historic core as it includes the open land to the south leading up to the Monument. The buildings in the village are in-ward looking along the linear street form and there are restricted views in other directions. The topography of the village limits longer distance views, but the church tower is the main feature visible from the northern edge of the site. Due to the intervening topography, vegetation, separation distances and built form of the village, it is considered that the proposal with its additional mitigation, would only have less than substantial harm on the character

and appearance of the Area, as its location has no particular function within its setting.

4.24 The Scheduled Monument is a medieval 12th Century Ringwork fortification with retained masonry and earthwork remains of Castle Yard and its associated bailey. It has significant historical significance nationally as well as locally as these constructions are rare. It is to the south of the village and partially located within a small depression bounded by trees and hedgerows. This provides an enclosed setting with the focus on the earthworks themselves through which there are glimpsed views of the surrounding countryside beyond. There are glimpsed views of the far northern end of the site from here, but the intervisibility is essentially limited by the local topography and intervening tree and hedgerow cover. The site itself is does not contribute to the historic or visual setting of the Monument which is more focussed to the village itself to the north.

4.25 The Council is also under a statutory duty to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. There are such buildings in the vicinity of the site.

4.26 Park House Farm is a Grade 2 Listed Building dating from the early/mid-17th Century with early 19th Century additions, about 500 metres to the north of the site. It is set in a working farm complex which also contains other listed buildings as well as hard-standings and other infrastructure. Their close arrangement forms the immediate setting of this group of heritage assets. Their significance lies in the retention of a working group of agricultural buildings with contemporaneous architectural characteristics. There is no direct impact on the fabric of these buildings and the separation distances and intervening tree covers limits the impact of the proposal on this immediate setting. There will be some visibility of the site from them, but these views are part of a very much wider panorama seen from the buildings which when further mitigated through the new planting, would not materially affect the setting, which is considered to be the immediate grouping of buildings.

4.27 Fillongley Mount is a Grade 2 Listed Building of 16th Century origin on higher land in Green End Lane. This is a residential building set in landscaped grounds that form its immediate setting which borders the wider agricultural landscape beyond. The application site plays no part in this setting because of separation distances, intervening topography, the local road network and there being no intervisibility.

4.28 Manor House Farm and its attached barn is a Grade 2 Listed Building on Green End Lane dating from the 14th and 15th Century with later additions, some 750 metres to the north-west of the site. The immediate setting of this group includes other more modern agricultural buildings. There is very limited if any intervisibility with the site and it plays no part in the wider setting of these assets.

4.29 White House Farm House is an early 19th Century Grade Two Listed Building around 250 metres to the west of the site. It too has an immediate setting comprising a number of other buildings and gardens. It has an elevated position and its upper floors do have views over the site. These however are glimpsed views within a wider setting which would be further mitigated through the enhanced planting so that together, the views would not materially diminish its immediate setting

4.30 When taken together it is considered that the overall impact on these above ground heritage assets is less than substantial.

4.31 It is now necessary to assess the potential archaeological impact. The County Archaeologist considers that the site lies within an area of significant archaeological potential. It is acknowledged that the site is likely to have remained predominantly in agricultural use since the medieval period, but the lack of previous fieldwork undertaken means that the potential of the site for the pre-medieval periods is unknown. As a consequence, it has been agreed with the applicant that evaluative fieldwork will be undertaken in order to establish whether there would be below ground impacts. This would take the form of a phased approach through the site including a programme of geophysical survey and evaluative trial trenching for each phase. This approach has been agreed with the County Archaeologist and could be accommodated by planning condition. As such it is not considered that substantial harm is likely to be caused

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

iii) Highway Impacts

4.33 Local Plan policy LP29 (6) says that all developments should provide safe and suitable access for all users. The NPPF says that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe – paragraph 115.

4.34 Given this policy background, it is of substantial weight therefore that neither National Highways nor the Warwickshire County Council as the Highway Authority have objected to the proposed access – essentially improvements to the existing access onto the Meriden Road close to the M6 bridge.

4.35 It is thus considered that the proposal satisfies Local Plan policy LP29(6).

iv) Drainage and Flooding Impacts

4.36 Local Plan policy LP33 requires water runoff from new development to be no more than the natural greenfield runoff rates and developments should hold this water back on the development site through high quality sustainable drainage arrangements which should also reduce pollution and flood risk to nearby watercourses. The NPPF at para 175 says that major developments should incorporate sustainable drainage systems and that these should take account of the advice from the lead local flood authority.

4.37 In this case, the policy requirement set out above is particularly significant as the watercourses that run through the site on its western side or alongside beyond its eastern boundary, run into the centre of Fillongley where part of its course is restricted due to engineering works. As such there is frequent flooding within the village to the extent that the Local Flood Authority recognises Fillongley as a flooding "hot-spot" and there is an organised local Flood Group. The prospect of increased surface water run-off from the site running into the watercourses upstream from Fillongley, or through natural infiltration, is thus a substantial consideration here.

4.38 The initial proposals included retention of grass/pasture cover throughout the site under and around the panels and a number of interception swales along the rows of panels that are at the lowest levels on the site. The Local Lead Flood Authority requested a more detailed analysis of the proposal which resulted in additional measures being introduced – each transformer unit having its own infiltration trenches to capture and attenuate surface water from them.

4.39 It is of substantial weight that the Local Lead Flood Authority has now withdrawn its initial objection as it concludes that the applicant has demonstrated the principles of an acceptable surface water management strategy for the site. However, conditions are needed to require submission of full details at pre-commencement stage. It is understandable that the Local Flood Group expresses concern and caution, but the relevant Statutory Authority has not objected in principle taking into account the particular local circumstances here. As such, and particularly in respect of the NPPF position, it is considered that the proposals do now satisfy Local Plan policy LP33.

v) Ecology and Bio-Diversity

4.40 Local Plan policy LP16 says that the quality, character, diversity and local distinctiveness of the natural environment is to be protected and enhanced as appropriate, relative to the nature of the development proposed and net gains for bio-diversity should be sought where possible. The Board is also aware of the new Regulations introduced in February this year. As this proposal was submitted prior to their introduction, there is no mandatory 10% nett gain required. The proposal nevertheless, still has to show a net bio-diversity gain, in order to accord with Policy LP16.

4.41 It is of substantial weight that the County Ecologist acknowledges that the appropriate bio-diversity assessment has been undertaken and that this when the additional planting has been included, shows a net gain of 62% in habitat units and a 25% gain in hedgerow units. This is made up as a consequence of the creation of meadow grassland throughout the whole site, the retention and enlargement of arable margins, new hedgerow planting alongside the footpath which crosses the site and the new hedgerow and tree planting throughout and around the perimeter of the site. A number of species enhancement measures are also included – the creation of amphibia refugia, reptile basking areas as well as bird and bat boxes. To this should be added the community garden.

4.42 However as recorded in Section 2 above, the County Ecologist raises the issue of the loss of habitat that is "home" to a skylark population. This cannot be compensated within the proposal on-site and thus the appropriate measure is for an off-site contribution in lieu. This approach has been agreed with the applicant

4.43 In all of these circumstances the proposals would satisfy Local Plan policy LP16 and the new requirements.

vi) Agricultural Land

4.44 Local Plan policy LP16 says that the quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced as appropriate relative to the nature of the development proposed. The NPPF says that planning decisions should contribute to and enhance the natural and local environment, amongst other things by protecting and enhancing soils and recognising the economic and other benefits of the best and most versatile agricultural land – para 180 (a and b). Where significant development of agricultural land is demonstrated to be necessary, the NPPF also states that areas of poorer quality land should be preferred to those of higher quality. The availability of agricultural land for food production should be considered alongside other policies in the NPPF, when deciding what sites are most appropriate for development – footnote 62.

4.45 Natural England has published guidance in respect of solar farm development and agricultural land quality. It says that such developments would be unlikely to lead to significant permanent loss of BMV agricultural land as a resource for future generations because the development is reversible with limited soil disturbance. However, it does draw attention to the reduction in agricultural production over the whole development area during the lifetime of the development. National Planning Guidance Practice says that Local Planning Authorities should consider encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value, and where a proposal involves greenfield land, whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land.

4.46 The best and most versatile land ("BMV") is defined as Grades 1, 2 and 3a in the Glossary to the NPPF. In this case as reported in Appendix A, 24% of the site is in Grade 2 and 71% in Grade 3a. Therefore 95% of the site is BMV. The predominance and value of BMV on this site carries substantial weight in light of Development Plan and National Planning policy. This would be a substantial harmful impact which would need to be considered in the final planning balance.

v) Other Matters

4.47 In light of the responses received from both the Civil Aviation Authority and National Highways, it is not considered that there would a harmful effect from glint or glare arising from the proposals.

4.48 Similarly, the lack of objection from the Environmental Health Officer in respect of potential noise emission from the plant associated with the proposal is significant. This is due to the location of the main plant being in the south-west corner of the site close to the Motorway and the separation distances from there to the nearest residential property.

4.49 There is neither an objection from Cadent as there is sufficient open land left either side of the pipe-line that crosses the site to provide the necessary easement for maintenance purposes

4.50 The Environment Agency has submitted comments, recorded above, in light of representations made concerning the potential contamination of ground water as a consequence of water infiltration following a fire on site. This is an issue here given the aquifer below and close to the site. The Warwickshire Fire and Rescue Service point out that the lack of battery storage systems on site reduces the risk of fire incidents.

c) The Harm Side of the Planning Balance

4.51 From the above assessments, it is considered that the "harm" side of the planning balance in this case comprises the substantial definitional Green Belt harm, the moderate actual Green Belt harm, the moderate landscape and minor visual impacts, the harm caused by the use of Best and Most Versatile Land, as well as the less than substantial harm to local heritage assets.

d) The Applicant's Case

4.52 The applicant's case has to provide sufficient weight so as to "clearly" outweigh the cumulative harm caused, if it is to amount to the very special circumstances necessary to support the proposal.

4.53 The key consideration advanced by the applicant is the importance of increasing the production of energy from renewable sources. The proposal would generate clean renewable energy to the Grid. National Energy policies support this objective and Members are referred to the previous report at Appendix A, where this documentation is identified. In a planning context, then the NPPF at para 157 says that "the planning system should support the transition to a low carbon future in a changing climate. It should support renewable and low carbon energy

and associated infrastructure." Additionally at paragraph 163, the NPPF says that "when determining planning applications for renewable and low carbon development, local planning authorities should not require the applicant to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution, approve the application if its impacts are, or can be made acceptable". In the case of sites in the Green Belt, the para 156 says that "developers will need to demonstrate very special circumstances if projects are to proceed. Such circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources" The support in principle exhibited by this planning background is also reflected in the Development Plan. Local Plan policy LP35 says that "renewable energy projects will be supported". There are however conditions attached to that support and these will need to be dealt with in the final planning balance. As a consequence of all of these matters, it is considered that this consideration put forward by the applicant carries substantial weight.

4.54 The applicant also points out that any adverse impacts here will be reversible in that the site would be de-commissioned after 40 years. This is acknowledged as a consideration, but this period is lengthy and any residual impacts, even if mitigated, would still be apparent throughout that time. As a consequence, this consideration can only carry moderate weight

4.55 A further consideration is that the site would continue to provide an agricultural use, albeit not arable crop production.

4.56 In conclusion therefore, the need to provide sustained renewable energy as the key consideration here would outweigh the other matters, such that the applicant's case would carry substantial weight.

e) The Final Planning Balance

4.57 The final planning balance is thus coming to a planning judgement on whether the weight to be given to the applicant's case, as summarised in paragraph 4.56 "clearly" outweighs the cumulative weight of the harms identified in paragraph 4.51

4.58 It would appear that there is a fine balance here with substantial weights appearing on either side. It is therefore proposed to look at this assessment by returning to the Development Plan

4.59 This is because planning policy support for the proposal is conditioned. Paragraph 163 of the NPPF clearly conditions support to cases "where the impacts are, or can be, acceptable." This is put into a local context by Local Plan Policy LP35, which says that such 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 of buildings of historic or cultural importance, residential amenity and the local economy". Each of the elements in LP35 will now be assessed.

4.60 Looking first at the impact on landscape quality, then the original proposal did not respect the capacity and sensitivity of the local landscape here for the reasons already outlined – its size, the proportion of raised ground, the lack of compartmentalisation and the lack of containment in the wider setting. The subsequent receipt of the amended mitigation materially affects this conclusion as it addresses these reasons and renders the complete proposal "acceptable" in the terms of the NPPF. It is also acknowledged that there would be no cumulative landscape impact when considered alongside recent planning permissions for similar proposals given the lack of inter-visibility between them and the separation distances. As a consequence, it is considered that the amended proposal, whilst not fully satisfying Local Plan policies LP1, LP14 and LP30, does mean that the degree of non-compliance is not significant.

4.61 In respect of heritage impacts, it is acknowledged that the substantial public benefits around from the national energy and planning policy support in principle for the development, would outweigh the less than substantial harm likely to be caused to local heritage assets here. This harm in other words, would not "tilt" the final balance

4.62 Turning to the impact on the natural environment, then the issue of the use of BMV arises. In this case, this of substantial weight because of the pre-dominance of such land within the site. The applicant was asked to respond to this concern not only for this site, but also cumulatively given that other recent consents have included BMV land. His response is at Appendix D. This finds that:

a) North Warwickshire as a whole has a higher proportion of Grade 1 and 2 agricultural land than found in England, the West Midlands and the County generally – 20% of its area compared with 17%, 19% and 12% respectively.
b) As a consequence, BMV land is not a scarce resource in North Warwickshire.
c) Because of this, the ability to find alternative sites of lesser soil quality to accommodate commercial scale solar farm development is highly constrained.
d) The site area is 61 hectares, and thus the BMV land "taken" here would only be 0.22% of the total Authority land area.
e) Even when other consented schemes are taken into account, the total BMV land "taken" would amount to 0.3% of the Authority land area.
f) The land covered by this 0.3% would not be lost from agricultural use either temporarily or in perpetuity.
g) There would bio-diversity net gains which would remain after de-commissioning as would the improvements to soil health.

4.63 The applicant supplements these matters by referring to recent appeal decisions. The first involved a similarly sized proposal on a site with 72% BMV in an Authority comprising predominantly BMV land. This was granted a planning permission finding that solar farm developments would be unable to avoid the use of BMV land, particularly as proximity to the National Grid was a limitation. Additionally, the Inspector concluded that "the effect on agricultural land, although lengthy, is ultimately temporary and reversible and would not represent a total loss of agricultural land". Whilst BMV land was not involved in the second case, the Inspector found that "the specific way agricultural land is used, is not a matter that is subject to planning controls".

4.64 In response, the Board will notice that the areas in paragraph 4.62 above relate to the Borough as a whole. The applicant was asked to assess the areas of Grades One and Two Agricultural land within the existing proposal as a proportion of the total Grades One and Two land in the Borough and the cumulative Grades One and Two land from this, plus other recently consented solar farms. The site amounts to 1.2% to Grades 1 and 2 land in the Borough and 1.27% of the Borough's Grade 2 land when the other sites are included. (There was no Grade 1 land taken in the other sites, hence the reference here is only to Grade 2 land). Whilst the significance of the BMV land taken either by this proposal or cumulatively, may be perceived to carry greater weight than that attributed to it by the applicant, these figures are low. Additionally, Members will be aware from previous cases, that the search for sites is very much conditioned on the points of connection into the National Grid. This why this application is in the same geographic area of the Borough as the others - its south-east corner– with the connection for all being at Nuneaton. It just so happens that this area is in the location of significant areas of BMV land.

4.65 Initial consideration of this matter attributed substantial harm because of the predominance of BMV land in the site. This has had to be re-assessed in light of the applicant's rebuttal. As a consequence, it is considered that the assessment of the impact on the natural environment through the use of BMV land should be assessed on the evidence above. It is not considered that that impact is of such weight to warrant a reason for refusal. This is because:

a) From recent cases in the Borough, the Board is aware that the capacity of local substations to connect to, is limited to the Nuneaton site and thus the search for sites for solar farm projects will be concentrated into its catchment area.
b) It is thus very likely that BMV land will be involved in that search.
c) In this case, the overall proportion of BMV land "taken" even cumulatively with other permitted projects is not significant, when that is considered against the total amount of BMV land in the Borough.
d) The weight in the determination of planning appeals by Inspectors given to there being no permanent loss of BMV agricultural land is substantial.
e) There is no agricultural evidence provided by Natural England to add weight to a possible refusal here based on their being a specific loss of land for food production as set out in the NPPF (footnote 62). Nor indeed has evidence been submitted by objectors in respect of a potential material reduction in food production.

4.66 When all of the above is taken into account, it is considered that the impact here is "acceptable" in overall planning terms

4.67 Finally it was also concluded above that there would be unlikely to be any adverse residential amenity impacts. The applicant is neither promoting benefits in terms of enhancing the local economy.

4.68 Drawing all of these matters together, it is concluded that in overall terms the amended proposal would be acceptable under Policy LP35.

4.69 As indicated before, the NPPF condition also asks whether these impacts can be made acceptable. It is considered that they can.

4.70 The final balance therefore comprises the weight given to the applicant's case for renewable energy and the cumulative weights attributed to actual Green Belt and landscape harm. In this particular case it is considered that the proposals do accord with the relevant planning policies for renewable energy projects as set out in paragraph 4.59 above and thus can be supported.

Recommendation

a) That the Council is minded to **GRANT** a planning permission subject to the imposition of conditions as outlined below and the completion of a Section 106 Agreement with the Warwickshire County Council in respect of the bio-diversity offsetting contribution referred to in this report, and that as a consequence, the matter be referred to the Secretary of State under the terms of the 2024 Direction.

b) If the Secretary of State does not intervene and on completion of the 106 Agreement, the Notice be issued.

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 REVD
   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 P14
   g) Drainage Strategy (document NFW/BWB/ZZ/XX/RP/CD/0001/DS Rev PO6) prepared by BWB Consulting Ltd

   REASON

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

3. 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.

4. 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 bio-diversity 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.

5. The scheme as agreed in writing by the Local Planning Authority under condition 4 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 3, 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

6. Notwithstanding the approved plans defined in condition2, 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.

7. 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.

8. 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.

9. 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 approve 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.

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.

10. 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.

11. 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

12. 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.

Pre-Operational Use Conditions

13. 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 10 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.

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.

14. 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 hoe 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.

15. 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 ad 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.

16. 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.

17. 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.

Other Conditions

18. 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.

19. 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.

20. 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.

21. 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.

Notes:

a) The Local Planning Authority has met the requirements of the NPPF in this case through seeking amendments in order to overcome objections from the statutory consultations and to mitigate the concerns expressed by the local community in order to result in a positive outcome.

b) Attention is drawn to the public footpath the M294 which crosses the site. This must remain open at all times unless closed by legal order and neither should it be obstructed by vehicles or materials. Any disturbance to the surface requires prior authorisation from the Warwickshire County Council as does and new gate or other structure on the footpath.

c) Attention is drawn to the gas pipeline that crosses the site. You should contact Cadent Gas prior to any construction work commencing.

d) Attention is drawn to Sections 59, 149, 151, 163 and 184 of the Highways Act 1980, the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.

e) The Lead Local Flood Authority advises that the strategy approved at this time should be treated as the minimum required at this stage. The subsequent "discharge of condition" stage should be approaching a level of detail suitable for tender or construction.

APPENDIX A

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.

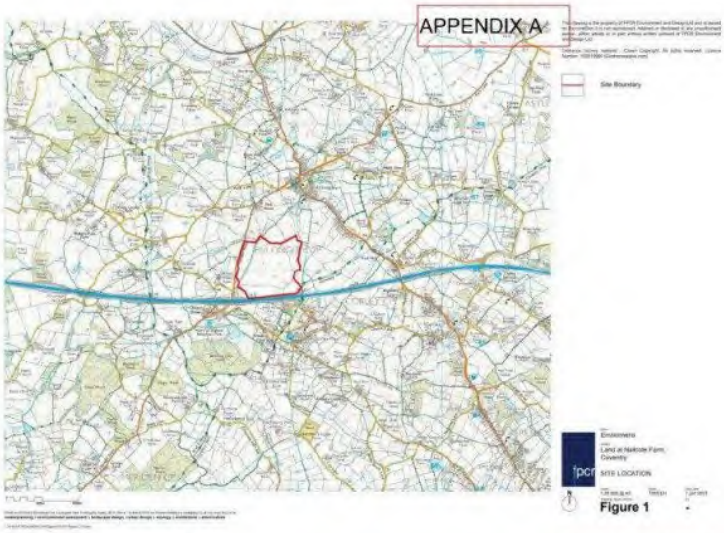
As the site is in the Green Belt, it will follow the sequence with which Members are familiar. The first matter will be to establish whether the proposal is appropriate or inappropriate development in the Green Belt as defined by the National Planning Policy Framework. That approach taken in the remainder 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.

It 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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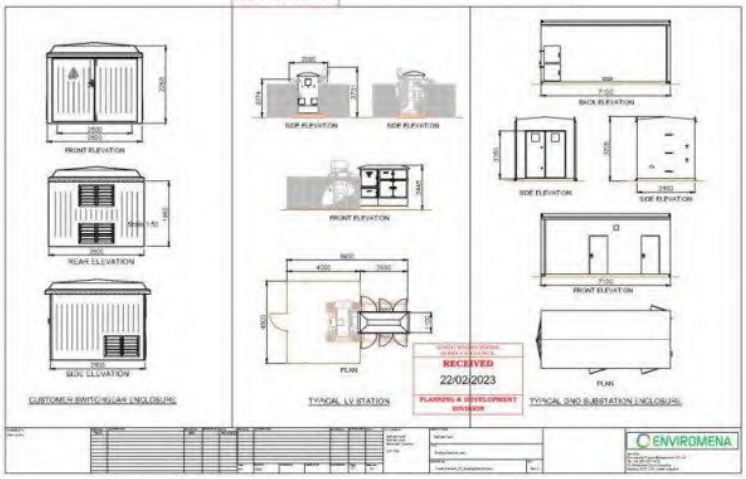
APPENDIX D



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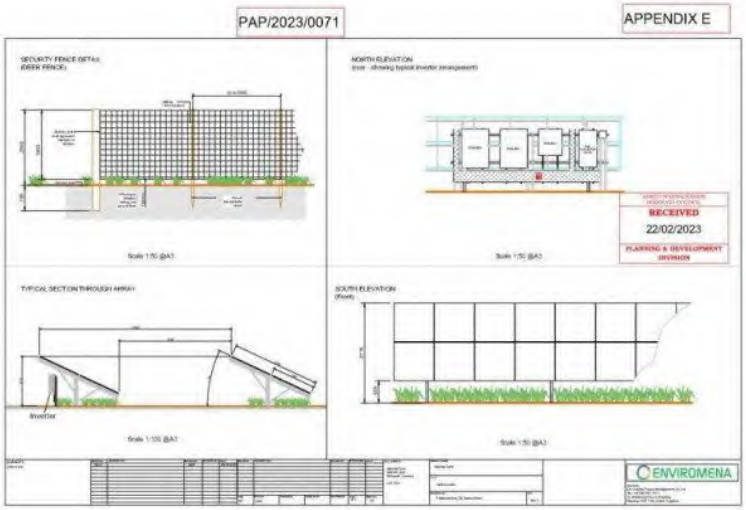
APPENDIX E



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arbtech

7th 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.

Arbtech Consulting Ltd 5578552 VAT GB903560148
Unit 3, Well House Barns, Chester CH4 0DH
Tel. 01244 661170 Web. http://arbtech.co.uk E-mail. email@arbtech.co.uk

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 7th March 2023. A previous preliminary ecological appraisal (PEA) is used as the ecological baseline and was carried out on 1st December 2022. The baseline habitat map and the current proposed soft landscaping plans are fond 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.

Arblech Consulting Ltd 5678552 VAT GB903560148
Unit 3, Well House Barns, Chester CH4 0DH
Tel. 01244 661170 Web. http://arblech.co.uk E-mail. email@arblech.co.uk

Appendix 1: Habitat baseline map

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

BACK PAGE

Arbtech Consultant's Contact details:

Craig Williams BSc (Hons), MSc, DIC, MRSB

cw@arbtech.co.uk

Arbtech Consulting Ltd

https://arbtech.co.uk

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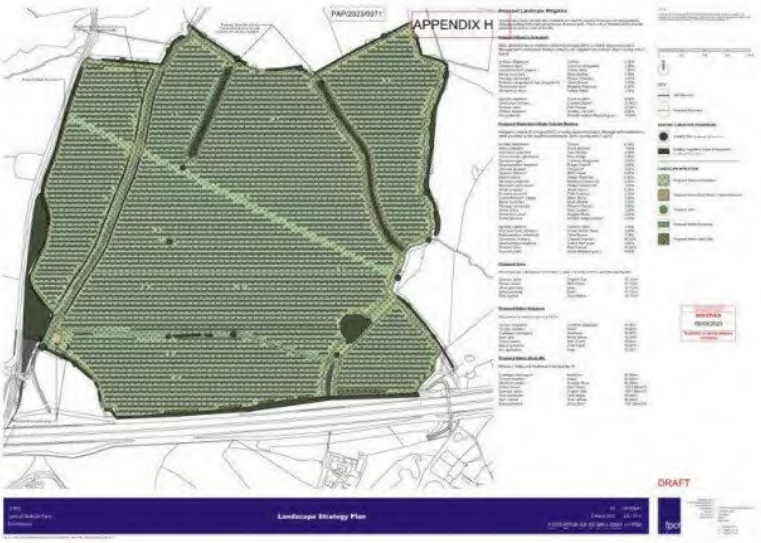

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APPENDIX B

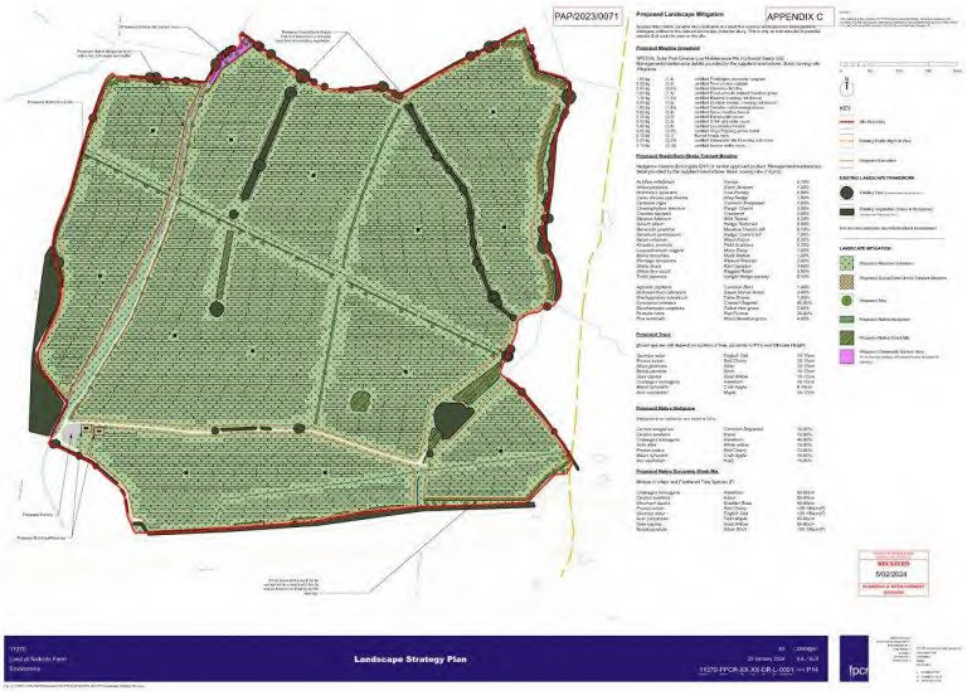
PAP/2023/0071

Land off Meriden Road, Fillongley

Site Visit – 16th December 2023 at 1000

Present: Cllr's Bell, Dirveiks, Gosling, Reilly, Ririe and Simpson together with J Brown

1. Members met at the proposed vehicular access to the site close to the M6 Overbridge.
2. Members were shown the latest proposed layout together with photographs overlooking the site from a number of viewpoints which showed the situation at present together with CGI's of the same view after five years. These had been prepared by the applicant at officer request.
3. From here they walked onto the site noting the location of the proposed service/parking area and the presence of the Motorway.
4. At this point, there was a general view to the north over the western portion of the site. The track leading to the site of the Shooting Club was also noted. Members also saw the existing trees and hedgerows within the site and visible from this point – towards the north.
5. The contours of the land were noted – the changes in levels on both sides of the footpath and the higher ground on the horizon to the north.
6. Members then walked north along the public footpath running parallel to the Meriden Road to the west. The existing watercourse running alongside was noted together with the line of the road and the copses and hedgerows alongside its eastern boundary.
7. Two stops were made along this path where members saw the line of the gas pipeline, the contours on either side of the path, the trees and hedgerows around the site and properties on the horizon – those along Green End Road.
8. At the northern end of the site Members were shown the location of a possible community garden by the stream.
9. Members looked back to the south to see the rising land to the east and towards the Motorway.
10. Members then walked up the slope along the field boundaries marking the northern extent of the site. Here they were able to see Fillongley and its Church tower, together with the rear of properties running along the Coventry Road. From here Members could also see the site extending over the higher ground towards the M6 – the highest part of the site.
11. Members then walked alongside the main north/south hedgerow dividing the larger western portion of the site with the third field to the east. Here Members could see the line of properties running along the Coventry Road as well as the line of the Coventry Way – the footpath to the east of the site which eventually crosses the M6 and goes into Corley.
12. Members saw the change in levels of this third field running down towards the north-east.
13. Members then approached the area used by the Fillongley Shooting Club. They saw the higher land to the north as well as the field running up to the M6 embankment.
14. Members then returned to the main access having concluded a clock-wise walk around the perimeter of most of the site.
15. The visit concluded at 1110 hours.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APPENDIX C
Proposed Landscape Mitigation
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Landscape Strategy Plan
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APPENDIX D

PAP/2023/0071

Fillongley Solar Farm

Agricultural Land Impact Statement

Enviromena Project management UK Ltd

August 2023

Fillongley Solar Farm

Agricultural Land Impact Statement

Enviromena Project management UK Ltd

Project Ref:	34573	
Status:	Draft	Final
Issue/Rev:	01	02
Date:	April 2023	June 2023
Prepared by:	AH	AH
Checked by:	JH	JH
Authorised by:	JH	JH

Stantec
Rotterdam House
116 Quayside
Newcastle upon Tyne
NE1 3DY

Tel: 0191 605 3501
Email: amy.hindson@stantec.com

Ref: 34573/A5/AH
Date: June 2023

CONTENTS

1.0 INTRODUCTION

Background

1.1 This Statement has been prepared by Stantec, on behalf of Enviromena Project Management UK Ltd ('the Applicant') to support a planning application (ref: PAP/2023/0071) for a solar farm on land to the east of Meriden Road, Fillongley ('the Site') submitted to North Warwickshire Borough Council ('the Council').

1.2 The 'Proposed Development' comprises the construction, operation, management, and decommissioning of a grid-connected solar farm with associated infrastructure to provide a reliable source of clean, renewable energy (48.1MW) to the National Grid.

1.3 As the proposals are for non-agricultural development on agricultural land the planning application has been accompanied by an Agricultural Land Classification (ALC) report prepared by Roberts Environmental. The ALC report identified that the Site comprises predominantly of Best and Most Versatile (BMV) agricultural land. As national planning policy seeks to steer development towards land of lesser agricultural quality this Statement has been prepared to assist the Council in their determination of the planning application, by assessing the potential effects the Proposed Development would have upon the supply of BMV agricultural land in North Warwickshire.

1.4 This Statement should be read in conjunction with the drawings and information accompanying the planning application to fully understand the Proposed Development, its potential impacts and planning merits.

2.0 THE SITE AND PROPOSED DEVELOPMENT

Soil Quality at the Application Site

2.1 The Site is situated approximately 9km north-west of Coventry City Centre and circa 600m south-west of the village of Fillongley. It lies within the administrative boundaries of North Warwickshire Borough Council, within Warwickshire County.

Figure 2.1 Application Site

2.2 The Site extends to 66 hectares (163 acres) comprising of several agricultural fields currently in agricultural (arable) productive use.

2.3 The quality of land in England and Wales is assessed according to the Agricultural Land Classification (ALC) system, which provides a grading framework to determine how well land can support agricultural use, based on the type of crops that can be grown, the extent and consistency of yield, and costs of production.

2.4 The current guidelines and criteria for ALC were published by the Ministry of Agriculture, Fisheries and Food[1] (MAFF) in 1988; '*Agricultural Land Classification of England and Wales: Revised Guidelines and Criteria for Grading the Quality of Agricultural Land*'.

2.5 The ALC system uses quality grades for agricultural land, numbered from 1-5, with subdivisions into 3a and 3b, as follows:

- Grade 1: Excellent

[1] MAFF was merged with the part of the Department for Environment, Transport and the Regions that dealt with the environment to create a new government department, the Department for Environment, Food and Rural Affairs (Defra) in 2001.

- Grade 2: Very Good
- Grade 3: Good (3a) to Moderate (3b)
- Grade 4: Poor
- Grade 5: Very Poor

2.6 The higher graded land can typically be used for high value crops such as fruit, vegetables, and cereals, whilst the poorest may only support grassland or rough grazing of livestock. Grades 1, 2 and 3a are classified as 'Best and Most Versatile' (BMV) land for which there is policy preference against loss to non-agricultural development.

2.7 An Agricultural Land Classification Report has been prepared by Roberts Environmental and accompanies the planning application. The ALC Report found that soils on the Site were: 24.24% (16 Ha) ALC Grade 2 and 71.37% (47.1%) ALC Grade 3a. As such the Site comprises predominantly of BMV land. Figure 2.2 provides a full ALC breakdown of soils at the Site.

Figure 2.2 ALC Classification at application Site.

ALC Grade	Area (Ha)	Percentage
Grade 1	0.00	0.00%
Grade 2	**16.00**	**24.24%**
Subgrade 3a	**47.10**	**71.37%**
Subgrade 3b	**2.00**	**3.03%**
Grade 4	0.00	0.00%
Grade 5	0.00	0.00%
Non-Agricultural	**0.90**	**1.36%**
Total	**66.00**	**100%**
Total BMV	**0.00**	**95.61%**

The Proposed Development

2.8 The Proposed Development of the Site comprises of ground-mounted solar photovoltaic arrays together with ancillary infrastructure, landscaping, and biodiversity enhancements.

2.9 To achieve maximum solar gain the panels are laid out in east-west rows with space of approximately 5.3 metres between each row and at least 4 meters with site boundaries to prevent overshadowing and allow space for maintenance. The fixed modules will be tilted at an angle of c.25 degrees and mounted facing due south. The arrays are placed wholly within existing field boundaries, meaning existing trees and hedgerows are retained and will be subject to additional planting and 'gapping-up' to filter views and provide biodiversity net gains.

2.10 The solar array will be supported by a galvanised steel frame mounting system which will be secured via short pile foundations. As such the Development has a minimal footprint with over 95% of the ground un-effected by the proposals and is to be retained as mixed meadow grassland.

2.11 During the lifetime of the proposed development, across the main body of the Site, diverse meadow grassland mix will be sown under and around the arrays which will be subject to an appropriate maintenance regime to ensure complete green groundcover.

2.12 Biodiversity net gains will be delivered through the combination of several measures including the creation of diverse meadow grassland underneath the photovoltaic arrays, the retention of arable margins, neutral grass, and as well as boundary hedges and trees the planting of a new native hedge through the centre of the Site.

2.13 Overall, the landscape and ecological enhancements proposed will deliver biodiversity net gains equivalent to:

- +64.99% in habitat units; and
- +12.67% in linear units (i.e., hedgerows).

2.14 At the end of the temporary operational lifespan (40-years) the solar array and other ancillary infrastructure would be removed, and the Site will be fully reinstated and returned to full agricultural use.

2.15 The decommissioning process is intended to ensure that the land is restored to the same quality it was previously and can be secured through a suitable condition in the event planning permission is granted.

Why the Site is Appropriate for Solar Development

2.16 Solar farms have very specific locational requirements which means they cannot be located anywhere, with suitable locations severely limited around the country.

2.17 Principal requirements include:

- Grid Connection Capacity - The DNO must be able to offer a Point of Connection (POC) with capacity to accept the output of the solar park. Finding available capacity is one of the biggest challenges facing renewable energy development.
- Land Availability: Site options are heavily restrained by land availability. A willing landowner is a major challenge facing renewable energy development.

- Environmental considerations: A search considers proximity to ecological areas like SSSI, RAMSAR, LNR, Special Areas of Conservation, and Special Protection Areas. Development in such areas is to be avoided.
- Sustainable Development: All solar farms must be capable of multifunctional enhancements to support the economic, environmental, and social dimensions of sustainable development. A good site will be able to incorporate visual mitigation to protect and enhance PROWs, and to enable Biodiversity Net Gain.

2.18 In summary, there are very few sites where solar farms can be located when factors such as suitable grid connection, viability and feasibility and environmental designations are considered.

2.19 Whilst it is acknowledged that the Site comprises of BMV agricultural land, it was considered the use of BMV land is necessary in this case for the following:

- Connection to the national grid – There is sufficient capacity at the existing nearby substation and a financially viable and technically feasible route to the Point of Connection is achievable.
- Availability of land – The Site has an interested landowner, who is agreeable in principle to leasing their land for solar for the 40 year period.
- Topography – The Site has a gently undulating topography and open southwest aspect which makes it particularly suitable for solar.
- Accessibility – The Site has good connections to the Strategic Road Network to allow for construction and maintenance operations.
- Planning and environmental considerations – The Site is not subject to any statutory landscape, heritage, or ecological designations.

3.0 POLICY CONTEXT

Legislation

3.1 The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the requirement for consultation with Natural England where development of agricultural land is proposed.

3.2 Natural England should be consulted where:

> **"development which is not for agricultural purposes and is not in accordance with the provisions of a development plan involves the loss of not less than 20 hectares of grades 1, 2 and 3a agricultural land which is for the time being used (or was last used) for agricultural purposes" or where the loss of less than 20 hectares of BMV agricultural land "is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more" (bullet point 'y' of Schedule 4).**

National Planning Policy

National Planning Policy Framework

3.3 The NPPF (2021) sets out the Government's planning policies for England and how these should be applied including in respect of the development of agricultural land and renewable energy.

3.4 The NPPF emphasises the importance of sustainable development. Paragraph 7 states:

> "**The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs**"

3.5 Paragraph 38 goes on to state that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

3.6 Paragraph 152, states:

> **"The planning system should support the transition to a low carbon future in a changing climate ... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; ... and support renewable and low carbon energy and associated infrastructure."**

3.7 Paragraph 155 sets out the planning policy perspective with regards to increasing the use and supply of renewable and low carbon energy.

3.8 Paragraph 174 highlights that new development should be prevented from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. It identifies how decisions should provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

3.9 Footnote 58 states "*Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be **preferred** to those of a higher quality*" (our emphasis).

3.10 Annex 2 of the Framework provides a glossary of terms and defines 'best and most versatile agricultural land' as land in grades 1, 2 and 3a of the Agricultural Land Classification.

Planning Practice Guidance

3.11 With regards to the location of solar farms, paragraph 013 (Ref: 5-013-20150327) cites the following factors that local planning authorities should consider:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land.

Local Planning Policy

Development Plan

3.12 The Development Plan comprises of the North Warwickshire Local Plan (September 2021). Relevant Policies include LP13 *Rural Employment* which supports farm diversification through the introduction of new uses onto established farm holdings subject to their being no significant impacts that are not able to be appropriately mitigated.

3.13 Policy LP14 *Landscape* requires development 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 are to be protected and enhanced as appropriate.

Other Guidance

Natural England: Guide to assessing development proposals on agricultural land

3.14 The "Guide to assessing development proposals on agricultural land", (2018), notes that the aim is to protect BMV land and soils "*from significant, inappropriate or unsustainable development proposals*". It advises local planning authorities in section 6 to "*use ALC survey data to assess the loss of land or quality of land from a proposed development. You should take account of smaller losses (under 20 hectares) if they're significant when making your decision. Your decision should avoid unnecessary loss of BMV land*".

Soils Safeguarding Strategy

3.15 Aims and objectives for safeguarding and, where possible, improving soil health are set out in the Government's '*Safeguarding our soils: A strategy for England*' (Defra, 2009). The Soil Strategy for England, sets out an ambitious vision to protect and improve soil to meet an increased global demand for food and to help combat the adverse effects of climate change.

3.16 The Soil Strategy for England states that:

> **"...soil is a fundamental and essentially non-renewable natural resource, providing the essential link between the components that make up our environment. Soils vary hugely from region to region and even from field to field. They all perform a number of valuable functions or ecosystem services for society including:**
>
> - **nutrient cycling;**
> - **water regulation;**
> - **carbon storage;**
> - **support for biodiversity and wildlife;**
> - **providing a platform for food and fibre production and infrastructure"**

3.17 The vision of the Soil Strategy for England has been developed in the Government's 25 Year Plan for the Environment. Soil is recognised as an important national resource, and the Plan states that:

> **"We will ensure that resources from nature, such as food, fish and timber, are used more sustainably and efficiently. We will do this (in part) by:....improving our approach to soil management: by 2030 we want all of England's soils to be managed sustainably, and we will use natural capital thinking to develop appropriate soil metrics and management approaches..."**

3.18 The maintenance, and improvement, of soil health is therefore a material consideration when deciding if a development is appropriate on agricultural land. Soil health can be defined as a soil's ability to function and sustain plants, animals, and humans as part of the ecosystem.

Policy Summary

3.19 Best and Most Versatile (BMV) agricultural land is defined as land which falls in ALC grades 1 to 3a.

3.20 Where development of agricultural land is demonstrated to be necessary, guidance states that local authorities try to use areas of poorer quality land over high quality, including that which has the least "environmental or amenity value", whilst seeking to conserve and enhance the natural environment. Importantly, therefore whilst the guidance sets a clear preference for using poorer quality land, the use of BMV land can be acceptable.

3.21 The health of soils is also an important consideration. The maintenance, and improvement, of soil health is a material consideration when deciding if a development is appropriate on agricultural land.

4.0 Other PLANNING DECISIONs of Note

Overview

4.1 This Section of the Statement provides an overview of recent planning decisions of relevance to the determination of the Proposed Development in relation to how the issue of BMV farmland and solar farm development have been considered.

Bereden Hall Decision

4.2 Of relevance to the determination of the Proposed Development is the recently concluded Bereden Hall Farm solar farm application determined by the Planning Inspectorate (PINS) (application ref: S62A/22/0006), given the distinct similarities between the two applications.

4.3 The application sought permission for a 49.99MW solar farm development on land at Bereden Hall Farm, Bereden, within Uttlesford District Council area. The Bereden Hall Farm site comprises of 72% BMV agricultural land. The Inspector therefore acknowledged that both local and national policy encourage development to take place on land of poorer quality wherever practicable.

4.4 In determining the potential for alternative sites on lower quality land the Inspector acknowledged that Uttlesford District comprises predominantly of BMV land and as such ... *"commercial scale solar scheme would be unable to avoid its use."* (paragraph 61). The Inspector also acknowledged proximity to National Grid connection as further justification limiting potential alternative locations.

4.5 The Inspector further commented (paragraph 62, emphasis added):

> **"I also recognise that planning permission is sought for 40-years from the time of the first exportation of electricity, after which de-commissioning would occur and the land returned to full agricultural use. In that context, the effect on agricultural land although lengthy is ultimately temporary and reversible. The mountings for the solar panels would allow for restoration to full agricultural use, subject to appropriate soil management practices secured by planning condition."**

4.6 Before concluding (paragraph 64, emphasis added):

> **"Consequently, I find that the scheme would not represent a total loss of agricultural land... the proposed development is unlikely to lead to significant and irreversible long-term loss of BMV agricultural land, as a resource for future generations. Therefore, I attribute limited harm arising from the uptake of BMV or the principle of using farming land in this particular case."**

4.7 As detailed further in the subsequent section of this Statement, North Warwickshire Borough Council also comprises predominantly of BMV land which severely limits ability of commercial scale solar developments to avoid such land.

Scruton Appeal

4.8 The 50MW solar farm on land near the village of Scruton, North Yorkshire, was successful at appeal (ref: APP/G2713/W/23/3315877) against earlier refusal by Hambleton District Council on basis of impact on agricultural land.

4.9 The PINS Inspector found that the majority of land was not BMV but even if it was it wouldn't be "lost" and recognised that neither the development plan nor national policy prevented the use of such land but rather requires that benefits need to justify its loss.

4.10 Going further the Inspector commented recognised that whist the proposal would change the use of the land for a period of 40 years, a significant period of time, it is not permanent and is reversable. They went on to comment that:

> **"...the specific way agricultural land is used is not a matter that is subject to planning controls...Given this, the fact that the proposal would limit the ability to carry out any arable farming does not, in my opinion, mean that it results in the loss of agricultural land when it can still be used for other agricultural uses."** (DL22)
>
> **"As such the proposal would not result in either the temporary or permanent loss of BMV land ..."** (DL25)

4.11 Furthermore, the Inspector considered the requirement for a sequential assessment of alternative sites and concluded:

> **"I have not been provided with any evidence that indicates that there is any national or local policy requirement to carry out an assessment of alternative sites for solar farm developments..."** (DL27)

Minchens Lane Appeal

4.12 The appeal (ref: APP/H1705/W/22/3304561) granted permission for the erection of a solar farm and accompanying battery storage facility on land at Minchens Lane, Bramley, Hampshire following earlier refusal by Basingstoke and Deane Council.

4.13 Whilst not a key matter in determining the case, impact on agricultural land was considered as approximately half of the site comprises of BMV agricultural land. Echoing the conclusions of Bereden Hall and Scruton appeals the Minchens Lane Inspector placed limited weight on loss of BMV land recognising the temporary and reversible nature of solar farm development and the potential for some agricultural practices to continue which would have additional benefits in terms of soil health:

> **"The agricultural land would not be permanently or irreversibly lost, particularly as pasture grazing would occur between the solar panels. This would allow the land to recover from intensive use, and the soil condition and structure to improve. The use of the soils for grassland under solar panels should serve to improve soil health and biodiversity..."** (DL59)

Summary

4.14 National policy does not preclude development on BMV land but rather requires benefits to be demonstrated to justify its loss. In this regard the generation of renewable energy has been established as a significant benefit that can outweigh impact on BMV agricultural land.

4.15 Furthermore, it is widely accepted and acknowledged that solar farms are a temporary and fully reversible type of development which can allow for some continued agricultural practices, as such they do not result in either the temporary or permanent loss of BMV land.

4.16 There is no national requirement to carry out an assessment of alternative sites for solar farm developments but overall provision of BMV land and proximity to a viable grid connection are recognised as key considerations limiting potential for alternative locations.

5.0 AGRICULTURAL LAND IMPACT ASSESSMENT

BMV Provision in North Warwickshire

5.1 Information on ALC coverage is available at the national level via the MAFF 'Provisional 1:250,000 scale Agricultural Land Classification Maps of England' 1;250,000 series (1988).

5.2 However, these large-scale maps have limitations. They cannot be used to identify the ALC grade at the local level as this mapping was determined by consulting existing soil maps to formulate the ALC and so does not identify the variations which can occur across an individual site. In addition, many of the surveys underpinning the mapping were undertaken prior to the introduction of the ALC Grade 3a/3b subdivision. As such, the boundary between land which is classified as BMV (ALC Grade 3a) and non-BMV (ALC Grade 3b) is not available. As such they are only suitable for strategic land use planning only.

5.3 The proportion of each of the ALC grades, as a percentage of total land area, in England, West Midlands Region, Warwickshire County and North Warwickshire District is shown in Figure 5.12. North Warwickshire has a higher proportion of BMV land compared with the national, county, and regional provision. Notably North Warwickshire has a considerably higher proportion of the Grade 1 (excellent) and Grade 2 (very good) agricultural land than found in England, the West Midlands Region, and Warwickshire County generally.

Table 5.1 Provisional Agricultural Land Classification – England, West Midlands Region, Warwickshire County and North Warwickshire District

ALC Grade	England (%)	West Midlands Region (%)	Warwickshire County (%)	North Warwickshire District (%)
1 Excellent	2.7	1.1	0.1	0.4
2 Very Good	14.2	17.7	11.9	19.7
3 Good-Moderate	48.2	53.3	74.5	67.3
4 Poor	4.1	14.6	7.9	7.1
5 Very poor	8.4	2.5	0.1	0.0
Non-Agricultural	5.0	2.3	1.0	3.9
Urban	7.3	8.6	4.4	1.6

[2] Ministry of Agriculture, Fisheries and Food, Land and Water Service, Technical Notes, Resource Planning (February 1983) 'Agricultural Land Classification of England and Wales – The Distribution of the Grades' (TN/RP/01 TFS 846)

5.4 North Warwickshire also has a significant proportion of Grade 3 land which is not differentiated across subgrade 3a or 3b by the Provisional ALC map. In 2001 Defra provided a companion series to the Provisional ALC maps: '*Likelihood of Best and Most Versatile (BMV) Agricultural Land*' strategic maps. These provide the best available estimate of agricultural land quality expressed in terms of the proportion of land likely to classified as BMV i.e., ALC Grades 1, 2, and 3a.

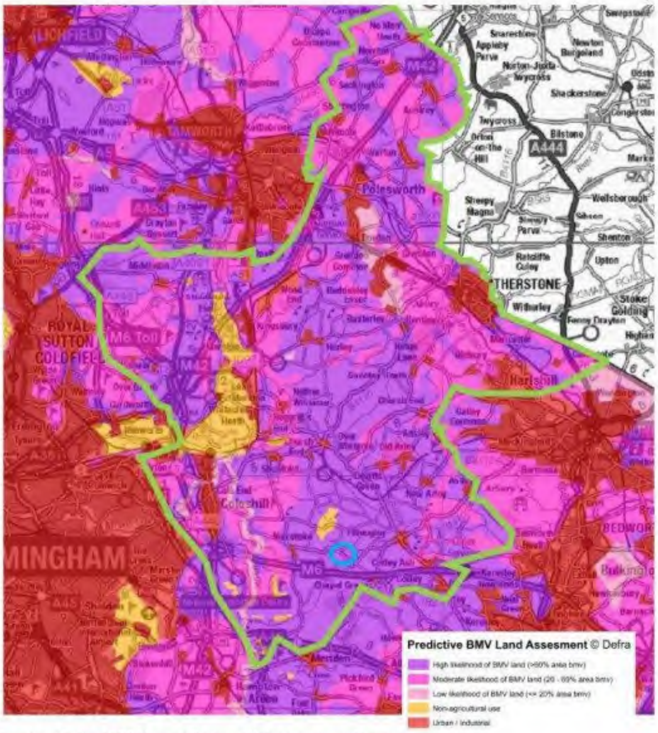
5.5 Three categories illustrate the likely occurrence of BMV agricultural land as:

- **High likelihood** of 'best and most versatile' agricultural land: Areas where more than 60% of the land is likely to be 'best and most versatile' agricultural land.
- **Moderate likelihood** of 'best and most versatile' agricultural land: Areas where 20-60% of the land is likely to be 'best and most versatile' agricultural land. (Moderate likelihood of 'best and most versatile' agricultural land)
- **Low likelihood** of 'best and most versatile' agricultural land: Areas where less than 20% of the land is likely to be 'best and most versatile' agricultural land.

5.6 The North Warwickshire is included within the '*West Midlands Region Likelihood of Best and Most Versatile (BMV) Agricultural Land' (2001)* Strategic scale map. Figure 4.2 provides an extract from the *West Midlands Region* map with the authority area and application Site location indicated for reference and illustrates the extent of BMV land anticipated across the district. As such it is anticipated that a significant portion of the 67.3% of land in North Warwickshire identified in the Provisional ALC maps as comprising Grade 3 will likely fall within the Grade 3a BMV subcategory.

5.7 Overall, proportionally North Warwickshire has a greater provision of BMV land than found generally across the national, regional, or county geographic levels. Most notably it has comparatively a significant provision of the highest Grade 1 and Grade 2 land. BMV land is therefore not a scarce resource in North Warwickshire.

Figure 5.2 Extract of Defra West Midlands Region Likelihood of Best and Most Versatile (BMV) Agricultural Land map with North Warwickshire authority boundary and location of application Site indicated.



Source: Defra (2001) and Barton Willmore, now Stantec

5.8 Consequently, given the coverage of BMV land across the district, it is entirely reasonable to conclude that it would be very difficult to find alternative land of lesser agricultural grade quality to accommodate commercial scale solar development. A point agreed by the Inspector in respect of the Bereden Hall Farm application.

Impact on Availability of BMV Land

5.9 The Site at Fillongley proposed to accommodate the solar farm development extends to 66 Ha (163 acres), of which 63ha (155.6 acres) comprises of BMV agricultural land: 16 Ha (24.24%) of ALC Grade 2 and 47.1Ha (71.37%) of ALC Grade 3a soils.

5.10 North Warwickshire Borough Council area covers a total of 284.3sqkm3 (109.8sqm). On this basis BMV from the Site area equates to 0.22% of the local authority area. At this scale, mindful of the overall proportion of BMV land available in the district, any effects will be highly localised and the impact on the availability of BMV agricultural land in North Warwickshire will be negligible.

5.11 However, it is also appropriate to consider any impacts arising from the cumulative loss of BMV land to similar schemes in the district. Table 5.3 contains details of consented and pending planning applications for solar farms on agricultural land submitted within the past 10 years to North Warwickshire Borough Council. These schemes have been identified by Officers at North Warwickshire Borough Council for consideration.

Table 5.3 Summary of solar farm schemes in North Warwickshire since 2013

App Ref:	Site	Status	Development	Site Area	BMV coverage
PAP/2015/0459	Land South of Pogmore Spinney, Merevale	Granted: February 2016	Solar Farm	5.2ha	Grade 1: 0 Grade 2: 0ha Grade 3a: 0Ha
PAP/2021/0651	Land North of Park Lane Farm, Astley	Granted: July 2022	Solar farm and battery storage	39.6Ha	Grade 1: 0 Grade 2: 2ha Grade 3a: 9Ha
PAP/2021/0605	Land at Smorrall Lane, Astley	Granted: July 2022	Agricultural building, solar farm, and battery storage	21.5Ha	Grade 1: 0 Grade 2: 0ha Grade 3a: 9Ha
PAP/2022/0544	Land 550 Metres East Of Vauls Farm, Astley	Pending (submitted October 2022)	Solar Farm	28ha	Grade 1: 0 Grade 2: 0.91ha Grade 3a: 3.31Ha
PAP/2022/0374	Land North Of Stone Cottage, Baddesley Ensor	Pending (submitted September 2022)	Solar Farm	10.8Ha	Grade 1: 0 Grade 2: 0ha Grade 3a: 0Ha
			BMV Total:	**24.22Ha** **Grade 1: 0Ha** **Grade 2: 2.91ha** **Grade 3a: 21.31Ha**	

[3] Office for National Statistics

5.12 Since 2013, five planning applications for solar farms have been submitted to North Warwickshire Borough Council, of which three have been granted permission (one is constructed and operational) and two are pending determination. Based on information provided within Agricultural Land Classification Reports accompanying the planning application submissions, if all five schemes were consented it would result in a total of 24.22ha of BMV land being temporarily taken out of productive use. Comprising 2.91Ha of ALC Grade 2 and 21.31Ha of ALC Grade 3a land. No Grade 1 land is affected.

5.13 When the Proposed Development is included, a total of 87.22Ha of BMV land would be temporarily taken out of productive use. Comprising 18.91Ha of ALC Grade 2 and 68.41 Ha of ALC Grade 3a land.

5.14 In comparison to the authority area, this equates to 0.3% of the total land coverage. When considered quantitatively and against the overall proportion of BMV land within North Warwickshire, this amount of land is negligible.

No Loss of BMV Land

5.15 It is also highlighted that this land is not lost from full agricultural use, either temporarily or in perpetuity.

5.16 Solar Farm developments are temporary developments, with planning permission typically granted for 40 years. The granting of planning permission for solar development does not alter the site's designation as agricultural land, and unlike other forms of development such as residential or industrial, a key aspect is that it is wholly reversable. The limited amount of built components and minimal ground intrusion required mean that removing the infrastructure and remediating the Site to its previous state is fully achievable and can be secured through the application of planning conditions.

5.17 Furthermore, whilst the land cannot be used for growing crops (at least at present) the minimal footprint of solar farms allows for certain farm practices to continue, with grazing of livestock including sheep, chickens and geese and beekeeping regularly undertaken. As such, the land can continue to provide some productive agricultural function at the same time as being used for energy generation. Points also agreed by the Inspector in respect of the Bereden Hall Farm application.

Soil Health and Biodiversity Net Gain

5.18 Enviromena are committed to making a positive and significant impact with regards to achieving biodiversity net gain and environmental improvements. As outlined, the

proposed development has been designed to ensure that, across the main body of the Site, a complete green groundcover is maintained.

5.19 The proposed development will also deliver significant biodiversity net gains through the combination of several measures including the creation of diverse meadow grassland underneath the photovoltaic arrays, the retention of arable margins, neutral grass and a woodland copse as well as Site boundary hedges and tree lines and the planting of a new native hedge through the centre of the Site.

5.20 The biodiversity net gains created through the proposed development will remain following the decommission of the proposed development and leave the Site in a better condition than pre-development.

5.21 In addition, it is recognised that the duration of the proposed development (40-years) provides a valuable opportunity for the soil health and ground conditions to recover. Once the proposed development is operational, most of the soil will be under perennial cover with no ploughing and only non-intensive grazing. This would lead to a soil which would be less vulnerable to wind and water erosion[4]. Leaving the land fallow can have restorative effects on the overall soil health and future agricultural land quality through an increase in soil organic matter, the diversity of soil flora, fauna and microbes, and improved soil structure. After the lifetime of the proposed development the soil health and agricultural qualities of the Site will have improved.

5.22 In short, the proposed development will deliver environmental enhancements and biodiversity net gains that will leave the Site in a better condition than pre-development. Not only that but the lifetime of the development provides a valuable opportunity for the soil health to rest. Again, points also agreed by the Inspector in respect of the Bereden Hall Farm application.

Agricultural Land Impact Summary

5.23 Overall, it is considered that should the Proposed Development, and the solar farm schemes listed in Figure 4.3, be granted planning permission, there would be negligible impact on the availability of BMV agricultural land in North Warwickshire given the overall proportion of BMV land in the district, the minimal quantum of such land effected, and the temporary and wholly reversable nature of solar development.

[4] Best highlighted by Inspector P.J.G Ware and confirmed by the Secretary of State with regards to Appeal 3293104, December 2022.

5.24 Given the overall proportion of BMV land in the district the likelihood of alternative sites of lesser quality to accommodate commercial solar development is considerably constrained.

5.25 Notwithstanding this, solar is a temporary and fully reversible type of development that can permit for some agricultural function from the land to continue. As such it does not result in the temporary or permanent loss of BMV land for future generations. By leaving the Site fallow it is anticipated that soil health will be considerably improved, and other improvements will ensure significant gains for local biodiversity.

6.0SUMMARY AND CONCLUSION

6.1 This Statement has been prepared by Stantec, to support North Warwickshire Borough Council's consideration of a planning application for a solar farm on land south of Fillongley (application ref: PAP/2023/0071).

6.2 The application Site comprises predominantly of Best and Most Versatile (BMV) agricultural land. Where development of agricultural land is demonstrated to be necessary, guidance states that local authorities try to use areas of poorer quality land over high quality. Importantly, whilst the guidance sets a clear preference for using poorer quality land, it is also evident that the use of BMV land can be acceptable.

6.3 Site selection criteria for solar development are highly constrained by technical and physical requirements that severely limit opportunities. The Site meets these requirements, including importantly a feasible point of connection with the National Grid and a willing landowner. The use of agricultural land is therefore necessary in this instance.

6.4 This Statement has demonstrated that the Proposed Development would have a negligible impact on the availability of BMV agricultural land in North Warwickshire based on the following:

- BMV land is not a scarce resource in North Warwickshire. Proportionally North Warwickshire has a greater provision of BMV land than found generally across the national, regional, or county geographic levels. Most notably it has, comparatively, significant provision of ALC Grade 1 and Grade 2 land. The ability to find alternative sites of lesser soil quality to accommodate commercial scale solar development is therefore highly constrained.
- At 63 ha the Site equates to 0.22% of the total authority area. At this scale impacts will be highly localised and negligible. When other consented and pending solar farm schemes are also considered, a total of 87.22Ha of BMV land would be taken out of productive agricultural use. This equates to 0.3% of the total land coverage of North Warwickshire. When considered quantitatively and against the overall proportion of BMV land within North Warwickshire, this amount of land is negligible.
- The 87.22Ha of BMV land proposed to accommodate solar development, however, is not lost from agricultural use, either temporarily or in perpetuity. The granting of planning permission for solar does not alter its designation as agricultural land, and unlike other forms of development it is wholly

reversable. Furthermore, the land can continue to provide an agricultural function for light grazing of livestock whilst being used for energy generation.

- Through landscape planting and ecological enhancements proposed significant net gains for local biodiversity will be delivered. In addition, by leaving the land fallow, ensuring constant ground cover of a diverse seed mix it is anticipated that soil health will improve.

6.5 Overall, the Proposed Development is considered to be in accordance with the NPPF, Local Development Plan and the National Soil Strategy, as such the use of the Site to accommodate a temporary Solar Farm can be justified in this instance.

APPENDIX E

Stantec

Note

To:	Jeff Brown North Warwickshire Borough Council	From:	Stantec/ Enviromena
Project/File:	34573 - PAP/2023/0071	Date:	November 2023

Reference: PAP 2023/0071 Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley: Proposed solar farm and associated infrastructure.

Introduction

This Note has been prepared by Stantec on behalf of Enviromena Project Management UK Ltd, the applicant in respect of the above planning application, in response to matters raised by consultees during the public consultation period of the application.

Specifically, the aim of this Note is to provide additional clarity and information to address areas of concern raised by Fillongley Parish Council, Corley Parish Council, and members of the public regarding the proposed development.

Responses to the key matters raised are as follows:

Scale and Need of Development

The Government is clear that an increase in renewable energy generation is of paramount importance if the UK to achieve the legally binding target set under the Climate Change Act, requiring all greenhouse gas emissions to be net zero by 2050.

The development will contribute towards the UK's efforts to tackling climate change and achieving Net Zero emissions and will provide significant environmental benefit by meeting the electrical needs of approximately 17,100 homes providing a CO2 displacement of 11,300 tonnes compared to the same energy from fossil fuel sources.

In this regard the Applicant also acknowledges comments regarding other solar farm proposals in the Borough. If the UK is to meet its climate change targets, then a significant increase in renewable projects is required, all areas of the UK will need to be involved if the carbon-reduction targets are to be reached.

The Applicant also acknowledges that using brownfield land and fitting PV cells and wind turbines on buildings will make a positive contribution to meeting domestic energy needs, however the required upscaling of renewable energy production cannot be accommodated by micro-generation projects alone. Large sites will be required, and inevitably large sites will be in open, less developed locations.

Nevertheless, the Applicant has undertaken everything feasibly available to minimise the impact of the development on residents, the landscape, and local wildlife.

Green Belt Development

It is acknowledged that the Site lies within the Green Belt where new development is restricted by policies set out in the National Planning Policy Framework (NPPF).

However, the NPPF does allow that when 'very special circumstances' are demonstrated, that certain development can be considered acceptable, namely where the benefits of doing so outweigh the potential harm to the Green Belt[1]. The NPPF identifies that the environmental benefits arising from renewable energy generation can be considered as a 'very special circumstance'[2].

The Planning Statement submitted as part of the application package provides a detailed discussion of the development's impact on the Green Belt and sets out a case for how the development demonstrates very special circumstances. In summary, it is concluded that the development would result in very limited harm to the Green Belt because of:

- The limited landscape and visual impacts, due to containing the arrays within existing field enclosures which will be subject to additional planting;
- The rural location of the Site and the nature of the development will not result in merging of settlements, unrestricted urban sprawl and preserve setting of historic towns;
- The temporary and fully reversible nature of the development i.e., the land is not 'lost' and retains its Green Belt status;
- The potential for continued farming practices allowing for dual agricultural-energy use; and
- Minimal level of activity generated by the development including very minimal traffic generated during its construction and operational phases.

In accordance with local and national policy requirements, very substantial positive weight should be accorded to the scale of generation of renewable energy and associated significant reduction in carbon emissions arising from the proposed development.

This constitutes 'very special circumstances' which significantly outweigh the limited, temporary harm to the Green Belt.

Flood Risk and Drainage

In accordance with national and local policy requirements a Flood Risk Assessment and Drainage Strategy has been prepared by drainage consultants BWB to determine the potential sources of flooding on the Site, impacts on flooding elsewhere and mitigation measures to reduce any impact. BWB have over 20-years' experience in the assessment and management of flood risk and are nationally recognised as prominent experts in the safe delivery of development in the most complex of flood related settings.

The submitted Flood Risk Assessment confirms that the Site is located wholly within Flood Zone 1 and accordingly is at low risk of flooding from fluvial sources. The site is therefore appropriate to accommodate the proposed development from a policy perspective. However, areas at elevated surface water flood risk were identified at the northwest boundary, associated with Bourne Brook and drainage ditches present.

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[1] Paragraph 114
[2] Paragraph 151

The proposed surface water drainage strategy developed by BWB takes this into consideration and is based around ensuring that the ground under and around the arrays remains vegetated to allow the site to continue to absorb rainfall as it does at present. As an additional measure interception swales will be implemented at the most downward gradients of the site, ensuring surface run off is intercepted and discharged in a controlled manner should the ground beneath the panels become patchy or bare, further managing flood risk.

The drainage strategy demonstrates that all surface water can be adequately and appropriately dealt with and will not result in increased flood risk on or off-site. The drainage strategy is based upon recognised research and technical guidance for managing surface water at solar farm developments has been developed in accordance with the Lead Local Flood Authority's (LLFA) guidance.

At the request of the LLFA borehole testing has been undertaken to confirm the appropriateness of the proposed drainage strategy. The LLFA have confirmed that they have no objections to the scheme, or drainage strategy proposed. Should planning permission be granted several standard pre-commencement conditions have been agreed with the LLFA to ensure the proposed drainage strategy is implemented.

The Applicant is acutely aware of local flood risk concerns and so has tried on numerous occasions to engage with the Local Flood group to establish if any additional measures could be accommodated on the site to minimise existing off-site flooding issues. However, despite repeated requests no information or meetings have been forthcoming.

In addition, the Applicant has been involved in talks with Warwickshire Wildlife Trust to understand potential for the Site to accommodate flood alleviation measures to minimise existing off-site flood issues including those that would also provide additional ecological benefits. Discussions highlighted that onsite swales and additional planting could help in reduce off-site flooding and as can be seen from the application documents, both are featured in our plans.

To summarise, the drainage strategy proposed ensures that there will be no increased flood risk on or off-site resulting from the proposed development. All surface water can be adequately and appropriately managed within the Site.

Use of Agricultural Land

It acknowledged that the Site comprises predominantly of Best and Most Versatile (BMV) agricultural land, for which national and local planning policy states there is a general presumption against loss to development.

Discussion and justification on the use of the Site to accommodate a solar farm is set out in the planning statement and BMV statement which accompany the application. To summarise these documents, that the temporary use of the site to accommodate the solar farm is acceptable for the following:

- BMV land is not a scarce resource in North Warwickshire. Proportionally North Warwickshire has a greater provision of BMV land than found generally across the national, regional, or county geographic levels. Most notably it has, comparatively, significant provision of ALC Grade 1 and Grade 2 land. The ability to find alternative sites of lesser soil quality to accommodate commercial scale solar development is therefore highly constrained. The Site equates to 0.22%

of the total authority area. At this scale impacts will be highly localised and negligible against provision of BMV land across the district.

- Land proposed to accommodate solar development, is not lost from agricultural use, either temporarily or in perpetuity. The granting of planning permission for solar does not alter its designation as agricultural land, and unlike other forms of development it is wholly reversable and can continue to provide an agricultural function whilst being used for energy generation.
- Through landscape planting and ecological enhancements proposed significant net gains for local biodiversity will be delivered. In addition, by leaving the land fallow, soil health will improve.

In short, the development will not result in the temporary or permanent loss of agricultural land. The development is temporary, all equipment can be fully removed, and the site reinstated with benefit of significant ecological gains. Some agricultural practices such grazing of livestock (sheep, goats, chickens etc.) and bee keeping can continue concurrently with the energy generation ensuring, that the site will continue to fulfil some agricultural purpose.

Public Health Risk

Several comments have been received surrounding public health concerns related to solar farm developments, these are considered below.

Easements

There is no UK or EU legislation or guidance that requires specific easements between residential properties and solar farm developments on grounds of public health risk. Repeated studies have found no causal link between solar farms and ill health.

Proposed developments are however, required to demonstrate that they will not result in unacceptable detrimental impact in respect of amenity or environmental aspects for instance noise, glare, air quality etc. These are grounds that all developments are assessed against and are not specific to solar farms.

The planning application is accompanied by a suite of technical assessments and reports that demonstrate that the proposed development can come forward without significant impact on quality of amenity currently enjoyed by residents. In addition, the proposals include additional landscape planting that will help to screen the development and provide significant local ecological benefits.

Electromagnetic Fields

Solar PV technology uses cells to absorb solar radiation and turn it into electricity. That electricity can then be stored in batteries or in the case of this proposal fed straight into the national power grid.

Electricity from solar panels when transmitted to the power grid emits extremely weak electromagnetic fields. Exposure to low-level electromagnetic fields has been studied extensively, and the World Health Organisation states there is no evidence that it is harmful to human health[3].

[3] https://www.who.int/news-room/questions-and-answers/item/radiation-electromagnetic-fields

There are however significant benefits related to health because of solar energy, most notably by the offset of carbon emissions, reduced air particulates[4] and helping mitigate the impacts of climate change.

Noise

Solar panels themselves do not generate noise and the proposed arrays do not include any moving parts, therefore the noise generated is very low. The main noise source associated with a solar farm will be within the inverters which are attached the rear of the arrays where small fans operate during daylight hours only and which is unnoticeable beyond several metres.

In this regard the Applicant highlights the proximity of the M6 motorway which generates significant levels of background noise. Against this context the solar farm during its operational hours will not be acutely perceptible, particularly from residential dwellings which are some distance away (a single farmstead is located 650m with next nearest properties 1.1km away).

Furthermore, solar farms once operational require very little maintenance. It is anticipated maintenance checks will be undertaken up to twice a month comprising of a single van. As such there will be very minimal traffic generated and very little mechanical noise during its operation.

Glint and Glare

A Glint and Glare assessment has been carried out and considers the potential impacts on ground-based receptors such as roads and residential dwellings as well as aviation assets. The assessment is based on computer modelling tracking the movement of the sun across the seasons and based upon local topographic data.

The assessment identified several areas where I mitigation, in the form of additional landscape planting is required to alleviate potential impacts on road users and occupants of dwellings. The proposed landscape strategy reflects these recommendations and includes extensive new boundary landscape planting including 'gapping up' of existing hedgerows. The species proposed will ensure a sufficient level of screening across all seasons. With the proposed landscape strategy, which can be secured via application of a planning condition should permission be granted, there is predicted to be no unacceptable effects in terms of glare.

Air Quality

The solar arrays do not produce any emissions and once operational require minimal maintenance, on average consisting of 2no. visits a month (by one van), as such there will be no detrimental impact on local air quality arising from the development.

Light Pollution

Solar farms are not required to be lit at night; no flood lighting is proposed at the Site. Should in rare cases maintenance be required out of hours a small extent of LED PiR lighting will be placed at the DNO compound area, i.e., will only be on when triggered.

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[4] World Health Organisation. *Health Indicators of sustainable energy. Initial findings from a WHO Expert Consultation: 17-18 May 2012*. Accessed: https://cdn.who.int/media/docs/default-source/environment-climate-change-and-health/sustainable-development-indicator-energy.pdf?sfvrsn=468084e7_2

As such there will be no light pollution or light spillage from the Site.

Fire Risk and Ground Water Contamination

The Applicant acknowledges concerns raised regarding how any fire incidents will be controlled at the Site, particularly given its location within a ground water catchment zone. Notably, concerns raised surround increased fire risk from battery storage facilities.

In this the Applicant highlights that the proposed development comprises of a solar PV farm only. **No battery storage facility is proposed.**

There is very limited infrastructure or material that is flammable on a solar farm. The panels are made from glass and steel and are supported on steel or aluminium framework. Fire risk is limited to the electrical components ancillary to the development such as transformers or switchgear. In this regard fire risk is not specific to solar development. Fires at solar farms are very rare and when they do happen due to the limited combustible materials present and electrical nature, they tend to be highly localised and small scale.

Should planning permission be granted for the scheme then a requirement for a Construction Environment Management Plan will be conditioned, in which details of fire strategy will be set out. Given the limited overall fire risk posed, it is envisaged the strategy will be similar to the following which has been accepted as appropriate by several other Local Planning Authorities in the country:

> ***"Fire Prevention and safety***
>
> *Fire Extinguishers shall be made available at the site office, refuelling area and within plant. Quantity, locations, and type of fire extinguishers shall be appropriate to the risks.*
> *All personnel will be briefed on the use firefighting equipment and the reporting process during induction and at frequent "Toolbox" safety meetings.*
> *Emergency procedure and emergency contact telephone numbers are posted within the canteens and office notice board.*
> *All Firefighting equipment (extinguishers) are inspected by Project Manager or designated individual monthly to identify conditions that may prevent the use of the appliance during an emergency.*
> *All deficiencies must be corrected immediately.*
> *Project Manager to keep a consolidated record of the location of all extinguisher's, maintenance received and the conditions relative to the condition and maintenance of fire appliances.*
> *Access to all available fire-fighting equipment shall be maintained at all items.*
>
> ***"What to do in case of fire***
>
> *In case of fire, call 999, alerting the fire authority to the location and nature of the fire. The emergency services will use the main gate to get to the location of the emergency.*
>
> *Should a person be on site, they must open the entrance gates to grant free passage to the fire authorities, ground conditions permitting.*
> *Once operational and should there be a potential of fire damage to electrical components on site, the entire site must be isolated at the customer breaker by an SAP onsite or the O&M team via the SCADA system before anyone can access the*

site. Emergency services must have confirmation of isolation prior to entering the site.
Even with the site isolated, there may still be DC voltage in the cables between the modules and the inverter. These cables will only truly be at 0v when there is no sunlight."

The above represents a proportionate and appropriate response to the scale of fire risk from the proposed development. Concerns regarding potential contamination of ground water sources from fire extinguishing compounds are acknowledged but additional measures to mitigate potential impacts are disproportionate to the overall level of fire risk and likely highly localised nature and scale of any potential fire.

Additional measures would be disproportionate and unnecessary given that no battery storage is proposed on the site.

Efficiency of Technology

Despite its reputation for having grey and cloudy weather, the UK has enough sunlight to power solar panels. It gets the same amount of solar irradiation as certain areas in France or Spain, which are typically considered to have a 'Mediterranean climate'. The UK receives around 60% of the solar radiation found along the Equator.

Even though solar panels produce more power during a sunny day, they can still produce a considerable amount of energy when the days are cloudy. Solar PV uses light to produce electricity, not heat. Furthermore, given the frequent windy periods which the UK experiences, this can assist in the efficiency of the solar panels and associated components by minimising debris mount-up on the PV cells.

Property Value

Material planning considerations are issues that should be discussed when deciding whether to grant planning permission. Whilst there is no definitive list, material considerations are generally determined from the viewpoint that planning is concerned with public interest. As such perceived loss of property value is not considered to be material.

In addition, property value is subjective and can be affected by a range of local and national factors. There is no firm evidence on whether solar farms do or do not affect house prices. Potential impact on local properties, in terms of noise, visibility and glint and glare, have been assessed as part of the preparation of this planning application and mitigation measures have been adopted where appropriate to minimise any potential impacts.

APPENDIX F

Summary

The government set a legally binding target to reduce the UK's greenhouse gas emissions by 100% by 2050, compared with 1990 levels. This is known as the 'net zero target'. To meet this target, the government has set the aim of "a fully decarbonised, reliable and low-cost power system by 2035".

The government said a fully decarbonised power system would be "composed predominantly of wind and solar". It aims to achieve 70 gigawatt (GW) of solar power by 2035 (up from 15.7 GW at the end of 2023).

Planning consent for solar farms

Solar farms usually require planning permission. The size of a solar farm will determine which body decides the application. For example, in England:

- Solar farms with a generating capacity below 50 megawatts (MW) need planning permission from the local planning authority (LPA).
- Solar farms with a generating capacity above 50 MW need development consent from the Secretary of State for Energy Security and Net Zero, because they are nationally significant infrastructure projects' (NSIPs).

Planning is a devolved matter. In the devolved administrations, the size of a solar farm will also determine whether the LPA or the government decide an application. However, thresholds differ across the UK.

Policies for small-scale solar farms (below 50 MW)

LPAs in England will decide applications for smaller-scale solar farms in line with their local plan and the national planning policies. Government guidance advises LPAs to approve renewable energy developments whose "impacts are (or can be made) acceptable".

Government guidance states that there "are no hard and fast rules about how suitable areas for renewable energy [developments] should be identified". It advises LPAs to consider their potential impacts on the local environment and the views of local communities when identifying suitable sites.

However, government guidance generally guides development away from the "best and most versatile" agricultural land and states that many renewable energy developments are not "appropriate" development for green belt land.

Policies for large-scale solar farms (above 50 MW)

The Secretary of State will decide applications for large-scale solar farms in line with energy national policy statements. These were updated in January 2024. They now state that the development of low-carbon infrastructure, such as solar farms, is a "critical national priority". This means that the Secretary of State should generally grant consent to low-carbon infrastructure.

The updated national policy statement for renewable energy infrastructure also advises that solar farms should be sited on previously developed and non-agricultural land. However, it does not prohibit the siting of solar farms on agricultural land.

Land use for solar farms

Solar farms are not evenly distributed across the UK. 43% of ground-mounted installations (that have a capacity of at least one megawatt) that are already operational or are awaiting/under construction are located in the South East and South West of England.

It is not possible to calculate how much land is used for solar farms and how much of different types of land are used.

Some organisations, such as the countryside charity CPRE, have expressed concern that "valuable farmland" is often "the location of choice for solar developments". CPRE has said it is "essential" to preserve agricultural land for food production.

Renewable energy groups, such as Solar Energy UK, have argued that "solar farms pose no threat to the UK's food security" (PDF). They also point to the multi-functional use of land, for example, grazing sheep on solar farms, to highlight that solar power and farming are not necessarily mutually exclusive.

Barriers to the deployment of solar power

At the end of 2023, the cumulative installed capacity of solar power in the UK was 15.7 GW. The government aims to achieve 70 GW of solar power by 2035.

The Environmental Audit Committee, a Commons Select Committee, said meeting this target would be "challenging given existing barriers and current rates of deployment" (PDF). The government's advisory Climate Change Committee also said current deployment rates were "significantly off track".

Two of the main barriers to the expansion of solar power they identified were grid capacity and delays in securing grid connections. The Environmental Audit Committee said "upgrading the electricity grid is a crucial prerequisite to the achievement of net zero" (PDF).

APPENDIX G

FILLONGLEY PARISH COUNCIL

Clerk to the Council: Mrs H A Badham, The Crooked Stile, St Mary's Road,
Fillongley, Warwickshire, CV7 8EY

clerk@fillongleyparishcouncil.co.uk Telephone 01676 549193

Mr J Brown
Chief Planning Officer
NWBC
The Council House
South Street
Atherstone
Warks

5th May 2023

Dear Jeff

PAP/2023/0071

This application has been discussed at the Parish Council meetings numerous times and the Parish Council wish to record their OBJECTION to the application.

There are a number of factors that should be considered when making this decision and all have been debated within the meetings.

Fillongley Neighbourhood Plan (FNP) was created by Parishioners to shape the future of the village. It is in the process of being revised and strengthened to include issues that it has not been robust enough to deal with. In the preparation stages of the FNP there was an application for wind turbines within the Parish and there was comment in the evidence that this was not wanted. Due to the explosion of application for solar energy sites and the overwhelming opinion of the Parishioners against these within our greenbelt countryside, FPC are seeking to widen the scope of the FNP to include all industrialisation of the rural landscape. Furthermore, when creating our FNP there was overwhelming evidence that the Parishioners wished to protect our rural environment. FPC were instructed to remove the Greenbelt Policy as it was deemed unneccessary by NWBC as the NPPF would protect our Green Belt. The proposal is however still contrary to FNP02; It does not enhance or conserve the Natural Environment and it does have an adverse impact on the visual appearance and other rural and natural features in the landscape. FPC would ask that you stand up for the policies and for that decision taken, protect our Green Belt, and refuse this application.

Openness of the Green Belt. We are in a large rural parish surrounded by open farmland. We are led to believe that the surrounding land is protected Green Belt legistlation. The size and scale of the proposal is completely inappropriate development. The solar park would overwhelm the area. For an idea of scale please see the picture adjacent. This is the same size and approximately the same shape as the solar park, superimposed onto the heart of our village. It completely dominates it. The solar park is just to the south of the land outline and due to the topography of the would be visible to many, many properties.

Much has been made of the **soil grade standard** on the targeted land. We know that the land is graded as 2a, 2b and 3. It is the same soil that is predominant in the whole of the Borough and the same soil that has been farmed and produced food for generations and generations. It is known within the Councillors' memory that this has been a good wheat field, a good potato field and also has cropped onions successfully. The loss of this land (assuming an easily achievable yield of 4 tons of wheat per acre) would be the loss of 600 tonnes of wheat per year adding up to 24,000 tonnes in the proposed lifespan of the application. To put it into context that would be a loss of approximately 1,090,800 800g wholemeal loaves of bread per year, or an incredible loss of 43,632,000 loaves of bread over the proposed lifespan. The NPPF (para 170) suggests that solar farms should preferably use land in areas of poorer quality (grades 3b, 4 and 5). This is not poor soil and therefore the application should be refused.

There has been great discussion as to the term **solar "farm"** when the result is a physical blot on the landscape which pays business rates just as any other business does. Farming produces food that we need to survive. Food cannot be grown on factory rooves, school rooves or warehouse rooves; most food needs to be grown in the ground. We have already established that this is good fertile land. Further loss of farmland and reduction in crops is unneccessary and will lead to a further lack of **food security** and **increase in prices of food** in the shops. The application should be refused.

Fillongley is a large rural parish with dispersed settlements. We are centred around a **medieval castle** and have another, older castle site in the village too. We are proud of **our historic settings and our Conservation Area**. The proposal will have a significant detrimental impact to the setting both of the Castle (which is 545 metres away and an Historic England site) and the wider village. The scale of the proposal will dwarf the Parish – most of it will be very visible from properties, from footpaths and roadways. It is contrary to FNP01 in that it will affect the setting of the Church as it will dominate the view of the Church on the approach into the Parish from Meriden which is the main view of the Church. It is also contrary to FNP06. This proposal will **change the character** of the village and should be refused.

North Warwickshire appears to have been targeted by solar park developers who are wishing to profit from the ease of developing our open countryside rather than fitting solar panels to existing buildings. There are already other, **significant sized solar parks** which have been given permission within a small radius of Fillongley. It is an ongoing situation and gathering pace with constant new applications. The cumulative impact on our local area is horrific and overwhelming and the application should be refused.

There are ongoing issues with "**glint and glare**". This is the name given to the light effects reflecting on the panels. This is a no-win location. Either they will face the motorway (providing distraction to the drivers), or they will face residents houses providing them with an inherent nuisance. Any direction will cause problems, specifically for nocturnal birds being confused by glint from the lights of traffic on the motorway reflecting off the panels.

Increasing "**bio-diversity**" is a real buzzword of the moment. When you carefully examine the proposals, there are no new hedges and only some screening trees that will be so small they would not be likely to support the birdlife that is frightened away during the construction process, will not grow fast enough to provide any screening and then will need to be chopped down after the 40 year period. Furthermore, the applicant has said in a public meeting that the site would be "sheep ready, and if the farmer chooses to diversify and have sheep that is up to him". Of course, if it were grazed that may produce some food, but this is unlikely as the farmer lives a significant distance away and is unlikely to want to come to the site every day to check on his livestock. If the site were not grazed, the likelihood is that the grass and weeds would have to be sprayed off with herbicide to prevent the weeds and grass growing over the panels. This does not benefit bio-diversity or the water quality of the surround brook. The application should be refused.

Fillongley has suffered from **2** "one in a hundred year" **flooding events,** plus other smaller flooding events in the last 12 years. These have caused untold harm to residents in the affected zone. We are in an unusual situation due to the topography of the parish. Alot of the water is from "flash flooding", when it rains very quickly either on to saturated ground or onto very dry ground, and is exacerbated by significant run off from the motorway. The passage of water to the village goes directly over the application site. The LFA have already, rightly, objected to the proposal. It would exacerbate the run off from the motorway as there would not be as much absorption across the ground that would normally absorb it as it runs across. There would be additional run off, pooling and rivulets as the rain hits the panels – this would mimic the run off from the motorway and the "flash flooding" effect. The proposal is contrary to FNP03 as it will exacerbate the flood risk within the village.

For all of the above reasons, FPC would urge that you heed the wishes of the majority of the Parish and the Fillongley Neighbourhood Plan and reject this application.

Yours sincerely

Heather Badham
Clerk to Fillongley Parish Council

PAP/2023/0071 – Solar Farm, Meriden Road, Fillongley

The proposed site is within Fillongley Parish but there are strong feelings regarding this application from other local communities. On this basis Corley Parish Council (CPC) submit the following objections to this proposed solar farm and its impact on our valuable Green Belt land. For the avoidance of doubt all our Parish Councillors were unanimous in voting to OBJECT.

NWBC committed to sending letters to residents in the area to judge the level of support or objection to this application. A question regarding this process follows.

- How wide a circulation was undertaken – the Parish Council's view is that should not only cover ALL residents of Fillongley but a distribution in the surrounding area as this application has such significant impact on the area. After consultation with NWBC Planning Department additional distribution was undertaken – however given the number of similar applications in our locality this is still deemed to be insufficient.

Fillongley have produced and agreed a Local Plan and its contents should be taken seriously. Our communities work closely with each other and we include comments below regarding this plan that we fully support. Corley Parish Council debated at length whether to create a Local Plan and on balance decided not to proceed. If FPC's plan is to hold no weight our decision not to extend the effort to compile a plan has been vindicated.

- *Fillongley Neighbourhood Plan (FNP) was created by Parishioners to shape the future of the village. In the preparation stages of the FNP there was an application for wind turbines within the Parish and there was comment in the evidence that this was not wanted. Due to the explosion of application for solar energy sites and the overwhelming opinion of the Parishioners against these within our greenbelt countryside, FPC are seeking to widen the scope of the FNP to include all industrialisation of the rural landscape. Furthermore, when creating our FNP there was overwhelming evidence that the Parishioners wished to protect our rural environment. FPC were instructed to remove the Greenbelt Policy as it was deemed unnecessary by NWBC as the NPPF would protect our Green Belt. The application is however still contrary to FNP02 - It does not enhance or conserve the Natural Environment and it does have an adverse impact on the visual appearance and other rural and natural features in the landscape.*

Fillongley PC, fully supported by Corley PC, have requested that NWBC stand by the Greenbelt Policy and thus protect our Green Belt, and refuse this application.

Our countryside is under threat and the proliferation of many applications for solar farms is exacerbating the situation. We are in rural parish surrounded by open farmland. We are led to believe that the surrounding land is protected by Green Belt legislation. The size and scale of the proposal is completely inappropriate development. The solar farm would overwhelm the area. The solar farm will completely dominate the landscape and due to the topography of the land will be visible to many, many properties.

The Parish Council clearly accepts the drive towards cleaner energy sources but this has to be balanced against the need to use our precious land for food production. We live in an increasingly divided world and the effects of conflict and climate change represent huge challenges for us all. Recent events put in stark reality the need for both energy AND food independence from outside sources.

Climate change around the world will inevitably lead to issues with food produces who we currently rely on – the shortage of salad products recently in our shops because of adverse weather in Europe is only one small example. Conflict in Europe has put tremendous pressure on the price and demand for fossil fuels – a consequence which in itself drives the need for sustainable and renewable energy sources. This, however

does not mean we should use our valuable and fertile land for huge solar farms when there are clearly other much more effective and nonintrusive ways the same goal can be achieved.

All across the UK we have massive industrial units and warehouse facilities which could be an ideal location for solar panels on their massive roofs. Such an initiative would massively help our drive to Net Zero whilst leaving our fertile land for precious food production. Why not incentivise the developers/owners of these units to install such facilities rather than make it more profitable for a farmer to give up land to solar panels rather than food production – this makes absolutely no sense!!

The soil grade standard of the proposed site has been questioned. We are advised that the land is graded as 2a, 2b and 3. It is the same soil that is predominant in the whole of the Borough and the same soil that has been farmed and produced food for generations. It is known to have been a good wheat field, a good potato field and also has cropped onions successfully. The loss of this land for agricultural use is totally unacceptable.

It is noted that the application states that, if approved, the solar panels will be removed after 40 years and the land restored to agricultural use. Please pardon our scepticism but wish to mention another comparable commitment that to date has been worthless.

When the operator received approval for coal mining at Daw Mill a legal covenant was agreed and signed that stated that once mining ceased the land would be returned to its previous Green Belt status. Since mining ceased the operator has continued a legal battle to overturn this covenant and turn the site into and industrial estate. What confidence can we have that in 40 years something similar we happen. Given the demand for renewable energy is only going to increase its unlikely this land will ever revert to agricultural use.

There are no new hedges proposed and only some screening trees that will be so small they would not be likely to support the birdlife that is frightened away during the construction process and will not grow fast enough to provide any effective screening.

The applicant states that it will be possible for sheep to graze in the area all around the panels. The practicality of this has to be questioned especially as we have seen reports from other sites where the sheep have eaten through the cabling and caused significant damage to the infrastructure.

We are also advised that the farmer lives a significant distance away and is unlikely to want to come to the site every day to check on his livestock. If the site were not grazed, the likelihood is that the grass and weeds would have to be sprayed off with herbicide to prevent the weeds and grass growing over the panels. In no way environmentally friendly.

There are clearly issues relating to glint and glare. This is the result of the effects of light reflecting on the panels. Either the panels will face the motorway providing distraction to the drivers, or they will face resident's houses providing an inherent nuisance. Any direction will cause problems, specifically for nocturnal birds being confused by glint from the lights of traffic on the motorway reflecting off the panels.

If we understand correctly over 80% of solar panels are imported from China. We also understand that no carbon emissions are allocated to the proposed site deriving from the manufacture and transportation of the panels and that the panel lose 15% of their generating power over their life expectancy.

Taking all the above into account, and the loss of good food producing land the overall environment benefits are at best questionable and at worst totally flawed.

If we understand correctly the energy generated from the solar panels needs to be transferred to a suitable sub-station and the optimum distance from the solar farm is circa two kilometres. We also understand that currently all sub-stations in North Warwickshire are classed as 'red' – meaning they do not have the spare

capacity to take anymore. So, if this application is granted where will the power be transferred to and at what disruption to surrounding land. Or will a new sub-station be required and if so, were on earth will this be located.

We understand right across the country there are significant issues with the National Grid being capable of taking the renewable energy generated by wind and solar farms. In some cases, the delay in creating the infrastructure to take this power is running into literally years.

The applicant needs to provide specific information and timing of when this particular installation can be connected - the Green Belt should not be destroyed on the basis of some unknown future link to the grid.

To summarise it is undoubtedly the case that more renewable sources of energy are required. It is also abundantly obvious we need to be much more self sufficient in our food production.

Producing food on our own land in itself will cut emissions significantly by reducing the new to fly and/or ship food products to us from around the world.

Clearly house developers always prefer Green Belt land over using Brownfield sites – now we have Solar Farm developers adopting the same strategy – both because it's cheaper and easier. The consequences of both are destroying our Green Belt for short term gain with no regard for the long term effect and cost.

The Parish Council therefore request that this application is refused and dialogue entered into with the applicant to encourage more thought and enterprise being given to alternative sites for the solar panels.

Corley Parish Council
14th May 2023

APPENDIX H

FILLONGLEY PARISH COUNCIL

♦♦♦

Clerk to the Council: Mrs H A Badham, The Crooked Stile, St Mary's Road,
Fillongley, Warwickshire, CV7 8EY

clerk@fillongleyparishcouncil.co.uk Telephone 01676 549193

Mr J Brown
Chief Planning Officer
NWBC
The Council House
South Street
Atherstone
Warks

17th February 2024

Dear Jeff

PAP/2023/0071

This amended application has again been discussed at the Parish Council meeting in February and the Parish Council wish to maintain their OBJECTION to the application.

The PC do not feel that the changes make a material difference to the previous Objections.

There are a number of quotes from Ministers over a long period of time that support solar on brownfield and rooftops and not on prime agricultural land such as is proposed here.

Way back in 2014, the Planning Minister Nick Boles said "The policies in the National Planning Policy Framework are clear that there is no excuse for putting solar farms in the wrong places. The Framework is clear that applications for renewable energy development, such as solar farms, should be approved only if the impact, including the impact on the landscape – the visual and cumulative impact – is or can be made acceptable. That is a very high test'

More recently Ministers have also made the following comments;

The Prime Minister (2022) stated "We must also protect our best agricultural land. On my watch, we will not lose swathes of our best farmland to solar farms. Instead, we should be making sure that solar panels are installed on commercial buildings, on sheds and on properties." This replicates the view of FPC.

Former Secretary of State, George Eustice (June 2023) "planning authorities seem to have either forgotten or started to disregard (planning) advice". He went on to say that advice "created a strong presumption against solar farms on Best and Most Versatile land, and that is classified in law as grade 3a or above'

The Secretary of State for Nuclear and Renewables Andrew Bowie said in Parliament, (July 2023) on the record; "It is therefore essential that we have a robust planning system that not only helps to deliver energy security but protects the environment and local communities and supports wider Government ambitions, such as food security. ... we are not able to create new prime agricultural land"…. "It is important to stress that this does not mean seizing large swathes of the countryside and turning them into industrial solar farms and storage units….,and we encourage solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement."

Reinforcing this legally, the National Planning Policy Framework 180; "Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland"

The NPPF requires that poorer quality land should be preferred and this is strengthened by the wording of the National Planning Practice Guidance in relation to Renewable and Low Carbon Energy where it is stated that the focus should be on previously developed or non-agricultural land.

FPC believe that local knowledge is a crucial deciding factor and should not be ignored. FPC know that despite the applicants suggestions the site will be permanently and hugely visible from many, many aspects of the Parish (not just the village centre) including over 1 km away, due to the undulating nature of the site and the Parish, as well as from the adjacent roads, Public Rights of Way and the M6. The Council also know that the applicant has not included any flood mitigation, and that this will contribute to more flood events in the centre of the village and downstream in the Parish from the Bourne Brook.

FPC do not believe that "exceptional circumstances" tests are met and the application should be refused.

For the avoidance of doubt, the original reasons for Objections are recorded below;

Fillongley Neighbourhood Plan (FNP) was created by Parishioners to shape the future of the village. It is in the process of being revised and strengthened to include issues that it has not been robust enough to deal with. In the preparation stages of the FNP there was an application for wind turbines within the Parish and there was comment in the evidence that this was not wanted. Due to the explosion of application for solar energy sites and the overwhelming opinion of the Parishioners against these within our greenbelt countryside, FPC are seeking to widen the scope of the FNP to include all industrialisation of the rural landscape. Furthermore, when creating our FNP there was overwhelming evidence that the Parishioners wished to protect our rural environment. FPC were instructed to remove the Greenbelt Policy as it was deemed unneccessary by NWBC as the NPPF would protect our Green Belt. The proposal is however still contrary to FNP02; It does not enhance or conserve the Natural Environment and it does have an adverse impact on the visual appearance and other rural and natural features in the landscape. FPC would ask that you stand up for the

policies and for that decision taken, protect our Green Belt, and refuse this application.

Openness of the Green Belt. We are in a large rural parish surrounded by open farmland. We are led to believe that the surrounding land is protected Green Belt legistlation. The size and scale of the proposal is completely inappropriate development. The solar park would overwhelm the area. For an idea of scale please see the picture adjacent. This is the same size and approximately the same shape as the solar park, superimposed onto the heart of our village. It completely dominates it. The solar park is just to the south of the outline and due to the topography of the land would be visible to many, many properties.

Much has been made of the **soil grade standard** on the targeted land. We know that the land is graded as 2a, 2b and 3. It is the same soil that is predominant in the whole of the Borough and the same soil that has been farmed and produced food for generations and generations. It is known within the Councillors' memory that this has been a good wheat field, a good potato field and also has cropped onions successfully. The loss of this land (assuming an easily achievable yield of 4 tons of wheat per acre) would be the loss of 600 tonnes of wheat per year adding up to 24,000 tonnes in the proposed lifespan of the application. To put it into context that would be a loss of approximately 1,090,800 800g wholemeal loaves of bread per year, or an incredible loss of 43,632,000 loaves of bread over the proposed lifespan. The NPPF (para 170) suggests that solar farms should preferably use land in areas of poorer quality (grades 3b, 4 and 5). This is not poor soil and therefore the application should be refused.

There has been great discussion as to the term **solar "farm"** when the result is a physical blot on the landscape which pays business rates just as any other business does. Farming produces food that we need to survive. Food cannot be grown on factory rooves, school rooves or warehouse rooves; most food needs to be grown in the ground. We have already established that this is good fertile land. Further loss of farmland and reduction in crops is unneccessary and will lead to a further lack of **food security** and **increase in prices of food** in the shops. The application should be refused.

Fillongley is a large rural parish with dispersed settlements. We are centred around a **medieval castle** and have another, older castle site in the village too. We are proud of **our historic settings and our Conservation Area**. The proposal will have a significant detrimental impact to the setting both of the Castle (which is 545 metres away and an Historic England site) and the wider village. The scale of the proposal will dwarf the Parish – most of it will be very visible from properties, from footpaths and roadways. It is contrary to FNP01 in that it will affect the setting of the Church as it will dominate the view of the Church on the approach into the Parish from Meriden which is the main view of the Church. It is also contrary to FNP06. This proposal will **change the character** of the village and should be refused.

North Warwickshire appears to have been targeted by solar park developers who are wishing to profit from the ease of developing our open countryside rather than fitting solar panels to existing buildings. There are already other, **significant sized solar parks** which have been given permission within a small radius of Fillongley. It is an ongoing situation and gathering pace with constant new applications. The cumulative impact on our local area is horrific and overwhelming and the application should be refused.

There are ongoing issues with "**glint and glare**". This is the name given to the light effects reflecting on the panels. This is a no-win location. Either they will face the motorway (providing distraction to the drivers), or they will face residents houses providing them with an inherent nuisance. Any direction will cause problems, specifically for nocturnal birds being confused by glint from the lights of traffic on the motorway reflecting off the panels.

Increasing "**bio-diversity**" is a real buzzword of the moment. When you carefully examine the proposals, there are no new hedges and only some screening trees that will be so small they would not be likely to support the birdlife that is frightened away during the construction process, will not grow fast enough to provide any screening and then will need to be chopped down after the 40 year period. Furthermore, the applicant has said in a public meeting that the site would be "sheep ready, and if the farmer chooses to diversify and have sheep that is up to him". Of course, if it were grazed that may produce some food, but this is unlikely as the farmer lives a significant distance away and is unlikely to want to come to the site every day to check on his livestock. If the site were not grazed, the likelihood is that the grass and weeds would have to be sprayed off with herbicide to prevent the weeds and grass growing over the panels. This does not benefit bio-diversity or the water quality of the surround brook. The application should be refused.

Fillongley has suffered from **2** "one in a hundred year" **flooding events,** plus other smaller flooding events in the last 12 years. These have caused untold harm to residents in the affected zone. We are in an unusual situation due to the topography of the parish. Alot of the water is from "flash flooding", when it rains very quickly either on to saturated ground or onto very dry ground, and is exacerbated by significant run off from the motorway. The passage of water to the village goes directly over the application site. The LFA have already, rightly, objected to the proposal. It would exacerbate the run off from the motorway as there would not be as much absorption across the ground that would normally absorb it as it runs across. There would be additional run off, pooling and rivulets as the rain hits the panels – this would mimic the run off from the motorway and the "flash flooding" effect. The proposal is contrary to FNP03 as it will exacerbate the flood risk within the village.

For all of the above reasons, FPC would urge that you heed the wishes of the majority of the Parish and the Fillongley Neighbourhood Plan and reject this application.

Yours sincerely

H Badham

Heather Badham
Clerk to Fillongley Parish Council

APPENDIX 1

Jeff Brown

From: Tracey Carpenter <corleyparishcouncil@yahoo.co.uk>
Sent: 15 December 2023 12:01
To: Jeff Brown
Cc: David Wright; Dave Humphreys; Mark Simpson; clerk@fillongleyparishcouncil.co.uk; howard darling
Subject: Re: Proposed Fillongley Solar Farm -- PAP/2023/0071

Caution: Warning external email

Good morning Jeff

Thanks for sending the document from the applicant in response to the concerns and objections submitted by CPC (and as we understand FPC).

Sadly the information and comments makes no difference to our stance in objecting - all of our previously submitted response stands.

We would reiterate that we recognise the need for renewable sources of energy but not at the expense of good food producing land. If sheep are to be grazed presumably the panels would need to be raised to make this practical - vision impact and glare problems being increased.

The applicant says the land could be returned to green belt - while in theory we suppose that could happen it's most unlikely. If this solar farm is approved realistically this will end this parcel of land ever being green belt again.

We have concerns regarding the manufacture and transportation of the panels in the first instance but how will these units be disposed of at the end of their life. Taken together the green credentials diminish.

Our colleagues on FPC (if we understand correctly) still have concerns regarding flooding issues in their parish and we are unsure if sufficient consultation on this has taken place.

Solar facilities are inevitable but finding the right locations for them is quite another matter. In common with house building the easy option is to further destroy our green belt. The more considered approach is to consider brown field areas and the massive warehouse roofs that span many areas of our country.

Time for some more fundamental thinking!

Regards

Corley Parish Council

On 04/12/2023 08:57, Jeff Brown wrote:

> We have received the attached Note from the applicant for the above proposal.
>
> You can see that it has been particularly prepared to address areas of concern raised by the two Parish Councils.
>
> I have promised to pass this on to you and would welcome any comments
>
> Many thanks
>
> Jeff

1

Website - www.northwarks.gov.uk
Follow us on Twitter - North_Warks_BC
Like us on Facebook - northwarksbc**Sign up for email updates** -
https://www.northwarks.gov.uk/emailupdates

--
Tracey Carpenter Clerk & RFO Corley Parish Council Tel: 07946 222373

APPENDIX J

Jeff Brown

From: Tracey Carpenter <corleyparishcouncil@yahoo.co.uk>
Sent: 18 February 2024 09:40
To: Jeff Brown; clerk@fillongleyparishcouncil.co.uk
Subject: Re: FW: Fillongley Solar Farm - PAP/2023/0071

Caution: Warning external email

Dear Jeff

Corley Parish Council have reviewed the amended plans you distributed and see absolutely no reason to change their position of objecting to this application.

All their previously submitted objections stand and they continue to oppose the use of perfectly good agricultural land for this purpose.

The overall green credentials of the proposal are questioned and the statement that the land after 40 years will be returned to its current state - this will never happen.

We are aware of other proposals where even if granted there is no near connection point to the grid for the generated power to connect into. What issues does this application pose and is there potential for further disruption in order for this site to become a contributor?

It is found a little distasteful that money is offered to parish councils in order to remove objections. A planning application should be judge on its merits without any financial inducements.

In summary please take this as maintaining Corley Parish Councils objections and hope our stance is recognised and carries weight.

Regards
Tracey

Tracey Carpenter
Clerk to Corley Parish Council

On 01/02/2024 12:01, Jeff Brown wrote:

> Heather and Tracey
>
> We have today received amended plans for this proposal as attached
>
> There are also amended documents attached to the case file on the website (those received on 1/2/24)
>
> I would be grateful to receive your Council's comments on these amendments **BEFORE 16th FEBRUARY if possible,** as the application is likely to be referred to the Planning Board at its next meeting on 4th March
>
> Many thanks
>
> Jeff
>
> **Website -** www.northwarks.gov.uk
> **Follow us on X -** North_Warks_BC

1

Like us on Facebook - northwarksbc
Privacy Notice

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Tracey Carpenter Clerk & RFO Corley Parish Council Tel: 07946 222373

APPENDIX 2

Solar and protecting our Food Security and Best and Most Versatile (BMV) Land

Statement made on 15 May 2024

Statement UIN HCWS466

Statement made by

Claire Coutinho

Secretary of State for Energy Security and Net Zero

Conservative

East Surrey

Commons

Statement

Food security is an essential part of national security. This Government is fully committed to delivering robust UK food security and recognises its paramount importance to our national security. This is reflected in our commitment to maintain the current level of food we produce domestically. Heightened geopolitical risk has brought this into sharper focus and we think it is more important than ever that our best agricultural land is protected and our food production prioritised.

Similarly, we have seen our energy security threatened following Putin's illegal invasion of Ukraine with the government spending over £40bn to pay up to a half of people's energy bills. We are combatting this by racing ahead with deployment of renewable energy; nearly half of our electricity today is produced from renewables which is up from only 7 percent in 2010. Solar power is a key part of the Government's strategy for energy security, net zero and clean growth. This position was reinforced in the new National Policy Statement (EN-3), published in January this year, which stated that "*Solar also has an important role in delivering the government's goals for greater energy independence and the British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW)*".

Government recognises that, in some instances, solar projects can affect local environments which may lead to unacceptable impacts for some local communities. The planning system is designed to balance these considerations against the need to deliver a secure, clean, green energy system for the future.

Protecting the Best Agricultural Land

The new National Policy Statement that we published in January makes clear that "*applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible.* The Government in Powering Up Britain: Energy Security Plan clarified that while *"solar and farming can be complementary"* developers must also have *"consideration for ongoing food production."*

Nevertheless, in balancing both the need for energy security and food production, we are concerned that as large solar developments proceed at pace, more of our 'Best and Most Versatile' (BMV) land could be used for solar PV instead of food production. I am therefore setting out further detail about how our policy on balancing these competing priorities is intended to be applied.

As is outlined in the National Policy Statement, the starting position for solar PV developers in taking forward Nationally Significant Infrastructure Projects is that applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality.

The National Policy Statement can also be a material consideration in determining applications under the Town and Country Planning Act 1990 and is broadly consistent with the approach to agricultural land in the National Planning Policy Framework which states that "*Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development*".

This means that due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary. Applicants for Nationally Significant Infrastructure Projects should avoid the use of Best and Most Versatile agricultural land where possible.

For Nationally Significant Infrastructure Projects, including those already in the system, the National Policy Statement and from today this WMS are likely to be important and relevant considerations in the decision making process. The Government will keep under review the evidence base underpinning the National Policy Statement published in January.

Addressing Cumulative Impacts

While the total area of agricultural land used for solar is very small, and even in the most ambitious scenarios would still occupy less than 1% of the UK's agricultural land, we are increasingly seeing geographical clustering of proposed solar developments in some rural areas, such as in Lincolnshire. When considering whether planning consent should be granted for solar development it is important to consider not just the impacts of individual proposals, but also whether there are cumulative impacts where several proposals come forward in the same locality.

In parallel, my Department will be expanding the Renewable Energy Planning Database to include additional information on the types of agricultural land used by existing solar projects and those in the planning pipeline. This will enable us to carefully monitor the use of land by renewable projects in all regions of the UK.

Improving Soil Surveys

The Government has heard concerns about the perceived inaccuracy and unfairness of soil surveys undertaken as part of the planning process for solar development. The Government will address this by supporting independent certification by an appropriate certifying body, subject to relevant business case approval, to ensure Agricultural Land Classification Soil Surveys are of a high standard, requiring surveyors to demonstrate meeting an agreed minimum requirement of training/experience. We will also seek to ensure consistency in how data is recorded and presented, so that reports on agricultural land classification are consistent, authoritative and objective.

Supporting solar on rooftops and brownfield sites

Finally, I want to highlight that increasing the deployment of rooftop solar remains a priority for Government. The installation of qualifying energy-saving materials, including solar panels, in residential accommodation and buildings used solely for a relevant charitable purpose currently benefits from a zero rate of VAT until March 2027, at which point they will qualify for the reduced rate of VAT at 5%. At the Autumn Statement 2023, the 100% First Year Allowance for main rate plant and machinery assets, and the 50%

First Year Allowance for special rate plant and machinery assets, including solar panels, were made permanent. These measures complement the business rates exemption for eligible plant and machinery used in renewable energy generation and storage introduced in 2022.

This year, UK Government launched a new package of measures to support British farming. Under the second round of the Improving Farm Productivity grant, between £15-25 million was made available for the installation of rooftop solar and other equipment to help farms reduce fossil fuel use, improve their energy resilience, and accelerate progress towards net zero.

We also unlocked a key barrier for large-scale commercial rooftop solar, including on farm buildings, through changes to permitted development rights (PDRs) under the Town and Country Planning Act 1990. Concurrently, we introduced a new PDR allowing for the installation of solar canopies in non-domestic car parks.

We will shortly be delivering the Future Homes Standard which will set the energy performance of new homes and is due to come into force in 2025. Our consultation proposals setting out the proposed technical detail of the standard demonstrated the effectiveness of rooftop solar in reducing energy bills for consumers with solar panels. For non-domestic buildings, the Future Buildings Standard consultation proposed significant amounts of rooftop solar which is also expected to drive the use of solar power on warehouses and commercial buildings.

Additionally, social housing and the public sector both offer excellent opportunities to fit solar on homes and reduce bills. As such, we plan to explore further how to ensure that social landlords can provide solar to their tenants, and work across government to help schools, colleges, hospitals, and other buildings to supply themselves with solar power.

Further information on these initiatives will be set out in the upcoming joint government/industry Solar Roadmap.

I am making this statement with support from my Rt. Hon. Friends the Secretaries of State for Levelling Up, Housing and Communities and Envionment, Food and Rural Affairs.

Statement from

Department for Energy Security and Net Zero

Linked statements

This statement has also been made in the House of Lords

Department for Energy Security and Net Zero

Solar and protecting our Food Security and Best and Most Versatile (BMV) Land

Lord Callanan
Parliamentary Under Secretary of State (Minister for Energy Efficiency and Green Finance)
Conservative, Life peer

Statement made 15 May 2024

HLWS464

Lords

APPENDIX 3

Your ref: PAP/2023/0071
Our ref: WCC002749 R1/FRM/SR/001
Your letter received: 27/10/2023

Warwickshire County Council

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

22 November 2023

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 27 October 2023. Based on the information submitted the LLFA has **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:
    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 routeing 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) 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:

- 11370 Land at Nailcote Farm LVA Rev B.pdf
- 11370 Land at Nailcote Farm LVA Rev B_Part2.pdf
- Application Form.pdf
- Covering Letter_Redacted..pdf
- Drainage Strategy_S2-P05_Part1.pdf
- Drainage Strategy_S2-P05_Part2.pdf
- Flood Risk Assessment_S2_P05_Part1.pdf
- Flood Risk Assessment_S2_P05_Part2.pdf
- General Layout RevF - 09-03-23.pdf
- Landscape Strategy Plan- 09-03-23.pdf
- Planning Statement Feb 23.pdf
- Site location plan.pdf

- NFW-BWB-ZZ-XX-RP-CD-0002_LLFA Letter_S2-P01.pdf

N.B. On 10th January 2023, the Defra published[ii] "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

APPENDIX 4

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
XDQ
CSV
View Configuration
MANOR HOUSE
Chan 1
Level
2023-06-01
yyyy-MM-dd
10
HH
11
12
01
02
2024-02-22 12:00:50
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

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**.

Av. Rainfall (m/hr) x 6 (hours) x Impermeable Area (m²) = Runoff Volume (m³)

0.0107 x 6 x 387 = 25m³

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 $17m^3$. This 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 $0.4m^3/m$.

3.34 The interception storage capacity of the swales is such that in 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.

BWB

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	• Inspect inlets, outlets, and overflows for blockages, and clear if required.
	Monthly (or as required)	• 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	• Cut grass – to retain grass height within specified design range.
	Monthly for first year then as required	• Manage other vegetation and remove nuisance plants.
	Monthly for 6 months, quarterly for 2 years, then half yearly	• Inspect vegetation coverage.
	Half yearly	• 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	• Reseed areas of poor vegetation growth, alter plant types to better suit conditions, if required.
Remedial Action	As required	• Repair erosion or other damage by re-turfing or reseeding; • 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.

APPENDIX 5

Warwickshire County Council

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.

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

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 routeing 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.*

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[i] (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

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.

- **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

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


APPENDIX 6
Section of Swale
Scale 1:100
Notes
Legend
Public Right of Way
Public Right of Way
Screening
Illustrative Detention Basin Section
Not to Scale
Issues & Revisions
BWB
Enviromena Project Management UK Limited
Nailcote Farm, Warwickshire
Conceptual Drainage Strategy
PRELIMINARY
NFW-BWB-ZZ-XX-DR-CD-0001 S2 P07

APPENDIX 7

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

Warwickshire County Council

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

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 routeing 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

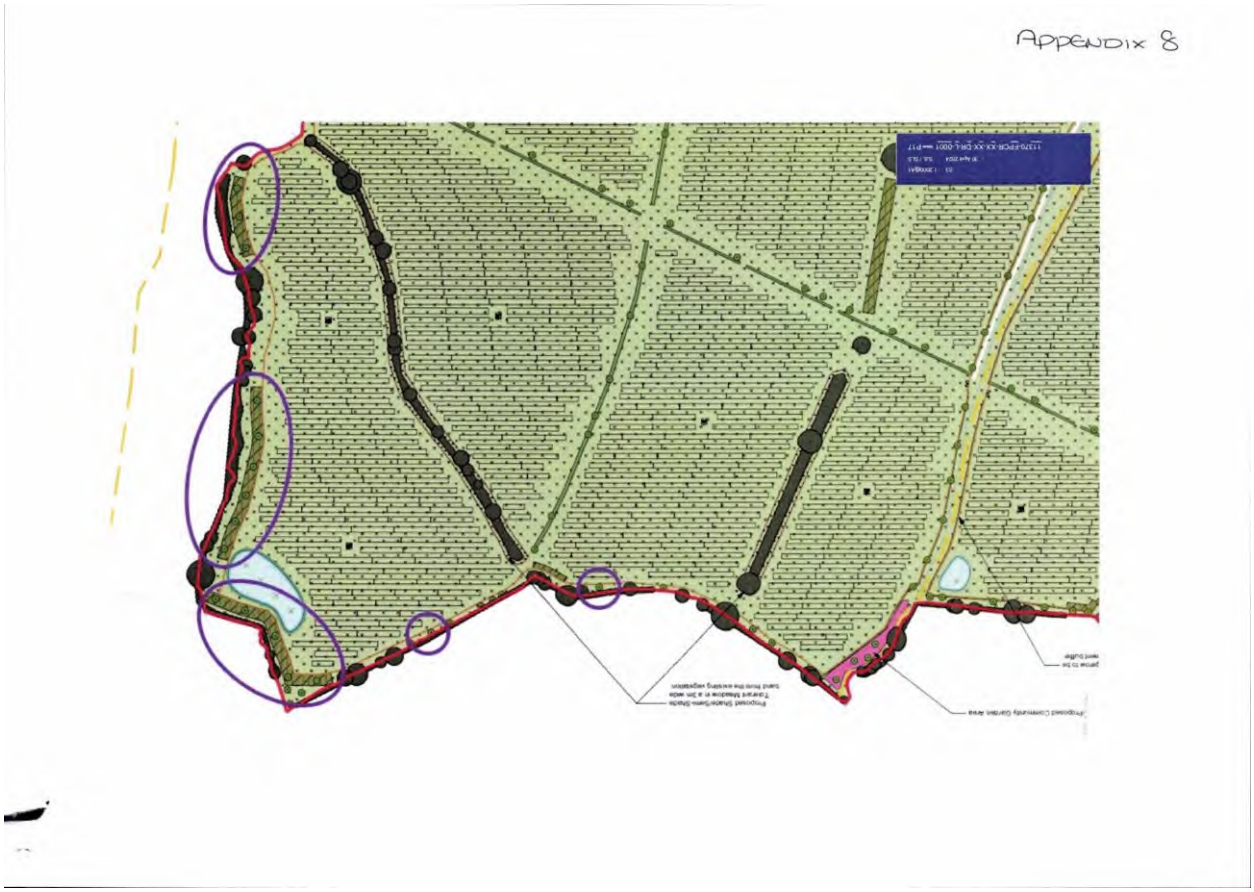
N.B. On 10th January 2023, the Defra published[ii] "the Review for implementation of Schedule 3 to the Flood & Water Management Act 2010;" this recommended implementation of Schedule 3 which the government has accepted. Warwickshire County Council will take on the role of the SuDS Approval Body (SAB), 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

Appendix 8



APPENDIX 9

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:

T Team | H Honest | R Respect | I Initiative | V Voice | E Excellence