



**North Warwickshire
Borough Council**

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Date: 13 November 2014

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

DECISION NOTICE

Largescale Major - Full Planning Application

Application Ref: PAP/2014/0483

Site Address

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

Grid Ref: Easting 429958.19
Northing 301789.43

Description of Development

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

Applicant

Big 60 Million Ltd

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

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

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

REASON

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

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

Authorised Officer: 

Date: 14 November 2014

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

REASON

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

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

REASON

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

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

REASON

In the interests of the residential amenity of nearby residents.

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

REASON

To reduce the risk of noise pollution.

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

REASON

In the interests of the visual amenities of the area.

Authorised Officer: _____

Date: _____

14 November 2014

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

REASON

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

INFORMATIVES

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

APPEALS TO THE SECRETARY OF STATE

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

Authorised Officer: 

Date:

14 November 2014

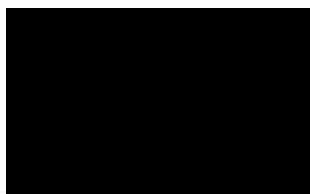
PURCHASE NOTICES

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

NOTES

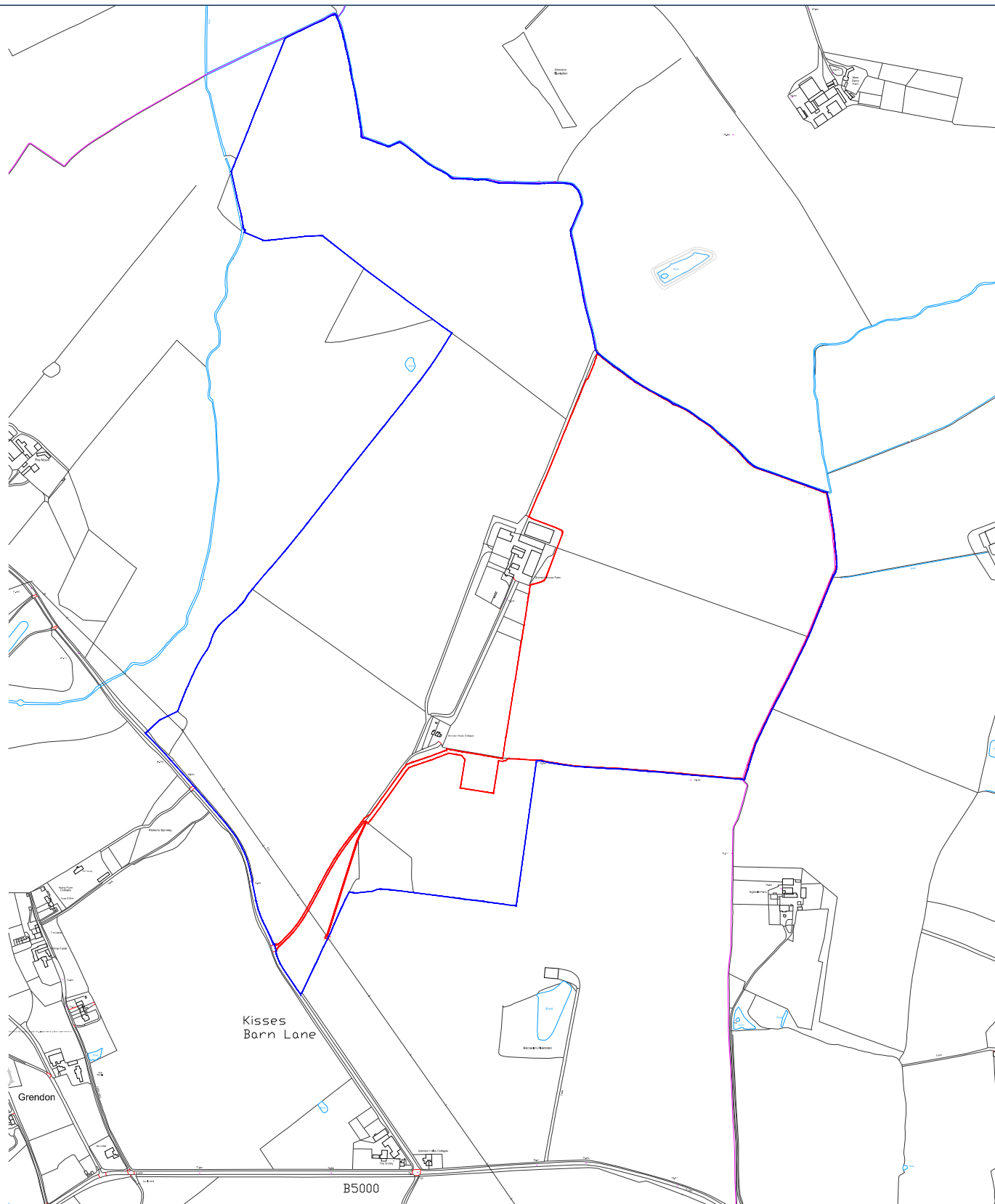
1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account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

Authorised Officer:



Date:

14 November 2014



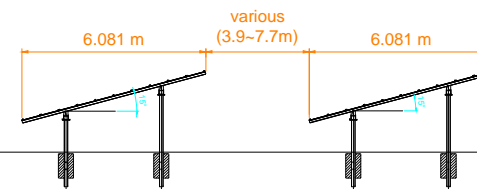
2014/0483

**PLANNING & DEVELOPMENT
DIVISION**

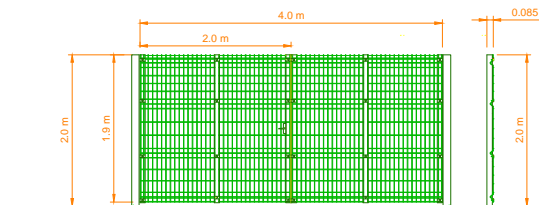
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2014/0483

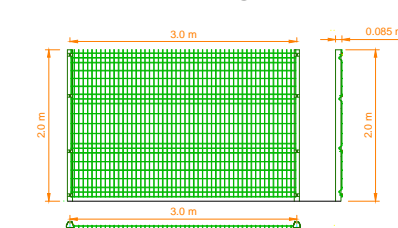
Side View: Typical Section PV Array
Scale: 1:250@A3



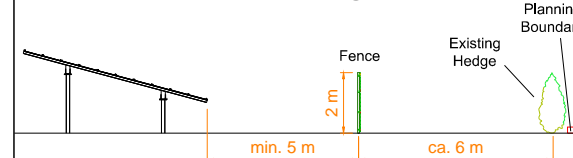
Typical Elevation for Gate
Scale: 1:100@A3



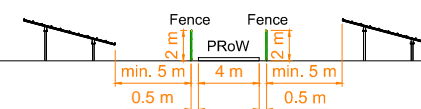
Typical Elevation for Fence
Scale: 1:100@A3



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



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

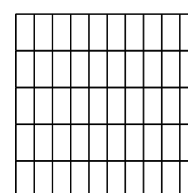


Typical Elevation for PV Array
Scale: 1:250@A3

Side View Front View



Top View



Site Layout Plan

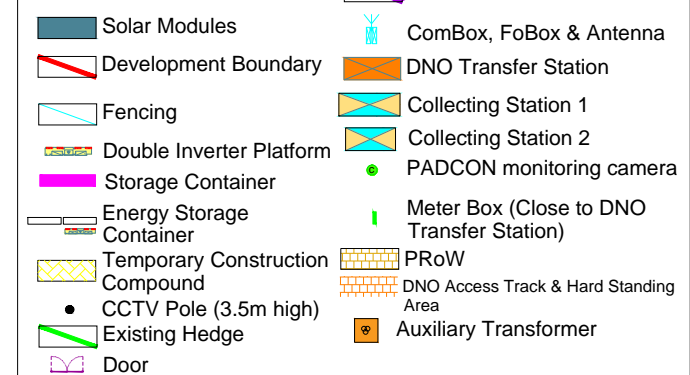
Atherstone Solar Farm

FS395_SMA

Coordinates 52.6120° N 01.5590° W

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

Key



project data

plot area - 32.14 ha
fenced area - 28.32 ha
fence length - 3,213 m

number of structures of modules (10x15) - 1028
number of modules - 154,200
type of modul / power - FS-395 W-DC
inverter - 12 x SMA SC 900CP XT
= 6 Double Inverter Stands

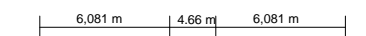
plant system rating - 14.649 MWp-DC

construction and parameter

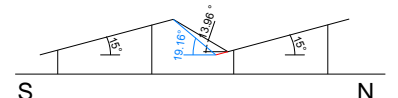
construction series - FS 10er 15°
connection - 15 / string (hz)

shading - 1,5 modules
sun angle / shadow angle - 13.96° / 19.16°

sketch from the
table section



not to scale



RevA	Site Layout Plan	M.F.B.	06.08.2014
Rev	changes in the design	name	checked date

☒ for review ☐ for construction ☐ as built

Preliminary Design scale 1: 5000 @ A 3 **BELECTRIC**

Atherstone Solar Farm_P02_SP_RevA

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

APPROVED
14-Nov-14

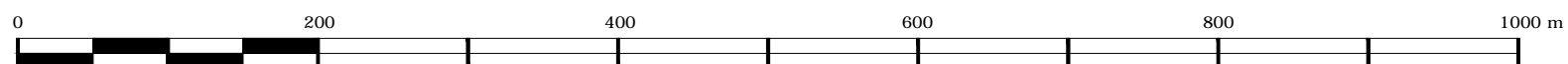
UNDER THE PROVISIONS
THE TOWN & COUNTRY PLANNING ACTS
SUBJECT TO CONDITIONS
ON NOTICE

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED
11-Sep-14

PLANNING & DEVELOPMENT
DIVISION

1:5000



6) Application No: PAP/2014/0483

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

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

Big 60 Million Ltd

Introduction

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

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

Consultations

Hinckley and Bosworth Borough Council – No comments to make

East Midlands Airport – No safeguarding objection

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

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

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

Warwickshire Museum – No comments yet received

Representations

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

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

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

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

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

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

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

Applicant's Response

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

Observations

a) Introduction

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

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

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

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

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

b) Landscape Character

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

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

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

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

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

c) Heritage Impact

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

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

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

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

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

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

d) Ecology

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

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

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

e) Traffic Impacts

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

f) Flood Impacts

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

g) Agricultural Land

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

h) Other Matters

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

Conclusions

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

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

Recommendation

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

Defining Conditions

i) Standard Three year condition

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

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

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

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

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

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

Reason: To reduce the risk of noise pollution.

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

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

Pre- Commencement Conditions

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of reducing noise pollution.

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

Reason: In the interests of highway safety

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

Reason: In the interests of highway safety

Pre-Operation Condition

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

Reason: In the interests of the reducing any adverse impacts

On-Going Conditions

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

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

together with conditions as recommended by the Warwickshire Museum

Notes:

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

BACKGROUND PAPERS

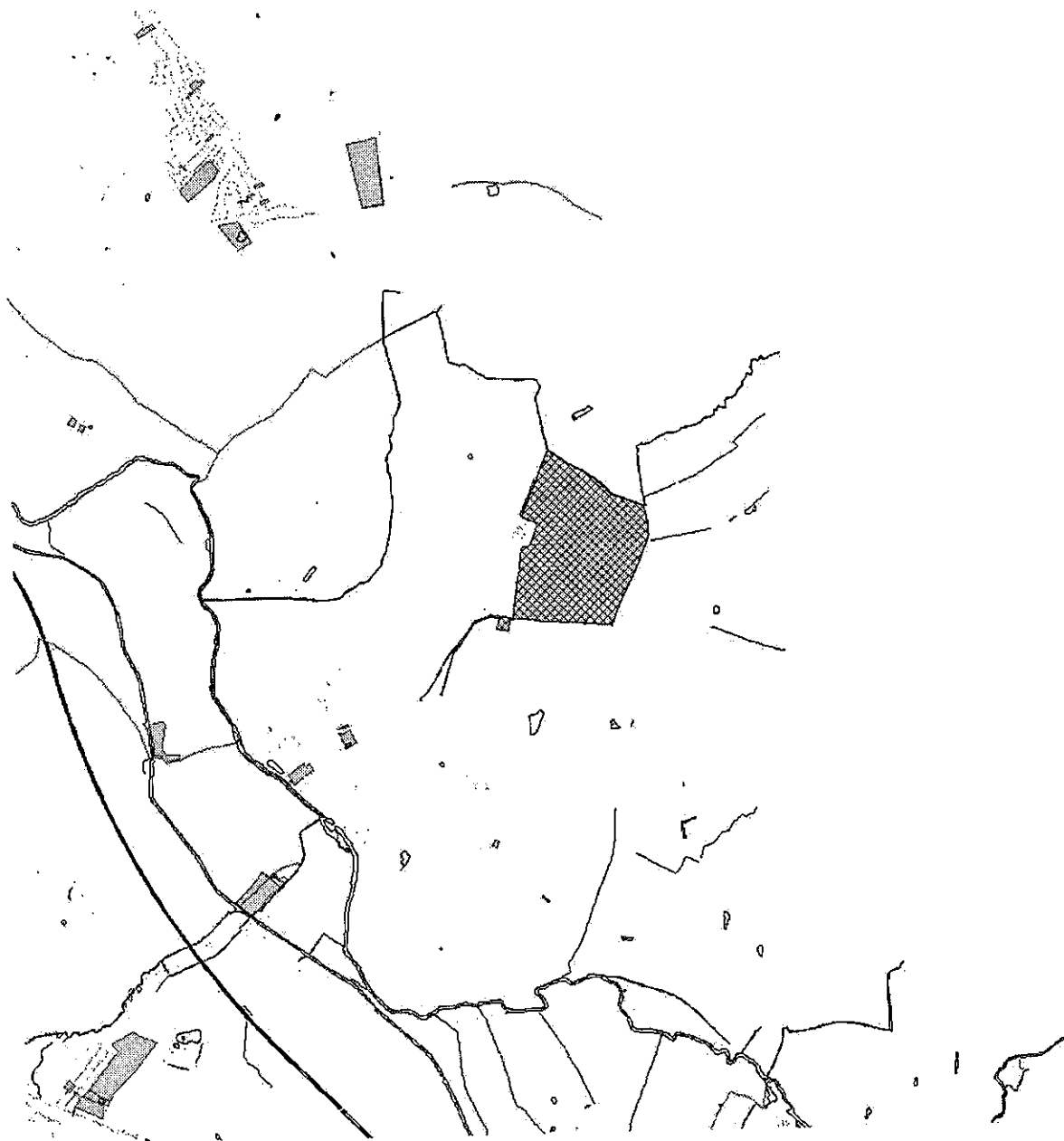
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2014/0483

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	11/9/14
2	Hinckley and Bosworth Borough Council	Consultation	23/9/14
3	East Midlands Airport	Consultation	1/10/14
4	M Wilson	Representation	2/10/14
5	Mr and Mrs Miles	Objection	6/10/14
6	Mr and Mrs Bennett	Objection	9/10/14
7	Warwickshire Rights of Way	Consultation	8/10/14
8	Case Officer	Letter	14/10/14
9	EHO	Consultation	14/10/14
10	Applicant	Email	14/10/14
11	CPRE	Objection	27/10/14
12	Applicant	Letter	27/10/14
13	WCC Highways	Consultation	29/10/14
14	Applicant	Email	30/10/14

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

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



Appendix A

Application No: PAP/2014/0483

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

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

Big 60 Million Ltd

Introduction

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

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

The Site

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

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

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

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

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

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

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

Background

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

The Proposals

a) Description

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

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

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

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

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

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

The whole facility would have a 25 year life.

b) Community Benefits

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

Supporting Documentation

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

a) Planning, Design and Access Statement

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

b) Agricultural Land

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

c) Flood Risk Assessment

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

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

d) Ecology Report

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

e) Landscape and Visual Assessment

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

f) Cultural Heritage

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

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

g) Construction Traffic

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

h) Statement of Community Involvement

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

Development Plan

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

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

Other Material Planning Considerations

The National Planning Policy Framework 2012

National Planning Practice Guidance 2014

UK Solar PV Strategy Parts 1 and 2

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

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

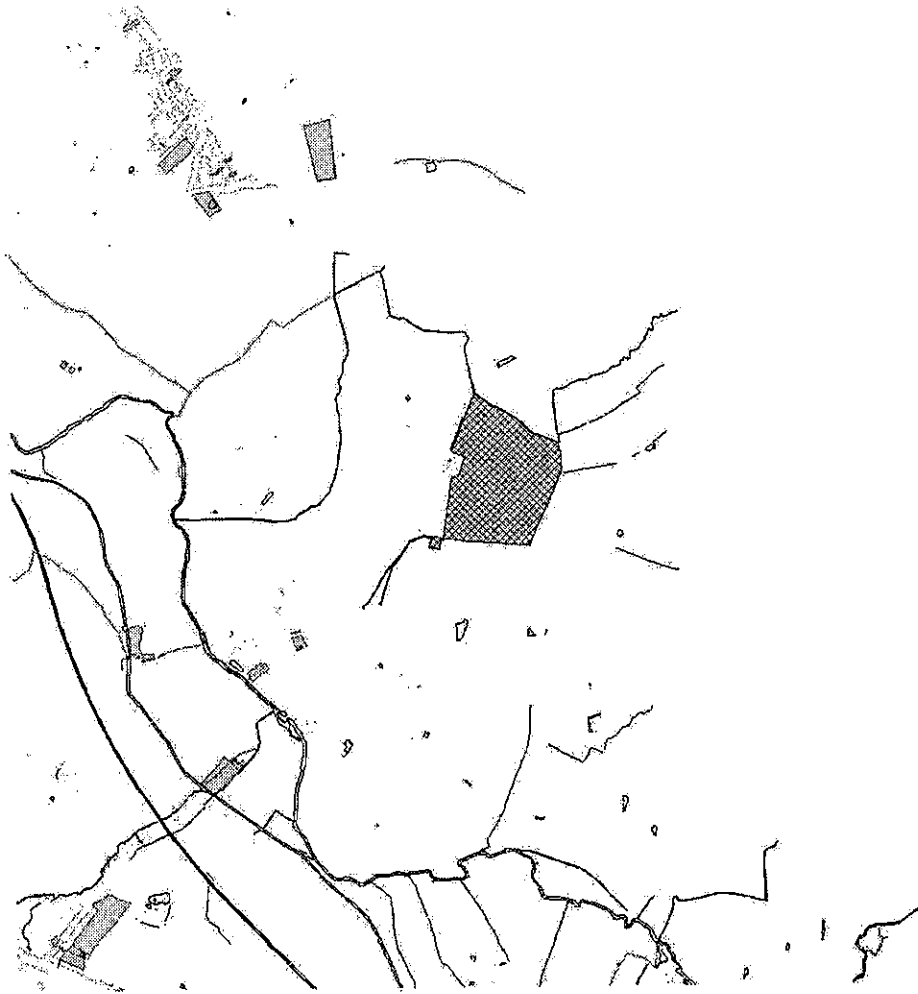
Observations

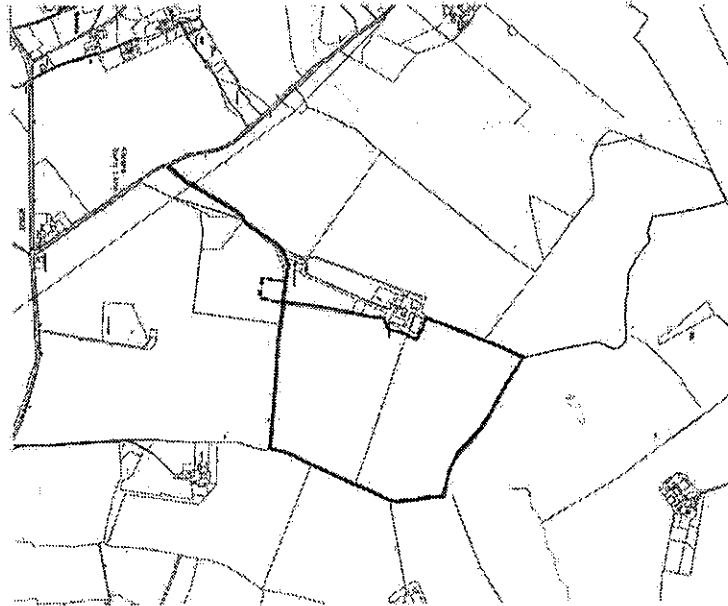
The Development Plan has policies encouraging renewable energy development as well as policies protecting landscape character. National policies too are significant in both of these respects. The main issue here will be to balance the development within their context. As such the impact on landscape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

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

Recommendation

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





☒ Development Boundary

2014/0483

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DIVISION

OBELECTRIC
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Tel: +44 (0) 1895 452 666
Web: www.bioforce.co.uk

Participant Information Attention: Study Coordinator Date: Location: Time:		National Reference Attention: Study Coordinator Date: Time:	
Name: _____ Date: _____ Time: _____ Location: _____	Email: _____ Phone: _____ Address: _____ City: _____ State: _____ Zip: _____	Name: _____ Date: _____ Time: _____ Location: _____	Email: _____ Phone: _____ Address: _____ City: _____ State: _____ Zip: _____

[illegible]

Attentive Solar Films
 Creston, Albuquerque
 New Mexico
 870 307

Therapy After Hours,
Therapy Has Lane, Inc.,
Bridgewater, NJ 08807
Tel: +1 (800) 452-6444
Web: www.therapylane.com
as well as the community.

Allen, Jeanette

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

For the attention of Jeff Brown

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

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

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

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

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

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

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

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

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

We respectfully urge the Council to refuse this planning application.

Judy Vero

Hon. Secretary

Atherstone Civic Society

Tel.: 01827 712250

Email: Secretary@atherstonecivicsociety.co.uk

27th October 2014

savills

Mr Jeff Brown
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Dear Mr Brown,

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

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

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

Introduction / planning issues

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

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

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

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

Landscape character and visual issues

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

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

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

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

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

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

- Issues about the visual amenity effects during Construction.

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

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

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

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

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



Compliance with Local Policy

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

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

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

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

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

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

Ecology issues

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

Aviation issues

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

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

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



Yours sincerely

A handwritten signature in black ink, appearing to read "P. Holdcroft".

Phil Holdcroft
Associate Director
Savills

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

CC: Mike Rogers Boelectric
Jo Stark Savills

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

24th October 2014

Site name: Atherstone Solar Farm

Application No. PAP/2015/0483

Introduction

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

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

Protected Species

Comment:

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

Applicant Response:

Amphibians and Waterbodies

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

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

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

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

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

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

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

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

Bats and Roost Potential

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

As part of the extended Phase1 habitat survey, boundary trees were subject to an initial scoping exercise to assess roost potential. During the scoping survey, three mature oak trees were identified

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

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

Timing of survey

Comment:

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

Applicant Response:

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

Requirement for further ecological survey

Comment:

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

Applicant Response:

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



Appeal Decision

Site visit made on 5 August 2014

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

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

Decision date: 30 September 2014

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

Land at Burthy Farm, Summercourt, Newquay TR8 5BN

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

Decision

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

Application for costs

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

Policy

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

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

Main Issues

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

Reasons

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

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

17. The land generally falls away from the higher ground which is broadly to the east. The arrays would be aligned across the contours in order to face south. The view of the development that would be presented would therefore vary and would mostly include views of the rear and side of the arrays with the upper parts of the fields being the most prominent. The associated buildings are small-scale and would generally be tucked close to the hedgerows so as not to compromise the effectiveness of the installation. From my inspection of the area I would agree with the appellant's assessment that it is from Seaview Terrace that the greatest visual impact would be experienced. These are however private views and limited in number with any publicly available view from the highway being largely obscured by the few residential properties and hedgerows. Views across the appeal development from other places, as indicated by the representative viewpoints, would be limited. As the report to the Strategic Planning Committee acknowledges the intervisibility and thus the cumulative impact of the appeal proposal and the other nearby solar farms is very limited.
18. I have also considered the extent to which any glint or glare might exacerbate the visual impact by drawing the eye to the proposed development. The appellant's assessment, which the Council does not dispute, indicates that glare would not be an issue and that glint would be experienced at the studied receptors for a very few minutes only early morning or early evening (but not both) on not more than 200 (and typically considerably fewer) days in any one year. The modelling does not account for any screening by vegetation or buildings and thus represents a theoretical worst case rather than the likely actual position. In my view, attention would not be drawn to the arrays by any glint from them.
19. For the reasons set out I do not consider that the limited discernable effect that there would be on landscape character and visual amenity as a result of either the development itself or the appeal proposal in combination with the other solar farms nearby would amount to the substantial harm necessary to cause a conflict with LP policy 10. In any event, this policy deals only with effects on designated and protected landscapes and the countryside generally and does not address visual amenity. As stated in the Policy section above, it also requires regard to be had to the benefits of renewable energy proposals. These are set out in Government policy and summarised above. On this issue I consider that any harm would be outweighed by the contribution that there would be to national energy and climate change policies. This reinforces my conclusion that there would be no conflict with LP policy 10 and to the extent that a policy addressing general design matters is relevant to this issue, LP policy 6.

The effect on the best and most versatile agricultural land

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

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

Other matters

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

seems to me that they require a case-by-case judgement to be made in accordance with the criteria set out and do not indicate that there is a finite capacity for CA14.

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

Conditions

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

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

Conclusions

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

Brian Cook

Inspector

APPENDIX A: SCHEDULE OF CONDITIONS

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

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

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

- 7) No external lighting shall be installed during the period that the development hereby permitted is in place.
- 8) No deliveries shall be taken at or despatched from the site or construction or decommissioning works take place outside the hours of 08:00 to 18:00 Monday to Friday; 08:00 to 13:00 Saturday nor at any time on Sundays, Bank or Public Holidays.
- 9) The noise emissions during construction and decommissioning periods of the development hereby permitted shall not exceed a $LA_{eq,T}$ noise level of 65 dB 1 metre from the façade of any occupied residential dwelling.
- 10) The development hereby permitted shall be carried out strictly in accordance with the approved Construction Traffic Management Statement – Issue 1, dated 26 July 2013.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no fixed plant or machinery, buildings, structures and erections or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission in writing from the local planning authority.
- 12) Prior to the first time that energy is fed into the national grid from any part of the development hereby permitted, the Sustainable Urban Drainage Scheme (SUDS) as set out in the submitted H20K drawing J-4-30.4-FM Drawing 3001 rev.D shall be fully implemented and shall thereafter be maintained to achieve the calculated levels of attenuation for the duration of the planning permission hereby granted.
- 13) Within 25 years following the development hereby permitted being brought into use (that date being notified to the local planning authority in writing within 7 days of it occurring) or within 12 months of the cessation of electricity generation by the development hereby permitted (that date being notified to the local planning authority in writing within 7 days of it occurring) whichever is the sooner, the solar PV panels, racking, electrical control cabinets, substations, fencing and associated structures hereby permitted shall be dismantled and removed. The site shall be decommissioned and restored to agricultural use in accordance with the Decommissioning Method Statement approved under condition 14.
- 14) The development hereby permitted shall not be commenced until a Decommissioning Method Statement (DMT) has been submitted to and approved in writing by the local planning authority. The DMT shall include the timing for decommissioning of all, or part, of the solar farm if it ceases to be operational, along with measures and a timetable for their completion to secure the removal of PV panels, plant, fencing and equipment. Decommissioning shall be carried out in accordance with the approved DMT and details.



Costs Decision

Site visit made on 5 August 2014

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

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

Decision date: 30 September 2014

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

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

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

Reasons

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

the 3b classification was slight. The advice was that although a material consideration to be taken into account with other factors in site selection and the assessment of the planning merits, that balance did not justify a refusal of planning permission on this ground in this case.

6. That Members took a different view is clear from the reason for refusal. What is unclear is the evidence for doing so. The author of the Council's appeal statement makes a series of assertions concerning the quality of the grass that could be grown, the fact that sheep may not in fact graze the land (with speculation as to why), speculation about the purpose of Framework paragraph 112 and the length of time ('many years') that it would take post-decommissioning of the development to return the land to optimum food producing capacity. I am not aware of any evidence to support any of these assertions, most of which contradict the professional advice given to the Members.
7. A failure to produce evidence to substantiate each reason for refusal on appeal and making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis are among the examples listed in paragraph 49 of the relevant part of the Planning Practice Guidance as potentially giving rise to a substantive award against a local planning authority. I consider that both are applicable to the first reason for refusal and that the Council has behaved unreasonably in refusing the application for that reason. Furthermore, the appellant has called expert evidence specifically to address this reason and has thus incurred wasted or unnecessary expense. The two conditions for an award to be made in respect of the first reason for refusal have therefore been met.
8. Turning now to the second reason for refusal, I consider this to be primarily a matter of judgement. It is clear from the officers' report that the Council's landscape officer is becoming increasingly concerned that the sheer number of energy schemes being permitted on an incremental basis is creating an energy landscape in the vicinity of the appeal site. While posing the question about whether the capacity to absorb further such developments is being reached, the officer unhelpfully does not offer an opinion on the answer. However, what is said is also a reflection of some of the representations from the local community on this matter.
9. The case officer quite properly does advise the Members. Paragraph 59 of the report confirms that, on balance, the appeal proposal would not 'tip the balance' to create a landscape defined by renewable energy. However, that paragraph goes on to say that future applications would have to be assessed on their own merits. The next paragraph confirms that there would be limited views of the site from vantage points and important recreational footpaths. It does however conclude by saying that the key landscape characteristics would not be undermined in a significant way when weighed against the positive support for renewable energy. The balancing exercise of harm against benefits is thus clearly put before the Members.
10. It seems to me that the Members took a different view of that balance having weighed the considerations about which they were advised differently to the officers. It is a clear principle that weight is a matter for the decision maker and that unless it is irrational there can be no criticism of that decision.

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

Conclusion

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

Costs Order

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

Brian Cook

Inspector

Brown, Jeff

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

Dear Mr Brown,

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

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

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

With reference to the Environmental Report, in terms of viewpoint categories, the sensitivity of the viewpoint is only one aspect of the assessment and as best practice dictates the assessment of visual significance should combine sensitivity with magnitude. Apart from the immediate vicinity of the Site, the magnitude of change as a result of the Proposed Development would be modest and consequently the geographical extent of Notable effects would be limited. It is concluded that the wider amenity of the countryside experienced by users of public rights of way would not be adversely affected. Similarly, with regard to the nearest listed buildings, the Environmental Report (Chapter 5) identified five designated assets. The nearest being a cluster of listed buildings at New House Grange, approximately 1.4km north-east of the site. This includes the 'Great Barn' (Grade II*). The setting and significance of those heritage assets was not considered to be impacted on by the proposed development. The report concludes that: *'Development of the site would not lead to any harm to known heritage assets through. Alteration of their setting. Thus the development proposals are considered to be compliant with both national and local planning policy for heritage'* (para 6.89).

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

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