



North Warwickshire Borough Council

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Date: 09 March 2022

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

DECISION NOTICE

Major Full Planning Application

Application Ref: PAP/2021/0562

Site Address

Environment Agency Lea Marston Depot, Coton Road, Lea Marston,
B76 0DN

Grid Ref: Easting 420474.48
Northing 294000.34

Description of Development

Construction of a photovoltaic installation with a maximum capacity of up to 3MW, together with associated infrastructure and biodiversity enhancements on land

Applicant

Department For Environment, Food And Rural Affairs (DEFRA)

Your planning application was valid on 4 October 2021. 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 plan numbered
Location Plan and existing site plan 100
Proposed site plan 300
Site Section 600
Biodiversity Accounting and Enhancement Plan
Planning Design and Access Statement
Air Quality Assessment

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Arboricultural Report
 Biodiversity Constraints plan
 Ecological Impact Assessment
 Flood Risk Assessment
 GeoEnvironmental Desk Study Report
 Landscape and Visual Assessment
 Transport Statement
 Tree Constraints Plans and Tree Protection Plan

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

Pre-commencement conditions

3. No development, other than site clearance and remediation, shall commence until details of the customer cabin, DNO, substation, internal road, point of connection, lighting and perimeter fencing details have been submitted including details of colour and materials, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and retained for the life of development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests the visual amenity of the area and in accordance with policy.

4. No development shall commence until the hedge row on the eastern side of Coton Road, South of the access and within the forward visibility splay of the access to the development, is cut back so as not to overhang the public highway carriageway.

REASON: In the interests of highway safety

5. Prior to the commencement of any works, a Construction Management Plan shall be submitted in writing to, and approved by, the Local Planning Authority. This shall include details relating to:

- Noise control during construction in accordance with BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites;
- Best practice mitigation measures for control of construction dust as described in 'Lea Marston PV Scheme Air Quality Assessment September 2021 Mot MacDonald;
- Hours of construction;
- Details of the contact for any local concerns with the construction activities on the site; and
- Measures to reduce mud deposition offsite from vehicles leaving the site.

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.

REASON: In the interests of residential amenity, to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts.

6. No development shall commence until a tree construction method statement has been submitted and approved writing. The statement shall include details of cabling link between W3 and method of detailing for this link. The development shall be carried out in compliance with the approved tree construction method statement, tree constraints plan and tree protection plan.

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REASON: To ensure the protection of the existing trees in the vicinity of the development.

7. The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks and working practices for badger, amphibians, reptiles, bats, breeding birds and otter and water vole and appropriate working practices and safeguards for wildlife and habitats that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full.

REASON: To ensure that protected species are not harmed by the development and to ensure the protection of important habitats during development.

8. A bio-diversity and ecological management plan (BEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the BEMP shall generally be in accordance with ecological impact assessment and bio-diversity enhancement plan, include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures. The BEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where results from monitoring show that conservation aims and objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

REASON: To ensure a net biodiversity gain in accordance with NPPF

9. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA (Lea Marston PV Scheme - Flood Risk Assessment and Drainage Strategy) and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

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o Include plans of a proposed surface water drainage strategy, including the proposed sustainable drainage (SuDS) features. The FRA & strategy to date proposes filter drains for erosion control under the panel edge and the detailed design should consider the potential for such features to accelerate the runoff of water downslope. Measures to hold water across the site, in line with the current vegetated field, should be considered.

o Demonstrate the performance of the surface water drainage system for the 1 in 30 and 1 in 100 year plus climate change return periods, in accordance with Environment Agency Climate Change Guidance (February 2016), including Surface water drainage calculations of existing and proposed discharge rates and attenuation storage requirements.

o Further consideration should be given to the underlying infiltration rate across the site supported by soakaway testing compliant with BRE Digest 365 Soakaway Design Guide. Alongside this, it is noted the site drains towards the existing ponds, hydrogeological details regarding these ponds will be required at the next stage to understand the capacity of the features, variability in water level, potential infiltration out of these and any overflow/connectivity to the watercourse adjacent.

o Exceedance flows are shown within the Flood Risk Assessment. At the detailed design stage, this should be supported by topographic survey and proposed levels drawings. It is noted Pond 3 is to be infilled and maintaining the exceedance flow and associated overland flow routing, pre and post development should be demonstrated.

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

10. No occupation and subsequent use of the development hereby approved shall take place until a detailed maintenance plan is submitted giving details on how surface water systems shall be maintained and managed for the life time of the development and shall include the name of the party responsible, including contact name and details within the maintenance plan. The approved maintenance plan shall be implemented in accordance with the details submitted and approved.

REASON: To ensure the future maintenance of the sustainable drainage structures.

11. The development hereby approved shall not been brought into use until a site investigation scheme based on the geo environmental report has been submitted and approved in writing by the Local Planning Authority.

Each of the following subsections a) to c) shall be provided and shall be subject to approval in writing by the local planning authority.

a) An investigation and risk assessment shall be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.

b) Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared.

c) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems,

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property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. Prior to commencement of above ground works a noise assessment shall be undertaken by a suitably qualified person and be submitted in writing to and approved by the Local Planning Authority. The assessment should determine the existing background noise levels and the noise from proposed equipment to be installed. The assessment shall include measures for acoustic treatment to ensure adequate protection to existing noise sensitive properties from noise transmission if required. Equipment shall then be installed in accordance with the approved details. Regard may be had to BS8233:2014 and BS4142:2014+A1: 2019 and the WHO Environmental Noise Guidelines for the European region.

REASON: In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority.

Time limited condition

13. The development hereby approved is granted for a limited period only expiring 30 years after the date on which electricity is first generated by the installation, on or before which date the solar panels and associated buildings, structures, tracks and fencing shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, permission has been granted for an extended period pursuant to an application made to the Local Planning Authority in that regard. The array operator shall inform the Local Planning Authority within 10 working days of the first date on which electricity is first generated.

REASON: In the interests of the visual amenities of the area, so not to risk redundant equipment, structures, buildings and boundary treatments being left in place in perpetuity, compromising the productive use of the land and the character and appearance of the area thereafter.

INFORMATIVES

1. Whilst the applicant has demonstrated the principles of an acceptable surface water management scheme at the site, further information is still required as detailed above. The applicant may prefer to provide these additional details at a later date during the detailed design stage and therefore we have recommended an appropriate pre-commencement condition to ensure that these details will be provided for review and approval by the LPA and LLFA before the development commences
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £116. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.
3. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
4. The applicant / developer is advised to consider Construction Logistics and Community Safety (CLOCS), when formulating construction plans. The development works undertaken shall consider

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the Construction Logistics and Community Safety (CLOCS) Standard as set out under <https://www.clocs.org.uk/>.

5. Information from Environment Agency - We recommend that developers should:
 - Follow the risk management framework provided in Land Contamination Risk Assessment when dealing with land affected by contamination.
 - Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site. The local authority can advise on risk to other receptors, such as human health.
 - Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
 - Refer to the contaminated land pages on GOV.UK for more information.

We would like to refer the applicant/enquirer to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including:

 - Waste management
 - Discharge of liquid effluents
 - Land contamination
 - Ground source heat pumps
 - Drainage

6. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions/seeking to resolve planning objections and issues/suggesting amendments to improve the quality of the proposal/ meetings and negotiations/quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

APPEALS TO THE SECRETARY OF STATE

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

PURCHASE NOTICES

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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.

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PRELIMINARY NOT FOR CONSTRUCTION

Key to symbols

	- Site Boundary
	- Land ownership boundary

Design

- Latitude and longitude:	52°32'33.72"N, 1°14' 59.738"W
- Country, location:	United Kingdom, Lea Marston
- Site boundary area:	10.7 ha
- Land ownership boundary area:	158.4 ha

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
04/10/2021
PLANNING & DEVELOPMENT
DIVISION

Reference drawings / documentation

Rev	Date	Drawn	Description	Chk'd	App'd

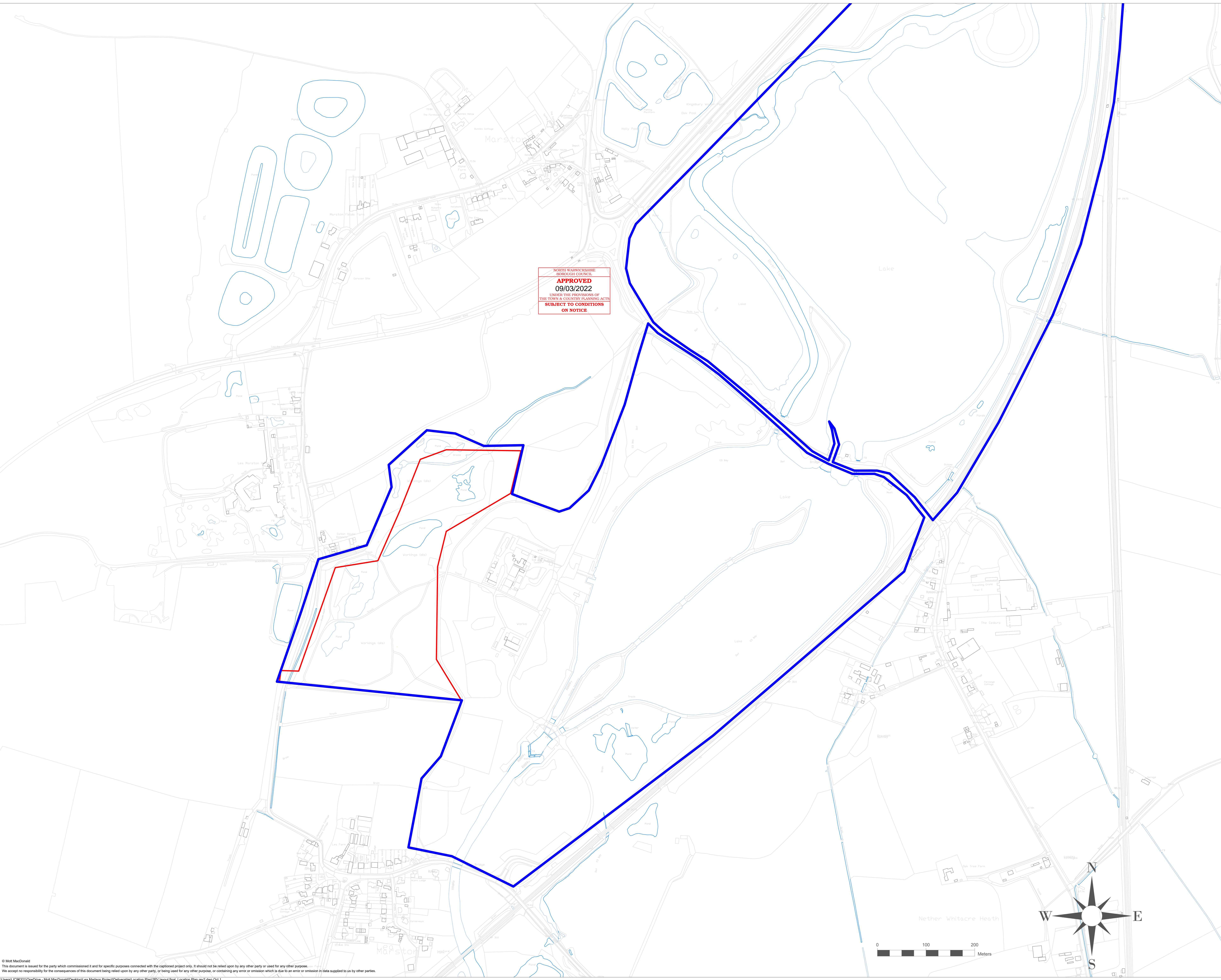
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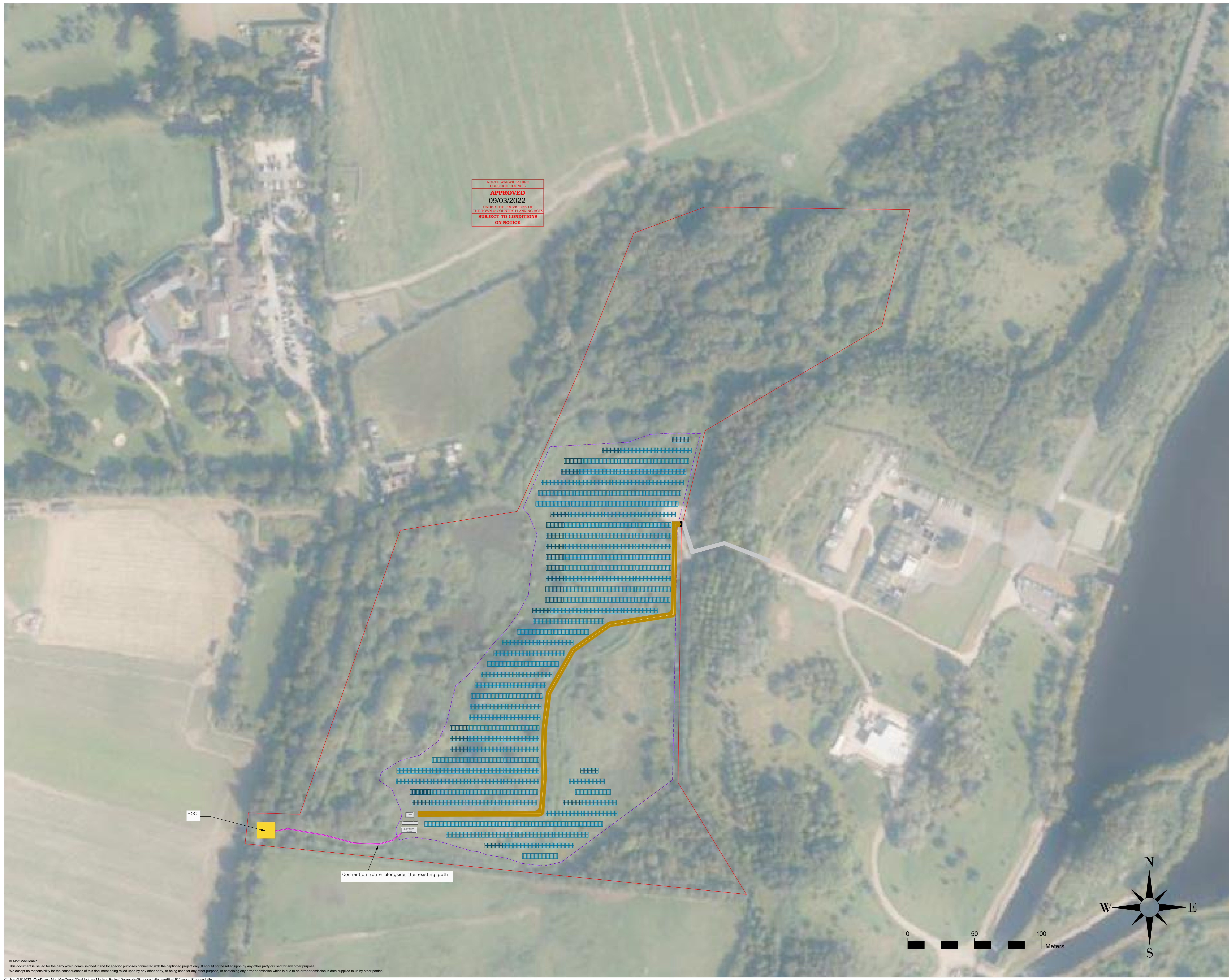
Client

Title **Location Plan and existing Site plan**

Designed		Eng check	
Drawn		Coordination	
Dwg check		Approved	
Scale at A0	Status	Rev	Security

Drawing Number **100421987-L-100**





NORTH WARWICKSHIRE
BOROUGH COUNCIL
APPROVED
09/03/2022
UNDER THE PROVISIONS OF
THE TOWN & COUNTRY PLANNING ACTS
**SUBJECT TO CONDITIONS
ON NOTICE**

Notes

PRELIMINARY NOT FOR CONSTRUCTION

Key to symbols

- Site Boundary
- Perimeter fence
- Connection path
- Point Of Connection (POC)
- Pond area
- Substation
- Customer Cabin
- DNO equipment
- 2P25 module frame
- 2P13 module frame
- Internal Road
- External Road
- Site gate

Design

- Latitude and longitude: 52°32'33.72"N, 1°14' 59.738"W
 - Country, location: United Kingdom, Lea Marston
 - Site boundary area: 10.7 ha
 - PV module nominal power: JAM72S-10-400-PR 400Wp
 - PV module quantity: 6,292 units
 - PV inverter: SUN2000-10SKTL-H1
 - PV inverter quantity: 19 units
 - Mounting structure: Fixed
 - DC nominal capacity: 2,516.8MWp
 - AC installed capacity: 1,950MWac
 - AC export capacity: 1,950MWac
 - Modules' configuration per structure: 2 modules in portrait
 - Module dimensions: 2.015x0.996x0.040
-
- Azimuth: 0° (due south)
 - Tilt Angle: 20°
 - Pitch Distance: 8.0 m
 - Ground Cover Ratio (GCR): 50%
-
- Fence area: 4.42 ha
 - Fence length: 962 m
 - Internal Road length: 394 m

Reference drawings / documentation

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
28/09/2021
PLANNING & DEVELOPMENT
DIVISION

Rev Date Drawn Description Chk'd App'd

Mott MacDonald
Victory House
Trafalgar Place
United Kingdom
T: +44 (0) 1273 365000
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Title: Proposed Site Plan

Designed		Eng check	
Drawn		Coordination	
Dwg check		Approved	
Scale at A0	Status	Rev	Security

Drawing Number: 100421987-L-300

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C:\Users\LC6321\OneDrive - Mott MacDonald\Desktop\Lea Marston Project\Deliverable\Proposed site plan\Final PV layout_Proposed site plan.rev1.dwg Aug 26, 2021 - 5:21PM LC6321

General Development Applications

(3/c) Application No: PAP/2021/0562

Environment Agency Lea Marston Depot, Coton Road, Lea Marston, B76 0DN

Construction of a photovoltaic installation with a maximum capacity of up to 3MW, together with associated infrastructure and biodiversity enhancements on land, for

Department For Environment, Food And Rural Affairs (DEFRA)

Introduction

Members have already visited the site at the beginning of November 2021.

The Site

The development site measures approximately 10.7 hectares and is centred around the Environment Agency's Lea Marston Depot, a major flood incident response hub. The solar panels and infrastructure will be contained on an area of around 4.4 hectares (Appendix A). The scale of the development has been determined to allow the depot to operate self-sufficiently as part of its carbon neutral operation. The land relating to the proposed development was formerly used for landfill in relation to the dredging of the nearby lake. DEFRA is seeking to obtain Planning Permission for the construction of a PV installation, comprising approximately 6,292 PV panels. The installation will have an export capacity of up to 3MW, delivering a completely carbon neutral site for DEFRA as well as providing green energy to the National Grid.

A masterplan for the whole holding has been included within the Planning and Design and Access Statement (Appendix B) which indicates four different zones - Zone 1 Proposed Angling Centre, Zone 2 Re-naturalisation Zone, Zone 3 National Operations Zone and Zone 4 PV Installations and Ecological Enhancement Zone.

In respect of the characteristics of the proposed development, then the project as a whole is not sizeable in terms of its area and would be located in an area previously used for landfill following the dredging of the nearby lakes. The development site is based at the Lea Marston Depot, a major flood incident response hub for the Environment Agency (of which there are only seven nationwide). It is bounded by Coton Road and Haunch Lane and is located approximately 200m north-west of Lea Farm. Lea Marston Depot already has approximately 7.5kWp of existing PV installed across two arrays at the Fisheries (pump house) and the southern weir building. The entirety of the site sits within the Lea Marston Old Quarry Local Wildlife Site (LWS) and potential Local Wildlife Site (pLWS). The site is also located within the Tame Valley Wetlands Nature Improvement Area.

There is one statutory designated site for nature conservation within 2km of the site - Whitacre Heath SSSI (12/29), located 1km to the south-east. In addition, there are 27 non statutory designated sites within 2km of the proposed location. The closest of these is Lea Marston Quarry LWS and Ecosite (142/29). The site is immediately bordered by Kingsbury Water Park & Coton Pools part LWS (05.29), Coton and Lea Marston Pools

Ecosite, (05,29) and Haunch Lane Verge Ecosite (29/29). The north of the site contains deciduous woodland listed on the Priority Habitat Inventory.

The Proposal

This is for the construction of a photovoltaic installation with a maximum capacity of up to 3MW, together with associated infrastructure and biodiversity enhancements on land.

The key elements of the scheme include a solar arrays of 6,292 solar PV panels. They are non-reflective and are arranged and positioned in a east-west array. They will be approximately 2m tall at the top of the frame (Appendix C). The nature of the panels are such they can be removed easily when the site is not longer needed.

The power from the panels feeds into a power station with a transformer, which will be located in the south western corner of the site, next to the proposed substation.

The development will be accessed via the same access as the existing Lea Marston Depot via Coton Road with a maintenance track leading into it, constructed so that vehicles can access the substation. This will be a 4 metre wide gravel track. The perimeter fencing will be up to 2 metres in height.

The proposed has a period of operation of 25 years in total and will lead to limited ongoing servicing and maintenance

Along with the application the following documents have been submitted

- Planning, Design and Access Statement
- Transport Statement
- Air Quality Assessment
- Ecology Impact Assessment
- Biodiversity Impact Assessment
- Ground Conditions Phase 1 Desk Study
- Flood Risk Assessment and Drainage Strategy
- Landscape and Visual Appraisal
- Arboricultural Impact Assessment

Development Plan

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP3(Green Belt), LP14 (Landscape), LP15(Historic Environment), LP16(Natural Environment), LP18 (Tame Valley Wetlands including Kingsbury Waterpark), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management) and LP35 (Renewable Energy and Energy Efficiency)

Other Relevant Material Considerations

National Planning Policy Framework 2021 - (the "NPPF")

Energy White Paper: Powering Our Net Zero Future (December 2020)

National Infrastructure Strategy (November 2020)

The Electricity Storage Facilities (Exemption) (England and Wales) Order 2020

North Warwickshire Borough Council - Full Council 22nd October 2019

Clean Air Strategy (2019)

The Committee on Climate Change's report 'Net Zero – the UK's contribution to stopping global warming' (May 2019).

United Nations Intergovernmental Panel on Climate Change 'Special Report on Global Warming' (2018)

Written Ministerial Statement on Solar Energy: Protecting the Local and Global Environment 25th March 2015

Supplementary Planning Guidance: Air Quality SPD

Consultations

East Midlands Airport - No objections

Warwickshire County Council as Lead Local Flood Authority - It initially objected to the proposal, but a number of amendments were made there is no longer an objection subject to conditions.

Warwickshire County Council (Footpaths) - No objection subject to a series of notes safeguarding footpath routes.

Warwickshire County Council (Highways) – No objections subject to a condition improving visibility on eastern side of Coton Road.

Warwickshire County Council (Archaeology) – No objections due to previous significant sand and gravel extraction

Warwickshire County Council (Trees) – No objection subject to a condition relating to cable connections and trenches next to trees

Environment Agency - No objections subject to conditions

Environmental Health Officer – No objections subject to the requirement for a Construction Management Plan a Noise Impact Assessment and a Contaminated Land Assessment

Representations

Lea Marston Parish Council- It is concerned about the cumulative impact of new development in the Green Belt which it sees as "urban sprawl". However, it notes that the parish council have consider that, in light of the fact that this development is to enable renewable energy generation and that the PV site installation area has been reduced, 'special circumstance' do exist here in light of national infrastructure need.

Curdworth Parish Council – It objects on the grounds that the development is in Green Belt.

Observations

a) Introduction

This application will be determined in accordance with North Warwickshire's development plan, unless material considerations indicate otherwise, pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. Following the recent adoption of the North Warwickshire Local Plan 2021 this takes primacy in respect of the consideration, alongside the National Planning Policy Framework 2021 as well as the fact that the Council declared a Climate Emergency in October 2019. These support renewable energy developments in principle subject to the mitigation of their impacts.

b) Green Belt

Any proposal to site solar PV arrays in the Green Belt should take account of the advice set out in paragraph 151 of the NPPF, which explains that elements of many renewable energy projects will comprise inappropriate development in the Green Belt. Developers of ground-mounted solar developments in the Green Belt would need to demonstrate very special circumstances if projects are to proceed. It goes on to indicate that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

The proposed development constitutes inappropriate development in the Green Belt and the proposal is neither compliant with the exceptions in paras 149 and 150 of the NPPF. Paragraph 147 of the framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The proposed solar panels would not occupy the whole of the site, they would be set back from boundaries and significantly buffers have been provided along the western and northern boundaries. They would nevertheless occupy over 3.7 hectares of countryside. The top edges of the solar panels would, on flat ground, be about 2 metres above ground level. Furthermore, the site would be surrounded by security mesh fencing which could be up to 2-metres high. Despite this, the land is relatively secluded and very self-contained by the intervening landscape bunds and tree buffers along Haunch Lane. The position of the site within the wider Environment Agency site also reduces its impact so leading to limited visibility. For these reasons the development would result in a limited loss of openness of the Green Belt.

Paragraph 138 of the NPPF states that the Green Belt serves five purposes; one of which is to assist in safeguarding the countryside from encroachment. Solar panels are engineered products that have an industrial appearance. They are not, inherently, products that fit into a countryside environment. On the scale proposed the solar panels, if installed on the site and together with the fence that would surround them, would result in encroachment into the countryside, however the visual harm would be limited. Paragraph 137 of the NPPF states that "The fundamental aim of Green Belt policy is to

prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence”

The proposed solar farm development would result in a loss of openness in the Green Belt and would also be encroachment into the countryside. However, this is limited to due to the nature of the low level of the development, the site’s self-containment, its size and its setting. Additionally, the infrastructure is ‘temporary’ in scope.

c) Other Harms – Landscape and visual impact

The site does not contain any statutory landscape or conservation designations and falls within an area where there are extensive restored former gravel workings with significant areas of wetland scrub and woodland.

The Borough’s Landscape and Character Assessment that was published in 2010 with site falling within the “Tame Valley Wetlands” Area. This states that the northern part of this area is dominated by a series of linked areas of open water, which vary in size from small ponds to large lakes. The straight edges around some of the lakes are visually discordant but overall, the appearance of this landscape is softened by wet woodland and scrub. The River Tame winds through this area into the lakes.

There is a public footpath M23 that connects to Haunch Lane after running across Lea the Marston Shooting Club’s land to the west and M24 is contiguous with the sites’ eastern boundary running along River Tame boundary. There is a footpath M14 which is south of the site closer to Lea Marston village, but there are limited views of the site from here. The applicant’s Landscape Visual Impact Assessment indicates that there will be a limited change to the landscape, due to the height and scale of the proposal and that the existing planting is dense enough to shield the impact of the development even in winter.

It cannot be argued that the development would not be visible within the general vicinity of the area, however there will only be glimpses of the development due to the existing structural and dense landscaping around and within the site. Although, the harm to the landscape is acknowledged, it is considered that the proposal will only have limited local harm with no overall impact on the wider landscape.

d) Other Harms - Heritage Impact

The site lies in close proximity to Lea Marston as well as Listed Buildings within the village itself. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) (LBCA) Act 1990 requires local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory obligation on local authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With regards the NPPF, chapter 16 sets out the government’s advice on conserving and enhancing the historic environment. Paragraph 199 advises great weight should be given to the assets’ conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph

200 states that any harm to or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification. Paragraph 201 states that where there is substantial harm to a designated heritage asset, such cases the harm should be weighed against the public benefit of the proposal. However, in this instance the intervening planting and topography together with separation distances, negate any intervisibility between the site and any heritage assets. Therefore, it is considered that there would be no impact on the setting of these heritage assets and there will be no harm to their significance.

e) Other Harms - Use of land

The NPPF indicates a preference for large scale solar farms to be directed to previously developed land and/or non-agricultural land. The proposal could well be considered to be brownfield and non-agricultural land.

f) Other Harms - Ecology

The proposal is situated within the Tame Valley Wetlands, which is designated as a Nature Improvement Area (“NIA”) by the Warwickshire, Coventry and Solihull Local Nature Partnership in October 2016. NIA’s are recognised in the NPPF as important areas. The area includes many sites important for nature conservation: there are 5 SSSI’s and 12 LNRs which are statutory sites plus a further 48 Local Wildlife Sites of county importance. Policy LP18 of the adopted Local Plan is important to this effect.

The site is likely to have ecological interest, therefore an Ecological Impact Assessment as well as a Biodiversity Impact Assessment have been prepared and submitted with the application. A number of surveys have been carried out in respect of bats, badgers, great crested newts, otters and water voles, reptiles, breeding birds, invertebrates and flora and habitat condition assessments. The site itself is a Local Wildlife Site (Lea Marston Old Quarry LWS) and at present the site provides changes in vegetation.

Members will know that the NPPF requires there to be bio-diversity gains as a consequence of new development proposals. The application includes a Biodiversity Impact Assessment. The Assessment explains the significance of the site and evaluates the various impacts of the proposed development upon the site. These include analysis during the construction phase as well as longer term impacts. Measures are recommended to compensate or mitigate adverse impacts, including loss of habitat and reductions in bio-diversity. The NPPF goes further and seeks for net biodiversity gains to be achieved, rather than maintenance of the current status-quo. It is proposed to provide habitat enhancements within the site and wider landownership particularly through the use of the three pools. The Biodiversity Impact Assessment calculator carried out by the applicant's ecologist, shows a biodiversity gain of around 10.5%, this indicates that the following recommendations will be implemented within the Development Area:

- i) Enhancement to increase the area and condition of the area of marshy grassland in the east of Zone 4;
- ii) Enhancement to increase the condition of the northern woodland in Zone 4 (increasing water levels, clearing gaps and creating standing deadwood)
- iii) Enhancement to the south-eastern plantation woodland in Zone 4 (gap creation).

- iv) Creation, suitable management and monitoring of semi-improved neutral grassland under the solar panels.
- v) Sensitive management of the scrub on site to prevent the succession of the grassland areas, as well as removal of scattered trees and tall ruderal vegetation.

It is considered that the Ecological Impact Assessment indicates there are no significant impacts on any receptors and the Biodiversity Impact Assessment will provide positive improvements and a significant net gain which accords with guidance. A condition will be required to ensure that this provided and managed on site.

g) Other Harms - Flood risk and Ground conditions

The main concern of flood risk resulting from the scheme is the areas of impermeable hardstanding associated with the supporting infrastructure of the road. The proposal indicates that surface water run-off can be managed and mitigated on site and not be increased. The Local Lead Flood Authority initially objected, however during the course of the application this was withdrawn subject to conditions relating to the submission of a detailed surface water drainage scheme to be submitted along with a maintenance plan.

Due to past uses, a ground conditions condition is required and this can be conditioned.

h) Other Issues

The Highway Authority has no objection to the proposal and has suggested conditions to improve the access on Coton Road. Therefore, the proposal is in accordance with Development Plan Policy and the NPPF.

While also relevant in terms of landscape impact, the effects of glint and glare on road users as well as aircraft safety have been assessed and there have been no objections from East Midlands Airport. No comments have been received from Birmingham International Airport or the Civil Aviation Authority.

The impact of the proposal on noise is limited. However, to ensure that the proposal can be controlled, a noise impact assessment will be required in relation to the transformers, substation and plant on site. The details and specification for this can be reserved through an appropriate planning condition. Any measures here too can take account of the proposed landscaping along this boundary. The Environmental Health Officer is satisfied with this approach.

i) The Applicants Considerations - Very Special Circumstances

Paragraph 147 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 151 states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development and in such cases it will need to be demonstrated that very special circumstances exist. It continues by saying that such very special circumstances may include the wider environmental benefits associated with the increased production of energy from renewable sources.

This is one of the main considerations put forward by the applicant in support of the proposals.

The applicant contends that very special circumstances justifying development in the Green Belt location can be demonstrated. These are

- (i) The need for the development in terms of climate change.
- (ii) The contribution of the proposed development to meeting national and local imperatives for low carbon and decentralised energy network; and
- (iii) The limited harm of the proposal in terms of openness and positive Bio-diversity offsetting arising from the proposal in this location.

(i) Need for Development in terms of Climate Change

The applicant draws attention to a November 2015 Ministerial Statement which set out priorities for UK energy and climate change policy. It explained the need for secure, affordable and clean energy being critical to the economy as well as to national security. Additionally, he refers to the Renewable Energy Directive (2018/2001/EU) which sets out Europe's target for 32% of all energy produced to be from renewable sources by 2030. This remains in place until such time the UK has withdrawn fully from the EU.

However, the Government have made clear its ambition to lead the world in renewable energy, carbon reduction and enhancement of biodiversity. The Government's new Environment Plan sets out its 25-year plan which seeks to kickstart a green economic recovery and provide a blueprint for meeting net zero emissions targets by 2050. The plan has a very strong emphasis on the part renewable energy will have to play.

On the 22 October 2019, the Council declared a climate emergency and set out an action plan to address the council's impact on climate change which ties in with Paragraph 8 in the NPPF to take a more proactive approach to adapting to climate change, including moving to a low carbon economy. The proposal will support this as well as the Climate Change Emergency declared by Warwickshire County Council in July 2019.

It is acknowledged that solar PV technology is accepted as one the key technologies currently available to contribute to the decarbonisation of electricity supply as the UK aims to achieve Net Zero and thus this circumstance will carry substantial weight.

(ii) Contribution to meeting national and local targets

The applicant says that the proposal would result in a reduction of emissions associated with energy generation equating to 955 tonnes of CO₂ per annum. This equates to around 3% of the Environment Agency's total CO₂ emissions. More specifically, it will result in the delivery of a completely carbon neutral depot site here and the resultant cost savings can be re-invested elsewhere. It is considered that this circumstance carries significant weight.

(iii) Limited harm

The applicant has concluded that there is a lack of suitable and available alternative sites within DEFRA's landholding here that could provide adequate grid capacity and connections to the depot. In this regard he argues that this is the preferred site because of its self-containment and limited visual impact. In itself this not a very special circumstance but as agreed above the harm to the Green Belt is considered to be limited.

Planning Balance

From the evidence submitted, there is considerable merit in the need for the development from a climate change perspective. Given the national and local policy in providing renewable energy on previously developed land, it is considered that these factors are sufficient to weigh the balance and clearly outweigh the limited harms caused in this instance. Based on this it is considered that the proposal is in accordance with the NPPF, and that planning permission should be granted for the proposal. There is limited harm caused; the development is relatively inconspicuous, there is negligible impact on the landscape, it uses previously developed land and there are positive biodiversity enhancements to the site.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

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

REASON: To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered
Location Plan and existing site plan 100
Proposed site plan 300
Site Section 600
Biodiversity Accounting and Enhancement Plan
Planning Design and Access Statement
Air Quality Assessment
Arboricultural Report
Biodiversity Constraints plan
Ecological Impact Assessment
Flood Risk Assessment
GeoEnvironmental Desk Study Report
Landscape and Visual Assessment
Transport Statement
Tree Constraints Plans and Tree Protection Plan

REASON : To ensure that the development is carried out strictly in accordance

with the approved plans.

Pre-commencement conditions

3. No development shall commence until details of the customer cabin, DNO, substation, internal road, point of connection, lighting and perimeter fencing details have been submitted including details of colour and materials, have all been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and retained for the life of development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests the visual amenity of the area and in accordance with policy.

4. No development shall commence until the hedgerow on the eastern side of Coton Road, South of the access and within the forward visibility splay of the access to the development, is cut back so as not to overhang the public highway carriageway.

REASON: In the interests of highway safety

5. Prior to the commencement of any works, a Construction Management Plan shall be submitted in writing to and approved by the Local Planning Authority. This shall include details relating to:
 - Noise control during construction in accordance with BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites;
 - Best practice mitigation measures for control of construction dust as described in 'Lea Marston PV Scheme Air Quality Assessment September 2021 Mot MacDonald;
 - Hours of construction;
 - Details of the contact for any local concerns with the construction activities on the site; and
 - Measures to reduce mud deposition offsite from vehicles leaving the site.

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.

REASON: In the interests of residential amenity, to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts.

6. No development shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include details of all underground cabling links and how they are to be carried out, such that they satisfy the content of the Statement. The construction shall be carried out in accordance with the approved details.

REASON: To ensure the protection of the existing trees in the vicinity of the development.

7. The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the Authority expect to see details concerning pre-commencement checks and working practices for badgers, amphibians, reptiles, bats, breeding birds, otters and water voles and appropriate working practices and safeguards for wildlife and habitats that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full.

REASON: To ensure that protected species are not harmed by the development and to ensure the protection of important habitats during development.

8. A bio-diversity and ecological management plan (BEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the BEMP shall generally be in accordance with the ecological impact assessment and bio-diversity enhancement plan and shall include the following.
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implantation of the plan.
 - h) Ongoing monitoring and remedial measures. The BEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where results from monitoring show that conservation aims and objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To ensure a net biodiversity gain in accordance with NPPF

9. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA (Lea Marston PV Scheme – Flood Risk Assessment and Drainage Strategy) and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Include plans of a proposed surface water drainage strategy, including the proposed sustainable drainage (SuDS) features. The FRA & strategy to date proposes filter drains for erosion control under the panel edge and the detailed design should consider the potential for such features to accelerate the runoff of water downslope. Measures to hold water across the site, in line with the current vegetated field, should be considered.

- Demonstrate the performance of the surface water drainage system for the 1 in 30 and 1 in 100 year plus climate change return periods, in accordance with Environment Agency Climate Change Guidance (February 2016), including Surface water drainage calculations of existing and proposed discharge rates and attenuation storage requirements.

- Further consideration should be given to the underlying infiltration rate across the site supported by soakaway testing compliant with BRE Digest 365 Soakaway Design Guide. Alongside this, it is noted the site drains towards the existing ponds, hydrogeological details regarding these ponds will be required at the next stage to understand the capacity of the features, variability in water level, potential infiltration out of these and any overflow/connectivity to the watercourse adjacent.

- Exceedance flows are shown within the Flood Risk Assessment. At the detailed design stage, this should be supported by topographic survey and proposed levels drawings. It is noted Pond 3 is to be infilled and maintaining the exceedance flow and associated overland flow routing, pre and post development should be demonstrated.

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

10. No occupation and subsequent use of the development hereby approved shall take place until a detailed maintenance plan has been submitted to and approved in writing by the Local Planning Authority, giving details on how surface water systems are to be maintained and managed for the life time of the development and it shall include the name of the party responsible, including contact name and details within the maintenance plan. The approved maintenance plan shall be implemented in accordance with the details submitted and approved.

REASON: To ensure the future maintenance of the sustainable drainage structures.

11. The development hereby approved shall not be brought into use until a site investigation scheme based on the geo-environmental report has been submitted to and approved in writing by the Local Planning Authority.

Details in respect of each of the following subsections shall be provided and shall be subject to approval in writing by the local planning authority.

a) An investigation and risk assessment shall be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.

b) Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared.

c) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. Prior to commencement of above ground works a noise assessment shall be undertaken by a suitably qualified person and be submitted in writing to and approved by the Local Planning Authority. The assessment should determine the existing background noise levels and the noise from proposed equipment to be installed. The assessment shall include measures for acoustic treatment to ensure adequate protection to existing noise sensitive properties from noise transmission if required. Equipment shall then be installed in accordance with the approved details. Regard may be had to BS8233:2014 and BS4142:2014+A1: 2019 and the WHO Environmental Noise Guidelines for the European region.

REASON: In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority.

13. The development hereby approved is granted for a limited period only expiring 30 years after the date on which electricity is first generated by the installation, on or before which date the solar panels and associated buildings, structures, tracks and fencing shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, permission has been granted for an extended period pursuant to an application made to the Local Planning Authority in that regard. The array operator shall inform the Local Planning Authority within 10 working days of the first date on which electricity is first generated.

REASON: In the interests of the visual amenities of the area, so not to risk redundant equipment, structures, buildings and boundary treatments being left in

place in perpetuity, compromising the productive use of the land and the character and appearance of the area thereafter.

BACKGROUND PAPERS

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

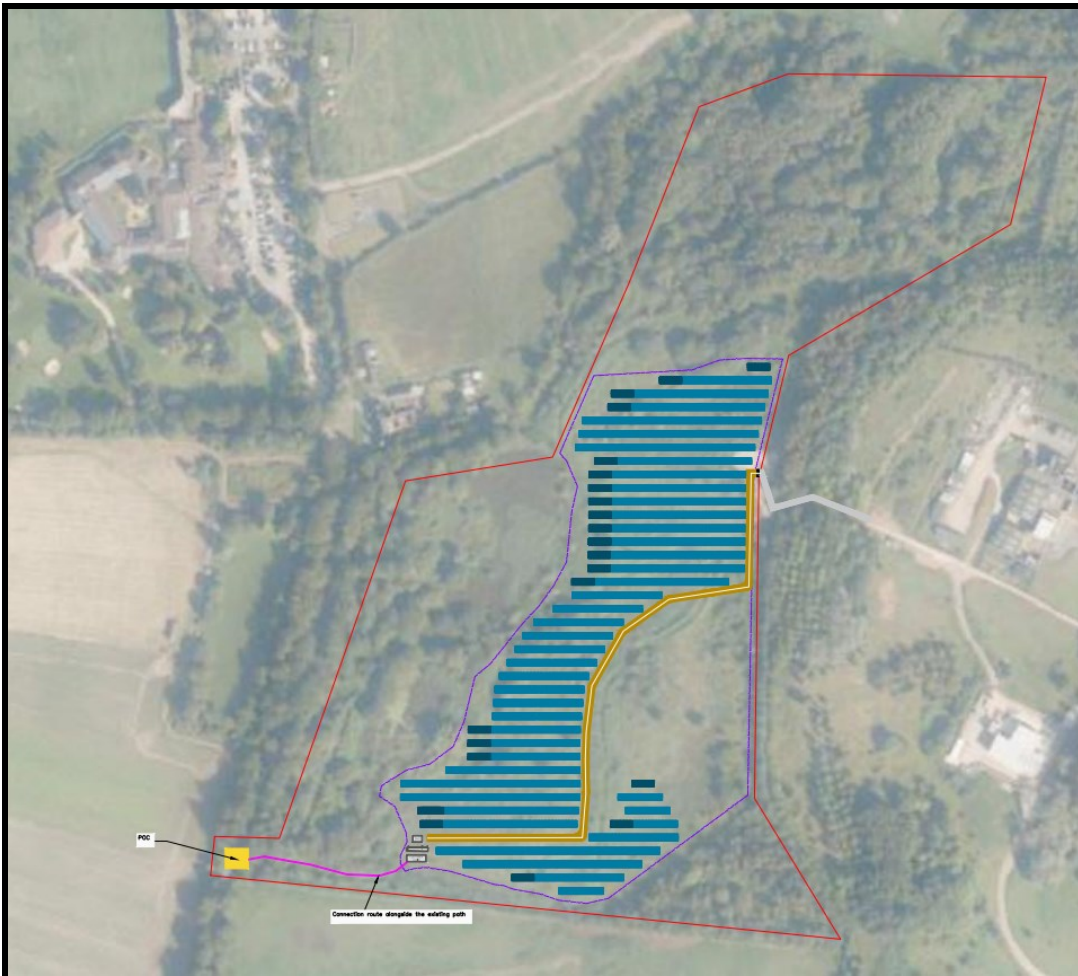
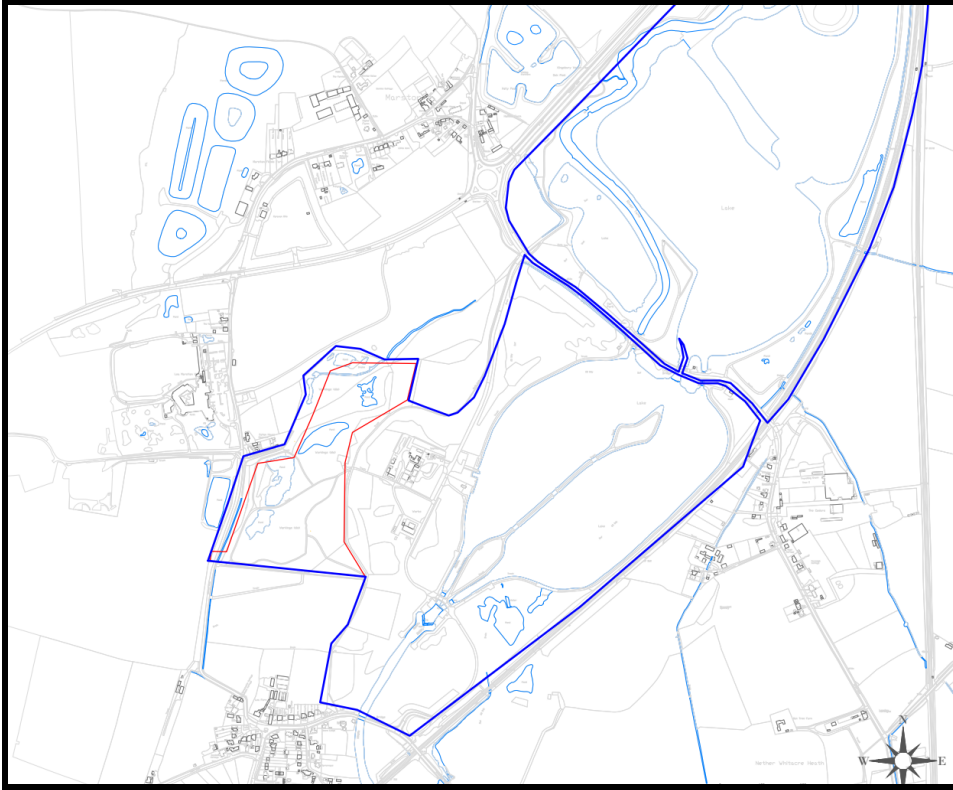
Planning Application No: PAP/2021/0562

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	Consultation – WCC LLFA	Objection	18/10/2021
3	Consultation – WCC - RoW	Comments	19/10/2021
4	Consultation – WCC highways	No objection	22/10/2021
5	Consultation – Curdworth PC	Objection	21/10/2021
6	Consultation – East Midlands Airport	No objection	29/10/2021
7	Consultation – WCC Archaeology	No objection	29/10/2021
8	Consultation – Environment Agency	No objections	22/11/2021
9	Consultation – WCC Trees	Comments	30/11/2021
10	Consultation – Lea Marston PC		6/1/2022
11	Consultation – WCC LLFA	Objection	13/1/2022
12	Consultation – Lea Marston PC	Comments	26/1/2022
13	Consultation – WCC LLFA	No objection	9/2/2022

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



Appendix B

Figure 1: Lea Marston Site Masterplan



Appendix C

Section A-A'

