Agenda Item No 8

Planning and Development Board

22 May 2023

Planning Applications

Report of the
Head of Development Control

1 **Subject**

1.1 Town and Country Planning Act 1990 – applications presented for determination.

2 **Purpose of Report**

2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.

2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.

2.3 The proposals presented for decision are set out in the index at the front of the attached report.

2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications.

3 **Implications**

3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 **Site Visits**

4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.

4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 Availability

5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.

5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday 12 June 2023 at 6.30pm in the Council Chamber

6 Public Speaking

6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3.

Item No	Application No	Page No	Description	General / Significant
8/a	PAP/2023/0071	1	**Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley** Construction of a temporary Solar Farm providing 47.7 MW output, to include the installation of ground-mounted solar panels together with associated works, equipment and necessary infrastructure	General
8/b	PAP/2020/0164	17	**Peel House, 79 Witherley Road, Atherstone** Erection of detached garage	General
8/c	PAP/2023/0108	20	**Dafferns Wood, St Michaels Close, New Arley, Warwickshire,** Works to trees covered by a Tree Preservation Order for Woodland management	
8/d	PAP/2023/0133	25	**Hartshill Hayes Country Park, Oldbury Road, Hartshill,** Construction of a permanent memorial at Hartshill Hayes Country Park for victims and families of road traffic victims	
8/e	PAP/2023/0058	31	**25, Wood Street, Wood End, Tamworth, CV9 2QJ** Single storey rear extension	
8/f	PAP/2022/0544	36	**Land 550 Metres East Of Vauls Farm, Astley Lane, Astley,** Proposed construction of renewable energy generating solar farm together with transformers, inverters, control building, DNO substation, store room,mast, security measures, associated infrastructure and works, landscaping and biodiversity enhancements	

8/g	PAP/2022/0350	106	**164 Long Street, Dordon** Outline planning permission for development of land for six dwellings with landscaping, parking and access. Details of access submitted for approval in full, all other matters reserved	

General Development Applications

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

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

Construction of a temporary Solar Farm providing 47.7 MW output, to include the installation of ground-mounted solar panels together with associated works, equipment and necessary infrastructure., for

Enviromena Project Management UK Ltd

Introduction

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

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

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

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

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

The Site

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

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

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

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

The Proposals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Development Plan

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

Other Material Planning Considerations

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

National Planning Practice Guidance

National Policy Statements EN1 and EN3

National Infrastructure Strategy 2020

Energy White Paper 2020

British Energy Security Strategy 2022

Energy Security Bill 2022

North Warwickshire Landscape Character Appraisal 2010

Observations

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

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

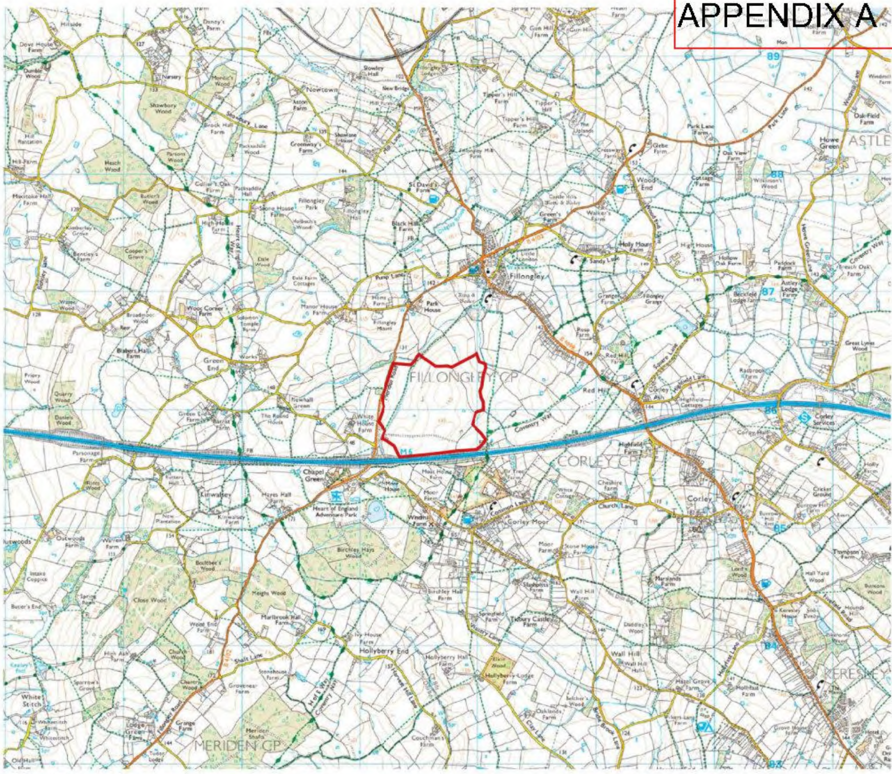
The applicant's case will then be assessed and the planning considerations which he considers support that case will need to be assessed. This will thus result in the other side of the planning balance being identified and thus weighted. If the cumulative weight of these considerations is such that they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

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

Recommendation

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

APPENDIX A



Site Boundary

client
Enviromera
project
Land at Nailcote Farm, Coventry
drawing title
SITE LOCATION

scale	drawn	issue date
1:25,000 @ A3	TW/CEH	3 Jan 2023

drawing / figure number
Figure 1 -

FPCR Environment and Design Ltd, Lockington Hall, Lockington, Derby, DE74 2RH ■ : 01509 672772 ■ f: 01509 674565 ■ e: mail@fpcr.co.uk ■ w: www.fpcr.co.uk
masterplanning ■ environmental assessment ■ landscape design ■ urban design ■ ecology ■ architecture ■ arboriculture

L:\11300\11370\LANDS\LVIA\Figures\11370 Figures 1-6.indd

APPENDIX B

Site Boundary

PRoW - Footpath

PRoW - Byways Open to all Traffic

client
Enviromera
project
Land at Nailcote Farm, Coventry
drawing title
AERIAL PHOTOGRAPH

scale	drawn	issue date
NTS @ A3	TW/CEH	3 Jan 2023

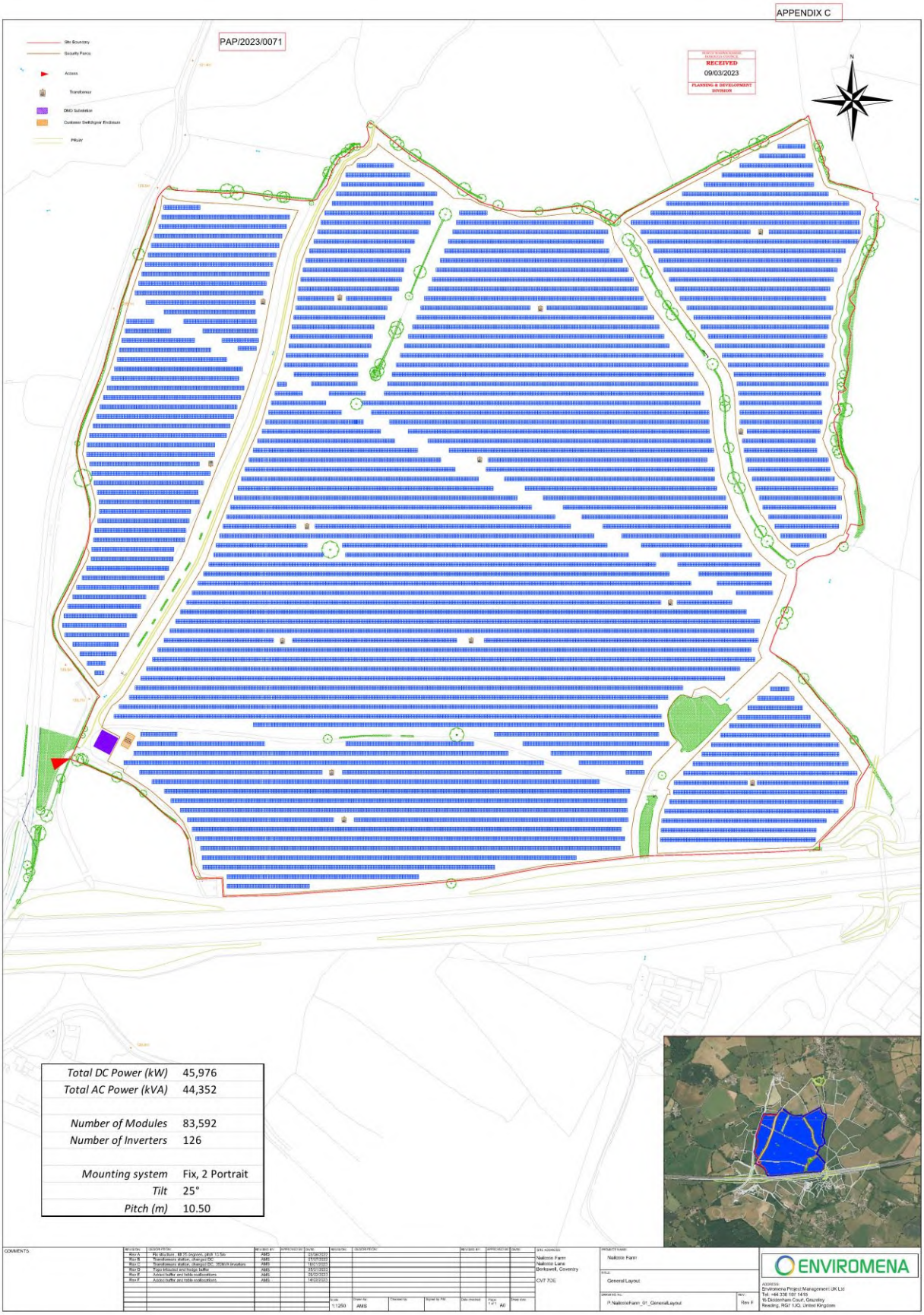
drawing / figure number
Figure 2 -

FPCR Environment and Design Ltd, Lockington Hall, Lockington, Derby, DE74 2RH ■ : 01509 672772 ■ f: 01509 674565 ■ e: mail@fpcr.co.uk ■ w: www.fpcr.co.uk
masterplanning ■ environmental assessment ■ landscape design ■ urban design ■ ecology ■ architecture ■ arboriculture

L:\11300\11370\LANDS\LVIA\Figures\11370 Figures 1-6.indd

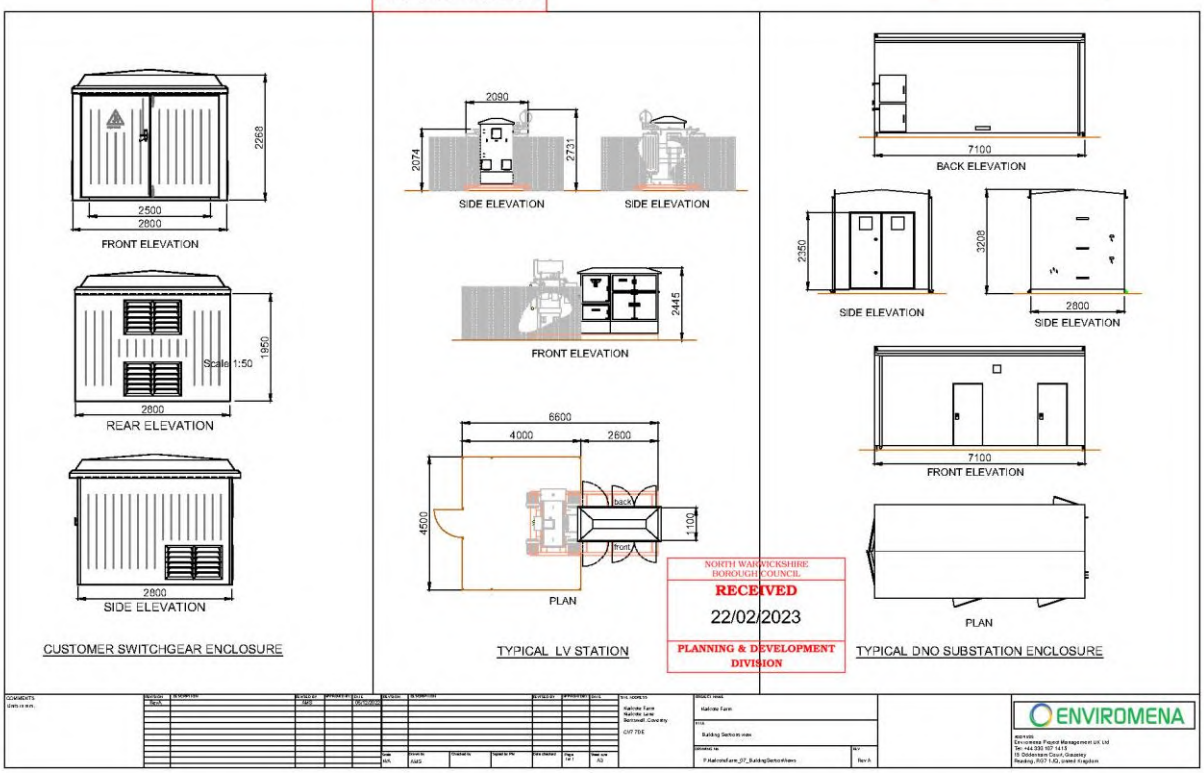
8a/7

APPENDIX C


PAP/2023/0071
RECEIVED
09/03/2023
PLANNING & DEVELOPMENT DIVISION
N
Site Boundary
Security Fence
Access
Transformer
DNO Substation
Outdoor Switchgear Enclosure
PROW
Total DC Power (kW) 45,976
Total AC Power (kVA) 44,352
Number of Modules 83,592
Number of Inverters 126
Mounting system Fix, 2 Portrait
Tilt 25°
Pitch (m) 10.50
ENVIROMENA

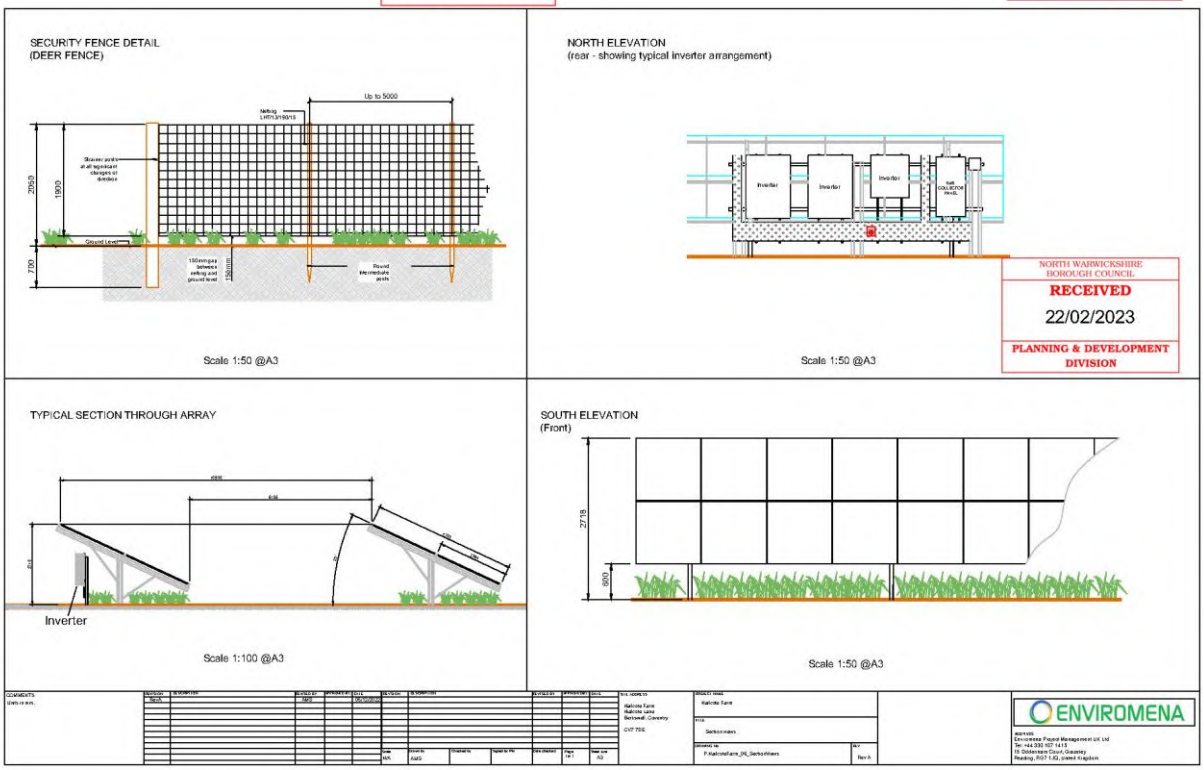
PAP/2023/0071

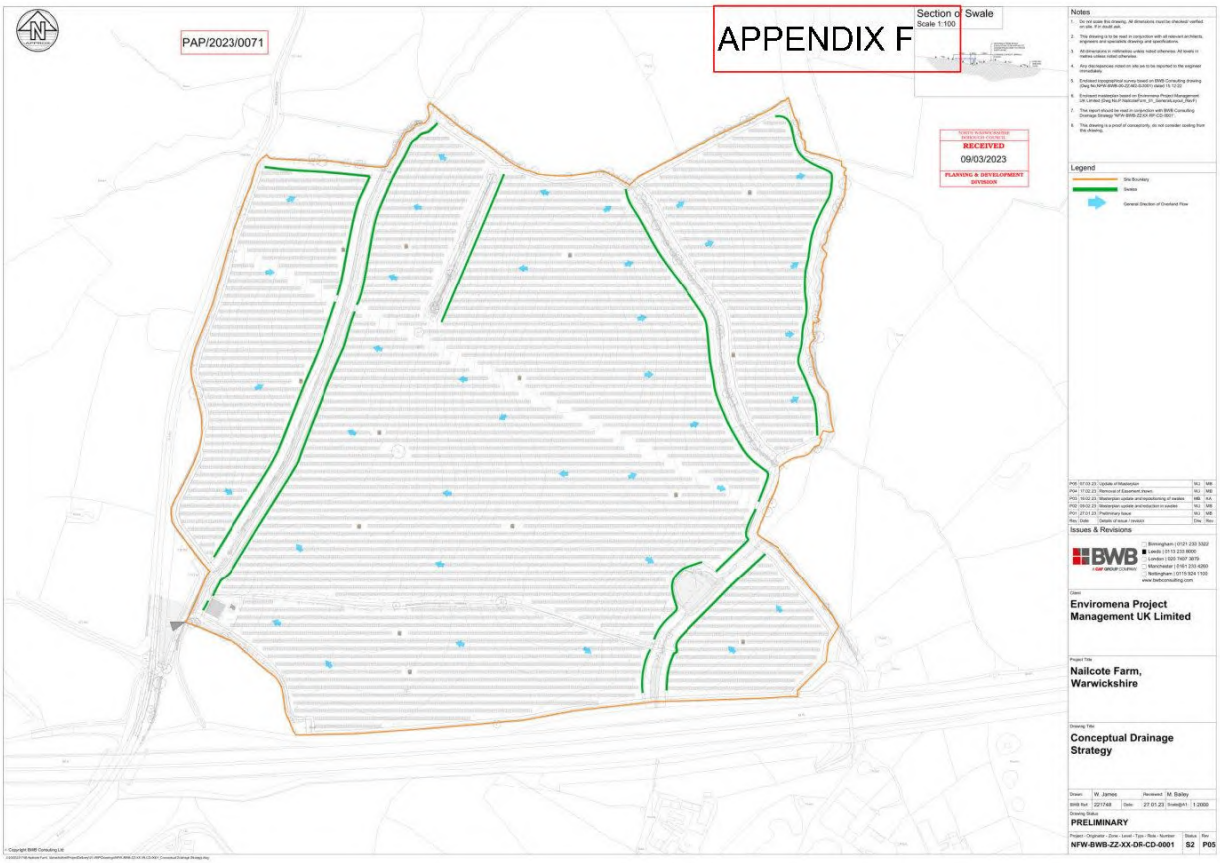
APPENDIX D



PAP/2023/0071

APPENDIX E




PAP/2023/0071
APPENDIX F
Section of Swale
Scale 1:100
RECEIVED
09/03/2023
PLANNING & DEVELOPMENT DIVISION
Notes
Legend
Site Boundary
Swales
General Direction of Overland Flow
Issues & Revisions
Enviromena Project Management UK Limited
Nailcote Farm, Warwickshire
Conceptual Drainage Strategy
PRELIMINARY
NFW-BWB-ZZ-XX-DR-CD-0001
S2
P05

arbtech

7th March 2023

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

Ref: Biodiversity Net Gain (BNG) reporting file note

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

National Grid Reference: Centred on SP 276 859

Site area: 62.2ha

Recipients: Enviromena Project Management UKLtd

Record of activity

- **Background**

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

  - Photovoltaic arrays

- **Purpose of survey**

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

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

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

Arbtech Consulting Ltd 5678552 VAT GB903660148
Unit 3, Well House Barns, Chester CH4 0DH
Tel. 01244 661170 Web. http://arbtech.co.uk E-mail. email@arbtech.co.uk

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

- **Surveyor and date of survey**

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

Summary findings

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

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

  This highlights that the change in biodiversity metrics is:

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

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

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

Enhancement details

Modified grassland of moderate condition

Criteria of success:

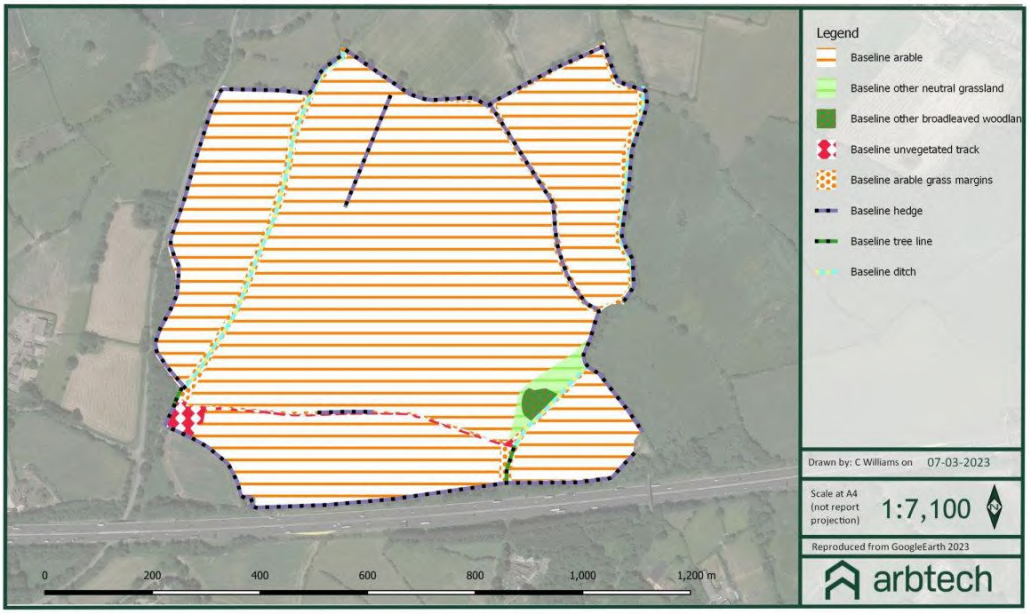
1. There must be 6-8 species per m2. If a grassland has 9 or more species per m2 it should be classified as a medium distinctiveness grassland habitat type. NB - this criterion is essential for achieving moderate condition.
2. Sward height is varied (at least 20% of the sward is less than 7 cm and at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

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

Discussion

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

Appendix 1: Habitat baseline map



Arbtech Consulting Ltd 5678552 VAT GB903660148
Unit 3, Well House Barns, Chester CH4 0DH
Tel. 01244 661170 Web. http://arbtech.co.uk E-mail. email@arbtech.co.uk

BNG at Land at Nailcote Farm CV7 8DW

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

Arbtech Consulting Ltd 5678552 VAT GB903660148
Unit 3, Well House Barns, Chester CH4 0DH
Tel. 01244 661170 Web. http://arbtech.co.uk E-mail. email@arbtech.co.uk

BACK PAGE

Arbtech Consultant's Contact details:

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

cw@arbtech.co.uk

Arbtech Consulting Ltd

https://arbtech.co.uk

Limitations

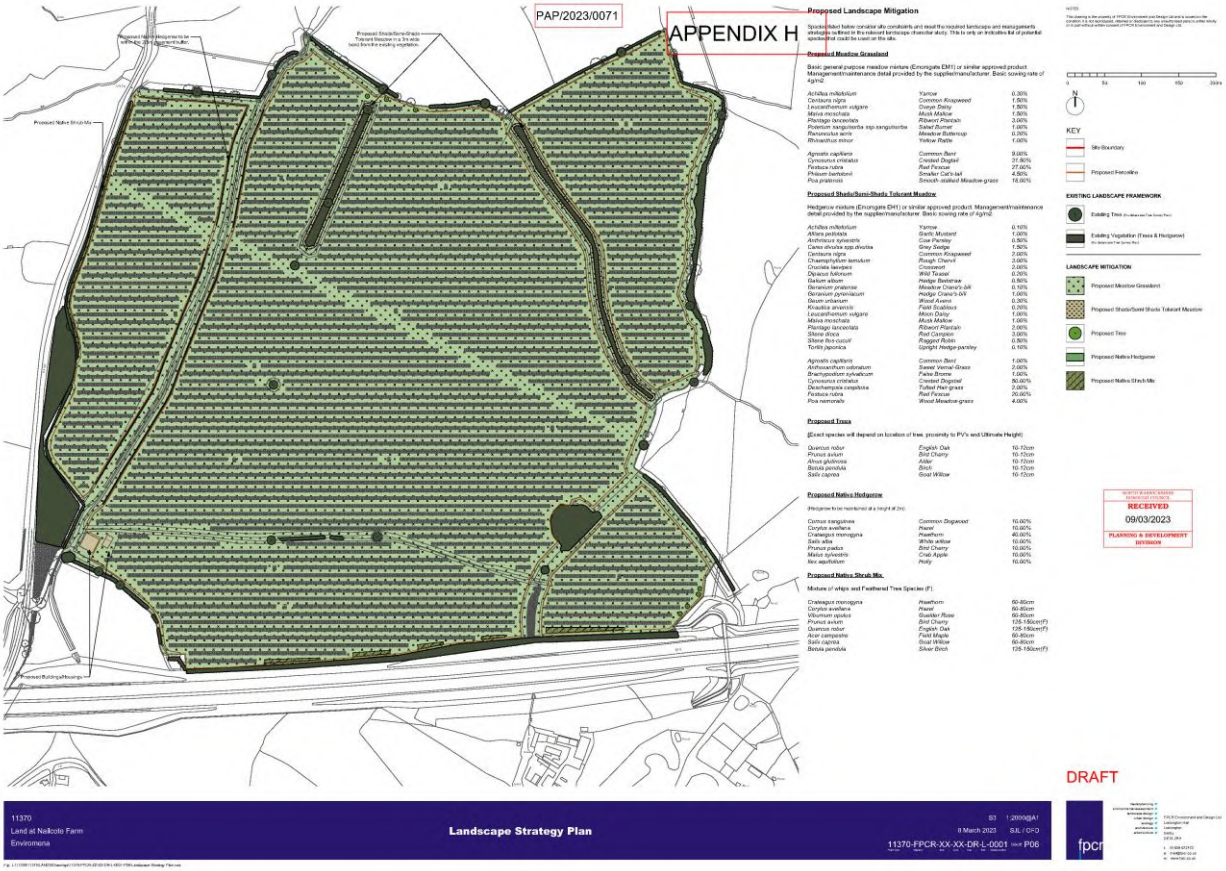
Arbtech Consulting Limited has prepared this report for the sole use of the above-named Client or his agents in accordance with our General Terms and Conditions, under which our services are performed. It is expressly stated that no other warranty, expressed or implied, is made as to the professional advice included in this Report or any other services provided by us. This report may not be relied upon by any other party without the prior and express written agreement of Arbtech Consulting Limited. The assessments made assume that the sites and facilities will continue to be used for their current purpose without significant change. The conclusions and recommendations contained in this report are based upon information provided by third parties. Information obtained from third parties has not been independently verified by Arbtech Consulting Limited.

Copyright

Arbtech Consulting Ltd 5678552 VAT GB903660148
Unit 3, Well House Barns, Chester CH4 0DH
Tel. 01244 661170 Web. http://arbtech.co.uk E-mail. email@arbtech.co.uk

PAP/2023/0071

APPENDIX H



General Development Applications

(8/b) Application No: PAP/2020/0164

Peel House, 79 Witherley Road, Atherstone, CV9 1NA

Erection of detached garage, for

Mr & Mrs L King

Introduction

This application is referred to the Board at the discretion of the Head of Development Control given the Board's previous interest in the site.

The Site

This is a detached property on the south side of Witherley Road within a frontage of residential property with housing to the rear and opposite. The house is well forward on the plot and has a series of outbuildings at its rear.

The site is shown at Appendix A

The Proposal

The proposed double garage would be sited to the side of the house between it and the adjoining bungalow. It would be six metres to its ridge with its ridge running at right angles to the road. It would have space above for storage and an office. A side dormer facing the house would provide light to this space. The design of the garage matches that of the distinctive appearance of the house – steep roof slopes, ornate eaves details together with finials.

The proposal is illustrated at Appendix B.

Background

Planning permission has recently been granted on appeal for a new detached property in the rear garden with access off Holt Road.

Representations

Atherstone Town Council – It is concerned about the loss of space around Peel House.

Development Plan

The North Warwickshire Local Plan 2021 – LP14 (Historic Environment); LP29 (Development Considerations) and LP30 (Built Form)

Other Material Planning Considerations

The National Planning Policy Framework

Observations

There is no objection in principle here but there are detailed matters to consider.

Firstly, the design of the garage is in keeping with the distinctive appearance of Peel House reflecting the details of that property. It is also set well back behind the front elevation of Peel House but still forward of the front elevation of the neighbouring bungalow. There is thus unlikely to be a material adverse impact on the residential amenity of neighbouring occupiers. It is noteworthy that there has been no objection received.

The second matter relates to the substance of the representation. The property is not a Listed Building and neither is it in a Conservation Area. The house however is distinctive architecturally, prominent in the street-scene was once a former merchant's house on the outskirts of the town. It therefore has some heritage value although it is not a non-designated local asset. The setting of the property has however been significantly compromised with the modern residential development surrounding it. The garage would be set back and really only be visible when viewed from the road along with the other rear outbuildings. It would thus not detract from the prominence of Peel House in the street scene. In these circumstances it is considered that the proposal can be supported.

Recommendation

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

1. Standard three year condition

2. Standard plan numbers condition – plan numbers 7666/103, 170C and 454B

3. The garage hereby approved shall only be used for purposes incidental to the residential use of 79 Witherley Road.

   REASON

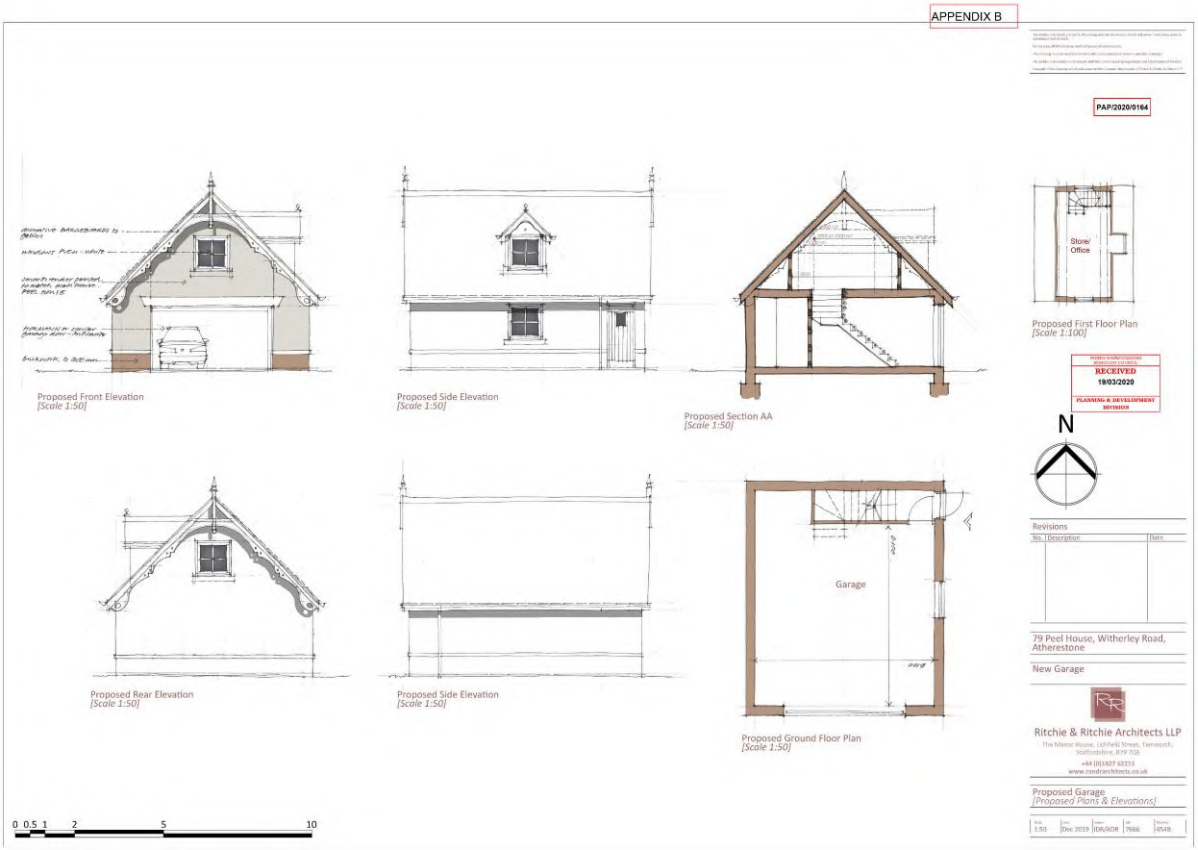
   In the interests of the residential amenities of the area and highway safety

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case through the issue of a positive decision.

APPENDIX A

APPENDIX B



General Development Applications

(8/c) Application No: PAP/2023/0108

Dafferns Wood, St Michaels Close, New Arley, Warwickshire,

Works to trees covered by a Tree Preservation Order for Woodland management, for

For the Warwickshire Wildlife Trust

Introduction

This application is reported to the Board due to the site in question being in the ownership of the Council.

The Site

The application site is a woodland and lies to the west of New Arley. This is covered by a Tree Preservation Order (TPO) confirmed in 1983.

A location Plan with relevant areas highlighted is at Appendix A.

The Proposal

Approval is requested for a Woodland Management Plan for Dafferns Wood. This plan will cover the period 2023-2032 with a review in 2027.

A Schedule of Works is set out below (See Appendix A for Map indicating areas A to Y):

SCHEDULE OF WOODLAND RESTORATION FOR DAFFERN'S WOOD (see Woodland Restoration Map[1] for details of locations / note: management plan contains details of additional habitat management)										
		Year of Management								
Area	**Management**	**2022/23**	**2023/24**	**2024/25**	**2025/26**	**2026/27**	**2027/28**	**2028/29**	**2029/30**	**2030/31**	**2031/32**
A	Non-intervention									
B	Fell 1 mature sycamore stem per year	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
C & E	Cut back holly between the boundary and path: coppice a total of 2 – 3 stems per year across the two compartments	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
D	Non-intervention										
F	Non-intervention										

Area	Management	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32
G & J	Cut back holly between central stream and path: coppice a total across the two compartments of 2 – 3 stems per year	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
G & J	Fell 1 mature sycamore stem per year between the stream and path	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
H	Fell 1 – 2 sycamores per year along boundary stream	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
H	Coppice over-mature hazel stand		✓								
H	Remove sycamore saplings around the pond and immediate area as required	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
K	Non-intervention										
L	Non-intervention										

Area	Management	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32
M	Coppice 1 – 2 hazel stools per year	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
N	Remove 20% of bramble per year on rotation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
P	Non-intervention										
Q	Non-intervention										
R	Non-intervention										
S	Non-intervention										
T	Thin 2 – 3 ash as appropriate	✓		✓		✓		✓		✓	

Area	Management	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32
T	Monitor bramble and selectively remove as appropriate	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
U	Coppice 2 mature hazel stools per year	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
U	Monitor bramble and selectively remove as appropriate	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
W	Continue with hazel coppice regime by coppicing 2 mature hazel stools per year	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
W	Continue with hazel coppice regime by coppicing 1 – 2 regenerating stools per year starting with the most mature	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
W	Coppice 2 - 4 elder stems per year	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Area	Management	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32
W	Remove 20% of bramble on rotation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
X	Coppice elm as appropriate if showing signs of die-back (note: currently of medium age).	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Y[2]	Fell 1 sycamore per year as and remove sycamore saplings as required.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Development Plan

The North Warwickshire Local Plan 2021 – LP14 (Landscape) and LP16 (Natural Environment)

Arley Neighbourhood Plan – ANP2 (Green Space Strategy)

Other Relevant Material Considerations

The National Planning Policy Framework 2021 – (the "NPPF")

Representations

Warwickshire County Council Forestry – No Objection

Any further representations made will be reported to the Board at the meeting.

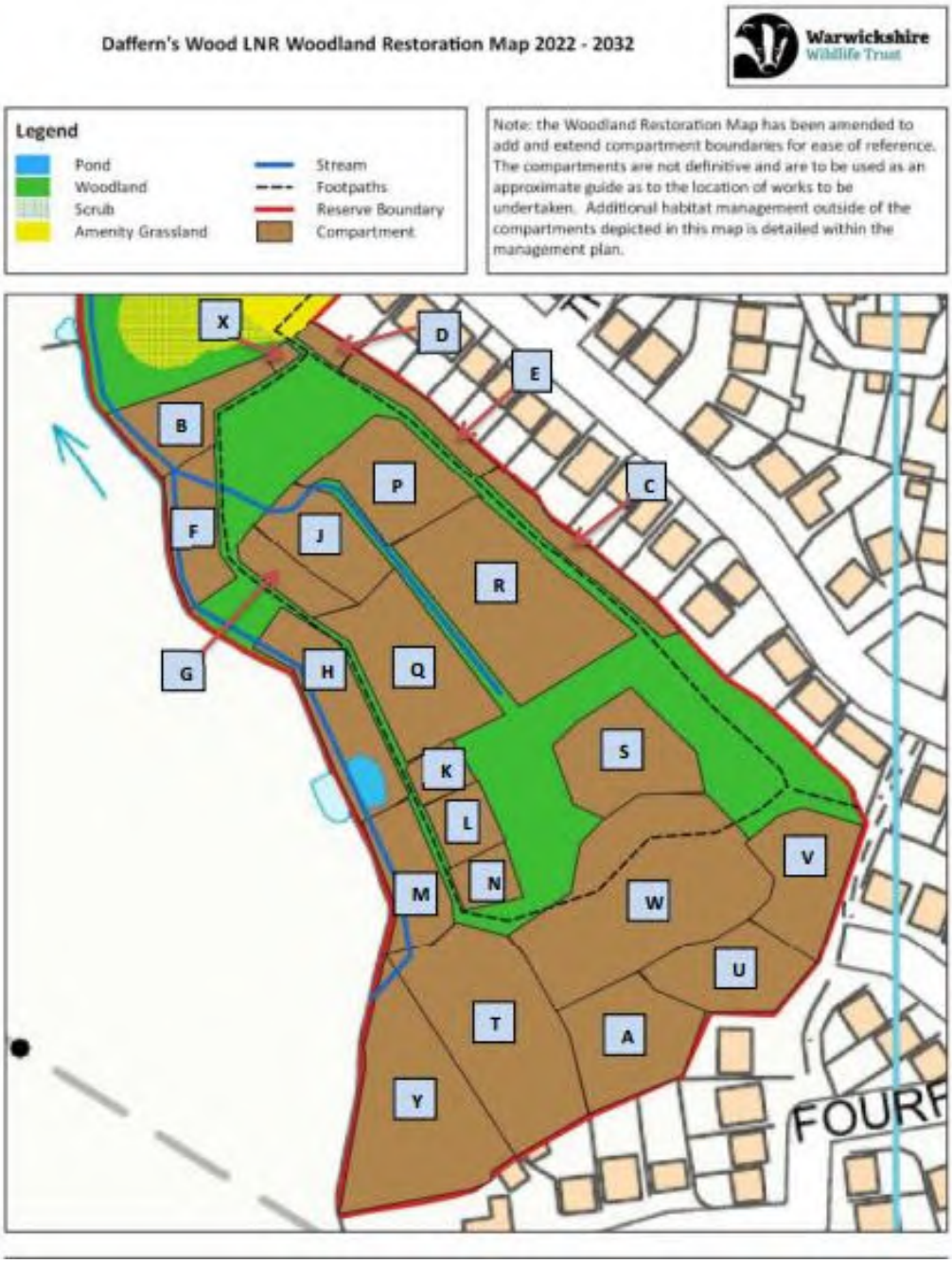
Observations

Members will recall the report to the April Board granting Consent for works to some of the trees within this woodland. This proposal is for a longer-term Management Plan such that works can continue without the need for individual applications provided they fall within the remit of any approved Plan. The reasoning behind the management plan for this woodland is fully appreciated and is seen to be warranted given the benefit to public amenity space and the potential risks to both people and property in close proximity to the wood if maintenance is not carried our regularly.

RECOMMENDATION

That Management Plan be agreed subject to a review date in May 2027 and the that the Council be notified when those works are to be carried out.

Appendix A


Daffern's Wood LNR Woodland Restoration Map 2022 - 2032
Warwickshire Wildlife Trust
Legend
Pond
Woodland
Scrub
Amenity Grassland
Stream
Footpaths
Reserve Boundary
Compartment
Note: the Woodland Restoration Map has been amended to add and extend compartment boundaries for ease of reference. The compartments are not definitive and are to be used as an approximate guide as to the location of works to be undertaken. Additional habitat management outside of the compartments depicted in this map is detailed within the management plan.
X
D
E
B
P
C
F
J
R
G
H
Q
S
K
L
V
M
N
W
U
T
A
Y
FOUR

General Development Applications

(8/d) Application No: PAP/2023/0133

Hartshill Hayes Country Park, Oldbury Road, Hartshill,

Construction of a permanent memorial at Hartshill Hayes Country Park for victims and families of road traffic victims, for

Warwickshire County Council

Introduction

This application is reported to the Board due to the site in question being in the ownership of the County Council.

The Site

The application site is a large woodland Country Park to the north-west of Hartshill.

A Location Plan is at Appendix A.

The Proposal

Permission is requested for the construction of a permanent memorial at the park for victims and families of road traffic victims. This would be located at the western end of a large open space close to woodland where there a number of trees which have been planted in memory of Hartshill residents.

Images of the proposed memorial are at Appendix B and a supporting statement is at Appendix C.

Representations

None have been received at the time of preparing this report and any that are, will be reported at the meeting.

Development Plan

The North Warwickshire Local Plan 2021 – LP14 (Landscape) and LP16 (Natural Environment)

Hartshill Neighbourhood Plan – Policy H2 – Protecting Open Spaces

Other Relevant Material Considerations

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

Observations

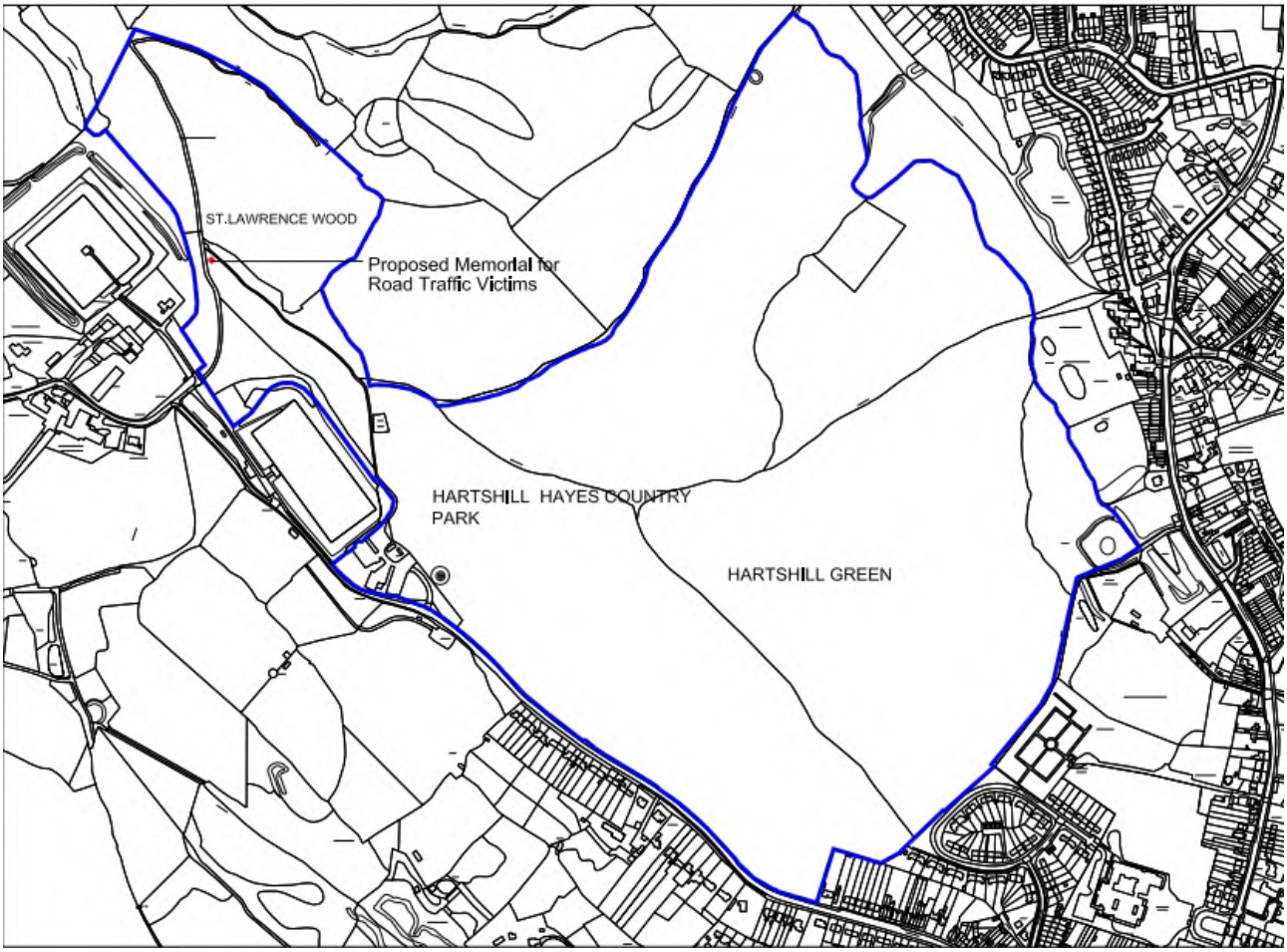
The location identified for the proposed memorial within the Country Park is appropriate given the subject matter of the memorial. The general area will provide a peaceful surrounding for the families and friends of road traffic victims.

The memorial itself does not have any significant impact on the surrounding natural landscape as it would be constructed in suitable materials and being some two metres tall it would not be unduly prominent. It would not be in conflict with the Development Plan.

Recommendation

That planning permission be **GRANTED** subject to the standard three-year time limit and the standard plan numbers condition.

Appendix A


ST.LAWRENCE WOOD
Proposed Memorial for
Road Traffic Victims
HARTSHILL HAYES COUNTRY
PARK
HARTSHILL GREEN

Appendix B

Artistic Drawing

Concrete base.

Base Plinth

Top feature

APPENDIX C

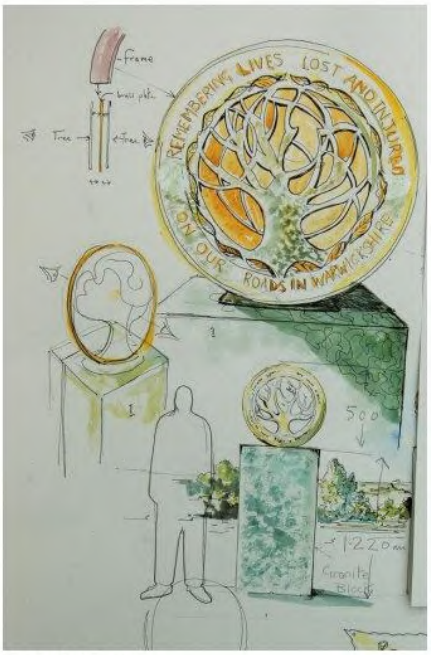
PAP/2023/0133

Supporting Statement for the Memorial at Hartshill Hayes Country Park

Warwickshire Road Safety Partnership understands its responsibility to support victims of road traffic collisions and their family, friends, and communities. Through our victim working group a permanent memorial was commissioned to offer anyone affected by a road traffic collision a peaceful location and focal point where they can go to remember their loved one, friend, or relative. The focus of the piece is to create a memorial which is long lasting and could be replicated in other locations through Warwickshire. The memorial has received permission from the Warwickshire County Council Country Park and is supported by all partners of the Warwickshire Road Safety Partnership including Warwickshire Police, Warwickshire Fire and Rescue and National Highways. It has also been recognised nationally as best practice to support victims and communities effected by road traffic collisions.

The base for the memorial is a mixture of 3 parts ballast to 1 part cement with a 2" of limestone topping. The base plinth will be made from reclaimed light granite stone and will be carved with leaf motifs with the small additions of logos from stainless steel. The top feature will be a leaf tree motive inspired by the Warwickshire traffic victim's logo with the centre part deliberately left open. The top feature will be made from mild steel which will be galvanised with stainless steel and painted with gold leaf. The sculpture will be fixed to the stone using M 16 resin anchor bolts. The permanent memorial will be 2 metres High by 70cm Wide by 30 cm Deep with the base dimensions being Front 202cm wide and Rear 227cm Wide with Depth front to rear 112cm and Depth of base 29cm. The materials were chosen as they were durable materials which needed little maintenance. Warwickshire County Council will support the maintenance of the memorial.

The memorial design was sympathetic to the environment it was being placed in and inspired by the Country Parks environment and natural beauty. The memorial will be an addition to the landscape and complement the current commemorative woodlands at the location. The site is categorised as a "plantation on an ancient woodland site". Hartshill Hayes is diverse in parts but has received only sporadic management inputs over the last 30 years and therefore remains an even aged, closed canopy woodland. The Hayes woodland is a plantation on an ancient woodland site, with a good deal of natural regeneration, the most important of the trees are numerous old coppice stools of mainly large-leaved lime. The site contains a geological Site of Special Scientific Interest and several archaeological features, some of which are Scheduled Ancient Monuments. The park consists of the Hilltop Meadow which lies between the two areas of woodland, and this is where the memorial will be. This is an area of neutral grassland, part of which is regularly mown for amenity purposes while the remainder appears to be unmanaged and is suffering from the spread of creeping thistle and other coarse plants.



Artistic Drawing

Concrete base.

Base Plinth

Top feature

General Development Applications

(8/e) Application No: PAP/2023/0058

25, Wood Street, Wood End, Tamworth, CV9 2QJ

Single storey rear extension, for

Mr John Skeldon

Introduction

This application is reported to the Board due to the concern of a Local Ward Member about adverse impacts to neighbouring residential amenities.

The Site

The application site is a bungalow on a residential street in Wood End. The neighbouring properties are also bungalows of similar design with two storey dwellinghouses to the rear of the site boundary.

A Location Plan is at Appendix A.

The Proposal

This is a retrospective application to retain a single storey rear extension.

Images of the extension can be found at Appendix B

A block plan showing the relationship of the extension to neighbouring properties can be found at Appendix C

Development Plan

The North Warwickshire Local Plan 2021 – LP29 (Development Considerations) and LP30 (Built Form)

Other Relevant Material Considerations

The National Planning Policy Framework 2021 – (the "NPPF")

The Householder Design Guide

Representations

An objection has been received referring to the following:

- The extension breaches the '45 Degree Rule' for light and possibly the 50% rule for volume
- It is not a conservatory as originally stated on the application form
- The extension is too high

- The extension does not comply with building regulations

Observations

Local Plan Policy LP30 requires that all development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. The design of the extension is sympathetic to the host dwellinghouse, with its lower ridge line and matching brickwork.

The roof of the extension attempts to match the neighbouring property's conservatory as closely as possible, as shown in Appendix B. There are similar conservatories and extensions on neighbouring properties in the locality of the property.

Local Plan Policy LP29 (9) states that developments should amongst other things, avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution. Officers consider that the extension causes no adverse impact on the amenities of the neighbouring properties.

It is however necessary to address the planning concerns raised by the objector.

Members are aware that the 45-degree matter is only guidance. Here both neighbouring properties have conservatories which either line up with this extension or extend beyond it. Therefore, the 45-degree rule has not been breached on this occasion as light is already impeded from entering habitable rooms by these neighbouring conservatories.

The reference to a 50% volume rule carries no weight as it does not appear in the Local Plan, nor does it appear in the Householder Residential Design Guide.

The original submission described the works as a conservatory. The applicant has agreed to change this to a 'single storey rear extension'.

Officers consider the height of the extension is appropriate with the total height of the bungalow being around 3.5m and the ridge height being 2.3m. This is the typical height for a single storey extension.

At the time of writing this report the applicant is seeking an inspection from Building Control colleagues. The Board will be updated on the outcome of this inspection but as Members are aware, the Regulations are a separate piece of legislation which is not enforced by the Authority.

Overall, therefore it is considered the constructed extension is in accordance with the Development Plan

Recommendation

The planning permission be granted subject to the following condition:

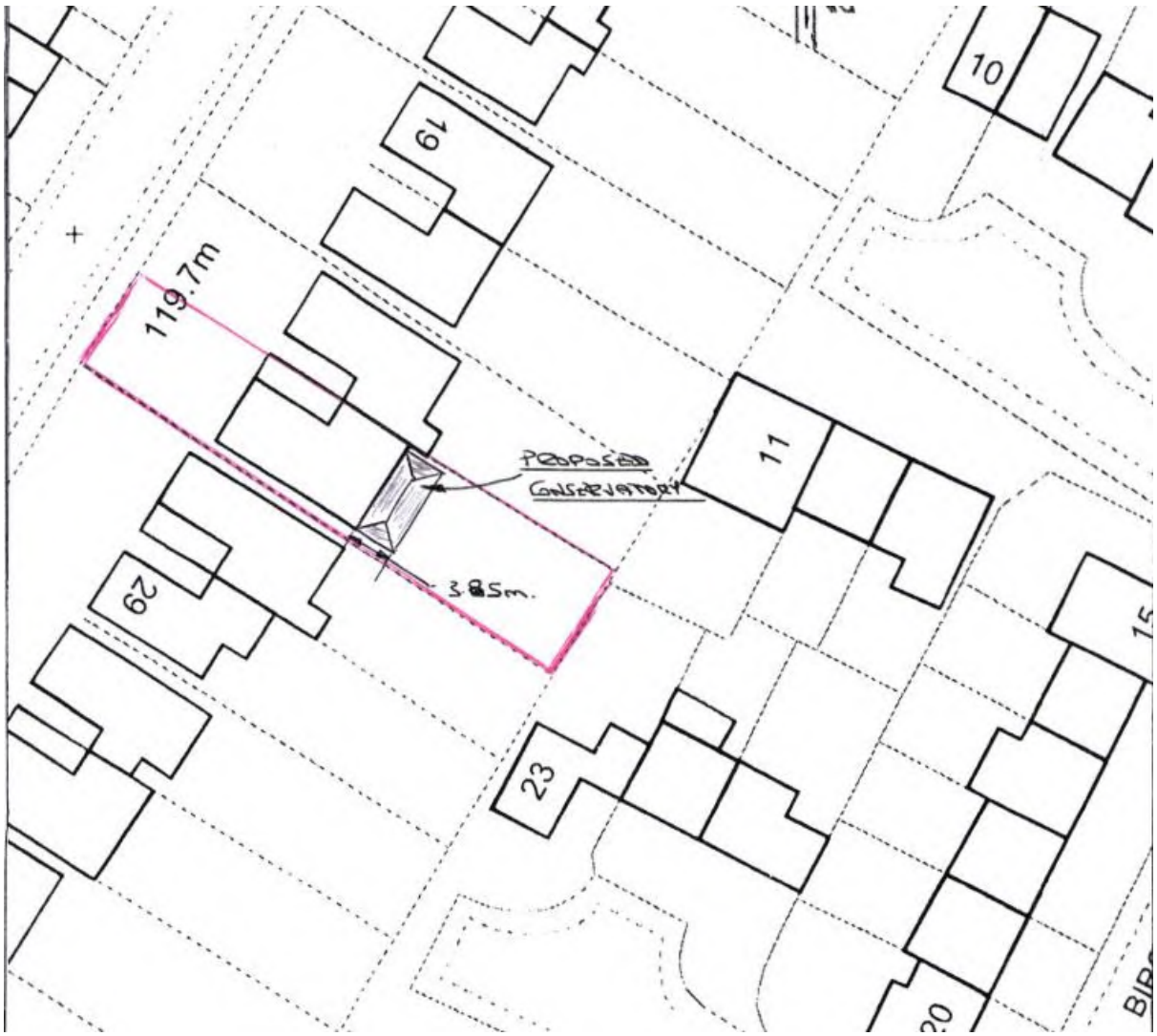
1. Standard plan numbers condition.

Appendix A

8e/33

Appendix B

Appendix C



General Development Applications

(8/f) Application No: PAP/2022/0544

Land 550 Metres East Of Vauls Farm, Astley Lane, Astley,

Proposed construction of renewable energy generating solar farm together with transformers, inverters, control building, DNO substation, store room,mast, security measures, associated infrastructure and works, landscaping and biodiversity enhancements, for

- Industria Solar Bedworth Ltd

Introduction

1.1 This application was first reported to the Board for information in December followed by a full determination report in April. Members of the Board visited the site prior to that meeting. The Board resolved to defer a decision at its April meeting as it had a series of queries arising from the discussion and because it sought clarification on a number of matters.

1.2 The full report to the April meeting is attached at Appendix One. This also contains a copy of the initial December report. They are both to be considered as an integral part of this further report.

1.3 As a consequence of the deferral, a letter was sent to the applicant outlining the scope of the additional information and clarification sought. This is attached at Appendix Two

1.4 The applicant has responded in full to this through the submission of a full written response which is attached at Appendix Three as well as a Technical Note covering the matter of Alternative Sites which is at Appendix Four.

1.5 In addition the applicant has amended his proposal, in response to several of the observations made at the April meeting and to the representations that had been received. In short, these amendments include:

- a ten metre wide, woodland belt to be provided along the western, northern and eastern site boundaries.
- the relocation of all of the plant and buildings to the north-west corner of the site to the area where the construction compound would be located. These were originally to be located inside the northern boundary closer to established residential property
- the access into the site for maintenance purposes would be relocated to the bottom of the valley away from the northern boundary

1.6 These amendments are illustrated on the plan at Appendix Five

1.7 This has been referred to those who made representations on the initial submission for further comments. Any received will be reported to the Board.

2. The Applicant's Response

2.1 It is not proposed to repeat the applicant's response to the Board's queries as these are fully set out in the Appendices referred to above. In particular Members are referred to the "Key Points" in Appendix Three as these provide the conclusions to the questions asked. However, a number of matters will be highlighted, dealing first with the matter of principle before looking at more detailed matters.

2.2 The Board had asked about the role of this proposal in the supply of renewable energy. The Government's objectives require a significant increase in solar capacity and whilst there is progress, the objective still remains ambitious. Whilst proposals already in the Borough are helping with this, some of these schemes will be decommissioned in twenty years' time and there will be some degradation of earlier technology such that there will be a need to replenish this provision. To do so sites have to be found that can be connected to the National Grid and thus to existing substations that have capacity. The applicant explains that these facilities are at capacity in the North Warwickshire area, but that a connection can be made to the Newdegate substation in Bedworth and this is why proposals are being seen in this part of the Borough. The applicant makes the point that unless there is substantial investment by National Grid to upgrade their substations, there are very unlikely to be further new solar farm proposals in the area.

2.3 Turning to other matters, the Board asked the applicant to review the submitted proposal to see if the visual, wildlife and potential noise impacts could be further reduced beyond the mitigation then proposed. This has resulted in the receipt of the amended plan. This shows a substantial enhancement over the original scheme and is thus a welcome response to the Board's concerns. The new woodland belts will have a significant visual benefit in reducing both visual and landscape impacts over time, by introducing mature woodland into an otherwise very open setting. They too will provide very effective screening of the solar arrays. There is then the associated added substantial benefit of enhancing bio-diversity levels over and above those which already would have been achieved through the original proposals. This is explained in some detail in Appendix Three.

2.4 The move of the plant and buildings to a remote part of the site is a significant change and will have the benefit of removing the likelihood of any adverse noise effects on the residential amenity of the occupiers of the dwellings along Astley Lane. The relocation of the maintenance access will add to this benefit.

2.5 Other matters raised by the Board are covered in Appendix Three – the concerns about wind tunnel effects, the propensity for birds to perceive the panels as water and the impact on soil health by leaving the land uncultivated.

3. Observation

3.1 From a planning perspective the applicant's response is significant. Both National and Local Plan policy support renewable energy development and accelerated progress is required to meet the Government's objectives on solar provision. This has already been highlighted as a material planning consideration of significant

weight in support of this proposal. However, the applicant has identified a critical locational constraint in progressing this objective. This constraint thus becomes a material planning consideration in support of this proposal. Finding a suitable site within proximity to a substation with capacity is a key locational factor in the assessment of the final planning balance.

3.2 In this case, it almost inevitably leads to a site having to be in the Green Belt – see Appendix Four. That means the inappropriateness of the development will always carry substantial weight in the final planning balance. Other "filters" have been introduced by the applicant in order to identify an actual site, such that the other harms likely to be caused are reduced. Here they include the agricultural value of the land, and whether there would be impacts on ecology and heritage assets. This has led the applicant to this site. The applicant has then further amended his proposal in order to reduce the actual Green Belt impact and other potential harms, such that the cumulative harm caused is "limited".

3.3 The previous report set out the applicant's case in paragraphs 5.32 to 5.37 of Appendix One. At that time, it was considered that these were sufficient to clearly outweigh the Green Belt and cumulative harms caused to amount to the very special circumstances necessary to support the proposal. This has now been supplemented by pages 12 to 17 of Appendix Three, together with the receipt of the amended plan. It is considered that these add weight to the case and that they now clearly do outweigh the cumulative harms caused.

3.4 The recommendation set out in Appendix One remains in place.

3.5 The proposed relocation of the plant and buildings will be of benefit from the "noise" perspective too. This has been agreed by the Environmental Health Officer and as indicated in Appendix One. appropriate conditions are to be agreed with him. If this is the case prior to the meeting, the draft conditions will be circulated to Members.

3.6 The April Board also asked about the position in respect of the Astley Parish Council. It is understood that it is to meet on 25 May. However, the content of paragraphs 5.28 and 5.29 of Appendix One remains. The offer of a Community Fund and the Parish Council's acceptance of that or not, is not a material planning consideration in the determination of this application.

Recommendation

As set out in Appendix One, with a variation to condition 2 to accommodate the revised plan numbers and for the noise conditions as agreed by the Environmental Health Officer to be included.

APPENDIX 1

General Development Applications

(9/c) Application No: PAP/2022/0544

Land 550 Metres East Of Vauls Farm, Astley Lane, Astley,

Construction of a renewable energy generating solar farm together with transformers, inverters, control building, DNO substation, storeroom, security measures, associated infrastructure and works, landscaping and bio-diversity enhancements for

Industria Solar Bedworth Ltd

1 Introduction

1.1 The receipt of this case was reported to the Board on 5th December and a copy of that report is attached at Appendix A.

1.2 The site location is illustrated at Appendix B

1.3 The Board resolved to visit the site and a note of this will be circulated prior to the meeting.

1.4 Since the date of the last report, the applicant has removed the mast from the proposal together with providing additional landscaping and amending the details of the access arrangements. Amended plans have been submitted to reflect this position --- see Appendices C and D.

1.5 As that report indicated, should the Board be minded to support the proposal, the case will need referral to the Secretary of State under the 2009 Direction. A refusal would not need to be referred.

1.6 There have been no changes to the Development Plan or to other material planning considerations since the date of the last report.

2. Consultations

Warwickshire County Council (Forestry) - No objection

Warwickshire County Council (Public Rights of Way) - No objection subject to conditions

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

Warwickshire County Archaeologist – No objection subject to conditions

Ramblers Association - No objection on footpath grounds, but it objects on the impact on the Green Belt and the loss of agricultural land

Nuneaton and Bedworth BC - No objection

Warwickshire Police (Architectural Liaison) – No objection but have made detailed design comments

Birmingham Airport – No objection

Environment Agency – No comments

Environmental Health Officer – There was an initial objection as it had not been shown that there would be no unacceptable impacts, as there are several private houses close by. As a consequence, a fresh Noise Assessment has been undertaken and submitted.

There is now no objection subject to the imposition of conditions identifying noise thresholds at the most affected properties.

3. Other Material Planning Considerations

Climate Change Act 2008 (2050 Target Amendment) Order 2019

Energy Security Strategy 2012

UK Solar PV Strategy 2014

National Policy Statements EN1 and EN3

National Planning Policy Framework

North Warwickshire Climate Emergency

North Warwickshire Landscape Character Assessment 2010

British Energy Security Strategy 2022

4. Representations

4.1 Four objections have been received referring to:

- loss of agricultural land
- impact on the Green Belt
- additional traffic
- Adverse landscape impact
- Loss of habitat and the impact on wildlife
- Potential surface water flooding
- The visual intrusion of the tower
- CCTV protocols need to be adhered to
- Buildings should have solar panels on their roof
- Risks from leaks from the batteries

- Light and noise pollution
- How are the panels and batteries to be disposed?
- This is not a temporary development
- Meadowland is not appropriate mitigation – it should be trees

4.2 One of these covers a variety of other matters – this is attached in full at Appendix E.

4.3 Corley Parish Council objects and its letter includes many of the above matters, but majors on the adverse impact on the Green Belt which it considers should be protected

4.4 Craig Tracey MP has written pointing out the concerns expressed to him by the local community.

5. Observations

i) Green Belt

5.1 The site is in the Green Belt. Members will be aware that the construction of new buildings is defined by the NPPF as being inappropriate development in the Green Belt.

This would include the construction of all of the structures connected to the solar farm included in this proposal. As such, this proposal is harmful, by definition, to the Green Belt and should not be approved except in very special circumstances. In respect of "renewable energy projects", the NPPF says that many of the elements of these projects will comprise inappropriate development, and thus the applicant has to demonstrate very special circumstances if such projects are to proceed. The NPPF continues by saying that such circumstances, "may include the wider environmental benefits associated with increased production of energy from renewable sources".

5.2 The NPPF says that elements of these projects will comprise inappropriate development, but this definition not conclusive. This needs to be resolved from the outset. In this case the various elements associated with the proposal – the fences, panels and substations – are all built development and because of the size of the proposal, there is an underlying premise here that this can be reasonably said to constitute inappropriate development. In order to confirm this, it is necessary to see if the proposal as a whole would preserve the openness of the Green Belt and whether it would conflict with the purposes of including land within it. Members will be aware that there is no definition of openness in the NPPF, but Government Guidance provides four factors to look at. In respect of the first, then spatially, the proposal is large in terms of ground cover and there is also some height to many of these structures. The setting is wholly within open countryside. The land-form hereabouts is one of a small and shallow valley sloping towards the watercourse. This effectively means that the site sits on one side of a shallow "bowl". There is built development along its northern boundary, but otherwise there is little built form hereabouts. There is woodland further to the east. The proposal would introduce new built development into this setting. However, despite its size, the new development structures are low in height and the existing topography helps to contain the site. The removal of the mast from the proposal is also significant in this context. Given all of these factors, the spatial impact on openness would be local in extent, not impacting on the wider landscape. The second factor is a visual one. Here there would be very limited impact on neighbouring scattered residential property

because of the topography, but not from the neighbouring farm units. There would also be a visual impact as the proposal would be visible from the public domain from the footpaths that run along the site boundaries. Again because of the topography, these impacts would be local rather than affecting wider visibility. As above, the removal of the mast is a benefit. Whilst the impact from the footpath would be transitory, that from residential property would not and this would be adverse. In terms of the third factor then there would be very little activity associated with the proposal once operational. Activity would thus be akin to that associated with the current agricultural use of the site.

Finally, the proposal is not permanent, albeit the "life" is said to extend to 40 years. In all of these circumstances, it is considered that the openness of the Green Belt would not be preserved. Additionally, there would be some conflict with one of the purposes of including land within the Green Belt – i.e., safeguarding the countryside from encroachment. In conclusion therefore, the proposal does constitute inappropriate development and substantial weight has to be given to this definitional harm. However, the actual Green Belt harm caused is limited rather than substantial for all of the spatial, visual and activity reasons set out above.

ii) Landscape Harm

5.3 The site is within the "Church End to Corley (Arden Hills and Valleys)" Landscape Character Area as defined by the 2010 North Warwickshire Landscape Character Assessment and Study. This is described as being "an elevated farmed landscape of low, rounded hills, steep scarps and small incised valleys. This landform combined with extensive hilltop woodland and tree cover creates an intricate and small-scale character, punctuated by numerous scattered farms and hamlets". It continues by saying that "the majority of the character area is deeply rural and the tranquil Ancient Arden Landscape is apparent in the complex pattern of woodland, former wood pasture and heath, frequently sunken hedged lanes and scattered farms and hamlets".

Additionally, "To the south of Ansley and New Arley, numerous hedgerow trees around larger semi-regular arable fields, combine to provide a sense of Parkland character towards Arbury Park located just to the east within the Nuneaton and Bedworth District".

5.4 The previous report at Appendix A, identified the applicant's conclusion that following an Impact Assessment, there would be a local, long term but reversible change in the landscape, but with proposed mitigation, the overall harm would only be slightly adverse. This impact would be local in extent and scale and thus not impact on the broad character as described in paragraph 5.3. This overall assessment is agreed. The site is in a wholly rural setting and is within an expansive open area of countryside that is elevated and has extensive views. The landscape here is thus sensitive to change.

However, the site is generally confined to one side of a noticeable valley, which Members saw on their visit. As a consequence, whilst there will clearly be change introduced through this proposal, that would not be prominent in the wider or middle-distant surrounding landscape and thus it is not considered to be significant. This is because the built development here is not of significant height and it is spread through existing fields where there is existing hedgerow cover. The loss of the mast from the proposal is of particular benefit here. The landscape is capable of enhancement too

through the mitigation measures including the strengthening of the hedgerow cover, which are likely to strengthen the overall landscape character.

5.5 Local Plan policy LP14 says that development should "conserve, enhance and where appropriate restore landscape character". Additionally, "new development should as far as possible retain existing trees, hedgerows and nature conservation features such as water bodies and strengthen visual amenity through further landscaping". Whilst the proposal may not fully accord with these objectives, it is considered on balance, that the overall landscape harm caused will be local and thus "limited".

iii) Visual Harm

5.6 The applicant's assessment comes to a similar conclusion in respect of the visual impacts, for the same reasons.

5.7 Public footpaths run along the western and southern boundaries – the M337 and the M335. Although these paths follow the whole of these boundaries over their whole length making the development noticeable even with enhanced planting, that impact would be transitory.

5.8 It is unlikely that the site would be visible by drivers using Astley Lane because of the separation distances and particularly the topography. Whilst the panels in the field on the southern side of the site might be visible from the Lane, this would be a glimpsed view and very transitory.

5.9. It is agreed that the site is isolated with scattered residential property and thus the likelihood of adverse visual impact on residential occupiers is likely to be limited. Those most affected would be the grouping at Sole End. The development is some 100 metres distant with existing hedgerow cover. Because of these matters and particularly the topography, it is considered that any adverse visual impacts would be limited in extent – mainly confined to first floor rooms. Mitigation measures would assist here. Occupiers of the business units at Sole End Farm would however have open views from the very rear of the site. There too would be visibility from some parts of the Cow Lees Care Home.

These impacts can be mitigated through additional planting. Vaul's Farm is the closest property and residents will experience open views into the bulk of the site because of the rising land on the northern side of the valley. Even with additional planting this impact would be significant. Taff's Farm to the south is within a range of farm buildings and is some distance away. Visual impacts would be limited.

5.10 Overall therefore it is considered that adverse visual impacts with mitigation would be local in extent and limited in scale, but with greater impact on the properties closest to the site.

5.11 Local Plan Policy LP14 is again the most relevant policy here and the conclusion on visual impact is also one of limited adverse impacts.

iv) Heritage Impacts

5.12 There are a number of matters to consider here. Members will be aware that heritage harms are defined by the NPPF as being "substantial", "less than substantial" or no harm. An assessment of the heritage impacts has to be considered in this context. The Council is under a Statutory Duty to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area in the determination of an application within such a designated Area. The nearest Conservation Area to this application site is that in Fillongley. Because of the separation distances and the intervening topography there is no inter-visibility with that Area or any of the buildings within it such that there is no heritage harm caused to its character or appearance.

5.13 The Council is also under a Statutory Duty to have special regard to the desirability of preserving a Listed Building, or its setting or any features of special architectural or historic interest which possesses. There are a number of designated buildings in the vicinity – the closest being Astley Church and Astley Castle. The former is a Grade 1 Listed Building and the latter is Grade 2 star. Associated buildings such as the stable block and Lodge are Listed under Grade 2. In general terms this group of heritage assets is a kilometre and a half to the north-west of the application site. There is no direct impact on their architectural and historic fabric, or the special attributes of these buildings. However, their setting when treated cumulatively is of high significance. This is because of the combination of historic, architectural and landscape characteristics as well as their community and social value. In this case the prime significance of this group of buildings is the contained and compact settlement of Astley with its surrounding tree cover and the visibility of the Church within a wholly rural and open landscape. The proposal will have no direct impact on this setting because of the intervening separation, no inter-visibility, the topography, tree cover and the nature of the proposed development. As a consequence, appreciation of Astley in the overall landscape would still be retained. However, the combined heritage significance of this setting is of high value. The NPPF says that the more important the asset, the greater the weight that should be given to its conservation. Nevertheless, because of the factors identified above, it is considered that any harm to the setting of this group of assets would be at the lower end of less than substantial.

5.14 Arbury Hall and its Park are also heritage assets further to the north-east. Again, these are of high value – the Hall having a combination of Grade 1, 2 star and 2 Listed Buildings with the Park and Garden being registered as Grade 2 star. Again, there is no direct impact on any of these assets, because of the significant separation distances, intervening topography, woodland and the nature of the proposal. The assessment again rests on whether there is any harm caused to the setting of this group of high value assets. As with the Astley grouping, the significance of the Arbury group is substantial and thus great weight has to be given to its conservation. As with the Astley group, it is considered that any harms caused would be less than substantial and at the lower end of that scale.

5.15 Finally, it is necessary to look at whether there would be any direct impact on the heritage value of the site itself. The Warwickshire County Planning Archaeologist considers that there is a potential for the site to contain archaeological remains from the pre-historic, Roman, and Anglo-Saxon periods. However, he considers that this potential can be investigated pre-commencement rather than pre-determination. This

judgement is made on the basis of a phased trial trenching investigation proposed by the applicant together with his agreement to use construction methods that would avoid any below ground impacts should the fieldwork identify important archaeological remains requiring preservation in situ. This carries substantial weight.

5.16 Overall therefore it is concluded that the proposal would accord with Local Plan Policy LP15 in that it would cause less than substantial harm and that such harm would be at the lower end of that scale.

v) Ecology

5.17 The nearest statutory nature conservation site is at Ensor's Pool some 3.5 kilometres from the site, but this has no ecological or hydrological connections with the site. There are three Local Nature Reserves between 2.5 and 4 kilometres from the site – Bedworth Sloughs, Galley Common and Daffern's Wood, but as above, there is no connectivity between them and given the nature of the development, there is no adverse impact identified.

5.18 The site itself comprises three large arable fields bounded by hedgerows with a number of trees and a drainage ditch running along the southern boundary. It has a generally low overall ecological value and a limited variety of habitats. The proposals include a number of mitigation measures to ensure that there is bio-diversity nett gain associated with the development. These include strengthening existing hedgerows, creating 2.8 kilometres of new hedgerow, creating new meadow land and the provision of a new pond. As a consequence, the nett gain would be in excess of the statutory requirement. The site itself has poor quality foraging habitats for bats, but the adjacent plantation would not be affected by the proposal. The site contains suitable habitats for badger foraging and sett creation, but none have been identified. Providing the existing hedgerows are retained and strengthened and the panels are set away from the hedgerows, the proposal would not be harmful to badger activity. The site supports a wide range of bird species including barn owls, but the proposal would not cause harm to their continued presence. All water bodies within 250 metres of the site were evaluated for Greater Crested Newts. One of these was found to contain a low population of newts. No newt ponds are being lost through the development. However, in order to enhance the overall population and to increase the available habitat for the existing population, a new pond is proposed within the site as part of the mitigation measures.

5.19 Local Plan policy LP16 seeks to protect and enhance the quality, character and local distinctiveness of the natural environment as appropriate to the nature of the development proposed. A bio-diversity nett gain has been shown to be provided here. It is considered that the enhancements and the fact that the site is to be left uncultivated, provide the appropriate comforts to conclude that there will be no unacceptable level of harm.

vi) Highways

5.20 As recorded in Appendix A, all access would be gained from Astley Lane via improvements to the existing agricultural access track that already is in use. A temporary construction compound would be provided off this track. Construction traffic would be to and from the M6 via Heath Road and Astley Lane with all traffic arriving

from and leaving to the east. This would reduce throughout the four-month construction period – from around 60 two-way vehicle movements a day to 30 (both HG and LG) vehicle movements. Once operational, the site would average one visit a week.

5.21 The Highway Authority has not objected in principle but asked for changes to the access itself. These are not unreasonable and can all be achieved. The applicant has responded by submitting amended plans which has resulted in the County Council being satisfied. There is thus not considered to be an unacceptable highway impact with the proposal as it would then accord with Local Plan Policy LP29 (6).

vii) Agricultural Land

5.22 It is agreed that the land here would be taken out of agricultural production. As already indicated in Appendix A, only 15% of the site is good quality agricultural land – grade 3a. This would be still a harmful impact to be considered in the final planning balance. However, the land would not be permanently lost and there would be the opportunity for sheep grazing and resting the soils leading to their overall improvement.

In all of these circumstances it is not considered that significant harm would be caused.

viii) Other Matters

5.23 Following the receipt of additional information, the Lead Local Flood Authority is now satisfied subject to conditions, and this is of significant weight in concluding that there would be no unacceptable drainage impact

5.24 Further information requested by the Environmental Health Officer in respect of potential noise impacts has been submitted leading to there being no objection subject to conditions. These conditions would "mirror" those used on similar cases in the Borough.

5.25 Given the separation distances to residential property, the intervening topography and vegetation, it is considered that there would be no adverse impact on the residential amenity of occupiers.

5.26 It is of note that the Airport has not objected on potential glint and glare impacts. Similarly, the Fire and Rescue Service has not objected.

5.27 Many of the matters that are referred to in Appendix E are not planning matters.

ix) The Proposed Community Fund

5.28 The applicant is proposing a local community fund for use in Astley Parish. This would either be an annual £5,000 payment for the duration of the development, or a one-off £50,000 payment. The Parish Council has not yet responded.

5.29 Members should be aware that this a not a material planning consideration in the Board's determination of this application. It is a "private" consideration between the Parish and the applicant.

x) Cumulative Impacts

5.30 It is necessary to assess whether there is any cumulative harm caused by this and other recent approvals. The two other approved sites are several kilometres apart and there is no visual intervisibility, highway or footpath network connection or nature conservation corridor or linkage between the two sites. In landscape terms they are located in different settings and with no overlapping impacts. There is thus no cumulative landscape harm. However, all of the sites are in the Green Belt and taken together there is an argument that the Green Belt is not being protected. However, the essential characteristics of the Green Belt as defined by the NPPF are its openness and permanence. There would be no cumulative loss of openness as each of the proposals has been shown to preserve openness and the proposals, although long-term are all time-limited and are all reversible. It is not therefore considered that cumulative harm should amount to a recommendation of refusal.

d) The Harm Side of the Planning Balance

5.31 From the above assessments it is considered that the "harm" side of the planning balance in this case comprises substantial definitional Green Belt harm, limited actual Green Belt harm, less than substantial heritage harm, and the loss of a small amount of good quality agricultural land.

e) The Applicant's Case

5.32 The applicant's case has to provide sufficient weight to amount to the very special circumstances needed to "clearly" outweigh the cumulative level of harm caused. He has put forward a number of considerations which he considers do carry that weight when treated together – see paragraph 4.14 of Appendix A. It is not proposed to repeat the case as set out in that Appendix.

5.33 A number of these relate to the need to increase renewable energy generation and to ensure its supply. The applicant says that energy generation from the site would be 16MWh of electricity a year – equivalent to the use of around 5200 homes. National Energy and Planning Policy fully support these objectives and Members are referred to Section 3 above, which identifies the relevant documentation. In a planning context, then the NPPF at paragraph 152 says that the "planning system should support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure". More particularly at paragraph 158 it says that "when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy", and importantly, "approve the application if its impacts are (or can be made) acceptable". This is complemented by Policy LP35 of the North Warwickshire Local Plan which says that "renewable energy projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. In particular, they will be assessed on their individual and cumulative impact on landscape quality, sites or features of natural importance, sites or buildings of historic or cultural importance, residential amenity and the local economy". In respect of proposed renewable developments in the Green Belt, then the NPPF at paragraph 151, says that in respect of making a case for very special circumstances, applicants "may include the wider environmental benefits associated with increased production of energy from renewable sources". Additionally, the most recent Supply

Strategy Statement from the Government reflects the focus on renewable sources, as well as sustaining its supply. As a consequence of all of these matters, it is considered that these considerations put forward by the applicant, carry substantial weight.

5.34 Further considerations revolve around the use of using the best available technology and good design. This revolves around maximising the productivity of the site for renewable energy whilst minimising visual and environmental harm. This is a relevant consideration as it assists in reducing land take and storing energy on site so as to release it to the grid as and when it might be needed. In so doing the design has retained existing field boundaries and tree cover and used ground levels to its advantage. If the renewable energy objective is acknowledged, then it is considered that that these "design" considerations should carry significant weight in order to reduce a range of potential adverse impacts.

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

5.36 The final considerations revolve around bio-diversity gain and soil regeneration. It is considered that bio-diversity gain should be given weight, but this objective will become a mandatory requirement in any event next year. Soil regeneration is considered to be a benefit of some weight and farm diversification would accord with Local Plan Policy LP13. As such this set of considerations would carry moderate weight.

5.37 In conclusion therefore, the need to provide sustained renewable energy carries substantial weight and the employment of good design and the best available technology to do so, carries significant weight. Moderate weight is afforded to the timespan of the development and to the ecological benefits associated with the proposal.

f) The Final Planning Balance

5.38 The final planning balance is thus coming to a planning judgement on whether the weight to be given to the applicant's case as summarised in paragraph 5.34 "clearly" outweighs the cumulative weight of the harms identified in para 5.28 above.

5.39 It is considered that it does for the following reasons.

5.40 It is recognised that solar farms may result in some landscape and visual harmful impacts, as well as being inappropriate development in the Green Belt. However national and local planning policy indicate that a positive approach should be taken, indicating that development can be approved in very special circumstances and those circumstances can include the benefits arising from renewable energy generation. Here, through a combination of topography, existing screening and landscape mitigation, the adverse effects on the openness of the Green Belt, landscape harm and visual impact would be localised and thus limited. Moreover, as the proposed mitigation progressively matures, there would be a reduction in these residual adverse impacts. Additionally, the bio-diversity gains are a significant benefit. Whilst there would be some localised harm, greater weight is attached to the overall societal and national benefit arising from the

need to tackle climate change through support of renewable energy generation and its sustainable supply. Material considerations here are the 40-year life of the project and the very recent Energy Supply Strategy. These would make it unreasonable to limit the life of the development to a shorter period when the technology and design of the proposal ensures a sustainable energy supply.

5.41 It was found that there was less than substantial heritage harm and that this was at the lower end within this definition. The NPPF says that even in this circumstance, the harm still carries great weight. It has to be weighed against the public benefits of the proposal. It is considered that the need to tackle climate change as recognised in legislation, national energy policy and Development Plan policy and the substantial benefits of the scheme, when taken together do outweigh the less than substantial harm to the heritage assets involved.

5.42 Whilst the proposal would take agricultural land out of active production, there would no loss of that land given the reversible nature of the proposal and there would be some enhancement through enabling the soil to improve.

5.43 The proposal would make a contribution to the objective of achieving an increase in renewable energy generation and ensure that this is a sustainable increase. When national and local plan policy is taken together as a whole, the proposal would not conflict with their objectives.

Recommendation

That, once agreement has been reached on the wording of "noise" conditions, this matter is referred to the Secretary of State under the 2009 Direction, as the Council is minded to support the grant of planning permission, subject to the following conditions and those agreed in respect of noise:

Standard Condition

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.

Defining Conditions

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents:

   a) plan numbers NT15256/001C, 003D, 004, 005, 107A together with the CCTV details and plans for the control room, cable trenching, the customer substation, the DNO substation, the security fencing, the storage room, the transformer substation and the access road construction.

b) Access plan number NT1526/601D and 602C together with the Technical Note NT15256/001.
c) The Flood Risk Assessment (NT 15256 – Solar End Solar Farm FRA – Rev A) prepared by Wardell Armstrong and received by the Local Planning Authority on 20/12/22.
d) The Construction Environmental Management Plan prepared by Wardell Armstrong dated October 2022.

REASON

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

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

   REASON

   In order to confirm that this permission is for a temporary period only.

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

   REASON:

   In order to define the scope of the permission and to confirm that this is for a temporary period.

5. The scheme as agreed in writing by the Local Planning Authority under condition 4 shall be implemented in full within twelve months of the cessation of the site for the commercial export of electrical power, whether that cessation occurs under the time period set out in Condition 3, but also at the end of any continuous cessation of the commercial export of electrical power from the site for a period of twelve months.

   REASON

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

Pre-Commencement conditions

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

   REASON

   In the interests of appearance of the area.

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

   REASON

   In the interests of the appearance of the area and to ensure that there is no avoidable loss of landscaping and bio-diversity enhancement.

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

   REASON

   In the interests of the residential amenity of neighbouring occupiers.

10. No development shall take place on site including any site clearance or preparation prior to construction, until all three of the following have been completed.

i) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work over the whole site has been submitted to and approved in writing by the Local Planning Authority.
ii) The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken and a report detailing the results of this fieldwork and confirmation of the arrangements for the deposition of the archaeological archive has been submitted to the Local Planning Authority
(iii) An archaeological Mitigation Strategy (including a WSI for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. The Strategy should mitigate the impact of the proposed development and should be informed by the evaluation work undertaken.

REASON

In the interests of the potential archaeological value of the site

11.No development shall commence on site until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include demonstration of support of the scheme through detailed plans and calculations of the proposed attenuation system and outfall arrangements. The calculations should demonstrate the performance of the designed system for a range of return periods and storm durations including 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40% climate change based on a discharge rate of no more than 2.03 litres per second.

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

REASON

To prevent the risk of increased flooding, to improve and protect water supply and to improve habitat.

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

REASON

In the interests of highway safety.

Pre-Operational Use conditions

13.There shall be no commercial export of electrical power from the site until a Drainage Verification Report for the installed surface water drainage system based on the Flood Risk Assessment approved under Condition 2 and the system as approved under Condition 11 has been submitted to and approved in writing by the Local Planning Authority. It should include:

- demonstration that any departures from the approved design is in keeping with the approved principles
- As-built photographs and drawings
- The results of any performance testing undertaken as part of the application process
- Copies of all Statutory Approvals such as Land Drainage Consent for Discharge
- Confirmation that the system is free from defects, damage and foreign objects.

The Report should be prepared by a suitably qualified independent drainage engineer.

REASON

To ensure that the development is implemented as approved and thereby reducing the risk of flooding.

14.There shall be no commercial export of electrical power from the site until a detailed site- specific maintenance plan has been submitted to and approved in writing by the Local Planning Authority. It shall include:

- The name of the party responsible, including contact name, address, email address and phone numbers
- Plans showing the locations of features requiring maintenance and how these should be accessed.
- Details of how each feature shall be maintained and maintained and managed throughout the lifetime of the development.
- Written in plain English

REASON

To ensure the maintenance of sustainable drainage structures so as reduce the risk of flooding.

15. There shall be no commercial export of electrical power from the site until a Landscape and Ecological Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The details in that approved plan shall then be implemented on site and be adhered to at all times during the lifetime of the development.

REASON

In the interests of enhancing and protecting bio-diversity.

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

REASON

In the interests of highway safety

Other Conditions

17.The Construction Environment Management Plan dated October 2022 and the amended details set out in the Technical Note from Wardell Armstrong dated October 2022 shall be adhered to at all times throughout the construction of the development.

REASON

In the interests of the residential amenity and in the interests of road safety.

18. Noise condition to be agreed as per the recommendation.

19. Within six months after the first commercial export of electrical power from the development hereby approved, the applicant shall undertake compliance noise monitoring. The applicant shall submit the results of the noise measurements undertaken in writing to the Local Planning Authority. The submission should confirm whether the specific sound levels from industrial/commercial sources within the development arising from the operation of the solar farm, meet the requirements set out in Condition 18. If the specified sound levels are exceeded, additional mitigation measures should be developed and implemented. Any such mitigation measures shall first be agreed by the Local Planning Authority in writing and permanently retained and maintained in proper working order for the duration of the operational life of the development.

REASON

To demonstrate compliance with condition 18 and thus to accord with Local Planning Policy LP29 and NPPF paragraph 174 so as to minimise adverse sound levels at neighbouring residential property.

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

REASON

In the interests of the appearance of the area and to ensure that this is maintained throughout the life of the permission.

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

REASON

In the interests of ensuring that the nature conservation value of the site is maintained
22. No gates shall be located within the vehicular access to the site during the construction and de-commissioning phases, so as to open within 20 metres of the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

23. No security fencing shall be erected on or within 1 metre of any public footpath.

REASON

In the interests of ensuring access to the public footpath network

24. There shall be no vegetation planted within two metres of the edge of any public footpath.

REASON

In the interests of ensuring access to the public footpath network

Notes:

1. The Local Planning Authority has met the requirements of the NPPF in this case through engagement with the applicant in order to overcome technical issues so as to result in a positive outcome
2. Whilst the applicant has demonstrated the principles of an acceptable surface water management strategy for the site, further information is still required as set out in conditions 11 and 13.
3. The surface water management strategy should be treated as a minimum. Further consideration should be given to other details that might be appropriate on site.
4. The details to be submitted to discharge conditions 11 and 13 should be close to the level of detail suitable for tender or construction.
5. All public footpaths must remain open and available for public use at all times, unless closed by legal Order and so must not be obstructed by parked vehicles or by materials.
6. The applicant/developer must make good any damage to the surface of any public footpath caused during construction
7. Any disturbance or alteration to the surface of any public footpath requires prior authorisation from Warwickshire County Council as does the installation of any new gate or other structure on the footpath.
8. Attention is drawn to Sections 149, 151, 163 and 184 of the Highways Act 1980, the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.

APPENDIX A

General Development Applications

(7/c) Application No: PAP/2022/0544

Land South of Astley Lane, Bedworth

Construction of a renewable energy generating solar farm together with transformers, inverters, control building, DNO substation, store-room, mast, security measures, associated infrastructure and works, landscaping and bio-diversity enhancements for

Industria Solar Bedworth Ltd

1. Introduction

1.1 This report is brought to the Board in order to acknowledge its receipt, such that Members can review the proposals and the planning background prior to a full determination report being referred to the Board.

1.2 Members will be aware that the Board recently granted planning permission for two other solar farm applications in this same general area of North Warwickshire.

1.3 The cumulative impacts of these two recent consents with this current case will need to be assessed.

1.4 The proposal may fall under the 2009 Direction whereby there would need to be referral to the Secretary of State in the event that the Council was minded to support the proposal given its Green Belt location.

2. The Site

2.1 The site comprises three arable fields with a total of 28 hectares located around 100 to 125 metres south of Astley Lane – the C13 road – which runs from Astley to the north-west into Bedworth to the south-east. The land between the Lane and the site is essentially level and flat. Two of the fields which comprise the largest segment of the site are closest to Astley Lane and they are beyond this level ground. They slope noticeably down to water course – named as the River Sowe - which runs along their southern edge. The third much smaller field is to the south-west and is on the other side of the watercourse on the up-slope from it to higher land to the south. The difference in levels from the north -i.e. the level ground - to the water course is around 20 metres and from the south to the watercourse is around 5 metres. There is an overhead electricity line crossing the northwest corner of the easternmost field.

2.2 The setting of the site is rural being open countryside. There are a few residential properties fronting the south side of Astley Lane on the level ground referred to above and these are concentrated around Sole End Farm. This is a large range of former and current agricultural buildings many of which are now used for commercial purposes – known as the Sole End Farm Business Park. Further to the east along the Lane is the Cow Lees Care Home. To the west along the Lane are Soar End Farm – now a "book-farm" – and Wood Farm house. Astley village is about two kilometres to the west and the edge of Bedworth is around a kilometre to the east.

2.3 On the other side of the valley are two isolated farmsteads – Vaul's Farm and Taff's Farm. The latter is accessed from Smorral Lane to the south whereas the former has access onto Astley Lane.

2.4 A public footpath – the M337 Coventry Way - runs alongside almost the whole southern site boundary running in an east/west direction. The M335 runs north/south from Smorral Lane and past Vaul's Farm, crossing the MJ337, to exit onto Astley Lane. Another path the M336 joins the M335 at Taff's Farm again running up from further east along Smorral Lane.

2.5 The site is illustrated at Appendix A.

2.6 The site along with those of the two recent permissions is at Appendix B.

3. The Proposals

3.1 The solar array would be oriented east/west across the whole site with the panels being angled so as to face south. These would be 2.7 metres off the ground at their highest and 800mm at their lowest. There would be a three and a half metre open corridor between the lines of panels as well as other "stand-off" distances from fencing, other structures, hedgerows and trees. In terms of dimensions of other infrastructure, then the transformers would measure 3 by 2.45 metres and be 2.6 metres tall; the substation would be 9.5 by 2.4 and 2.8metres tall. The DNO substation would be 6.5 by 5.9 metres and 3.7 high. Additionally, there would be a store-room of 6 by 2.4 metres and 2.7 tall and a communication mast 1.2 metres wide and 20 metres tall. This mast would be located in the north-east of the site close to and behind the Sole End Farm range of buildings. A two metre tall perimeter security fence together with pole-mounted CCTV cameras would surround the site. All buildings are to be coloured dark green.

3.2 Access into the site would be from Astley Lane using an existing farm access up to Vaul's Farm. This would need

3.3 The point of connection to the grid would be at an existing substation on Woodlands Lane about 2 kilometres to the east and to route from the site would be within existing farm tracks and then in the highway.

3.4 The Construction compound would be in the far north-western corner.

3.5 A plan illustrating the layout is at Appendix C

3.5 In terms of landscaping then a mixture of wildflower meadow plants would be planted across the site; water tolerant wildflower meadow would be planted either side of the water course, a shade tolerant mix in the south-east outside of the site but in the same ownership, existing hedgerows would be retained but new ones planted so as to replicate the 1880 arrangement running down the slope together with a new pond in the north-east corner of the site. It is said that there would be a 250% biodiversity nett gain for habitats as a consequence and a 134% gain for hedgerows.

3.6 These are illustrated at Appendix D.

3.7 The construction period is estimated last for four to five months. It is anticipated that there would be an average daily flow of some 61 two-way vehicle movements into and out of the site during the initial phase of construction.

3.8 The proposal would generate renewable energy to power 5225 homes per year over its 40-year life.

3.9 A Community fund is being proposed either as a one-off payment or an annual sum throughout the proposals 40-year operational life. It is suggested that this might be arranged through the Parish Council.

3.10 There is a significant amount of supporting documentation submitted and this is summarised below.

4. Submitted Documentation

4.1 A Transport Assessment describes the condition of the access onto Astley Lane and the characteristics and setting of that road. The construction phase is anticipated to last for four months with an average of 61 movements per day (34 HGV's and 27 Car and LGV's) in the first month reducing to 28 in the final month (1 HGV and 27 Car and LGV's). Construction traffic would be routed via Bedworth to the M6 Motorway. The existing access geometry will need improvement. Once operational, the site would attract around 50 visits a year by either a van or a 4x4 vehicle.

4.2 A Ground Conditions Survey concludes that the site has always been in agricultural use. It is also within a Coal Authority Low Risk Area. There were also some small infilled former pits within the north of the site possibly used previously for the quarrying of sandstone. Because of the age of the infill – probably pre-1950 - the potential risks of gas emissions and leachable contamination are low. Overall, the survey concludes that there is low geo-environmental risk.

4.3 A Preliminary Ecological Appraisal concludes that there are no significant ecological constraints to the development and that with appropriate mitigation measures and additional assessments, the ecological value of the site would not be adversely affected. The proposed measures of meadow grassland, new hedgerows and the pond would enhance the overall value. The site lies wholly outside of the designated Ensor's Pool SSSI being 3.5 km away. Due to the low impact nature of the proposal, the separation distance and there being no ecological connectivity, there would be negligible direct or indirect impact. Similarly, the same conclusion is reached in respect of the site being at least 2.5 km and 4km away from three Local Nature Reserves. The site however is adjacent to Black Fir's Spinney – a local wildlife site – but due to the low impact of the proposal, any impacts are considered to be negligible. No further surveys are considered necessary for badgers or bats due to the low intensity of the development and there being no loss of trees or hedgerows. However additional survey work is needed for great crested newts given there is a pond within 250 metres of the site.

4.4 The Great Crested Newt Survey as recommended above has been undertaken. This showed that there are no ponds being lost as a consequence of the proposal, but that there may be some disturbance to them during construction when they are not present in the nearby pond referred to above. This would not normally require mitigation, but with proposed bio-diversity enhancements being proposed on site, the

opportunity is taken to provide an additional pond on site. The construction period is to be monitored by a qualified ecologist and one who is licensed to deal with newts and the creation of a potential new habitat for them.

4.5 An Environmental Management Plan describes in more detail how the bio-diversity enhancements are to be implemented and maintained.

4.6 A Noise Impact Assessment concludes that noise from the proposed development will cause a low impact at noise sensitive receptors and thus no mitigation is proposed. The report identifies these as being the residential properties along Astley Lane, Cow Lees Care Home, Taff's Farm, Vaul's Farm, Woodhouse Farm and the Astley Book Farm. The dominant existing noise source was found to be road traffic noise.

4.7 A Glint and Glare Assessment concludes that there would not generally be a material impact on residential properties around the site. However, two areas were identified where there may be some susceptibility to glint at certain times of the day – the northern portion of Astley Lane and the track to Vaul's Farm. The mitigation proposed in terms of proposed screening would have an impact in reducing this effect.

4.8 An Archaeological Appraisal indicates that an initial assessment has identified potential for archaeological remains from the medieval period onwards of agricultural use and it is suggested that a pre-commencement evaluation is the preferred way forward. The initial evidence does not suggest that the evaluation should be at pre-determination stage.

4.9 A Heritage Impact Statement identifies two Scheduled Ancient Monuments, a Grade 2 star and a Grade 2 Registered Park and Garden within five kilometres of the site, together with One Grade One, six Grade 2 star and 13 grade 2 listed buildings. It concludes that there is no direct impact on the fabric of any of these assets or their individual historic or architectural attributes. The main issue is the potential impact of the proposal on their settings both as individual assets and cumulatively. The Statement concludes that in general terms, due to the topography of the site, there is no intervisibility between these assets and the development and that the site is not within an area where the understanding of an asset might be prejudiced. Neither would there be any acoustic or lighting impacts on the settings. However, there are two instances that are identified. Views of the site would be possible from the top of the Astley Church tower. However, this is not a public viewpoint, but looking the other way, the tower would also have some visibility from the site. However, the Statement concludes that these would not be the "key" views of the tower. The other instance is that the site might have glimpsed and distant views from the lych-gate of the Corley Church. As above the Statement concludes that there would be no harm to the setting.

4.10 A Flood Risk Assessment identifies the majority of the site as being within Flood Zone 1. Surface water is to be discharged at four locations into the watercourse running along the southern boundary.

4.11 An Agricultural Land Classification Assessment says that the site is dominated by heavy textured soils which support land with mostly a Grade 3b (21 hectares – around 70%). The balance is made up of Grade 3a (3 hectares), Grade 2(1 hectare) and Grade 4 (3 hectares). The higher quality soils are lighter soils in the southwest of the site.

4.12 A Landscape and Visual Impact Assessment concludes that the proposal would lead to a local, long term but reversible change in the landscape, but that with the proposed mitigation the overall harm would be slightly adverse. In respect of the visual impact the Assessment concludes that the whilst the site is relatively open but constrained by the topography and the surrounding vegetation. It is well screened from long and middle-distance views, but the greatest impacts would be at the local closer distances – from Vaul's and Taff's Farm, property on Astley Lane and users on the footpaths. With mitigation, this would be still be moderately adverse.

4.13 A Statement of Community Involvement describes the pre-application consultation undertaken by the applicant. Community engagement is said to have taken the form of an interactive website; letters to around 540 properties around the site and contact with the Astley Parish Council. Of the 23 respondents on the website, 19 were from local address points. The main issues raised were the impact of views, property prices, public health, wildlife, loss of agricultural land and the lack of community benefits. Overall, 55% approved the proposal, 27% were unsure or preferred not to say and 18% objected.

4.14 A Planning Statement draws together all of these matters and discusses them within the national and local planning context. In particular the Statement identifies the applicant's considerations which are said to clearly outweigh the cumulative Green Belt and other harms caused so as to amount to the very special circumstances necessary to support the proposal.

These are:

- The proposal is for renewable energy generation in response to climate change.
- Energy security
- lack of alternative sites
- Temporary and reversible impacts
- Significant bio-diversity gain
- Resting the soil from intensive farming
- Positive economic impacts

5. Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP3 (Green Belt), LP14 (Historic Environment), LP15 (Landscape), LP16 (Natural Environment), LP29(Development Considerations), LP30 (Built Form) and LP35 (Renewable Energy and Energy Efficiency)

6. Other Material Planning Considerations

The National Planning Policy Framework – (the "NPPF")

National Planning Practice Guidance – (the "NPPG")

The North Warwickshire Landscape Character Assessment 2010

The Town and Country Planning (Consultation) (England) Direction 2009

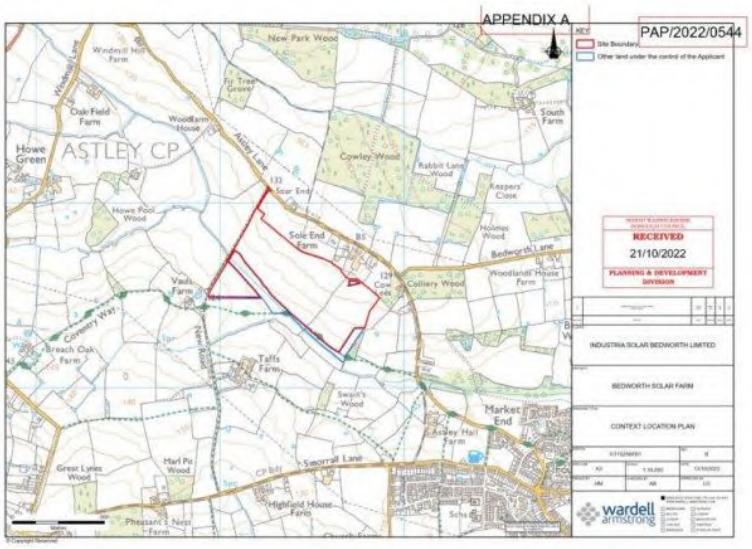
7. Observations

7.1 As explained above, this report is an introductory report bringing the application to the attention of the Board at an early stage. It describes the site as well as the proposal. The relevant parts of the Development Plan are identified a well as a number of other material planning considerations.

7.2 It is considered that the Board would benefit from looking at the site in order to best assess the impacts of the proposal.

Recommendation

That the report be noted and that Members visit the site prior to determination.


APPENDIX A
PAP/2022/0544
ASTLEY CP
Howe Green
Oak Field Farm
Windmill Hall Farm
Woodlarn House
Astley Lane
New Park Wood
Fir Tree Grove
South Farm
Cowley Wood
Rabbit Lane Wood
Keepers Close
Howe Pool Wood
Sole End
Sole End Farm
Holmley Wood
Bedworth Lane
Vauls Farm
Colliery Wood
Woodlands House Farm
Coventry Way
Breach Oak Farm
New Road
Taffs Farm
Swan's Wood
Market End
Astley Hall Farm
Great Lynes Wood
Marl Pit Wood
Sworrall Lane
Highfield House Farm
Pheasant's Nest Farm
RECEIVED
21/10/2022
PLANNING & DEVELOPMENT DIVISION
INDUSTRIA SOLAR BEDWORTH LIMITED
BEDWORTH SOLAR FARM
CONTEXT LOCATION PLAN
wardell armstrong

APPENDIX B

Appendix B

5E/36

5f/179

Page 47 of 105

7C/26

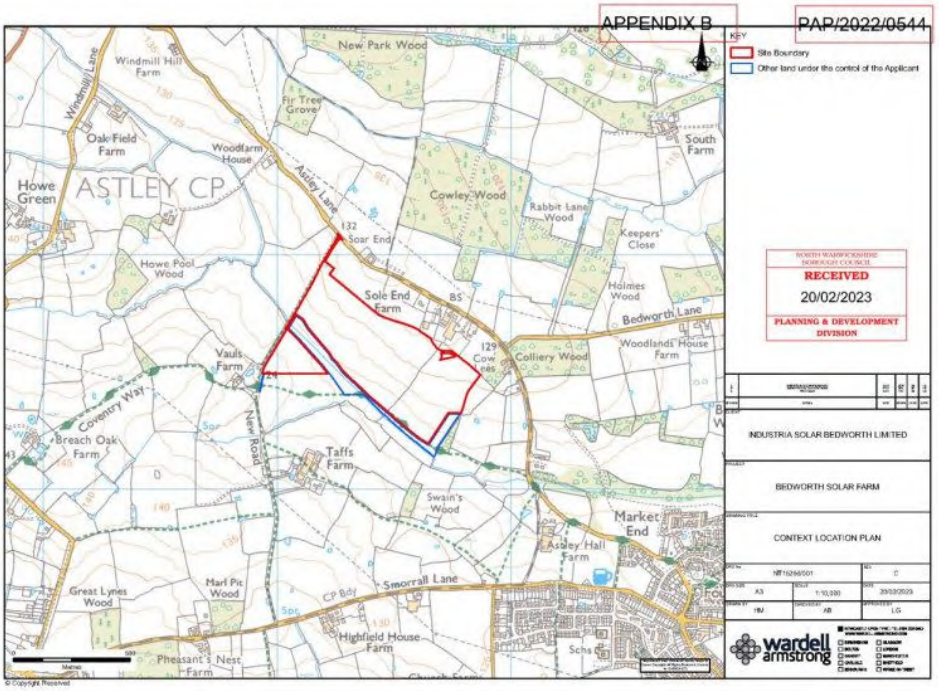
9c/35

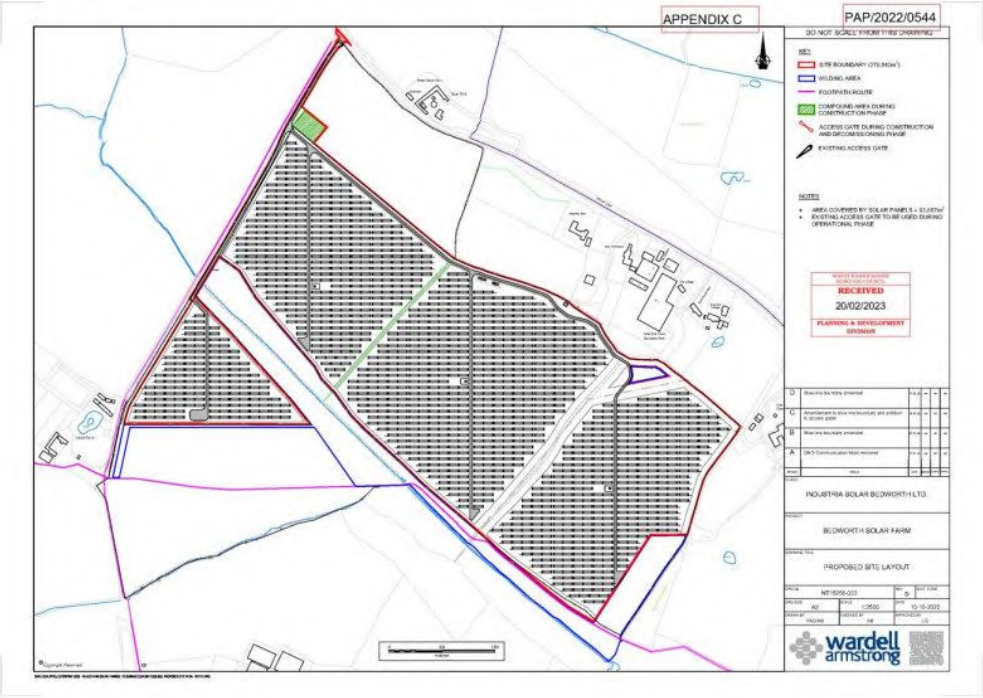
8f/63

7C/27

9c/36

8f/64


APPENDIX B
PAP/2022/0544
KEY
Site Boundary
Other land under the control of the Applicant
RECEIVED
20/02/2023
PLANNING & DEVELOPMENT DIVISION
INDUSTRIA SOLAR BEDWORTH LIMITED
BEDWORTH SOLAR FARM
CONTEXT LOCATION PLAN
wardell armstrong
New Park Wood
Windmill Hill Farm
Windmill Lane
Fir Tree Grove
Oak Field Farm
Woodfarm House
Ashley Lane
South Farm
Howe Green
ASTLEY CP
Cowley Wood
Rabbit Lane Wood
Keepers' Close
Howe Pool Wood
Sole End Farm
Holmes Wood
Bedworth Lane
Woodlands House Farm
Colliery Wood
Vauls Farm
Coventry Way
Breach Oak Farm
New Road
Taffs Farm
Swain's Wood
Market End
Ashley Hall Farm
Great Lynes Wood
Marl Pit Wood
Smorrall Lane
Highfield House Farm
Pheasant's Nest Farm


APPENDIX C
PAP/2022/0544
DO NOT SCALE FROM THIS DRAWING
SITE BOUNDARY (175.5HA+)
WILDING AREA
FOOTPATH ROUTE
COMPOUND AREA DURING CONSTRUCTION PHASE
ACCESS GATE DURING CONSTRUCTION AND DECOMMISSIONING PHASE
EXISTING ACCESS GATE
NOTES
RECEIVED
20/02/2023
PLANNING & DEVELOPMENT DIVISION
INDUSTRIA SOLAR BEDWORTH LTD.
BEDWORTH SOLAR FARM
PROPOSED SITE LAYOUT
wardell armstrong


APPENDIX D
PAP/2022/0544
RECEIVED
2/03/2023

APPENDIX E6.

Opposition to Fillongley Solar Panels
February 2023

[redacted]

The following paper outlines why planning permission MUST be **refused** for the solar panel farm in Fillongley.

1. Solar Panels are inefficient

Whilst there are 3 different types of solar panels (Monocrystalline, Polycrystalline, and Thin-firm) that range in efficiency they also vary in cost. In general, solar panels are rated to perform at peak efficiency between 59F (15C and 35C) and 95F. This means that the panels will be most efficient during the summer when electricity demand is at its lowest. Outside of this temperature range the efficiency by which the panels decrease does depend on the panel type but for every one degree above 25C the maximum efficiency will decrease by 0.38%. This means that as the temperatures in the UK in the summer months continue to rise the efficiency of the solar panel continues to reduce. (www.bostonsolar.us)

Notwithstanding the temperature range within which the panels operate they are only able to convert around 20% of sunlight into usable energy. Whilst this has increased from the previous 15% this still renders them highly inefficient. The most expensive solar panel conversion rate is only 23%. This means that even when they are working at full temperate capacity, they will still only be able to convert around 20% of the sunlight they capture anyway. Battery storage can improve the situation slightly but storing some of this energy for later use. This means that any houses that are alleged to benefit from the panels will still be heavily reliant on (fossil fuel power produced by) the National Grid.

A report by Netzerowatch.com states that 'it has been calculated that most UK solar farms will never get beyond 12% of their true capacity in the course of a year'. In April 2021, a month that was unusually sunny, dry and warm solar panels only contributed 7% to the National Grid. In December 2020 the contribution was a little as 0.67% of the total energy produced by the grid. (www.netzerowatch.com Solar farms: A toxic blot on the landscape)

In terms of the longevity of the efficiency of the panels manufacturers of the panels typically warrantee them to retain 80% of their 20% efficiency for around 20 years. This means that they will lose around 1% of their efficiency every year. (www.hazardouswasteexperts.com)

New research on the coming solar panel crisis along with rising blackouts from renewables, reinforces the inherent flaws in solar and other forms of renewable energy. Over-relying on solar panels and underestimating the need for nuclear and natural gas, resulted in California's blackouts in 2020. (www.forbes.com Dark Side of Solar? More reports tie panel production to toxic pollution)

A 140- acre solar park is said to only be capable of supplying electricity to about 9,000 homes. This is incredibly inefficient in comparison to off-shore wind farm. One wind turbine in the North Sea can power 18,000 homes.

2. UK relies too heavily on food importation; we should and need to be self-sufficient!

The UK currently only produces 60% of its domestic food consumption. In 2020 only 71% of the UK is used for agricultural production. Domestic production faces a number of long-term and short-term risks, including soil degradation, drought and flooding, diseases, risks to fuel and fertiliser supplies, and a changing labour market. (www.gov.uk United Kingdom Food Security Report 2021: Theme 2: UK Food Supply Sources). As more and more agricultural land is used to house solar panel farms clearly solar panels need to be added to that list.

The UK only produces a little over 50% of vegetables it consumed domestically, and only 16% of fruit. It is therefore not self-sufficient and has to rely heavily on imports. The consequence of this is that in February 2023 supermarkets are rationing vegetable purchases due to issues with production and importations from other countries. This is on top of increasing food costs. The UK must utilise its agricultural land and produce more of its own fruit and vegetables in order to become increasingly self-sufficient; the consequences of not doing this could be devastating for future generations. The reasons for the shortages are cited as, including, Brexit, cold weather in Spain and extreme weather in Morocco. (www.telegraph.co.uk Why are UK supermarkets rationing fruit and vegetables?).

We must improve food security in the UK and help to tackle austerity for both now and future generations. Producing home grown fruit and vegetables enhances the environment (human health, reducing pollution in the atmosphere, and for wildlife) and reduces the carbon footprint of imports. Growing our own fruit and vegetables and minimising importation would be arguably far more beneficial for the environment than the little return that solar panels may offer.

In spite of cold weather in the UK it is possible to grow fruits such as tomatoes in the winter (one of the fruits currently being rationed). According to experts these fruits can be grown in greenhouses in the winter. (www.express.co.uk 'Ideal place for them': How to grow tomatoes in winter successfully – it's essential'). This is, after all is how fruit and vegetables are produced in Spain in the winter months.

Taking away agricultural land prevents the UK from utilising its land to become self-sufficient in the growth and consumption of fruit and vegetables. Importing such high volumes of food is not environmentally sustainable and air miles contradict claims of caring for the environment and reducing our carbon foot print. Surely becoming self-sufficient in terms of food would be more helpful for our carbon footprint and to achieve this we need our arable land for farming. Use arable land for farming ant not destructive solar panels.

3. Already far too much land has been lost to solar panels in North Warwickshire

153 acres of arable land in Nuneaton, land that should be used for growing food, has already been shamefully handed over for a solar panel farm. Notwithstanding the inefficiencies noted in this paper, all of this land has been lost in the interests of powering a mere 5,500 homes in North Warwickshire. (www.astleygorsesolarfarm.com). It's hard to

imagine how this can ever be approved or justified. This equates to mass destruction of countryside and desperately needed arable fields for the sake of some of the power (mostly during the summer months) for 5,500 houses.

4. UK government (PM Rishi Sunak) has vowed to prevent agricultural land from being used for solar panel farms.

The Prime Minister has stated that he will not support solar panels to be put on agricultural land. (www.telegraph.co.uk Rishi Sunak: We won't lose out best farmland to solar panels. 18 August 2022). Consenting to any planning request for a solar farm in Fillongley flies in the face to the Conservative governments policy. Surely a Conservative Council agrees with a Conservative government.

5. Agricultural land used for panels cannot always be returned to agriculture

Land is being taken out of cultivation at the rate of almost 100,000 acres per year. The yields from the land, due to global warming, are also declining meaning that arable land is more valuable than ever; food importation is contributing to climate change. The amount of arable land in the UK in 2018 stood at 14.8 million acres; the lowest since World War 2.

Solar panels can leak chemicals into the ground through poor manufacturing and extreme weather conditions. (www.unboundsolar.com Can Solar Modules Harm Underlying Soil?). Given that the UK is in the grip of increasing weather extremities, high winds, rainfall/flooding, water and drought it can only be concluded that such instances of toxic leaking through weather damage will become increasingly more common. (www.earth.org The Future of Extreme Weather Events and Climate Change in the UK).

Where toxic chemicals leak from the panels into the ground it can mean that the ground will no longer be suitable for arable use in the future. (www.discovermagazine.com Solar Panel Waste: The Dark Side of Clean Energy).

6. Threat to wildlife

Solar panels are responsible for the deaths of tens of thousands of birds every year. In 2016, a study in the US estimated that solar farms may kill nearly 140,000 birds annually. Whilst the study was unable to cite why this is the case a leading theory suggests that the birds mistake the glare of the panels for the surface of a lake and swoop in to land. (www.wired.com Why do solar farms kill birds? Call in the AI bird watcher)

Nesting pair of Red Kites – a protected species

The Red Kite became extinct in England in 1871 and in Scotland in 1879. Whilst reintroduction has been successful it is now a protected bird in the UK under the Wildlife and Countryside Act, 1981 (www.wildlifetrusts.org The Red Kite). There are nesting and breeding Red Kites in the fields/surrounding fields that are subject to the planning consent for the Fillongley Solar Panel farm.

Other bird species
This means that the panels would present a danger to all birds in the area, including but not limited to other protected birds such as, Buzzards, Kestrals, Hobby's and Owls (to name but a few of the birds in the area in question).

Bats
There are a number of bats in the area and the same can be said for them. Whilst the aforementioned study did not include bats it can be assumed that they will also mistake the glass for water, thereby resulting in their death. (www.cpreherts.org.uk The problem with solar farms). Bats are also seen over the land and are presumed to be nesting in that area. Bats are protected by national and international law. All species of bat, their breeding sires and resting places are strictly protected in England under the Wildlife and Countryside Act 1981.

Deer and Badgers
In addition to the birds in the area there is a great deal of other wildlife that will be affected. Transitory animals, such as deer, have their traditional routes blocked and can be driven onto the roads. There are also badgers present on the land and both badgers and their sets are protected under the Protection of Badgers Act 19912 in England and Wales.

7. Panels can leak toxic chemicals into the waterways

Studies have shown that that heavy materials in solar panels, namely lead and cadmium, can leach out of the cells and get into ground water this will have longer term effects on the land upon which they sit. These materials have been shown to have a detrimental effect on human health. (www.discovermagazine.com Solar Panel Waste: The Dark Side of Clean Energy). There are streams and waterways on the land in question.

8. The parts for the panels are immorally made by cheap labour

A major concern that is seldom highlighted, and a major issue that needs to be addressed, is that both the key materials and the panels themselves are being made by forced labour in Xinjiang province in China. (www.forbes.com Dark Side of Solar? More reports tie panel production to toxic pollution)

China has been reported to use 'forced labor in conditions that the U.S government representatives [...] describes as "genocide" and "slavery"'. Goldman Sachs, reported that 'the Chinese government admits that it operates "surplus labor" programs to relocate millions of people from their homes in Xinjiang. It simply denies that it uses coercion in such relocations. Whilst claims have been made that the process is being automated the truth is that the panel are simply too delicate and 'they can be easily broken if not handled properly'. (www.public.substack.com China Made Solar Cheap With Coal, Subsided, And "Slave" Labor – Not Efficiency)

9. Carbon footprint of solar panels

Questions clearly remain about whether the production and waste of panels creates more pollutants than the fossil fuels they aim to replace.

The component parts and well as the panels themselves are made in Xinjiang province of China. "Xinjiang has become a major polysilicon production hub in China, as the industry requires extensive amounts of energy, and that makes relatively cheaper electricity and abundant thermal power..." The panels are them shipped around the world. (www.public.substack.com China Made Solar Cheap With Coal, Subsided, And "Slave" Labor – Not Efficiency). The carbon footprint for production is therefore high as are the air miles for shipping them around the world.

Notwithstanding these costs the manufacturing of solar panels often requires the use of several noxious chemicals. The panels require pure silicon because the crystal structure it forms is most conductive to letting electrons flow. Production commonly include, nitrogen trifluoride and sulphur hexafluoride, some of the most harmful greenhouse gasses around. Normally silicon can be recycled but the added chemicals of lead and cadmium make this very difficult. The lifespan of these panels is between 20 and 30 years and disposing of them is difficult. (www.discovermagazine.com Solar Panel Waste: The Dark Side of Clean Energy)

The toxic nature of solar panels makes their environmental impacts worse than just the quantity of waste. Solar panels are delicate and break easily and when they do they instantly become hazardous due to their heavy content. They are in fact classified as hazardous waste. (www.forbes.com Dark Side of Solar? More reports tie panel production to toxic pollution)

Research finds that solar panels in use degrade twice as fast as the industry claimed and another report found that panels have been suffering a rising failure rate even before entering service. (www.forbes.com Dark Side of Solar? More reports tie panel production to toxic pollution). Thereby potentially creating yet more waste.

The EU requires solar companies to collect and recycle their panels with these costs built into the build costs but as outlined about this carries a significant carbon footprint. A study published in *Harvard Business Review* (HBR), finds that the waste produced by solar panels will make electricity from solar panels four times more expensive than the world's leading energy analysts thought and will 'darken quickly as the industry sinks under the weight of its own trash'. (www.forbes.com Dark Side of Solar? More reports tie panel production to toxic pollution)

Most solar recycling plants simply remove the silver and copper from the cells and recycle the contaminated glass and plastic casing by burning them in cement ovens. 100% of the aluminium and 95% of the glass is used again. The temperature required to separate these parts of 500C, no doubt achieved by the use of fossil fuels; even the recycling process carries a heavy carbon footprint.

This is time-consuming and costly so most companies simply export the waste to third world countries. Most third world countries are unable to dispose of these correctly and they are placed in landfill and left to leach the metals into the ground. It is projected that by 2050 there will be 80 million tons of solar waste.

It has been reported in *Forbes* that solar panels aren't in fact clean but rather produce 300 times more toxic waste than high-level nuclear waste. In contrast to nuclear waste, which is safely stored, solar panel waste risks exposing the countryside and air to toxic chemicals. (www.forbes.com Dark Side of Solar? More reports tie panel production to toxic pollution)

10. They are ugly and a blot on the landscape

It cannot be disputed that these solar panel farms present a 'blot on the landscape'. They destroy the aesthetics of the natural beautiful landscape. This landscape is enjoyed by our communities, with people visiting from out of area to enjoy the walks.

11. There are numerous brown filled sites and roofs that could be utilised instead.

If the Council disregards the heavy environmental and humanitarian cost associated by these panels, it should at least only consent to planning for brown filled sites.

Conclusion

In conclusion it is irrefutable that solar panels present a significant carbon footprint. They arguably inflict as much damage onto the environment as they seek to remove, if not much more. Allowing these corporate companies, with an interest in financial gain, to destroy the environment by establishing solar panels must be stopped.

'The idea that humankind should turn our gaze away from urgent problems like genocide, toxic waste, and land use impacts because they complicate longer term concerns is precisely the kind of unsustainable thinking that allowed the world to become dependent on toxic solar genocide panels in the first place'. (www.forbes.com Dark Side of Solar? More reports tie panel production to toxic pollution)

One can only conclude that any Council that grants planning for these solar panel farms has a flagrant disregard for the environment, humanity and the future of the planet. The carbon footprint and humanitarian cost is far greater than any benefit these panels can possibly provide to the environment. The measly amount of energy that these panels actually produce can in no way be considered 'green' when their carbon footprint is examined.

APPENDIX 2.

North Warwickshire Borough Council

Jeff Brown BA Dip TP MRTPI
Head of Development Control Service
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Switchboard : (01827) 715341
Fax : (01827) 719225
E Mail :
Website : www.northwarks.gov.uk
This matter is being dealt with by
:
Direct Dial : (01827)
Your ref :
Our ref : PAP/2022/0544

Date : 4th April 2023

Mr B Parkins
Wardell Armstrong LLP
City Quadrant
11 Waterloo Square
Newcastle Upon Tyne
NE1 4DP

Dear Ben

Proposed Solar Farm at Astley Lane, Astley

As you are aware this application was referred to the Council's Planning and Development Board on 3rd April. The Board deferred determination for a number of reasons, but essentially it was to request clarification on a number of matters as well to ask your client to consider amendments. I set out these matters below under a series of headings as this is probably the best way to identify the issues.

a) Matters of Principle

- The Board wishes to better understand the essential need for the development given the number of consents already permitted in this part of the Borough, and
- how this then fits into the national picture.
- It seems to the Board that capacity may have been reached in North Warwickshire
- Whilst acknowledging the claim that the proposal would off-set CO2 emissions, the Board has asked for further detail on whether the whole proposal would be "carbon neutral" taking all matters into account – that is including the manufacture of the panels, plant and equipment, their transport to the site and the construction of the development.
- From a planning perspective, the Board requests that your client explicitly sets out the material planning considerations that he considers do clearly amount to the very special circumstances necessary to support the proposal.

b) Visual Impact

- The Board considers that the site has a very open setting with limited hedgerow and tree cover. It therefore requests that your client considers significantly strengthening the proposed landscaping and screening around the perimeter of the site and within it. The main areas of concern are along the northern and western boundaries. Any such strengthening should be made up of a mix of native species and have an associated management plan associated with it.

c) Noise Impacts

- Notwithstanding the position as set out on the Board report, Members remain to be convinced about the scale of the noise impacts arising from the proposal. This is because of the location of the plant along the northern boundary and because there is no information about the potential "wind tunnel" effect of having the arrays within a valley.
- The Board would welcome your client's response to a suggestion that the plant and equipment be relocated to the site of the construction compound, as this in its view would provide greater separation distances from established residential property.

d) Wildlife Impacts

- More information is requested in respect of the findings of any current research that looks at whether solar panel arrays interfere with the flight patterns of birds.
- The Board wishes to have a clearer explanation as to the existing ecological value of the site and its wildlife.
- It then requests an explanation as to how this might be impacted and if appropriate how adverse impacts might be mitigated.
- That would then lead to an explicit set of mitigation measures

e) Other Matters

- The Board would wish to see more evidence that shows that leaving the land uncultivated, leads to an improvement in soil quality.
- The Board is aware of the offer of the Community Fund to the Parish Council, but has asked if there has been any response.

I appreciate that this outline is quite extensive, but I am also aware that some of this is covered in the documentation submitted with the planning application. I therefore think that it might be useful to have a discussion on how best to approach these matters. I do consider that additional landscaping and strengthened boundary treatment will certainly be a positive move and that re-consideration of the location of the plant and equipment warrants further investigation.

The next available Board meeting will be on Monday 22nd May.

I look forward to hearing from you.

Yours faithfully

Jeff Brown
Head of Development Control

APPENDIX 3

INDUSTRIA

Proposed solar farm at Astley Lane, Astley

Response to North Warwickshire Borough Council's Planning and Development Board request for clarifications on 3rd April 2023

21st April 2023

Response to North Warwickshire Borough Council's Planning and Development Board request for clarifications on 3rd April 2023

Dear Sir/Madam,

This response has been complied to specifically address the following questions raised by North Warwickshire Borough Council:-

a) Matters of Principle

1. *The Board wishes to better understand the essential need for the development given the number of consents already permitted in this part of the Borough, and*
2. *how this then fits into the national picture.*
3. *It seems to the Board that capacity may have been reached in North Warwickshire*
4. *Whilst acknowledging the claim that the proposal would off-set CO2 emissions, the Board has asked for further detail on whether the whole proposal would be "carbon neutral" taking all matters into account – that is including the manufacture of the panels, plant and equipment, their transport to the site and the construction of the development.*
5. *From a planning perspective, the Board requests that your client explicitly sets out the material planning considerations that he considers do clearly amount to the very special circumstances necessary to support the proposal.*

b) Visual Impact

1. *The Board considers that the site has a very open setting with limited hedgerow and tree cover. It therefore requests that your client considers significantly strengthening the proposed landscaping and screening around the perimeter of the site and within it. The main areas of concern are along the northern and western boundaries. Any such strengthening should be made up of a mix of native species and have an associated management plan associated with it.*

c) Noise Impacts

1. *Notwithstanding the position as set out on the Board report, Members remain to be convinced about the scale of the noise impacts arising from the proposal. This is because of the location of the plant along the northern boundary and because there is no information about the potential "wind tunnel" effect of having the arrays within a valley.*
2. *The Board would welcome your client's response to a suggestion that the plant and equipment be relocated to the site of the construction compound, as this in its view would provide greater separation distances from established residential property.*

d) Wildlife Impacts

1. *More information is requested in respect of the findings of any current research that looks at whether solar panel arrays interfere with the flight patterns of birds.*
2. *The Board wishes to have a clearer explanation as to the existing ecological value of the site and its wildlife.*
3. *It then requests an explanation as to how this might be impacted and if appropriate how adverse impacts might be mitigated.*

4. *That would then lead to an explicit set cf mitigation measures*

e) Other Matters

1. *The Board would wish to see more evidence that shows that leaving the land uncultivated, leads to an improvement in soil quality.*
2. *The Board is aware of the cffer cf the Community Fund to the Parish Council, but has asked if there has been any response.*

The responses detailed within this document have been prepared on behalf of the applicant using verifiable and credible sources of information, including UK Government data, Climate Change Committee report, data issued by BEIS and specialist consultants. The individuals preparing and reviewing the data are:-

Don Lord – MCIBSE, CIBSE Low Carbon Consultant and past contributor to national and international energy standards on behalf of the UK and the Chartered Institute of Building Services Engineers.

Jonathan Hall – BSc (Hons), PGDipMS, MBA

This document is intended to provide the substantiated view of the applicant in relation to specific questions raised by the Local Authority only.

Yours sincerely,

Jonathan Hall

QUESTION – Section a) Matters of principle points 1 – 3

1. *The Board wishes to better understand the essential need for the development given the number of consents already permitted in this part of the Borough, and*
2. *how this then fits into the national picture.*
3. *It seems to the Board that capacity may have been reached in North Warwickshire*

RESPONSE – Section a) Matters of principle points 1 – 3

We have responded to the above and cover the following areas;

1. Government solar targets
2. North Warwickshire Borough Council Climate Emergency
3. Ground mounted solar photovoltaic planning approvals within North Warwickshire Borough Council jurisdiction
4. North Warwickshire Borough Council 'fit' into the national picture

1. Government solar targets

The UK government published their report 'Powering up Britain' in March 2023 which confirms that we have reached 14GW of solar installed to date with a gross target to generate 70 gigawatts (GW) of electricity from solar power by 2035, this is an increase of 56GW . This is part of the government's overall goal to achieve net-zero carbon emissions by 2050, and solar power is seen as a key technology to help meet this target. The 70 GW target is ambitious and requires a significant increase in solar capacity in the UK, but the government has outlined various measures to support this, including changes to planning regulations and funding for research and development.

It should be noted that as the electrification increases across the UK, with for example the increased demand for air source heat pumps and electric vehicles, demand for renewable electricity will increase across the North Warwickshire Borough Council area.

KEY POINTS;

- **UK Government Target of 70GW (70,000MW) installed solar by 2035**
- **14GW of solar installed throughout the UK**
- **69MW approved in the North Warwickshire Borough Council to date (see item 2.)**

2. North Warwickshire Borough Council Climate Emergency

North Warwickshire Borough Council declared a climate emergency in 2019 and set a target to become carbon neutral by 2040. The council has not publicly stated a specific carbon savings target, but it will need to significantly reduce its carbon emissions in order to meet this goal. The exact amount of carbon savings required will depend on the council's current carbon emissions, as well as the extent to which it is able to reduce these emissions through measures such as renewable energy generation, energy efficiency improvements, and sustainable transport initiatives. The council is likely to develop a detailed plan outlining its emissions reduction targets and strategies in the coming years but. Currently the draft plan does confirm;

a. the council need to do something
b. the council has identified its main carbon emissions are from fleet vehicles (39%), heating (33%) and electricity use (23%)
c. the key commitments of North Warwickshire Borough Council as;
    i. Making the Council's activities net-zero carbon by 2030
    ii. Achieving 100% clean energy across the Council's full range of functions by 2030
    iii. Supporting and working with other relevant agencies towards making the entire area zero carbon by 2030
    iv. Ensuring that all strategic decisions, budgets and approaches to planning decisions are in line with a shift to zero carbon by 2030
    v. Reporting on the level of investment in the fossil fuel industry that our pension plan and other investments have, and review the Council's investment strategy
d. As part of their plan they will work with a number of stakeholders incl. Infrastructure & Utilities Providers, achieve biodiversity net gain, reinstate hedgerows, rewild more spaces, engage with landowners including farmers to use their land in sustainable and biodiverse ways.
e. encourage landowners and developers to use land for renewable energy.

KEY POINTS;

- **North Warwickshire Borough Council declared a climate emergency in 2019**
- **Key commitments of the council;**
    - **net zero carbon by 2030**
    - **ensure strategic planning decisions to achieve 2030 net zero target**
    - **work with stakeholders incl. utility providers to increase biodiversity net gain, reinstate hedgerows, rewild more spaces, engage with landowners including farmers to use their land in sustainable and biodiverse ways.**
    - **encourage landowners and developers to use land for renewable energy.**

3. Ground mounted solar photovoltaic approved within North Warwickshire Borough Council jurisdiction

We have reviewed data provided by The Department for Business, Energy & Industrial Strategy (BEIS) Renewable Planning Energy Database Quarterly extract to January 2023 and summarise the results for Ground Mounted Solar Photovoltaic Installations in North Warwickshire as follows;

PROJECT	Capacity (MW)	Status	Planning expiry from connection	Decommission
Warton Lane, Grendon	14.70	1/1/2015	25 years	01/01/2040
Pogmore Spinney	5.00	23/1/2017	25 years	23/01/2042
Coton Road	3.00	Awaiting construction	30 years	TBA
Corley Smorral Lane	16.50	Awaiting construction	40 years	TBA
Park Lane	30.00	Awaiting construction	40 years	TBA
Copes Rough Wood	5.00	Submitted		TBA
Astley Lane	16.00	Submitted		TBA
TOTAL	90.20			

The cumulative total capacity is fluid as the various installations only help to meet the prevailing target while their respective planning grants are current. Capacity will be lost both due to planning expiry and the natural degradation of site output, with each site losing between 0.5% and 0.25% per annum, equating to an average of 15% over a 40 year period.

KEY POINTS;

- **69.20MW approved capacity**
- **19.70MW will not achieve the government net zero 2050 target as planning will be expired and the facility decommissioned**
- **21.00MW awaiting planning approval**
- **15% of the capacity will be lost over a 40 year period through natural degradation**

4. North Warwickshire Borough Council fit into the national picture

North Warwickshire Borough Council (NWBC) is one of many local authorities in the United Kingdom that are actively promoting the adoption of solar power as a means of reducing carbon emissions and meeting national renewable energy targets. While the council's solar capacity is just one part of the national picture, it can contribute significantly to the UK's overall solar power generation.

The UK government has set a target to generate 70 gigawatts (GW) of electricity from solar power by 2035, and local authorities such as NWBC can play an important role in helping to achieve this target. In recent years, there has been a significant increase in solar installations across the UK, and it's likely that this trend will continue as more local authorities, businesses, and homeowners recognize the benefits of solar power for reducing carbon emissions and saving on energy costs.

Although there is no pre-defined metric on how NWBC will fit into the national picture, we have responded to this question in 2 ways by considering a metric considering usable land area based on population and a metric based on useable land area;

Population

UK Population		67,100,000
Less areas unsuitable for solar farm development		
National Parks (circa 6% of population live in national parks)		(4,026,000)
Cities and Towns >10,000		(53,000,000)
UK Population living in areas suitable for ground mounted solar		**10,074,000**
UK Government 2035 solar target	70GW	
Expressed as MW	70,000MW	
This equates to MW installed per capita		**0.007MW/Capita**
In relation to North Warwickshire Borough Council (NWBC)		
NWBC population		64,200
Less areas unsuitable for solar farm development		
Cities and Towns >10,000		(10,128)
NWBC population living in areas suitable for ground mounted solar		**54,072**
Per Capital of population this equates to a solar deployment in NWBC		**250.48MW**

Using the above approach the NWBC portion of UK solar allocation would be 250.48MW however, this does not account for any solar deployment to rooftops. We are aware that some deployment will be on rooftops and therefore we need to make some allowance for roof mounted solar.

It is estimated by Solar Energy UK that 1/3rd of the current installed UK solar capacity is located on rooftops. There are a number of considerations when installing solar on rooftops including but not limited to structural integrity, building status, orientation of roof, state of repair, age of the building, electrical infrastructure and grid capacity but, on roof installations will undoubtedly continue and an allowance must be made.

Therefore, based on this approach the maximum total capacity of ground mounted solar that NWBC could anticipate is to meet its proportional quota is **166.99MW** (2/3^{rds} 250.48MW) or 0.167GW.

Land Area

		Km 2
UK Land area excl. waterbodies		231,930
Less areas unsuitable for solar farm development		
National Parks (circa 6% of population live in national parks)		(23,138)
Cities and Towns >10,000		(9,082)
Road network		(4,190)
Woodland outside of national parks		(31,000)
Areas of SSSI outside of national parks		(8,700)
Mountainous areas outside of national parks (40-50k)		(45,000)
Grade 1 agricultural land		(34,965)
UK Land areas suitable for ground mounted solar		**75,855**
UK Government 2035 solar target	70GW	
Expressed as MW	70,000MW	
This equates to MW per km2		**0.92MW/km2**
In relation to North Warwickshire Borough Council (NWBC)		
NWBC Land area excl. waterbodies		310
Less areas unsuitable for solar farm development		
National Parks (circa 6% of population live in national parks)		(0)
Cities and Towns >10,000		(7)
Road network		(70)
Woodland outside of national parks		(12)
Areas of SSSI outside of national parks		(3)
Mountainous areas outside of national parks (40-50k)		(0)
Grade 1 agricultural land		(29)
NWBC Land areas suitable for ground mounted solar		**189**
Km2 of land equates to a solar deployment in NWBC		**173.88MW**

Using the above approach the NWBC portion of UK solar allocation would be 250.48MW however, this does not account for any solar deployment to rooftops. We are aware that some deployment will be on rooftops and therefore we need to make some allowance for roof mounted solar.

It is estimated by Solar Energy UK that 1/3rd of the current installed UK solar capacity is located on rooftops. There are a number of considerations when installing solar on rooftops including but not limited to structural integrity, building status, orientation of roof, state of repair, age of the building, electrical infrastructure and grid capacity but, on roof installations will undoubtedly continue and an allowance must be made.

Therefore, based on this approach the maximum total capacity of ground mounted solar that NWBC could anticipate is to meet its proportional quota is **115.92MW** (2/3^{rds} 173.88MW) or 0.116GW.

KEY POINTS:

- **There is no pre-defined metric to ascertain how North Warwickshire Borough Council fits into the UK Energy strategy**
- **183.20MW ground mount solar is an estimate of North Warwickshire Borough Council indicative apportionment of the 70GW Government 2035 target (average of 250.48MW and 115.92MW)**

QUESTION – Section a) Matters of principle point 4

Whilst acknowledging the claim that the proposal would off-set CO2 emissions, the Board has asked for further detail on whether the whole proposal would be "carbon neutral" taking all matters into account – that is including the manufacture of the panels, plant and equipment, their transport to the site and the construction of the development.

RESPONSE – Section a) Matters of principle point 4

It is correct to state the proposed solar site would operate as a carbon neutral power plant as renewable energy sources such as wind, solar and hydro do not emit carbon dioxide or other greenhouse gases during their operation, unlike fossil fuel power plants. The Department for Business, Energy & Industrial Strategy (BEIS) is responsible for calculating and publishing the carbon intensity of the electricity grid (total carbon dioxide equivalent (CO2e)) and this is updated on a regular basis to express the average carbon value of all energy sources making up the UK grid supply, and the renewable portion of the UK grid's electricity generation does not typically include any carbon emissions. The exception being biomass if non sustainable harvesting is used.

Carbon associated with the manufacture of equipment in China, the EU, Canada, regionally in the USA and in the UK all operate under Energy Trading Schemes (ETS). Under the ETS, companies are required to obtain permits for their carbon emissions, with the total number of permits available gradually decreasing over time to help reduce emissions. Companies can trade permits with each other to help meet their emissions reduction targets, with the aim of encouraging the adoption of low-carbon technologies and practices. Therefore whilst there is undoubtedly carbon emissions associated with the equipment manufacture the UK Government does not account for them at the installation and instead relies on a network of ETS schemes to capture and improve on the emissions.

There are several reasons why embodied carbon is not included when declaring renewable energy installations such as Bedworth as carbon-neutral:

1. Scope of accounting: Carbon neutrality assessments typically focus on the direct emissions associated with a particular activity or operation, such as electricity generation or building heating and cooling. Embodied carbon is considered an indirect emission.
2. Scope of impact: While embodied carbon emissions can be significant, they are generally considered to have a smaller impact on the environment and climate than direct emissions from energy production and use. Typically representing no more that 4 years of operation in the case of solar panels.
3. ETS: Many companies now operate ETS or schemes similar to the ETS where carbon offset can reduce or neutralise the effects of manufacture and transport. For example the EU ETS has been successful in reducing emissions from power and heat production covered by the EU ETS decreased by 41% between 2005 and 2019 and encourages countries to meet emissions targets, with the system having a range of penalties and enforcement mechanisms to ensure compliance.

Notwithstanding the above, numerous academic studies have been undertaken on the concept of carbon debt. The concept of carbon debt, also known as carbon payback time or carbon offset time, refers to the amount of time it takes for a technology or product to offset the carbon emissions generated during its production, transportation and disposal.

Solar panels do have a carbon debt, which refers to the greenhouse gas emissions generated during their manufacture, transportation etc. The amount of carbon debt varies depending on a number of factors such as type of solar panels, manufacturing process and manufacturing location.

Studies have shown that the carbon debt of solar panels can be paid back in a relatively short period of time - typically 1 – 4 years depending on location, installation, orientation and use of the panels. Once the carbon debt is paid back the solar panels become a net positive contributor to reducing greenhouse carbon emissions and mitigating climate change.

It is worth noting that the carbon debt can be further reduced by using renewable energy sources such as wind, hydropower, solar etc in the manufacturing and transportation processes.

- Solar panels only generate carbon emissions during the manufacture and transportation process.
- A solar panel can generate carbon-free electricity for decades after the brief payback period.
- Solar panels don't produce emissions while generating energy.
- Numerous academic experts have calculated that solar panels typically pay back their carbon debt between one and four years.

Finally Solar panels offer other environmental benefits, including but not limited to;

1. Reducing greenhouse gas emissions: Solar panels generate electricity without producing any greenhouse gas emissions, unlike traditional fossil fuels like coal and natural gas. By using solar energy, we can reduce our reliance on fossil fuels and help to mitigate climate change.
2. Conserving water: Traditional power plants require a lot of water to generate electricity. However, solar panels do not require any water to produce electricity, which means that they can help conserve our precious water resources.
3. Reducing air pollution: Solar energy generation does not emit any harmful pollutants or particulate matter, unlike traditional power plants which contribute to air pollution. By using solar energy, we can improve the air quality in our communities.
4. Lowering the carbon footprint: The production process of solar panels does require energy and resources, but the carbon footprint associated with solar panels is significantly lower than that of traditional fossil fuel-based electricity generation.
5. Promoting sustainable development: Solar panels are a key part of the transition to a more sustainable energy future. By investing in solar energy, we can create new jobs and promote economic growth while also protecting our environment.

KEY POINTS;

- **Proposed solar site will operate as a carbon neutral power plant after construction.**
- **No carbon emissions are allocated to the site for the manufacture or transportation of the panels, these are managed by the manufacturer under the Energy Trading Scheme.**
- **Solar panels generate carbon free electricity for decades**
- **Typical 'carbon debt' of solar panel manufacture is repaid within 1 – 4 years**
- **Numerous environmental benefits to solar;**
  - **Reduce greenhouse gases**
  - **Conserve water**
  - **Reduce air pollution**
  - **Reduce carbon footprint**
  - **Sustainable development**

QUESTION – Section a) Matters of principle point 5

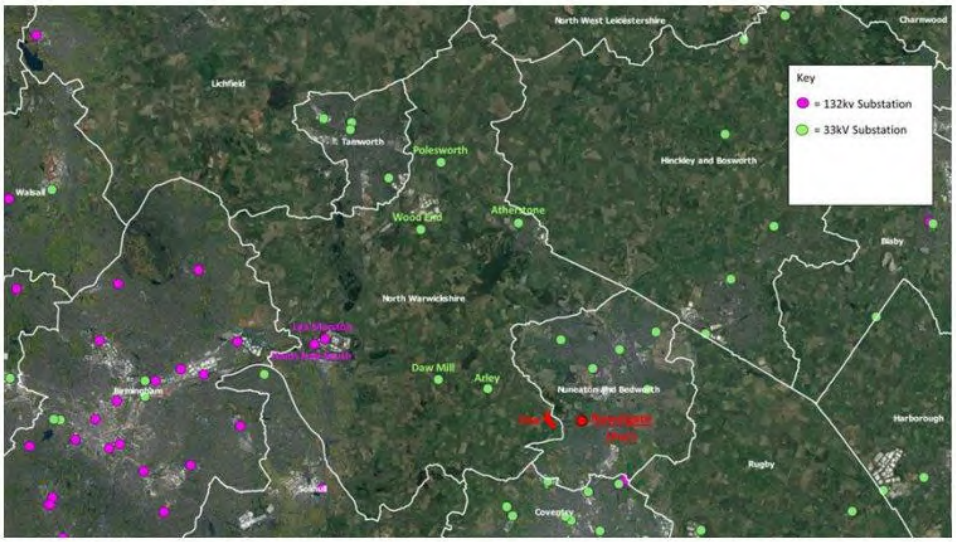
5. *From a planning perspective, the Board requests that your client explicitly sets out the material planning considerations that he considers do clearly amount to the very special circumstances necessary to support the proposal.*

RESPONSE – Section a) Matters of principle point 5

Saturated energy grid with few points of connection available

1. Finding a substation with sufficient grid capacity is a major constraint to the deployment of green energy. Once a substation with capacity is identified, then identifying an available and suitable site for solar development is the next biggest challenge. Installation costs increase significantly the further the site is from the point of connection, therefore proximity to the substation is key. As it can be appreciated from the list below, all DNO substations (for which data is available) in North Warwickshire are classified RED due to upstream generation. Importantly, this is information based on the most recent publicly available data (Published by DNO 20th April 2023). This does not take into account the influence of new connections and generators on the network which is dynamic and cannot be modelled sufficiently by the DNO.

Map of DNO 132kV Substations



Hams Hall A

- No data available on DNO Network Capacity Map

Lea Marston

- No data available on DNO Network Capacity Map

Wood End

- Capacity: -1.62MVA
- Classified **RED** on heatmap due to upstream generation headroom constraint (-31.96 MVA) and substation reverse power headroom constraint (-1.62MVA)

Polesworth

- Capacity: 5.83 MVA
- Classified **RED** on heatmap due to upstream generation headroom constraint (-31.96 MVA)

Atherstone

- Capacity: 7 MVA
- Classified **RED** on heatmap due to upstream generation headroom constraint (-31.96 MVA)

Daw Mill

- No data available on DNO Network Capacity Map

Arley

- Capacity: 5.95 MVA
- Classified **RED** on heatmap due to upstream generation headroom constraint (-10.81 MVA)

As you can see from the above data, the substations in the North Warwickshire Borough Council area have minimal available capacity to accept generation, if any at all. The substations that do have minimal capacity to accept generation are however restrained and cannot be connected due to the upstream generation headroom constraint, these are denoted on the DNO website as RED. This is because the constraint is upstream on the Coventry 132kV group and the Lea Marston 132kV group.

Industria Solar Bedworth Limited have secured and locked in grid, designed the project to achieve the fault level restrictions and secured a statement of works with national grid allowing connection to the grid.

Significant investment would be required to add more capacity to the grid in this area

2. Although there have been planning applications for solar farms in North Warwickshire, significant DNO and National Grid substation upgrades would be required to add a substantial number more than what is currently in the planning pipeline.

Renewable energy and reducing CO2 emissions

3. The proposed solar farm would produce renewable energy, thereby reducing the energy grid's CO2 emissions, in the fight against climate change. In real terms, this solar farm would generate approximately 21.5GWh of electricity p.a. – this is enough to power 5,225 homes annually and is the equivalent of offsetting 3,078 tonnes of CO2 emissions per year.

4. An Alternative Site Assessment (including an Addendum exercise prepared for committee members), has been undertaken. These documents outline the methodology used to assess any potential alternative sites for the proposed solar farm development. The purpose of carrying out these assessments is due to the site being located in the Green Belt, and so show consideration that the site chosen is in the most commercially viable and environmentally friendly location. A search area of 2km from the agreed point of connection for the purposes of financial viability. This has resulted in much of the search area comprising of existing built development or Green Belt land.

5. After taking into consideration the potential for interest from landowners, a review of the environmental constraints of each area and those associated with large-scale solar farms were taken into consideration, resulting in the western area of the search area being most favourable. An agreement with one the landowners has since been established in the preferred area, which is a difficult matter to establish and determines much of the viability of any development. Even the most environmentally acceptable sites are sometimes not available, although in this case, the agreed site is considered to be the most optimal for solar development. It is considered that, on balance, this is the best site within reasonable proximity to the DNO substation.

The use of bi-facial panels

6. The proposed solar farm would use high efficiency bifacial solar panels. These modern panels absorb light from both sides - direct sunlight from above, as well as reflected light on the underside of the panel. These panels use high efficiency monocrystalline cells, which increase the electricity generation by approximately 4% compared to standard mono-facial panels. The use of these panels ensures that the least amount of space is being used to achieve the 16MW export to the grid. This is particularly important given the site's Green Belt location, whereby the physical coverage of the arrays would have needed to be larger to achieve the same 16MW export with mono-facial panels.

Improving soil health

7. As the physical impact of solar farms on the ground is very small, resting land around the solar panels frames by setting to grass and possibly grazing can have benefits for soil health, especially where soil has been exhausted of nutrients and compacted by farm machinery. There is also evidence that soil moisture is better retained on fields with solar panels, and less prone to effects of Climate Change. Furthermore, the use of bi-facial panels allow for the growth of microorganisms beneath the arrays, thus improving soil quality.

Energy Security

8. The spike in post-pandemic energy demand, in part linked to global problems including Russia's invasion of Ukraine and the international community's response to this, have caused energy prices to soar. This actioned the UK Government to prepare and issue the British Energy Security Strategy (April 2022) updated 2023 – this document clearly recognises that harnessing solar energy is critical and necessary to minimise the UK's dependence on energy imported from abroad and instead allow the UK to become more self-sufficient. The strategy states that a government ambition is to achieve 70GW of solar capacity by 2035. However, there is currently only 14GW split between large-scale projects to smaller-scale rooftop solar. Ensuring the sustained deployment of solar PV therefore plays a key role in the UK Government's strategy to significantly improve energy security.

9. Furthermore, it is also important to diversify energy supply within the renewables sector in order to ensure continuity of supply should there be, for instance, prolonged periods of low wind speeds. The UK Energy in Brief (2022) states that in 2021, renewable electricity accounted for 39.7% of electricity generated in the UK, however only 5% was generated by solar PV. This is because the renewable energy sector is largely dominated by bioenergy (63%) and wind (25%). To maintain energy supply

security, renewable energy should also be more diversified, and this in turn would also support the decline in fossil fuel consumption when generating electricity.

Positive economic impacts in terms of employment and supporting the entire solar supply chain

10. In terms of economic benefits, the proposed development would help sustain and create employment opportunities in engineering, construction and transportation. This would also support the local and regional economy by bolstering local purchasing power for goods and services. This development also provides opportunities for those in employment who would like to move into higher skilled positions, as well as providing career opportunities for those currently unemployed.

11. This development would also benefit the entire solar farm supply chain – this includes for instance, PV manufacturing and the design of all the various electronic components, as well as onsite biodiversity and habitat management throughout the lifetime of the development and equipment maintenance. Particularly important during these times of economic turmoil and high inflation, the proposed development would result in direct and indirect economic benefits.

Farm diversification, including supporting viability of agricultural production

12. Climate Change is directly affecting the agricultural sector, such as with prolonged dry weather or intense rain, resulting in crop failure. The applicant would lease the land from the landowner, guaranteeing a secure, long term and diversified form of income for the farmer. Farm diversification is supported by both the NPPF (Paragraph 84) and the Local Plan (Policy LP13), as it secures and supports a robust rural economy. This is particularly important when seen against the backdrop of:

    - A period of existing economic instability, which is expected to continue for the medium term.
    - High levels of inflation, adding significant pressure to the agricultural unit's operational costs.
    - High fuel prices, further exacerbating the agricultural unit's operational costs and negatively impacting profit margins.

13. Furthermore, Section 11 of the NPPF 'Making effective use of land' states, amongst other things, that planning should "encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains" – this includes new habitat creation, flood risk mitigation, cooling/shading, carbon storage and food production. This is an important guiding principle for this planning application in the context of use of open land. This planning application is in accordance with this policy.

14. The benefits of farm diversification were recognised in a planning appeal decision (Treswarrow Farm, Trelights, Port Isaac, Cornwall PL29 3TN (APP/D0840/A/14/2213107), in which the inspector acknowledged that the proposed development "has to be seen in the context of farm diversification that will support the overall farm business". The development of a solar farm would provide far greater economic security than many other forms of agricultural diversification. The financial subsidy would provide the farming business with a guaranteed index-linked stream of income for as long as

the solar farm is operating, while also continuing agricultural use of the wider landholding, including much needed biodiversity improvements.

Temporary and reversible impacts

15. The Planning Practice Guidance states within its 'Renewable and low carbon energy' section, that solar farm is a temporary development after which the land would then be reinstated to its original state (Paragraph 013, Reference ID: 5-013-20150327). The proposed development would have a lifespan of 40 years after which all electricity generating equipment and built structures associated with the proposed development would be removed from the site, restoring the site to its original agricultural use. The hedgerows and trees however would remain, thereby leaving behind a lasting legacy of biodiversity improvements to the benefit of local wildlife and the local community.

Significant biodiversity improvements

16. Following the departure from the European Union (EU), the UK government devised the Environment Land Management Scheme (Elms) which paid farmers for delivering environmental benefits on their land, such as biodiversity improvements or carbon capture. The scheme now appears to be under review and may revert back to a similar model as to how it was under the EU, whereby farmers received payments based on the size of the agricultural unit. Regardless of the arguments in favour or against the ELMs payment model, it is reasonable to assume that a likely effect of this policy change would be the reduction of biodiversity improvements that would have otherwise been implemented on agricultural land.

17. There is currently therefore no guarantee that in the near future there would be a publicly funded economic model that would incentivise farmers to carry out biodiversity improvement works on their land. In light of this uncertainty, development projects such as this solar farm, are a certain way of enabling and levering the finance to deliver these biodiversity improvements.

18. The Biodiversity Net Gain Assessment states that the application, post development, would deliver 134.39% total net increase in hedgerows units and 258.77% in total net increase in habitat units. These figures may need to be adjusted slightly given the significant increase in woodland belt cover, but the point remains that the biodiversity benefits are substantial.

19. The Warwickshire Wildlife Trust Local Biodiversity Action Plan for Warwickshire, Coventry and Solihull (November 2021), has as one of its objectives to 'expand the length of hedgerows in the sub-region by planting 162km of native species-rich hedges' by 2030. The planting of 1.5km, which is a substantial amount, will make a very valuable contribution to reaching this target.

20. The proposal, by virtue of creating approximately 30ha of species rich grassland, would contribute to the Local Biodiversity Action Plan for 'Lowland Neutral Grassland' target of creating 663ha by 2030.

21. The 'Ponds' Local Biodiversity Action Plan has a target of creating 100 new open water bodies by 2030, with this site making a small but nonetheless valuable contribution of one pond.

22. These biodiversity benefits, which include the reinstatement of an old hedgerow lost to agricultural intensification, are inarguably very significant and are highly unlikely to be delivered without solar development enabling this to take place.

QUESTION – Section b) Visual Impact point 1

1. The Board considers that the site has a very open setting with limited hedgerow and tree cover. It therefore requests that your client considers significantly strengthening the proposed landscaping and screening around the perimeter of the site and within it. The main areas of concern are along the northern and western boundaries. Any such strengthening should be made up of a mix of native species and have an associated management plan associated with it.

RESPONSE – Section b) Visual Impact point 1

Following these comments, the Landscape Strategy Plan has been updated to now include a 10m wide tree belt along the west, north and eastern boundary of the site. This will provide effective screening of the site, as well as be of great benefit to local wildlife. Please see Drawing NT15256/107 Rev B - 'Landscape Strategy Plan'.

QUESTION – Section c) Noise Impacts point 1 (Wind tunnel effect)

1. *Notwithstanding the position as set out on the Board report, Members remain to be convinced about the scale of the noise impacts arising from the proposal. This is because of the location of the plant along the northern boundary and because there is no information about the potential "wind tunnel" effect of having the arrays within a valley.*

RESPONSE – Section c) Noise Impacts point 1

When considering potential for wind induced noise from structures such as solar panels on windy days, the height of the structure above the ground is a key factor. Due to the wind shear effect, wind speeds near the ground are always much lower compared to wind speeds several metres above the ground. The solar panels would sit near the ground and therefore would unlikely be exposed to the very high wind speeds that would otherwise be observed higher up. In addition, the existing and proposed hedgerows and trees would also likely screen the panels from some wind directions. As such, it is very unlikely that noise from high winds channelling through or under the solar panels will be a noticeable feature.

QUESTION – Section c) Noise Impacts point 2 (Repositioned substation and control room)

2. *The Board would welcome your client's response to a suggestion that the plant and equipment be relocated to the site of the construction compound, as this in its view would provide greater separation distances from established residential property.*

RESPONSE – Section c) Noise Impacts point 2

Based on the previous site layout, the Noise Assessment concluded that:

- The solar farm would be emitting less noise than the measured background noise levels.
- Likewise, the solar farm noise would be sufficiently low, so as to not add to background noise levels.
- The solar panels would not be operating in darkness thus resulting in a lower load and lower specific sound levels from the inverters at night.

Following feedback however, the substation and control room have now been moved further away from the residential properties on Astley Lane - please see Drawing NT15256/107 Rev B - 'Landscape Strategy Plan'. As the new location is considered an improvement, it follows that the solar farm would have even less of a noise impact.

QUESTION – Section d) Wildlife Impacts point 1

1. More information is requested in respect of the findings of any current research that looks at whether solar panel arrays interfere with the flight patterns of birds.

RESPONSE – Section d) Wildlife Impacts point 1

There is little evidence available to suggest that solar farms in the UK have a net negative impact on birds. However, a 2016 report produced by Natural England titled "Evidence review of the impact of solar farms on birds, bats and general ecology (NEER012)" concludes that "some scientific and grey literature data, based upon carcass searches around solar PV developments, suggests that bird collision risk from solar panels is very low".

The RSPB has issued a Position Statement (May, 2017) on solar power, concluding:

"While solar energy technologies can impact upon birds and other wildlife, the RSPB considers that if deployed in suitable locations and appropriate mitigation measures are taken, solar energy technologies can be deployed in harmony with nature. In many cases, there may in fact be opportunities to enhance biodiversity on solar array sites."

Table 1: Types of solar energy and the RSPB's policy position on each

Type of Solar Energy	Description	RSPB Position
Solar photovoltaic (PV) arrays – *the focus of this briefing*	Large arrays of PV panels mounted on agricultural fields or other unsealed land.	Supportive, at the current scale of deployment, unless there are site-specific concerns. Concerns are most likely when located in or close to protected areas, or close to water features where development could pose risks to aquatic invertebrates.
Solar PV (built environment)	Small PV arrays (or single panels) mounted on roof tops, or previously sealed land such as car parks. On S/SW sloping roofs they may be integrated / flush with roofing materials.	Supportive. Possible risks of disturbing roof-nesting / roosting birds and bats. Installation should take place outside the breeding season, and avoid blocking access points.
Solar thermal	Panels used to raise water temperature for space heating and/or hot water supply. Usually roof-mounted.	Supportive. Similar issues to solar PV (built environment).
Passive solar	Use of building orientation and design (e.g. large areas of south-facing windows) to reduce space heating loads and use of mirrors to reflect sunlight into dark areas of buildings.	Supportive.
Floating solar (PV)	PV panel arrays mounted on floats installed on bodies of water e.g. reservoirs, lakes.	Supportive, as long as developments meet the appropriate planning criteria and the ecological quality of the water is maintained or improved.
Concentrated solar power	Use of mirrors to concentrate solar energy for thermal or PV electricity generation.	Supportive, as long as our potential concerns are addressed (see above). However, this technology is unlikely to be used on a commercial scale in the UK.

RSPB Position Statement on Solar Power, 2017:
https://www.rspb.org.uk/globalassets/downloads/documents/positions/climate-change/solar-power-briefing---may-2017-update-revised.pdf

Research by Rob Shotton over a two-year period for a Worcester University final year thesis, makes the following observations:

- *"Solar farms are being used by birds at a similar level compared to other land use types [i.e. the control sites]. There was also a significantly higher variation of species found on solar farms compared to arable fields which suggest that solar farms provide a habitat for a range of farmland birds.*
- *The arrays within the solar farm are a valuable addition to the landscape with birds of all types from buzzard to wren recorded using them for resting, singing or foraging. Birds would often enter the solar farm from the established boundaries and fly directly to the arrays then hop down to the ground between and underneath the arrays to feed. Birds were using the arrays in a similar way to hedgerows when feeding themselves by making foraging trips between the arrays before returning to the arrays to eat whilst remaining alert to nearby threats. Birds that were raising young behaved differently making trips from the hedgerow over the margins to the arrays before returning to the nest with invertebrates for chicks".*

See: https://community.rspb.org.uk/ourwork/b/science/posts/bird-use-on-solar-farms-final-results

Conclusion

Despite the limited research available, measures such as hedgerow and tree planting, as well as creating swards of wildflower meadows, with generous field boundaries are beneficial for bird foraging and breeding. Therefore, in the absence of UK evidence to the contrary, it is considered that bird species overall do benefit from well-managed solar farms.

QUESTION – Section d) Wildlife Impacts point 2

2. The Board wishes to have a clearer explanation as to the existing ecological value of the site and its wildlife.
3. It then requests an explanation as to how this might be impacted and if appropriate how adverse impacts might be mitigated.
4. That would then lead to an explicit set of mitigation measures

Existing site conditions

The site consists of agricultural land with a degree of screening offered by surrounding boundary vegetation and woodland toward the southeast of the site, with further vegetation screening available to the northeast. These boundaries consist of species rich hedgerows with trees. The Preliminary Ecological Appraisal confirmed that the site supports a range of species, including bats, badger, brown hare, and hedgehogs. It also supports a range of bird species, such as Blackbird, Blue tit, Common buzzard, Chiffchaff, Dunnock, House martin, Meadow Pipit, Skylark, Song thrush, and Yellowhammer, as well as the probable presence of barn owls. A Great Crested Newt (GCN) survey revealed that one of the ponds (outside the site) contains GCNs but only with a low population. In general terms, arable land is considered to have low ecological value, whereas managed wildflower meadows, hedgerows, trees, and water bodies, are considered to be more beneficial for local wildlife.

Mitigation measures during construction

The Preliminary Ecological Appraisal sets out the mitigation measures to be implemented to ensure that local wildlife is protected during construction works, namely:

Badgers
As hedgerows scrub shall be avoided, the proposals are unlikely to adversely impact on any setts (should any be created prior to works commencing). However, a badger sett check would take place prior to construction works as a precaution.

Birds
Avoiding works in the bird breeding season, or else to ensure a check for breeding birds is undertaken prior to works by a suitably qualified ecologist.

Nocturnal animals
Night-time work should be avoided whenever possible to reduce the potential for disturbance to nocturnal animals.

Biodiversity enhancement measures

- The creation of approximately 30ha (74 acres) of wildflower meadows, to the great benefit of pollinators whose numbers have been declining over a long period.

- The planting of approximately 1.85km of new native species hedgerow, including the reinstatement of a 800m line of historic hedgerow lost to agricultural intensification.

- Where a retained hedgerow is in poor condition, and/or with poor species diversity, the following enhancement work would be undertaken:
    - Gapping up the hedgerow with suitable local species.

- Management to establish at least one hedgerow tree for approximately every 50m length of hedgerow, including allowing elm species to mature into standard trees within the hedgerows.

- Introduction of a management regime to facilitate use of the hedgerow by wildlife, as well as ensure the entire site's green assets are managed to maximise their benefit to local wildlife. To this end, a Landscape and Environmental Management Plan can be conditioned as part of any forthcoming permission.

- Hedgerow species to include:
  - Field maple
  - Hazel
  - Hawthorn
  - Holly
  - Blackthorn
  - Dog Rose
  - Elder

- As per Drawing NT15256/107 Rev B 'Landscape Strategy Plan', the creation of a woodland belt of approximately 1.5km, 10m wide. This is the equivalent of creating 3.7acres (1.5ha) of tree belt habitat. Woodland belt mix to include:
  - Field maple
  - Hazel
  - Hawthorn
  - Holly
  - Blackthorn
  - Horse Chestnut
  - Alder
  - Silver Birch
  - Wild Cherry
  - Oak
  - Goat Willow
  - Rowan
  - Lime
  - Elm

- Creation of a pond to attract wildlife.

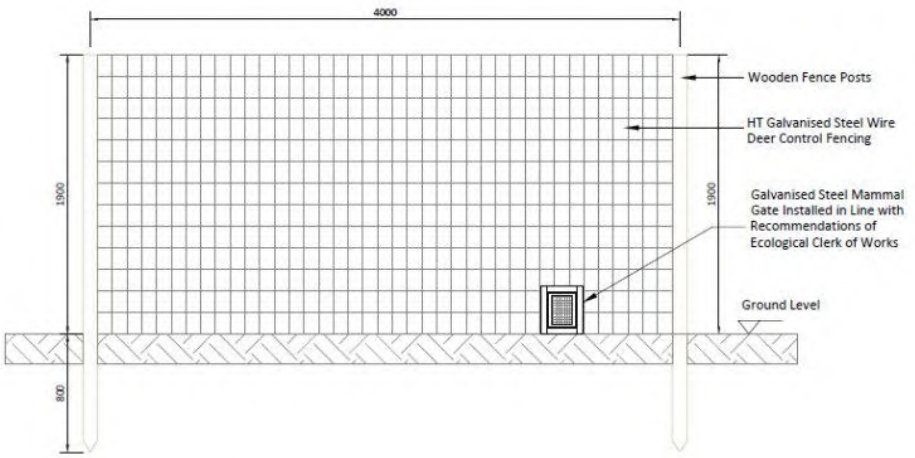
Benefitting local species

There are a variety of measures that could be implemented as part of the development proposals to enhance the site for a range of wildlife including bats, common reptiles, and breeding birds, including species which are S.41 Priority listed and Local BAP species. These include, but are not limited to the following:

- Installation of a mix of bird nest boxes suitable for dunnock and other birds onto trees.
- Habitat creation and inclusion of native species.
- The provision of bat boxes on trees and integrated bat boxes onto trees, which target local biodiversity priority species.
- Provision of a hibernaculum for the benefit of common reptiles.
- Provision of insect hotels, wood piles / loggery would benefit invertebrates.

- Use of hedgehog houses within the scheme can provide enhancement and opportunities for this species.
- The use of deer fence with mammal gates, thereby allowing local wildlife to flow through the site.

Example of a mammal gate installed within a deer fence



Significant Biodiversity Net Gain

By retaining and enhancing the ecological conditions of the site through the creation of new habitat and planting, the proposed development would result in an approximate figure of **258.77%** Biodiversity Net Gain. This is significantly higher than the minimum 10% net gain requirement coming into force later in 2023.

QUESTION – Section e) Other Matters point 1

1. The Board would wish to see more evidence that shows that leaving the land uncultivated, leads to an improvement in soil quality.

RESPONSE – Section e) Other Matters point 1

Soil health and carbon storage

Operational phase:

1. As well as absorbing light, bifacial panels allows sunlight to go through the panel, and are optimised to capture the sunlight reflected from the ground. It also captures diffused sunlight hitting the back of the panel.
2. The soil beneath the panels is therefore not in full shade, with the light then feeding into the microorganisms and wildflower meadows beneath. Soils with increased microbial content absorb carbon and become carbon stores.
3. Cultivating land by traditional methods of ploughing releases stored carbon from the soil. In fact, the Soil Association states that minimal tilling, or no tilling, offers the following benefits:
    - Less damage to soil structure, aiding water infiltration and water retention, making them more resilient in the face of droughts or floods.
    - Less risk of soil erosion.
    - Less environmental damage from nitrogen leaching and pesticide run-off.
    - Environmental benefits such as increased soil fauna and habitat for birds.

Soil Association (2018). To plough or not to plough: Tillage and soil carbon sequestration. https://www.soilassociation.org/media/17472/to-plough-or-not-to-plough-policy-briefing.pdf

Construction phase:

Up to date soil protection measures would be implemented during the construction and decommissioning phases. These include, but are not limited to:

a. Using low-bearing machinery which minimises ground compaction by spreading the weight over a larger area.
b. No trafficking/driving of vehicles/plant or materials storage to occur outside designated areas.
c. Where cables will be laid, the topsoil would be stripped and deposited on one side of the trench line and subsoil would be deposited on the opposite side of the trench. The soil would be returned in reverse order, reinstating the soil to its original state.
d. The ground will be seeded with a species-rich grass mixture post-construction to prevent erosion and ponding.

QUESTION – Section e) Other Matters point 2

2. The Board is aware of the offer of the Community Fund to the Parish Council, but has asked if there has been any response.

RESPONSE – Section e) Other Matters point 2

Industria Solar Bedworth Limited proposed a community fund of £50,000 paid on first export of electricity into the grid. The fund was for Astley Parish Council to provide to local charitable organisations or good causes.

Industria Solar Bedworth propose to provide a unilateral undertaking which is similar to a S106 agreement. The unilateral undertaking is a deed where we covenant to provide the £50,000, but unlike a S106 agreement it doesn't have to be entered into by the local authority. The unilateral undertaking would come into effect on successful planning approval.

The unilateral undertaking would afford Astley Parish Council time to properly assess all applications and provide funding to the projects they consider most suitable.

A unilateral agreement can be provided over the coming weeks but in any case prior to the next planning committee meeting.

APPENDIX 4

Technical Note

CLIENT:	**Industria Solar Bedworth Ltd**
PROJECT:	**Bedworth Solar Farm**
SUBJECT:	**Alternative Site Assessment**
JOB NO.:	**NT15256**
DATE:	**19 April 2023**
PREPARED BY:	**Gilly Slater MRTPI CEnv – Associate Director (Energy & Climate Change)**

This Technical Note has been prepared as an addendum to the Alternative Site Assessment prepared for Bedworth Solar Farm, due to the site's location within the Green Belt. It will detail the relevant constraints that need to be considered in site finding exercises, and demonstrates that there are limited alternative sites available for a solar farm within the search area.

The search area was set at 2km from the grid connection point at the Newdigate 33kV Substation. This comprises the only area of land within several kilometres that does not fall within the Green Belt designation or a built-up area. Alternative grid connection points in the area are also located within the Green Belt (Nuneaton 33kV Substation and Arley 33kV Substation).

Within the area that does not fall within the Green Belt designation, there are constraints related to the woodland that intersperses the fields, which fall within the Priority Habitat Inventory – Deciduous Woodland designation. This sterilises a large area of land for solar development, as the removal of these woodlands should be avoided. Along with this, approximately 50% of the remaining available land is designated for housing development, which further reduces available space for a solar farm. The boundaries of the allocated sites immediately adjoin the only undesignated area that would potentially be suitable for a solar farm (outlined in pink below). Due to the proximity to residential areas, protected woodland areas and the Green Belt, this site would not be suitable for solar development. This is due to the potential for landscape and visual impacts to occur as a result of locating the solar farm close to a high number of sensitive receptors, along with any solar development here extending the built form of the settlement.

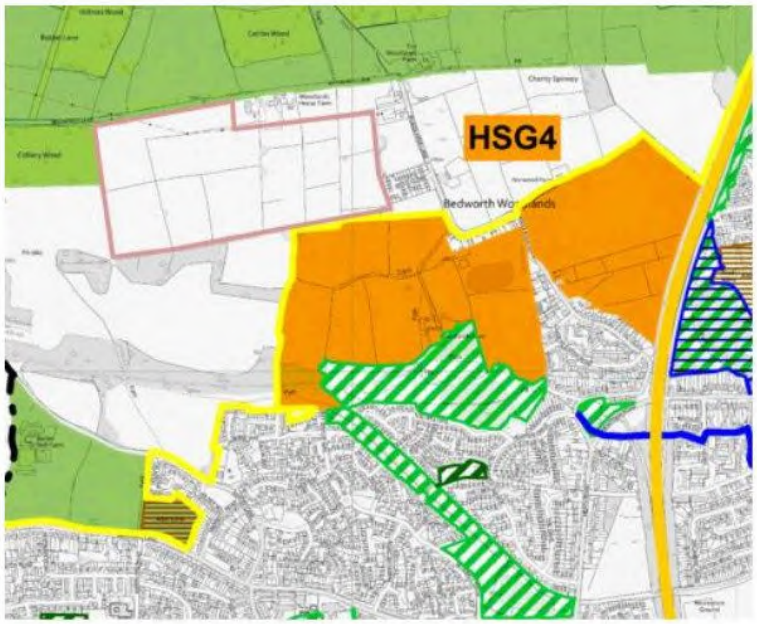


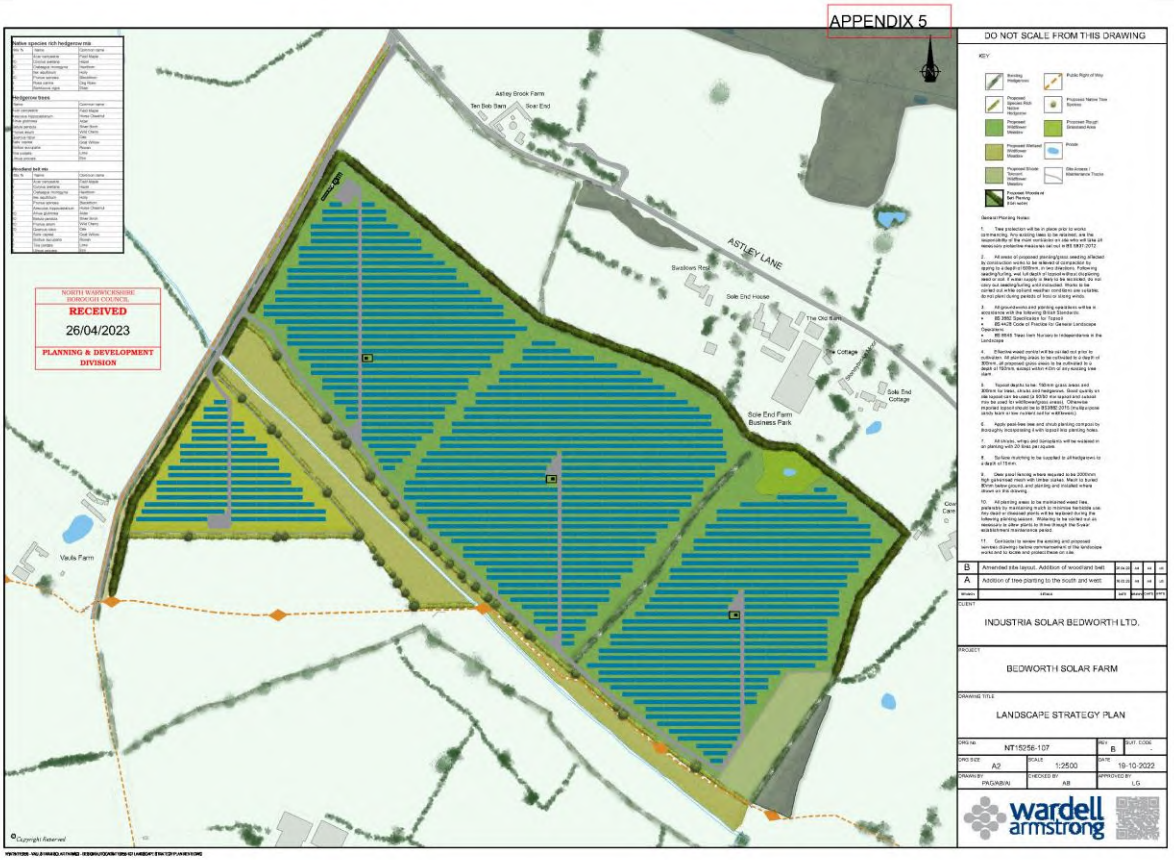
Figure 1 - Allocated Land within Vicinity of Grid Connection Point

Having ruled out the land outside the Green Belt due to incompatible neighbouring land use and ecological constraints, the next available option is lower grade agricultural land within the Green Belt. The land within the search area predominantly comprises Grade 3 agricultural land, which is split into two categories – 3a (good) and 3b (moderate). Grade 3a land is considered to fall within the "Best and Most Versatile" category of agricultural land, along with Grade 1 (excellent) and Grade 2 (very good). The remaining land within the search area is either Grade 2 or urban. Agricultural land mapping does not show the subcategories of Grade 3, meaning that without on-site soil surveys, the true grade cannot be determined. Given that Grade 3 is the lowest category of agricultural land within the search area, for the purposes of the Alternative Site Assessment, alternative sites are sought within Grade 3 land rather than Grade 2.

The only Grade 3 land within the search area that would have suitable access for construction vehicles is located in close proximity to a Registered House and Garden at Arbury Hall. This is a designated heritage asset and the development of a solar farm in this location would be likely to result in unacceptable impacts to this asset. As such, there are no appropriate alternative sites within the search area that fall within agricultural land classification Grade 3.

The proposed site is located within Grade 3 agricultural land, 85% of which falls within the Grade 3b (moderate) category, meaning that only 15% of the site comprises Grade 3a or Best and Most Versatile agricultural land. It has good access for construction vehicles, is sufficiently distant from residential properties to avoid unacceptable visual impacts, and is within an appropriate distance from the grid connection point to avoid electrical losses between the site and the substation. As such, the proposed site is the most appropriate for solar development within the search area.

APPENDIX 5


DO NOT SCALE FROM THIS DRAWING
KEY
Ashley Brook Farm
Ten Bob Barn
Soar End
ASHLEY LANE
Swallows Rest
Sole End House
The Old Barn
The Cottage
Sole End Cottage
Sole End Farm Business Park
Viaula Farm
NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED
26/04/2023
PLANNING & DEVELOPMENT DIVISION
B Amended site layout. Addition of woodland belt
A Addition of tree planting to the south and west
CLIENT
INDUSTRIA SOLAR BEDWORTH LTD.
PROJECT
BEDWORTH SOLAR FARM
DRAWING TITLE
LANDSCAPE STRATEGY PLAN
DRG No NT15256-107
REV B
DRG SIZE A2
SCALE 1:2500
DATE 18-10-2022
DRAWN BY PA/ABN
CHECKED BY AB
APPROVED BY LG
wardell armstrong
© Copyright Reserved

General Development Applications

(8/g) Application No: PAP/2022/0350

164, Long Street, Dordon, Tamworth, B78 1QA

Outline planning permission for development of land for six dwellings with landscaping, parking and access. Details of access submitted for approval in full, all other matters reserved, for

Mr Glover - Glover Homes

Introduction

The application is brought to the Board, following a local member request because of potential amenity and highway impacts and links to the wider Dordon allocated housing site.

The Site

The site – around 0.42 hectares - is on land between two existing dwellings and to the rear of dwellings on Long Street. To the south of the site is an open space recreation area and the doctors Surgery. There is open land to the east, but this is part of a large, allocated housing site.

The land slopes from west to east. The boundaries are fences, trees and other vegetation.

The site is close to a primary school, a shop and local services. It is on a bus route. It is close to Birch Coppice/Core 42, with links to Tamworth and Atherstone.

The site is illustrated on Appendix A.

The Proposal

This is an outline planning application for development of the land for six dwellings with all matters reserved except for access, where details have been submitted. This will be off the main road of Long Street, between numbers 164 and 166.

An indicative site plan is at Appendix B.

Photographs of the site and area can be viewed at Appendix C

Background

There is an extant planning permission for the construction of a single house at the immediate rear of 164, granted in August 2022 – this is illustrated at Appendix D.

Development Plan

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP9 (Affordable Housing Provision), L14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), 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 (NPPF)

Air Quality and Planning Guidance - September 2019

Draft Dordon Neighbourhood Plan – currently being considered by an Inspector

Representations

There have been two representations from neighbours referring to:

- Hydrology of the site / flooding
- Pond on higher land and possible underground spring
- Nearby septic tank
- Vehicle highways safety concerns and this part of Dordon has a busy road network.
- Visibility and pedestrian users.
- Local congestion. Traffic using the site related to 6 dwellings.
- Increase in traffic and air pollution.
- Parking problems in the area, and people, parking opposite to access
- Traffic passing along the access road to Long Street would lead to an increase in noise, disturbance and pollution.
- spread of the invasive Japanese Knotweed to adjacent properties. inappropriate cutting and disposal of the plant will lead to a spread and could lead to other properties being damaged.
- No objections to the development of good quality, sustainable housing, but access is an issue.

Dordon Parish Council - highways concerns

Consultations

Warwickshire County Council as Highway Authority - Following the receipt of revised drawings and a Road Safety Audit, there is no objection subject to conditions.

Environmental Health Officer - No objection subject to conditions.

Observations

The Local Plan identifies Dordon as a category 1 settlement where new development within its settlement boundary will be supported in principle. This is the case here. The rear of the site also adjoins one of the strategic housing allocations set out in that Local Plan. As such, there is support in principle for the grant of an outline planning permission here.

A number of other matters will however need to be considered.

The design, siting and scale of the six houses is as yet unknown. This site is certainly large enough to accommodate this number. Whilst the illustrative layout does not reflect the terraced character of Long Street, there is a different built-form between the site and Long Street and the land to the east will be developed too in the future. As such, there is not considered to be an issue here in respect of the proposal not being able to be designed so that it is in-keeping with the surrounding area in general terms. The proposal however should be limited to two storeys in height in order to do so. This can be done by planning condition.

Local Plan policy LP29 (9) requires all development proposals to avoid and address unacceptable impacts on neighbour amenity and paragraph 130(f) of the NPPF requires planning decisions to ensure that a high standard of amenity is provided for existing and future users. The layout shows six dwellings and it is considered that this would provide adequate space between them and existing dwellings so as to reduce any adverse amenity impacts as a consequence of over-looking and loss of privacy. It is acknowledged that the land to the east will be developed in due course. If the current site is built-out before details of that wider development are known, then that may influence the layout and design of any housing close to the boundary. The land to the south is an amenity and recreation space, but there is sufficient room on the application site to reduce any potential impacts arising from use of the area. However a planning condition can require this particular issue to be considered.

The issue raised by the representation in respect of Japanese Knotweed has been taken with the relevant officers. The existing boundary landscaping is to be retained and any later submission in respect of landscaping can accommodate and strengthen these features. This would also include details of bio-diversity improvement.

The representations refer to concerns about the potential impact on the hydrology of the area, a nearby pond and existing septic tanks. These concerns can be reviewed at the detailed stage through pre-commencement conditions requiring the submission of full details. It is highly likely that surface water disposal will be through sustainable drainage measures on site. The siting of the houses is not expected to be next to existing boundaries, which could impact upon existing septic tanks or the adjacent pond, but the details required by the condition and the need to get detailed approval for the proposed layout will enable these matters to be reviewed.

It is of substantial weight that the Highway Authority has not lodged an objection. The concerns of those making representations were forwarded to the County Council and it requested that a Road Safety Audit be undertaken. The applicant did so and this resulted in amended plans to which the Authority now has no objection.

A number of issues arise as a consequence.

The site would allow vehicles to enter and leave in a forward gear, and allow space for parking requirements to the Council's standards. A bin collection area would be need to be provided close to the access point. Construction would be controlled through a Management Plan to be agreed at the later detailed stage.

The Highway Authority has made it clear that the proposal here has to be limited to six units if it is to support it. There is thus no question of the land being used as a supplementary vehicular access to the allocated land at the rear. However the opportunity should be taken to enable the possibility of pedestrian and cycle links to that land given the proximity of services in Long Street and Brown's Lane to that new "population". This would align with the draft Neighbourhood Plan policy of opening up such linkages.

In all of these circumstances it is considered that the proposal can be supported in principle as a sustainable development.

Conditions

The recommendation below includes the use of pre-commencement condition(s) (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun). The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition. In this instance the applicant has given such written permission.

Recommendation

That the application be **GRANTED** subject to Conditions:

That planning permission be granted subject to the following conditions:

Standard Conditions

1. This permission is granted under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:-
   (a) appearance
   (b) landscaping
   (c) layout
   (d) scale

   REASON

   To comply with Section 92 of the Town and Country Planning Act 1990.

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

Defining Conditions

4. The development hereby approved shall not be carried out otherwise than in accordance with the following:

Preliminary SUDS Appraisal received by the Local Planning Authority 28 November 2022, 23-1405-RSA1 Long Street, Dordon, 27388-06-020_01 Rev B - Proposed Access Arrangements received by the Local Planning Authority 20 January 2023,1001-001 Location Plan,1001-002 Proposed Site Plan received by the Local Planning Authority 4 July 2022, Phase 1 Geo Study, Coal Mining Report, Preliminary Ecological Appraisal - Land to the rear of 164 Long Street, Dordon, B78 1QA - Midland Ecology received by the Local Planning Authority 14 October 2022

REASON

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

5. The maximum number of dwellings hereby permitted shall not be greater than six, unless approved otherwise in writing by the Local Planning Authority.

REASON

To protect the character of the area and ensure that a detailed scheme harmonises with the immediate and wider surroundings.

6. The details to be submitted under Condition 1 shall ensure that:

a) The layout as submitted enables the opportunity to provide a joint pedestrian and cycle link through the site extending from its eastern boundary, along its access and onto Long Street at the approved junction,
b) The finished floor levels of each dwelling are identified in addition to those of the buildings that are located to the west and south of the site
c) Each dwelling is of a ridge height no greater than 8.5 metres and that each has a two storey design.
d) full details are provided of the facing and roofing material to be used for each dwelling together with all of their boundary treatments
e) full details are provided for vehicle electric charging points to be installed for each dwelling hereby approved,
f) full details of the space to be provided within the curtilage of each dwelling for three 240 litre waste bins together with secure cycle storage
g) full details of a bin collection point close the access onto Long Street.
h) full details of bird and bat boxes are submitted together with their location

REASON

In the interests of the visual amenities of the area; to reduce adverse amenity and environmental impacts and in the interests of bio-diversity and sustainable development.

7. Access for vehicles to the site from the public highway shall not be made other than at the position identified on the approved drawing number 27388_08_020_01 Rev B whereby the visibility splay requirements stated on the drawing will be satisfied. The access to the site shall not be used unless a public highway footway crossing and the alterations to the public highway as shown on the approved drawing have been laid out and constructed in accordance with the specification of the Highway Authority.

REASON

In the interests of the amenities of the area and safety on the public highway

Pre-commencement conditions

8. No works other than demolition, shall take place until a preliminary assessment for contaminated land has been undertaken. If the assessment identifies potential contamination a further detailed investigation shall be carried out and details of remediation measures shall be provided where necessary. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to commencement of development.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

9. In the event that contamination is found under condition 1, at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

10. Where remediation works have been carried out in pursuance with the preceding conditions 1 and 2, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

11. No development shall take place until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for:

- Measures to control the emission of dust during construction and demolition;
- measures to control the deposit of extraneous material on the public highway
- outline the hours of construction
- outline the hours of all deliveries to the site
- the identification of the site compound, the storage area for materials and the car parking arrangements
- outline the measures to be used to reduce adverse lighting, noise and any vibration impacts. 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
- Details of the contact(s) for the responsible person(s) both on and of-site should local concerns about the construction be raised.

The site's construction of the development hereby approved shall only take place throughout the length of that period strictly in line with the approved Construction Management Plan.

REASON

To safeguard the character and appearance of the area, living conditions and road safety.

12. No work on the development hereby permitted shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the first dwelling hereby approved is first brought into occupation.. The Preliminary SUDS Appraisal, as identified in condition 4 should be considered in the design of the scheme.

REASON

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

13 No work shall commence on the development hereby permitted until a landscaping scheme for the whole of the site, including the retention of any existing trees, hedgerows and shrubs and the planting of additional trees, hedgerows and shrubs, has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme.

REASON

To safeguard the character and landscape of the area.

14. No development whatsover shall commence on site until a noise assessment has been undertaken in respect of the noise impacts arising from the adjacent recreation ground has first been sumbitted to the Local Planning Authority. The Assessment shall include mitigation measures proportionate to the impacts identified. Work shall then only commence on site following the written approval by the Local Planning Authority mitigation measures and any such measures as approved shall be timplemented in full on site.

REASON

In the interest of minimising the noise nuisance from the adjacent recreation ground.

15. No development whatsoever shall commence on site until details, plans and measures to show Bio Diversity Net Gain on the site have first been submitted in writing to the Local Planning Authority. The Biodiversity Impact Assessment Calculator from Warwickshire County Council should be used in this process togeher with the recommendations set out in the Preliminary Ecological Appraisal dated September 2022 and prepared by Midland Ecology as agreed under Condition 4. The submission should be defined in the landscaping details required by condition 13 above. Development shall then only commence upon written approval from the Local PLanning Authority of the details, pland and measures to be implemented on site.

    REASON

    To conserve and enhance biodiversity, thus achieving sustainable development objectives set out in the National Planning Policy Framework.

16. The development above the damp proof course shall be commenced until the visibility splays shown on the approved drawing number 27388_08_020_01 Rev B have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

    REASON:

    In the interests of highway safety

Notes

1. Although outline permission has been granted, the illustrative drawing submitted needs to be carefully considered. Before submitting any scheme for approval of reserved matters, you are advised to talk to the LPA.

1. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations". Also Trees are to remain upon the site in close proximity to any of the proposed dwellings it is recommended that full guidance is taken in regards to NHBC (National House Building Council) Chapter 4.2 (2); Building Near Trees to help prevent future incidents of subsidence. "Trees in relation to design, demolition and construction - Recommendations""

2. There may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species.

3. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).

4. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.

5. If any hedgehogs are found, these should be moved carefully to a suitable adjacent habitat. Hedgehogs are of high conservation concern and are a Species of Principal Importance under section 41 of the NERC act. Habitat enhancement for hedgehogs can easily be incorporated into development schemes, for example through provision of purpose-built hedgehog shelters. More details can be provided by the WCC Ecological Services if required.

6. 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 noworking of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.

7. Condition 16 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days' notice will be required. For works lasting longer than 10 days, three months' notice will be required.

8. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at http://shop.bgs.ac.uk/georeports/, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

   For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.

9. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

10. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

11. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance

12. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 ""Trees in relation to design, demolition and construction - Recommendations"".

13. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

14. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work, or call 0800 688 588

15. Prior to the occupation of the approved dwelling(s), please contact our Street Name & Numbering officer to discuss the allocation of a new address on 01827 719277/719477 or via email to SNN@northwarks.gov.uk. For further information visit the following details on our website https://www.northwarks.gov.uk/info/20030/street_naming_and_numbering/1235/street_naming_and_numbering_information

16. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g., street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

17. The applicant / developer is advised to consider Construction Logistics and Community Safety (CLOCS), when formulating construction plans. The development works undertaken shall consider the Construction Logistics and Community Safety (CLOCS) Standard as set out under https://www.clocs.org.uk/.

18. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of works.

19. 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.

20. The site owner should work with the reelvant part of the Council to control Japanese knotweed, which is on adajcent land.

21. There shall be no burning of waste on the site.

BACKGROUND PAPERS

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

Planning Application No: PAP/2022/0350

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	4/7/2022

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

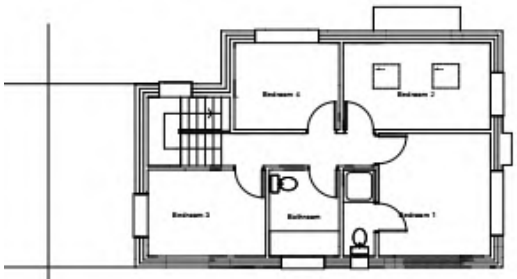

Long Street
166
164
Dordon Surgery
The Shortwoods
Long Street

Appendix B

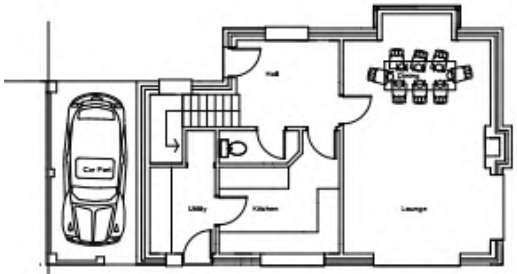
Appendix C

Appendix D

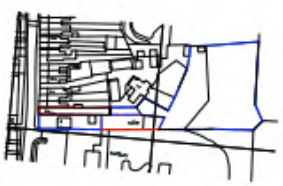
Elevations 1:100



First Floor Plan 1:50



Ground Floor Plan 1:50



Location Plan 1:1250

Block Plan 1:500