

Enquiries to:  
Committee Services

Telephone Committee Services: 024 7637 6220

Direct Email:  
committee@nuneatonandbedworth.gov.uk

Date: 14<sup>th</sup> August 2023

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 29 August 2023 at 6.00p.m.**

Public Consultation on planning applications will commence at 6.00pm (see Agenda Item No. 6 for clarification).

Please note that meetings may be recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: All Members of the Planning  
Applications Committee

Councillors L. Cvetkovic (Chair),  
C. Cape, M. Green, B. Hammersley,  
J. Hartshorn, S. Markham, B. Pandher,  
J. Sheppard (Vice-Chair), E. Shiers,  
R. Smith and K. Wilson.

## AGENDA

### PART I - PUBLIC BUSINESS

#### 1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside Lloyds Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

The meeting will be live streamed to YouTube and will be available to view via the NBBC website.

#### 2. APOLOGIES - To receive apologies for absence from the meeting.

#### 3. MINUTES - To confirm the minutes of the meeting held on 25<sup>th</sup> July 2023, attached (**Page 5**).

#### 4. DECLARATIONS OF INTEREST

To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

##### Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 11**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

**Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.**

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

**Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.**

**Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.**

5. DECLARATIONS OF CONTACT

Members are reminded that contacts about any Planning Applications on this agenda must be declared before the application is considered.

6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control, attached (**Page 14**).

Members of the public will be given three minutes to speak on a particular item and this is strictly timed. The chair will inform all public speakers that: their comments must be limited to addressing issues raised in the agenda item under consideration: and that any departure from the item will not be tolerated.

The chair may interrupt the speaker if they start discussing other matters which are not related to the item, or the speaker uses threatening or inappropriate language towards Councillors or officers and if after a warning issued by the chair, the speaker persists, they will be asked to stop speaking by the chair. The chair will advise the speaker that, having ignored the warning, the speaker's opportunity to speak to the current or other items on the agenda may not be allowed. In this eventuality, the chair has discretion to exclude the speaker from speaking further on the item under consideration or other items of the agenda.

7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK – the report of the Head of Development Control.
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**25<sup>th</sup> July 2023**

A meeting of the Planning Applications Committee was held on Tuesday, 25<sup>th</sup> July 2023, in the Council Chamber and was recorded for future publication on the Council's website.

**Present**

Councillor L. Cvetkovic (Chair)

Councillors: C. Cape, M. Green, B. Hammersley, S. Markham, B. Pandher, R. Smith, R. Baxter-Payne (substituting for Councillor K. Wilson) and S. Harbison (substituting for Councillor J. Hartshorn).

Apologies: Councillors J. Hartshorn, J. Sheppard (Vice-Chair), E Shiers and K. Wilson.

PLA15 **Minutes**

**RESOLVED** that the minutes of the meeting held on the 4<sup>th</sup> July 2023 be approved and signed by the Chair.

PLA16 **Declarations of Interest**

As Councillors R. Baxter-Payne and S. Harbison were substitute Councillors for this meeting, their declarations were not detailed in the Schedule attached to the agenda.

In relation to applications 039556 and 039622, Councillor S. Markham declared that she is the Portfolio Holder for Childrens Services within Warwickshire County Council. Councillor S. Markham confirmed she had not any dealings or involvement in relation to either of these applications.

Councillor R. Tromans confirmed he would be speaking as Ward Councillor on application 039556. He declared he also lives on the street where this proposed application is located.

**RESOLVED** that

- a) the declarations of interest are as set out in the Schedule attached to these minutes, with the addition of the Declarations of Interest for Councillors R. Baxter-Payne and S. Harbison who are substitute Councillors for this meeting; and
- b) that the declarations of interest are as set out in the Schedule attached to these minutes, with the addition of the further Declarations of Interests for Councillor S. Markham and R. Tromans.

PLA17 **Declarations of Contact**

Councillor Markham declared that she had received correspondence and been contacted by a Member in relation to applications 039556 and 039622. All Committee Members declared they had also been contacted by a Member in

relation to these applications. All Committee Members present confirmed they had given no indication as to how they intended to speak or vote in relation to the applications.

Councillor R. Smith declared that he had also had contact with MP Marcus Jones in relation to application 039556.

### **IN PUBLIC SESSION**

PLA18 **Planning Applications**

**(Note: Names of the members of the public who submitted statements or spoke are recorded in the Schedule).**

**RESOLVED** that decisions made on applications for planning permission are as shown in the attached schedule, for the reasons and with the conditions set out in the report and addendum, unless stated otherwise.

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Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND  
RELATED MATTERS REFERRED TO IN MINUTE PLA18 OF THE  
PLANNING APPLICATIONS COMMITTEE ON 25<sup>th</sup> JULY 2023

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039556: 7 St Ives Way, Nuneaton, Warwickshire. CV11 6FR.  
Applicant: Ms E. Holland

**Public Speakers:** Barbara Quick  
Councillor R. Tromans (Ward Councillor)  
Mr Sidhu – Centauri Group

**DECISION**

That planning permission be granted, subject to the conditions printed in the agenda.

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039622: 2 Osprey Close, Nuneaton, Warwickshire. CV11 6TF  
Applicant: Mr Vineet Trivedi

**Public Speakers:** Andy Bowers  
John Colley  
Councillor J. Gutteridge (Ward Councillor)  
Dr. Miriam Masaud  
Jim Malkin

**DECISION**

That this item be deferred to a future Planning Applications Committee meeting to allow for:

- a) a site visit to be taken place; and
  - b) that parking concerns be looked into by WCC Highways (including the extended car parking area) and advice be given to the Planning Committee in relation to parking.
- 

038716: Former Bedworth Bowling and Rugby Club. Site: 104D002 Smarts  
Road, Bedworth, Warwickshire.  
Applicant: Countryside Partnerships

**Public Speaker:** Andrew Tildesley

**DECISION**

That planning permission be granted, subject to a legal agreement and the conditions printed in the agenda.

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## Planning Applications Committee - Schedule of Declarations of Interests – 2023/2024

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> <li>- Housing matters</li> <li>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</li> <li>- An allowance, payment given to members</li> <li>- An indemnity given to members</li> <li>- Any ceremonial honour given to members</li> <li>- Setting council tax or a precept under the Local Government Finance Act 1992</li> <li>- Planning and Licensing matters</li> <li>- Allotments</li> <li>- Local Enterprise Partnership</li> </ul>
	C. Cape	Director of Capability Coaching and Consultancy Ltd.	Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>• Armed Forces Covenant Meeting</li> </ul> Member of Attleborough Community Matters Group Member of the Royal British Legion Member of the Adult Social care and Health Overview and Scrutiny Committee at WCC	
	L. Cvetkovic (Chair)	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee)  Member on the following Outside Bodies: <ul style="list-style-type: none"> <li>• Building Control Partnership Steering Group</li> </ul>	
	M. Green	Employed by Horiba Mira – Engineering Technician	Chair of Education Standards Committee – St Thomas More School. School Appeals Panel Member Our Lady of the Angels Church. President – St Vincent De Paul Society Nuneaton, Member of the George Eliot Fellowship Member of Other Bodies: <ul style="list-style-type: none"> <li>• Friendship Project for Children.</li> </ul>	



	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<ul style="list-style-type: none"> <li>Nuneaton Education Strategy Group</li> </ul>	
	B. Hammersley	County Councillor – W.C.C.	Member on the following Outside Bodies: <ul style="list-style-type: none"> <li>Hammersley, Smith and Orton Charity</li> </ul>	
	J. Hartshorn	Employed by ASDA Nuneaton	Member of Nuneaton Conservatives	
	S. Markham	County Councillor – WCC (Portfolio Holder for Children’s Services)	Governor at Ash Green School Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>Nuneaton and Bedworth Sports Forum</li> <li>Warwickshire Direct Partnership</li> <li>Warwickshire Waste Partnership</li> <li>Sherbourne Asset Co Shareholder Committee</li> <li>Hammersley, Smith and Orton Charities</li> </ul>	
	B. Pandher		Member of Warwickshire County Council  Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group  Member of the following Outside Bodies: <ul style="list-style-type: none"> <li>Foleshill Charity Trustee – Proffitt’s Charity</li> </ul>	
	J. Sheppard (Vice-Chair)		Partnership member of the Hill Top and Caldwell Big Local.  Director of Wembrook Community Centre.  Member of Labour Party.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
	E. Shiers	Employed by and Director of Cannon Enterprise Ltd. Director of The Fresh Dessert Company	The Labour Party Coventry East Credit Union  Member of the Pride in Camp Hill Board.  Member of the governing board	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<p>for Camp Hill Primary School.</p> <p>Member of the Board of Trustees of Camp Hill Community Association.</p> <p>Volunteer for Coventry and Warwickshire District RSPCA.</p>	
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington;</p> <p>Trustee of Bulkington Sports and Social Club;</p> <p>Director of NABCEL;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>• A5 Member Partnership;</li> <li>• PATROL (Parking and Traffic Regulation Outside of London) Joint Committee;</li> <li>• Building Control Partnership Steering Group</li> <li>• Bulkington Village Community and Conference Centre</li> <li>• West Midlands Combined Authority and Land Delivery Board</li> </ul>	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	<p>Deputy Chairman – Nuneaton Conservative Association</p> <p>Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> <li>• Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL)</li> <li>• Coventry, Warwickshire and Hinckley &amp; Bosworth Joint Committee</li> <li>• District Council Network</li> <li>• Local Government Association</li> <li>• Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP)</li> <li>• West Midlands Combined Authority</li> </ul>	

## Planning Applications Committee - Schedule of Declarations of Interests – 2023/2024

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**Planning Applications Committee**  
**29<sup>th</sup> August 2023**

**Applications for Planning Permission etc.**  
**Agenda Item Index**

**Previously Considered/Site Visits**

<b>Item No.</b>	<b>Reference</b>	<b>Ward</b>	<b>Address</b>	<b>Page No.</b>
1.	039235	BU	Toldish Hall Farm Parrotts Grove Coventry Warwickshire CV2 1NR	15

<b>Wards:</b>					
AB	Abbey	AR	Arbury	AT	Attleborough
BA	Barpool	BE	Bede	BU	Bulkington
CH	Camp Hill	EX	Exhall	GC	Galley Common
HE	Heath	KI	Kingswood	PO	Poplar
SL	Slough	SN	St Nicolas	WB	Wembrook
WE	Weddington	WH	Whitestone		

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## Item No. 1

**REFERENCE No.** 039235

**Site Address:** Tolldish Hall Farm Parrotts Grove Coventry Warwickshire CV2 1NR

**Description of Development:** Installation of a ground mounted solar photovoltaic PV development of approximately 25 megawatts MW, associated electrical and access infrastructure and landscaping on land at Tolldish Hall Farm.

**Applicant:** Mr Richard Turner

**Ward:** BU

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### **RECOMMENDATION:**

Planning Committee is recommended to grant planning permission, subject to the conditions printed.

### **INTRODUCTION:**

The application seeks planning permission for the installation of a ground mounted solar photovoltaic PV development of approximately 25 megawatts export capacity, associated electrical and access infrastructure and landscaping on land at Tolldish Hall Farm, Hawkesbury Lane.

The site comprises approximately 35.16 ha of land which is located within the countryside and the Green Belt and is made up of 12 fields, currently used for pasture and horse grazing. Tall pylons and associated overhead lines cross the western part of the site. The topography of the land is generally flat in the southwestern area with a gentle slope to the east of the site. There is a Public Right of Way (PRoW) which crosses the site from Hawkesbury Lane, through two fields to the south of the site. There are fishing lakes within proximity of the site; to the north lies Hollyhurst Lakes and Hawkesbury Fishery, and another unnamed fishery lies to the south of the site.

The site is surrounded by agricultural land and the surrounding area mainly comprises open countryside, individual farms and residential properties. The nearest residential properties to the site are Tolldish Hall and Toldish Hall Cottage which are Grade II Listed Buildings. Hawkesbury Hall, another Grade II Listed Building, lies approximately 550 m southwest of the site.

The nearest settlements are the village of Alderman's Green located approximately 460 m south of the site, Bedworth, located approximately 600 m to the west, and Bulkington, located approximately 1.6 km to the north east.

The development would be accessed from the B4109 which lies adjacent to the south east of the site. There are two proposed access points for the development, one for construction vehicles which would enter via a pre-existing agricultural access near Tolldish Hall Farm, and one for operational vehicles which would enter from the track leading to Hollyhurst Farm.

Planning permission is sought for a temporary operational period of 40 years. The application proposes that the development would be fully decommissioned with the land restored at the end of the temporary planning permission period.

The proposed development includes the following works:-

- Strings or rows of solar panels (each panel approximately 1.1 m x 2.2 m) mounted on metal frames;
- Lower edge of panel positioned typically 0.8 m from the ground;
- Highest point of panel approximately 3.1 m in height from the ground;
- String inverters attached to the rear of panel table mounting structures;
- Transformer units, each housed within a Glass Reinforced Plastic (GRP) enclosure measuring approximately 10.5 m x 3.5 m x 3 m high;
- Temporary Construction compound (TCC) measuring approximately 50 x 130 m;
- DNO and client switchgear buildings housed within GRP enclosures measuring approximately 5 m x 5 m, and 8.1 m x 2.9 m respectively;
- Perimeter timber post and wire fencing (up to 2 m in height) or similar;
- Perimeter palisade fencing (up to 2 m in height) or similar;
- CCTV camera posts up to 3 m in height;
- Internal access tracks – 4 m wide;
- Temporary welfare area and spares warehouse/workshop containers measuring approximately 6.1 m x 2.4 m x 2.6 m in height; and
- Landscaping and biodiversity enhancements.

Various amended plans, reports and other documents have been submitted during the course of the application to support the proposal.

## **BACKGROUND:**

The application has not received a level of objection or support to trigger the application to be decided by the Council's Planning Applications Committee, however, the Head of Development & Building Control (now Assistant Director - Planning) considers that the application should be determined by the Planning Applications Committee which would accord with the provisions of section 3E.8 (b) (v) of the Council's constitution.

A screening opinion has been undertaken by the Council in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which concludes that the proposal is not deemed to be EIA development.

## **RELEVANT PLANNING HISTORY:**

There are no relevant planning applications relating to the site which would be relevant to the determination of this application.

The applicant has undertaken a review of planning applications within 5 km of the site which revealed the following applications for renewable energy developments:

- FUL/2020/1476 – Coventry City Council – Approved planning application (decision date 22<sup>nd</sup> January 2021) for construction and operation of a 49.9 MW battery storage facility, fencing and site access road on land to the south of the Coventry National



Grid Substation, Parrotts Grove, Alderman's Green, Coventry, approximately 640 m south of the site.

- SCR/2022/0906 – Coventry City Council – EIA Screening Request for a solar farm on Land adjacent to Lentons Lane, submitted on 07/04/2022, approximately 800 m southeast of the site.

In addition to the above, the Local Planning Authority are aware that Coventry City Council have applied for planning permission for a solar farm development, including solar arrays, control buildings and associated infrastructure, internal access roads, landscaping and associated development under planning reference PL/2023/0001062/FULM, Land South East Of Shilton Lane and South And South East Of Lentons Lane. This site is located approximately 800 metres to the south and south west of the application site and is also located within the Green Belt, with development bordering the canal, the M6, the B4109 and Lentons Lane. The application is pending consideration at the time of writing this report and Nuneaton and Bedworth Borough Council have been consulted on this application as a neighbouring authority.

In addition, an Environmental Impact Assessment (EIA) Screening Opinion for a 25MW Solar PV Development on land at Hollyhurst Farm, West of Mile Tree Lane, Bedworth, CV2 1NT was also submitted to the Local Planning Authority in July 2023. This site almost borders the application site, as illustrated in the aerial imagery below, and is also located within the Green Belt.

#### **Hollyhurst Farm site:-**



## Toldish Hall Farm application site:-



### RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
  - DS1 – Presumption in favour of sustainable development;
  - DS3 – Development principles;
  - DS7 – Green Belt;
  - NE1 – Green infrastructure;
  - NE3 – Biodiversity and geodiversity;
  - NE4 – Managing flood risk and water quality;
  - NE5 – Landscape character;
  - BE1 – Contamination and land instability;
  - BE2 – Renewable and low carbon energy;
  - BE3 – Sustainable design and construction;
  - BE4 – Valuing and conserving our historic environment.
  
- Supplementary Planning Guidance / Supplementary Planning Documents and other material planning considerations:-
  - Sustainable Design and Construction SPD 2020.
  - Transport Demand Management Matters SPD 2022.
  - Open Space and Green Infrastructure SPD 2021.
  - National Policy Planning Framework (NPPF).
  - National Planning Practice Guidance (NPPG).
  - Joint Green Belt Study (2015).
  - UK Government Solar Strategy 2014.
  - EN-1: Overarching National Policy Statement for Energy (July 2011).
  - EN-3: National Policy Statement for Renewable Energy Infrastructure (July 2011).
  - Written Ministerial Statement on Solar Energy: protecting the local and global environment made on 25 March 2015.

### CONSULTEES NOTIFIED:

Cadent Gas, Coventry City Council, CPRE, Environment Agency, Natural England, NBBC Environmental Health Team, NBBC Parks and Open Spaces Planning Officer, NBBC Planning Policy, NBBC Refuse and Waste Team, Open Space Society,

Severn Trent Water, Warwickshire Wildlife Trust, Western Power Distribution, WCC Archaeology, WCC Flood Risk Management, WCC Highway Authority, WCC Rights of Way Team, The Coal Authority, Historic England.

### **CONSULTATION RESPONSES:**

No objection, subject to the imposition of conditions and/or informatives from: WCC Archaeology, WCC Flood Risk Management Team, WCC Highway Authority, WCC Rights of Way Team.

Comments from: NBBC Tree Officer, NBBC Parks and Open Spaces Planning Officer.

No comments to make/no objection from: Environment Agency, NBBC Planning Policy Team, Historic England, Coventry City Council.

No response received from: Cadent Gas, CPRE, Natural England, NBBC Environmental Health Team, NBBC Refuse and Waste Team, Open Space Society, Severn Trent Water, Warwickshire Wildlife Trust, Western Power Distribution, The Coal Authority.

### **NEIGHBOURS NOTIFIED:**

All of the following are located in Parrots Grove:- Oak Tree Farm, Toldish Hall Farm, Grove Farm, The Trossachs, Wayside, 18, 20, 23, 25 and 27 Parrots Grove, Elmore, Hawkesbury Hall, Marisburn House, Westfield's, Hawkesbury Hall Farm, Sunny Acre, Half Acre Caravan site, Gypsy Site No.3, Plots 1 and 2 Sunny Acre, Gypsy Site No.4, Honeysuckle Barn, Half Acres, Germany Farm, Croft Farm Cottage, The Old Nursery, The Chalet, Sunny Acre, all units at The Trossachs, Store at Oak Tree Farm, Pump House, New Acre, and Caravans 1, 2 and 3 Marisburn House.

Neighbouring properties were sent letters notifying them of the proposed development on 14<sup>th</sup> November 2022. A site notice was erected on street furniture on 24<sup>th</sup> November 2022 and the application was advertised in The Nuneaton News with the advertisement expiring on 21<sup>st</sup> December 2022.

### **NEIGHBOUR RESPONSES:**

There has been one letter of neutral representation neither supporting or objecting to the proposal and one letter of support received during the course of the statutory consultation period.

The comments included within the letter of support are summarised below:

1. The urgency of the climate crisis and the need for renewable energy sources cannot be overstated;
2. The Council's declaration of a Climate Emergency in December 2019 highlights the importance of projects such as this solar farm in mitigating the effects of climate change;
3. The solar farm will provide a significant source of clean energy for the local community, with the potential to power over 7,000 homes;
4. The location of the farm, which is discreet and away from residential areas while also promoting biodiversity, is a prime example of responsible and sustainable development;

5. Comments that the approval of the Tolldish Hall Solar Farm will play a crucial role in moving us towards a cleaner and greener future, while also supporting the Council's goal of reaching net zero emissions.

The neutral letter of representation raises the following summarised comments:

1. That solar farms will become increasingly important in reducing the UK's dependency on fossil fuels and for mitigating the impacts of climate change, delivering greater energy security for the future;
2. That solar farms can provide a sustainable form of land use and can be a source of employment without the negative impacts that other use classes tend to bring such as B8 (storage or distribution);
3. When using best practice guidelines, they can also create opportunities to improve local biodiversity;
4. It is essential that public rights of way, trees and hedgerows are protected;
5. It should be ensured that residents in Parrot's Grove and Alderman's Green are not adversely affected;
6. Comments that there should be a policy relating to this form of development and further planning guidance for developers;
7. The site is within the Buglife's B-line and so it is essential that it delivers wildflower-rich habitats;
8. Questions have also been posed to include whether the developer has been made aware that their site is within the B-line;
9. Opportunities should be explored to help conserve our native insect pollinators;
10. Information has been provided relating to voluntary certification schemes, other tools and guidance;
11. A request that multiple land uses are fully considered;
12. Several questions have been posed throughout the letter of representation relating to the specific design of the scheme and whether other alternative options and layouts have been considered (to include vertically-mounted bifacial modules, stilt-mounted solar panels, use of actuators, etc);
13. Comments have also been posed relating to solar farm installations and ensuring that this is carried out using best practice guidelines and the latest technology so that opportunities for multiple land use can be maximised;
14. Comments relating to how standards will be maintained in the long term.

## **APPRAISAL:**

The key issues to assess in the determination of this application are;

1. The Principle of the Development, Green Belt, Landscape and Visual Impacts;
2. Impacts upon Public Rights of Way (PRoWs);
3. Highway Safety Impacts;
4. Residential Amenity and Health Impacts;
5. Heritage and Archaeology Impacts;
6. Flood Risk and Drainage Impacts;
7. Ecology, Biodiversity and Landscaping;
8. Aviation Safety;
9. Length of Temporary Consent;
10. Other Material Planning Considerations;
11. Conclusion and Planning Balance.

## **1. The Principle of Development, Green Belt, Landscape and Visual Impacts**

The proposed solar farm would be located within the countryside and within the Green Belt. Policy BE2 (Renewable and low carbon energy) of the Borough Plan 2019 states that schemes to introduce renewable and low carbon technologies will be approved, including biomass energy, ground source heat pumps, solar thermal and solar photovoltaic, combined heat and power, and district heating. It goes on to state that development should connect to any existing community/district heating schemes where appropriate, and should also consider the viability of biomass heating, combined heat and power, and utilising surplus heat. When having regard to the nature of the application, no conflict is identified with Policy BE2, however, the scheme should be assessed against all relevant policies within the Borough Plan 2019 as a whole.

Policy DS3 (Development Principles) of the Borough Plan 2019 states that new development should be sustainable and be supported by appropriate infrastructure as well as environmental mitigation and enhancement. It goes on to confirm that proposed development outside of settlement boundaries other than for agriculture, forestry and leisure uses may be acceptable where it is demonstrated that a location outside of settlement boundaries is required.

Policy DS7 (Green Belt) of the Borough Plan 2019 states that new development within the Green Belt will be restricted to that which is considered to be acceptable under national planning policy, unless very special circumstances can be demonstrated. The supporting text to this policy refers to a Joint Green Belt Study prepared in 2015 which assessed various parcels of Green Belt land in the Borough on the edges of the Green Belt for the contribution they make to the purposes of the Green Belt.

Policy NE5 (Landscape Character) of the Borough Plan 2019 requires development proposals to respond positively to the key characteristics and distinctiveness of the Landscape Character Area in which it is located, as identified in the Nuneaton and Bedworth Landscape Character Assessment (LCA). Proposals will be expected to conserve or enhance important landmark views; conserve, enhance or create boundary features and field patterns; and conserve and enhance strength of character and landscape condition. Development proposals will also be expected to take account of the landscape strategy for the Landscape Character Area in which it is located, as set out in the Nuneaton and Bedworth LCA.

Section 13 of the NPPF (2021) established the national planning policy objective to protect the Green Belt, Paragraphs 149 and 150 define different types of development that would not be inappropriate in the Green Belt. The proposed solar farm scheme would not comply with any such provisions outlined within the NPPF (2021). The proposal is therefore considered to be inappropriate development in the Green Belt.

Paragraphs 147 and 148 of the NPPF (2021) state that inappropriate development in the Green Belt is, by definition, harmful and carries substantial weight. Such development should not be approved except in very special circumstances. It continues that very special circumstances will only exist if the harm to the Green Belt by its inappropriateness, and any other harm, would be clearly outweighed by other considerations.

Paragraph 151 of the NPPF (2021) states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate

development. In such cases, developers will need to demonstrate very special circumstances if projects are to proceed. The paragraph goes on to confirm that such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

- *Development Principles*

As set out above, Policy DS3 seeks to limit development outside of the settlement boundaries. As the site is unallocated and falls outside the settlement boundary, the application is required to demonstrate that the proposal requires a location outside of the settlement boundaries.

The submitted planning statement demonstrates that the site is required in a location outside of the settlement boundaries, as the Council's brownfield register was reviewed to find alternative sites, however, no suitable sites were identified. Additionally, rooftops in proximity to the point of connection were assessed, however, the scale of the rooftops were considered too small to accommodate the development. The only other potentially developable areas were two strategic housing sites, which are clearly not suitable for solar farm development, as they are allocated for other strategic purposes which contribute to meeting the housing need set out in the Borough Plan.

It is also considered that the viability of the development would also be put at risk the further the development is located from the point of connection, as the cost of cabling would increase; in addition to creating greater disruption and complexity through construction works necessary to connect to the grid.

For these reasons, it is considered that the development requires a location outside of the settlement boundaries and no unacceptable conflict with Policy DS3 of the Borough Plan 2019 has been identified.

- *Green Belt - openness and purposes*

The fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open (paragraph 137 of the NPPF (2021)). Openness has both visual and spatial qualities. The site consists of 12 fields, these are enclosed by tree and hedge boundaries. In terms of topography, the site is generally flat in the south western area with a gentle slope to the east. There is a gradual slope from 109 m AOD in the north to 92 m AOD to the south western boundary.

The site is currently used as agricultural land and from a spatial perspective, the proposed solar arrays would introduce substantial development into the area in terms of ground cover due to the number of arrays proposed. Furthermore, the proposed access tracks, perimeter and palisade fencing, substations, transformers, the quantity and presence of the proposed 3 metre high CCTV posts to the perimeter of the majority of parcels, would all result in additional built form and structures that would further diminish the openness of the Green Belt spatially.

Nevertheless, whilst the scheme is substantial in terms of the site area, the solar arrays would be relatively modest in mass and would be spaced at regular intervals. The scheme would be in place for a temporary 40 year period, it would then be fully demounted and land returned to its former condition and the end of its use and conditions could be imposed upon any permission granted to secure the appropriate



restoration of the site. Therefore, the impact on the openness of the Green Belt would be reduced with the site ultimately reinstated to its former open character.

With regard to the effects upon the West Midlands Green Belt, the submitted LVA concludes that the visual openness of the Green Belt would not be perceptibly reduced. The landscape consultant has advised that such a conclusion is reasonable given the nature of the development and the visual containment of the site, as well as the presence and impact of the existing three rows of overhead power lines and pylons crossing through the west of the site and immediate context.

Paragraph 138 of the NPPF (2021) defines the 5 key purposes of the Green Belt. These are to check unrestricted sprawl of large built-up areas, prevent neighbouring towns merging, safeguard the countryside from encroachment, preserve the setting of historic towns and to assist in urban regeneration (by encouraging the reuse of urban land). Historic towns would be unaffected by the development, in addition, the scheme would not contribute towards urban sprawl or towns merging as the site is not located close to a built-up area. However, the proposal could result in encroachment and would not contribute to the reuse of urban land.

In terms of encroachment, the proposed scheme would result in the mounting of a large number of solar rays within 12 fields. Their operation would be supported by substations and transformers. The arrays would fundamentally alter the appearance of the fields. They would alter from a sequence of open fields with public rights of way crossing them, to accommodating solar equipment, fencing and other ancillary features which would be intercepted to some degree with retained field boundaries and hedgerows. Such an effect would result in encroachment of the Green Belt, contrary to one of the purposes of the Green Belt already discussed in the above report.

A further purpose of the Green Belt is to deflect new development towards previously developed land (PDL) to assist in urban regeneration. It is considered that the reuse of PDL for a scheme such as this would fail to secure the most efficient or optimum reuse of previously developed land, particularly when having regard to the temporary nature of the development. As such, the proposal would not be in conflict with this purpose of the Green Belt.

In summary, the proposal, as inappropriate development, would by definition harm the Green Belt. It would result in encroachment and harm to the openness of the Green Belt in both visual and spatial terms. Accordingly, the proposal would conflict with the requirements of Policy DS7 of the Borough Plan 2019, as well as the guidance set out within the NPPF. This policy and guidance seeks to resist inappropriate development in the Green Belt. All harm to the Green Belt carries substantial weight in the decision making process.

- *Landscape and Visual Impacts*

Policy NE5 (Landscape character) of the Borough Plan 2019 sets out that major development proposals must demonstrate how they will conserve, enhance, restore or create a sense of place, as well as respond positively to the landscape setting in which the development proposal is located. The Policy goes on to state that developers must take account of the Land Use Designations Study and landscape guidelines when preparing their landscape strategy.

Further, the policy sets out that major development proposals must demonstrate that

they are in balance with the setting of the local landscape, respect the key characteristics and distinctiveness of that landscape, and in particular show how the proposal will:

1. Conserve or enhance important landmark views.
2. Conserve, enhance or create boundary features and field patterns.
3. Conserve and where necessary enhance the strength of character and landscape condition.

In terms of landscape hierarchy, the Policy sets out that major development proposals must take account of the landscape strategy set out in the Landscape Character Assessment. Outside of the strategic sites and urban area, developers must show they have sequentially considered development opportunities in areas of least landscape value first, prior to any development proposals being permitted in higher value landscape character areas. The areas of search will follow the landscape hierarchy in the order set out below:

1. Restore and create.
2. Enhance and restore.
3. Enhance.
4. Conserve and enhance
5. Conserve.

Paragraph 174 of the NPPF (2021) states that planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The site falls within Landscape Character Area (LCA) 6: Nuneaton and Bedworth Urban Fringes. The Borough Plan Background Paper sets out that emphasis should be placed on enhancing and restoring features including canals; wetland meadows; riparian tree planting; hedgerows; hedgerow trees; and woodland. This landscape provides separation between Nuneaton and Bedworth although the separation between the settlements is particularly constrained along the A444 around Griff.



The key characteristics identified for the LCA are comprehensively listed in the Council's Landscape Character Assessment and have been provided below:

#### “Landform and Hydrology

- Flat to very gently undulating land.....
- Man-made mounding and landform are frequent reminders of the area's industrial mining and quarrying heritage
- Coventry Canal, Oxford Canal.....are key unifying features throughout the landscape often providing an edge to development
- Frequent large and small fishing ponds often clustered together and surrounded by areas of grassland, scrub and trees

#### Land Use

- The land use is varied and typical of urban fringe landscapes including: golf courses; recreational areas; active and disused quarries; pasture and arable farming; and horse paddocks
- Primarily an arable farmed landscape although pasture is present close to farmsteads
- A medium to small-scale pattern of regular geometric fields
- Fields bounded by hedgerows although fences are often present around horse paddocks
- Low closely clipped hedges are frequent, these are of variable condition varying from intact hedges close to Hollyhurst Farm where field pattern is most notable to fragmented sections of relic hedges and isolated trees in fields
- Frequent hedgerow trees often present as small groups or clusters and isolated trees in fields

#### Landscape Features (Trees, grassland and woodland)

- Large and small blocks of irregular shaped woodland; the largest is Sweet Laud's Wood
- Other woodland is linear in nature and concentrated around old quarries and collieries, along some of the brooks and canals and around Hawkesbury Hall
- Small irregular copses also present throughout contributing to an often enclosed character although the land is more open where fields are larger and field pattern more fragmented
- Frequent areas of semi-improved grassland sometimes associated with restored land, scrub, wetlands and fisheries
- Wetlands and meadows are features along canals, streams and around fishing ponds

#### Built Development

- Urban edges are prominent and frequent within this landscape
- Built development is often visible as a continuous line of buildings although in places landform and planting are successful in softening edges
- Coventry Canal forms a boundary to development on the edge of Bedworth
- Frequent large farmhouses and private residences often have extensive courtyard areas with many agricultural buildings.....
- Distinctive buildings are also present at Hawkesbury Junction including Greyhouse Inn, 18 Sutton Stop and an engine pump house.....

#### Views

- Views include both short distance channelled views along canals and open views towards urban development and farmland

- Distinctive canalside views include Hawkesbury Junction (union of Coventry and Oxford Canals).....

#### Other Features

- Frequent reference in the landscape to its mining heritage through the presence of active and disused quarries, disturbed land, man-made lakes and landform
- Overhead lines are prominent and always visible within the landscape. In the south they are particularly dominant where three lines run parallel
- Traffic movement is audible and a constant reminder of the proximity of the urban edge
- Rapid transition from the urban to rural landscape is often experienced along the canals which typically retain a peaceful and tranquil character
- Distinctive character around important canal junctions including hump back stone bridges.....”

The proposal, by virtue of its nature and scale, would result in harm to the character and appearance of the area. There is a distinction to be made between impact on landscape which should be treated as a resource, and impact on visual amenity which is the effect on people observing the development in places where it can be viewed, such as from roads, public rights of way and individual dwellings. The following section of this report sets out the landscape impacts of the proposal.

The local landscape within which the site is situated comprises various land uses that reflect the transition between urban and rural landscapes. The 12 fields which form the application site are well contained by boundary hedgerows which are generally well managed and intact. Three rows of pylons cross the western part of the site and are prominent features which visually interrupt the local landscape. A public footpath crosses the southern part of the site. Other sensitive receptors in the vicinity of the site include a number of residential properties, Coventry Way long-distance footpath which passes immediately to the north, and various other public rights of way.

Mitigation measures are proposed to minimise, and in some cases avoid, adverse effects include retaining existing boundary vegetation with only small areas proposed to be removed to facilitate access between fields. The application also proposes planting new native hedgerows, hedgerow trees and areas of native woodland. Existing pasture covering the site would also be replaced with species-rich grasslands/wildflower meadows. The proposed mitigation and planting are recommended to be secured through the imposition of planning conditions.

The submitted Landscape and Visual Appraisal (LVA) has considered the effects of the development on landscape character and visual amenity at completion (taken as Year 1), when new planting is in place but not effective, and 15 years following completion when new planting would have matured sufficiently to be effective at screening the development.

The submitted LVA predicts the effects upon landscape character to be:-

- National/regional landscape character: Neutral (no change).
- County/district landscape character: Negligible adverse.
- Local landscape character: Negligible-Minor adverse.
- Character of the site: Minor adverse.

Cumulative effects have also been considered within the LVA, the highest levels of cumulative effect cited within the LVA are predicted to be Negligible-Minor adverse in

respect of the local landscape. The LVA asserts that the limited height of the development, combined with the high degree of containment afforded by the framework of existing vegetation to the boundaries of the site is such that *'it would not reduce the perception of openness of this part of the Green Belt in any meaningful way.'*

The effects of the development on views and visual amenity have also been considered in the submitted LVA. The LVA provides a summary of these effects, which has been reproduced below:-

- Effects on people living in residential properties adjacent to the site beside the B4109, who are of high sensitivity, are predicted to be between Minor-Moderate and Moderate-Major adverse at Year 1, reducing to Negligible and between Minor-Moderate and Moderate-Major adverse at Year 15 where views remain from upper floor windows. Both properties with remaining views at Year 15 form part of the agricultural holding within which the development is located.
- Effects on other people living in residential properties adjacent to the site who gain views of the Development are predicted to be between Minor-Moderate and Major adverse at Year 1, reducing to Minor-Moderate adverse at Year 15 as mitigation measures become effective.
- Effects on people using the Coventry Way long-distance walking route where it passes immediately adjacent to the site, who are of high sensitivity, are predicted to be between Moderate-Major and Major adverse at Year 1, reducing to between Negligible and Minor-Moderate at Year 15 as mitigation measures become effective.
- Effects on people using the public footpath which crosses the site, who are also of high sensitivity, are predicted to be Major adverse at Year 1, reducing to Minor-Moderate adverse at Year 15 as mitigation measures become effective.
- Effects on people using the B4109 where it adjoins the site, who are of medium sensitivity, are predicted to be Negligible adverse at Years 1 and 15.

The submitted LVA advises that from a landscape and visual perspective, the development would retain and enhance local landscape character, with visual effects significantly minimised by the proposed mitigation planting which screens against local and more distant views. The submitted LVA advises that the total extent of landscape and visual effects will be limited.

- *Review of submitted LVA*

The landscape Institute Technical Guidance Note 1/ 20 (10 Jan 2020), sets out a framework for carrying out reviews of LVAs in a structured and consistent way that reflects the approach to assessment advocated in Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3).

The Council has commissioned an independent review of the submitted LVA which has been undertaken by FPCR, a Landscape Institute registered consultancy that has undertaken and reviewed landscape character assessments, and landscape and visual impact assessments for a wide range of development proposals. The review involved a site visit and a review of submitted planning documents including the submitted 'Landscape and Visual Appraisal', 'Green Belt Sequential Study' and the 'Design and Access Statement'. The review also included a study of aerial

photography and relevant landscape character assessments. For the purposes of this report, FPCR will be referred to as ‘the landscape consultants’ from here on in.

The landscape consultants have advised that the submitted appraisal generally follows guidance in GLVIA3, however, some omissions have been noted, to include that Landscape Value could be more clearly set out against each of the factors contained in Landscape Institute TGN 02/21 “Assessing landscape value outside national designations” and would be more appropriate to be included as part of the baseline analysis. In addition, reference to the existing PRoW crossing the site has been omitted from this part of the submitted LVA. The landscape consultant has advised that the scope of the appraisal covers the issues normally included or expected in a landscape and visual appraisal for a scheme of the nature proposed. In addition, it has been confirmed that the LVA also covers an appropriate geographical extent. Further to this, it has been confirmed that the photographic viewpoints which have been submitted to support the LVA provide a reasonable representation of views and assist in making judgments on the likely visual effects. The likely visual effects of the proposal will be mostly limited to an area close to the site.

With regard to the effects of the development, the landscape consultant has advised that the judgements reached on the landscape effects on the site and the wider character area appear to be underplayed, however, they go on to advise that the likely effects are not deemed to be of a level that would materially affect the decision-making process and that the visual effects seem reasonable. The landscape consultant has also advised that there are few sensitive receptors who will experience views of the proposed development.

The landscape consultant has advised that the judgement set out within the submitted LVA of a “neutral (no change)” magnitude of change and the resultant effect upon national and regional landscape character cannot be correct. The landscape consultant has advised that a scheme of this size and nature would at least result in a negligible change and effect on the landscape, even at national/regional level.

With regard to the visual effect upon users of PRoW B38, the submitted LVA states that this would be ‘Minor-Moderate adverse’ at year 15. The landscape consultant has advised that given the loss of a sense of openness when walking along the footpath through the site, a ‘Moderate adverse’ effect would seem more reasonable. It should also be noted that the corridor between parcels 3, 4 and 5 has been widened during the course of the application to improve the experience of users of the PRoW, however, the Council’s Planning Policy Officer has advised that the corridor is not sufficiently wide to preserve the openness of the Green Belt, and would lead to an objection from a policy perspective. The Policy Officer has advised that the only reasonable alternative to remove the objection from the Planning Policy Team is to remove parcels four and five from the development.

The landscape consultant has assessed the appropriateness of the proposed mitigation, to include the proposed green amenity corridor between PRoW B38, the additional native hedgerow planting and tree and hedgerow planting proposed along the existing driveway to Hollyhurst Farm. Woodland planting is proposed at the northern edge of the site along with extensive meadow grassland throughout the entire area. The landscape consultant has advised that the proposed mitigation is considered appropriate both in terms of strengthening local landscape character and minimising adverse effects on visual amenity, as well as aiming to improve biodiversity across the site.

The review concludes that the submitted LVA is adequate for the purpose of identifying the overall landscape and visual effects and its findings can form part of the overall consideration of the planning balance. The review goes on to confirm that the submitted LVA is generally carried out in an appropriate manner and is adequate in terms of its quality and comprehensiveness. Overall, therefore, the impacts upon the landscape character and views and visual amenity have been considered in the submitted LVA and reviewed by an independent landscape consultant and the proposal would therefore result in landscape harm which would be partly mitigated by additional planting and a wider PRoW corridor. The resultant landscape harm arising as a result of the scheme would be weighed in the planning balance.

- *Effect on agricultural land*

The National Planning Practice Guidance (NPPG) outlines a number of factors which local planning authorities will need to consider in the assessment of large scale ground-mounted solar farms. The stance of the Guidance is to encourage the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land. The NPPG goes on to qualify that where a proposal involves greenfield land, the local planning authority will need to consider whether the proposed use of agricultural land has shown to be necessary and where it has, that poorer quality land has been used in preference to higher quality land, and that the proposal allows for continued agricultural use. Paragraph 174(b) of the NPPF (2021) places value on recognising the intrinsic character and beauty of the countryside including the best and most versatile agricultural land.

The glossary provided within the NPPF (2021) defines best and most versatile (BMV) agricultural land as being land in grades 1, 2, and 3a, Most of the site would be located on Grade 3b agricultural land, with 5% of the land non-agricultural land associated with existing access tracks. Sub-grade 3b is described as “moderate quality agricultural land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass harvested over most of the year” and Grade 4 is “poor quality agricultural land with severe limitations which significantly restrict the range of crops/level of yields”. It is recognised that the site has agricultural value, despite not comprising BMV land.

The submitted planning statement sets out that the land will not be used for arable cultivation for the lifespan of the facility. In contrast, the planning statement also sets out that there is the potential for agricultural land use in the form of sheep grazing in tandem with solar energy generation. However, it is considered such an activity would be unlikely to fully offset the site's current capability for agricultural uses.

The PPG ‘guide to assessing development proposals on agricultural land’ (2021) requires local authorities to aim to protect BMV agricultural land from significant, inappropriate or unsustainable development proposals. Although some components of the development, such as construction of the sub-station and other structures, may permanently affect agricultural land, this would be limited to small areas. The scheme would not result in the loss of BMV land and the temporary loss of land for agricultural uses are not considered to weigh against the scheme in the planning balance.

It is therefore concluded that it would be difficult to justify refusal on the grounds that the proposal would be on agricultural land and the proposal is considered to comply with the aims of national planning policy.

In determining this application, it is necessary to balance any recognised positive or negative effects against the strong presumption in favour of promoting renewable energy provision and the views of the local community. The wider environmental and economic benefits of the proposal are a material consideration to be given significant weight in the determination of the application.

## **2. Impacts upon Public Rights of Way (PRoW)**

Paragraph 100 of the NPPF (2021) states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

There is a PRoW (B38) which crosses the site from Hawkesbury Lane, through two fields to the south of the site and under the pylons. Other PRoW routes are located near to the site, to include footpaths B34, B39, B40 and B54, however, these footpaths do not dissect any of the fields within the application site. Users of these routes currently enjoy a relatively open aspect over the countryside.

The PRoW within the site would be retained according to its current alignment which would be between fields 3 and 4 and to the northern perimeter of field 5. The PRoW would be positioned within a proposed amenity corridor which has been increased in width during the course of the application. This amenity corridor is shown on section A-AA provided on the amended Landscape Mitigation Plan (revision A) and would be around 6 metres in width, 3 metres either side of the PRoW route.

The Council's Planning Policy Team have recommended the removal of parcels 4 and 5 from the scheme, however, this amendment has not been requested by Planning Officers in negotiations between the LPA and the applicant. The experience of the users of the right of way would inevitably be impacted upon as a result of the development, as set out within the above section of this report, however, the tree planting and other planting proposed as a buffer between the PRoW and the fields would be used for softening the visual intrusion of the development.

The County Council's Rights of Way Team have been consulted on the application and the team have advised that no objection is raised to the proposal, but have stated that it must be ensured that the tree and hedgerow planting proposed adjacent to the public footpath is set back a sufficient distance to ensure that mature growth will not encroach onto the public footpath. Such matters could be controlled through the imposition of conditions.

A condition is recommended to be imposed upon any planning permission granted to require the submission of a Construction Traffic Management Plan (CTMP) which would be agreed by the Council prior to construction commencing. The CTMP would include measures considered necessary to maintain safe access during construction.

On the above basis, the proposed layout would ensure the continued recreational use of the public rights of way and would minimise as much as possible the visual outlook from the existing footpath and the impact upon the users of the PRoW. Subject to the imposition of planning conditions, the scheme is considered to be acceptable when having regard to public access to the countryside.

### 3. Highway Safety Impacts

Policy HS2 (Strategic accessibility and sustainable transport) of the Borough Plan 2019 advises that where a development is likely to have transport implications, planning applications are required to clearly demonstrate whether the proposal will meet acceptable levels of impact on existing highways networks and the mitigation measures required to meet this acceptable level.

Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Access to the site will be taken from the B4109, via an existing access junction at Tolldish Hall Farm during the construction phase, and via the existing access track to Hollyhurst Cottage during the operational phase.

A Transport Statement has been submitted to support the application. The main highway impacts are considered to arise as a result of the estimated 3 - 4 month construction period and any decommissioning works following the 40 year lifetime of the development. The submitted Transport Statement sets out that visibility is restricted at the proposed construction access junction due to the presence of trees and hedgerows within the splay to the southwest. The application, therefore, proposes additional traffic management measures during the construction of the development along the B4109 to mitigate this impact.

Further to the above, the Transport Statement sets out that the visibility for the existing access junction into Hollyhurst Cottage, which will be used during the operational phase, is also restricted. However, the statement also sets out that the trips generated during the operational phase will be infrequent, would not involve the use of HGVs and is not expected to result in the intensification of use of this access junction. The Transport Statement goes on to state that as the site will not be 'manned', operational traffic is expected to be minimal and would be conducted by smaller vehicles.

The construction phase is anticipated to result in a total of approximately 5,174 two-way vehicular movements. During the peak month of construction, a maximum of 72 two-way vehicle movements per day are expected, which would consist of 54 car/LGV movements and 18 HGV movements on average. The predicted increase of 18 HGVs per day during the peak month of construction will result in up to 3 HGVs every hour. The application sets out that deliveries associated with HGV movements will be distributed throughout the working day and outside of network peak hours.

The submitted Transport Statement incorporates traffic management measures for construction including a clearly defined route to site, management of the approach route to site, temporary warning signage, wheel washing, and delivery times. A Construction Traffic Management Plan (CTMP) is recommended to be secured through the imposition of a planning condition prior to commencement of development.

The WCC Highway Authority have been consulted on the application and have raised no objection in principle, but have posed questions to the applicant relating to the use of 3-way lights, where these lights would be located, how they would be operated, how banksmen would be utilised, and whether the lights would restrict access and

egress from a nearby private driveway. Following the submission of additional information, the County Highway Authority have provided a final consultation response which advises that the County Council's network management team have been consulted and there is no objection in principle to the measures set out. Specific measures to be put in place will be outlined within a CTMP which would be secured through the use of a planning condition. At the end of the operational period a further management plan will be required to ensure the decommissioning of the site does not have a detrimental impact.

The County Highway Authority therefore raise no objection to the application, subject to the imposition of conditions to secure a CTMP and a site Decommissioning Plan.

- *Glint and Glare*

A Glint and Glare Assessment (GGA) has been submitted to support the application. The submitted GGA sets out that a 2.4km section of the regional road B1409 is within the 1km assessment area. The GGA provides a plan (Figure 4) of the assessed road receptors which identifies that receptors 1 to 25 are placed circa 100m apart. A height of 1.5 metres above ground level has been taken as the typical eye level of a road user.

The GGA sets out that solar reflections are geometrically possible along 1.2km of the assessed 2.4km section of the B1409. The assessment sets out that screening in the form of existing vegetation and/or buildings is predicted to obstruct views of reflecting panels, and therefore no impact is predicted concerning road safety. No mitigation has been proposed in this respect and the County Highway Authority have not objected to the proposal on this basis.

- *Highway Safety Summary*

Overall, subject to the imposition of planning conditions, it is considered that the proposed development could operate, be constructed and decommissioned without detriment to highway safety. The application is considered to accord with the relevant provisions of Policy HS2 of the Borough Plan 2019 and would not result in any unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe.

#### **4. Residential Amenity and Health Impacts**

Policy BE3 of the Borough Plan 2019 states that all development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban character area. The policy also states that one of the key characteristics to review includes residential amenity.

Section 18 of the Council's Sustainable Design and Construction Supplementary Planning Document (2019) relates to Air, Soil, Noise and Light Pollution.

Paragraph 174 of the NPPF (2021) requires, amongst other things, that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. It goes on to state that development should, wherever possible, help to improve local environmental conditions such as air and water quality.



Paragraph 185 of the NPPF (2021) states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The main impact issues when having regard to residential amenity are considered to be impacts upon visual amenity, privacy, outlook and glint and glare impacts. Consideration has however also been given to the impacts arising from the construction and decommissioning periods, as well as health impacts.

- *Glint and Glare*

With regard to glint and glare, the submitted GGA identifies that receptors to the north of the development are not included because solar reflections would not be geometrically possible towards the north when the angle of the panels is considered. A 1km assessment area has been used, with all receptors to the east, west and south of the site within a 1km radius being included within the assessment if those receptors have a potential view of the proposed panels.

In residential areas with multiple layers of dwellings, only the outer dwellings have been considered for assessment in the submitted GGA. In total, 191 dwellings have been assessed, Figure 5 of the submitted GGA provides an overview of all dwellings surveyed and their relationship to the site.

The report sets out that solar reflections are geometrically possible towards 93 of the 191 assessed dwellings. It goes on to state that screening in the form of existing vegetation and or buildings is predicted to obstruct views of reflecting panels, however, views are considered possible above the ground floor for one single dwelling, identified as receptor 94 in the submitted GGA which relates to 'Wayside' a property located to the northern side of the B4109. The GGA predicts a low impact to this single dwelling, and no significant impacts are predicted concerning residential amenity. No mitigation is recommended within the submitted GGA.

- *Visual effects*

With regard to visual effects, there are a number of isolated properties, small groups of properties and farmsteads scattered within a 1km radius of the site, from which views of the development may be achieved. Table 1.3 of the submitted LVA sets out the visual effects on residential properties.

The impacts upon most receptors was a neutral effect at year 1 and year 15, however, the visual effects upon Weston Hayes Farm is considered to be minor-moderate at Years 1 and 15, major-adverse in Year 1 and minor-moderate adverse in Year 15 for Hollyhurst Cottage, minor-moderate adverse in Year 1 and negligible

adverse in Year 15 for a group of two properties (2-storey, detached and a bungalow) adjoining the north side of the B4109 and orientated towards the site from the rear.

The biggest impacts would be upon Tolldish Hall Farm and Tolldish Hall Cottage adjoining the north side of the B4109 and orientated towards the site from the rear. The independent review of the submitted LVA sets out that the assessment methodology used to inform levels of sensitivity (to include visual) and the assessed magnitude of change are reasonable and generally derived from GLVIA3. The landscape consultant has however advised that the impact upon Tolldish Hall Farm and Tolldish Hall Cottage (which is assessed as being 'high' sensitivity), when combined with the 'small to medium adverse' magnitude at Year 15, gives a visual effect of between "Minor-Moderate and Moderate-Major adverse" which the landscape consultant did not consider to be particularly conclusive. It is therefore considered appropriate to assume that the development would result in a magnitude of effect upon Tolldish Hall Farm and Tolldish Hall Cottage (Year 1) of Medium-adverse with a level of effect being Moderate-Major adverse and a magnitude of effect (Year 15) of Small to Medium adverse with a level of effect being Moderate-Major Adverse.

It is therefore considered that the proposal would result in significant effects on views, but only in views from certain windows, most of which would be at first floor level. The growth of the proposed planting, in some cases, can be expected to reduce the visibility of the development in most of these views with the effects reducing over time. None of the views available from the properties would be blocked by the proposal. On balance, the development is not considered to result in any unacceptable impacts upon the visual amenity of residents to warrant refusal of the application on this basis.

- *Overbearing impacts*

With regard to overbearing effects, the low stature of the panels means that the proposals would not have an overbearing effect upon neighbouring properties.

- *Privacy*

The proposed CCTV cameras would be located mostly to the perimeter of the proposed site. It is not considered that the CCTV cameras would be capable of any substantive overlooking of neighbouring properties or private amenity spaces.

- *Construction impacts*

The construction phase of the development is expected to last a duration of approximately 3 - 4 months and planning permission is sought for a temporary operational period of 40 years. The site would be fully decommissioned, and land restored at the end of the temporary planning permission period. Whilst the construction and decommissioning periods would result in additional comings and goings to the site and an increased level of noise and disruption for nearby occupants, the impacts would not be significant to result in any unacceptable amenity impacts to neighbouring occupants to warrant a refusal of planning permission. In addition, the impacts arising from the construction and decommissioning periods are a temporary manifestation of any development project and would not represent a reason to resist the scheme. The Council would be able to control the construction and decommissioning periods and traffic impacts through the imposition of a

condition to secure a Construction Environmental Management Plan and a Construction Traffic Management Plan.

- *Noise Impacts*

In respect of noise, the proposed transformers, inverters and substation would give rise to a slight hum during operation, however this would be contained to within the site boundary with the panels themselves silently converting solar irradiation to electricity.

- *Health Impacts*

Policy HS5 of the Borough Plan 2019 states that all major development proposals will be required to demonstrate that they would have an acceptable impact on health and wellbeing. This should be demonstrated through the submission of a Health Impact Assessment Screening Report which demonstrates that the proposed development would not overall give rise to negative impacts in respect of health and wellbeing.

Having reviewed the submitted Health Impact Assessment Screening Report, it has been demonstrated that the proposed development would not overall give rise to negative impacts in respect of health and wellbeing.

Overall, subject to the imposition of conditions, the application is not considered to result in any unacceptable impacts upon neighbouring land uses, residential amenity or health impacts.

## **5. Heritage and Archaeology Impacts**

Policy BE4 of the Borough Plan 2019 sets out that development proposals which sustain and enhance the borough's heritage assets including listed buildings, conservation areas (Appendix B), scheduled monuments (Appendix H), registered parks and gardens, archaeology, historic landscapes and townscapes, will be approved.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or setting, or any features of special architectural interest which it possesses, The NPPF (2021) defines the setting of a heritage asset as the surroundings in which the asset is experienced.

Consideration has been given to the impacts of the proposal upon heritage assets, to include any potential for the development to impact upon below ground heritage assets, given that the proposed development lies within an area of significant archaeological potential.

- *Below ground assets*

As highlighted within the submitted Heritage Impact Assessment, current land use and historic mapping for the area suggests that it is likely that the site will have been in agricultural use from at least the medieval period. The Heritage Impact Assessment also suggests, based largely on the information held by the Warwickshire Historic Environment Record, that there is a "Low to Moderate" potential for the site to contain within it archaeological deposits dating from the

prehistoric periods and for there to be a “Low” potential for Roman or early medieval remains survive within the site.

Whilst little direct evidence for pre-medieval activity has been identified from the site, the County Archaeologist has advised that this may reflect a lack of previous investigations across this area, rather than an indication of the potential for below ground archaeological deposits to survive within the proposed development area. The potential for the site to contain archaeological remains dating to prehistoric, Roman and early medieval periods should be considered to be unknown. Since the archaeological potential for this site is not understood, it follows that the age, depth, extent and importance of any archaeological remains, should they be present is also not understood.

On this basis, the County Archaeologist advised that the Local Planning Authority request the applicant to undertake a programme of archaeological fieldwork to be completed prior to the determination of the application. Such fieldwork helps to define more clearly the archaeological potential for the site as well as providing an indication as to the character, extent, state of preservation and importance of any archaeological remains present and also provides information useful for identifying potential options for minimising or avoiding damage to them.

In response to the above comments, the applicant has amended the application and is now proposing to amend the construction methodology for key infrastructure to reduce ground disturbance to a maximum of 100 mm. The solar panels are now proposed to be housed within preformed concrete feet to sit on the surface of the site. Cable trays will house all cabling negating the need for cable trenches. Inverters and the substation will be constructed on preformed slabs delivered to the site. Construction compounds, site welfare and access tracks will be constructed on geotextile membrane above the surface. As a result of the proposed construction methodology, the applicant seeks to negate the need for predetermination trial trenching. A residual direct impact to surviving sections of above ground rig and furrow earthworks would however remain.

The County Archaeologist has been consulted on the amended information and has advised that the submitted strategy is broadly satisfactory and recommends that a condition ensuring the development would be carried out in accordance with the submitted document is imposed upon any permission granted.

The submitted Outline Mitigation Strategy document includes a recommendation that if consent for this scheme be granted, then two further archaeological conditions should be attached to the planning permission. The first of the suggested conditions makes a commitment that no groundworks to a depth greater than 100mm will be undertaken without agreement in writing from the Local Planning Authority and the Planning Archaeologist at Warwickshire County Council, and that should areas of construction with ground disturbance exceeding 100mm in depth be required, an agreed programme of trial trenching will be agreed and formalised within an agreed Written Scheme of Investigation (WSI).

The County Archaeologist and the Local Planning Authority are not of the view that the suggested condition would be enforceable or meet the tests for planning conditions. The County Archaeologist has highlighted that, if required, any trial trenching will have the potential to identify archaeological deposits; should this be the case then it is likely that a separate mitigation strategy document will be required to address the specifics of those remains.

The third condition suggested within the submitted Outline Mitigation Strategy document proposes a commitment to undertaking an earthwork survey of the surviving ridge and furrow remains present within the site, in accordance with an agreed WSI and prior to development works. Whilst the County Archaeologist would be in favour of such an approach to mitigate the development's archaeological impact, the County Archaeologist is of the opinion that this and the issue of further evaluation, and mitigation, where appropriate, can be addressed by means of the 3 part archaeology condition usually recommended to be imposed by the County Council.

Subject to the imposition of the County Council's recommended conditions, the application is considered to be acceptable when having regard to archaeological impacts and would accord with the requirements of Policy BE4 of the Borough Plan 2019 and section 16 of the NPPF (2021).

- *Above ground assets*

The proposal has the potential to affect a number of designated and non-designated heritage assets found near to the site. These are identified within the submitted Heritage Impact Assessment as Bedworth Cemetery (Coventry Road Cemetery), 4 - 14 Sutton Stop, The Greyhound Inn, Lock Cottage; Hawkesbury Junction, Grange Farmhouse, 175 and 177 Grange Road, Tolldish Hall and Tolldish Hall Cottage, Hawkesbury Hall and attached buildings, Hawkesbury Hall Garden, Walsgrave, Nuneaton, Footbridge over Junction of Coventry and Oxford Canals, Park Farmhouse, Park buildings at Park Farm, Barnacle, Roving Bridge over Oxford Canal and Engine House. In regard to the assessment of changes to setting that affect heritage significance, there was no effect upon 13 of these heritage assets, however, less than substantial harm has been identified to Tolldish Hall and Tolldish Hall Cottage.

Tolldish Hall and Tolldish Hall Cottage comprises a two story, timber framed structure, with colour washed plaster with an old plain tile roof, of 16th century origins, with significant 19th and 20th century additions. Positioned within an agricultural complex, historically the asset was surrounded by contemporary agricultural structures, including a 'C shaped' planned range as shown on the first edition OS historic mapping, however, these structures no longer survive.

The submitted Heritage Impact Assessment states that its heritage significance is derived from its surviving historic and architectural value, with the surviving fabric and features having the potential to inform understanding of their construction, design, form and later historical development with material and potential archaeological evidence also proving evidence for their use in late medieval societal and economic hierarchy.

The setting of the listed building is defined by its roadside position on the B1409. It is surrounded to the north and north east by modern agricultural buildings, and to the west by the listed building's associated garden and agricultural field. To the east and south east are rural residential properties and an industrial complex in the form of a garage. Key views are from the building's principal elevation, which faces south east across the main road of the B1409. Views to the north, north east, east and north west are screened by modern agricultural farm buildings.

The development would be located within the setting of this heritage asset as it is within the associated agricultural fields to the west of the heritage asset which

contributes to the appreciation of the listed buildings form and function.

The submitted Heritage Impact Assessment sets out that whilst the development would be within the setting of the listed building, the listed building's cultural significance will still be readily appreciable through the architectural and historic values associated with it, with the setting of the assets only partially contributing to the heritage significance of this asset.

The submitted Heritage Impact Assessment goes on to confirm that the harm to the heritage significance of these assets is considered less than substantial. The Council agrees with this conclusion. As such, the heritage harm identified should be weighed against the public benefits of the proposal in line with Paragraph 202 of the NPPF (2021).

On the above basis, less than substantial harm has been identified to the setting of Tolldish Hall and Tolldish Hall Cottage and the application therefore results in conflict with the provisions of Policy BE4 of the Borough Plan 2019. An assessment of the public benefits will be carried out as part of the overall planning balance provided within this report.

## **6. Flood Risk and Drainage Impacts**

Policy NE4 of the Borough Plan 2019 relates to managing flood risk, sustainable drainage systems and water quality. Paragraph 159 of the NPPF (2021) sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The policy also states that new development will be required to implement appropriate sustainable drainage system techniques in order to manage surface water run-off. For all sites, surface water discharge rates should be no greater than the equivalent site-specific greenfield run-off rate, unless otherwise agreed by the Lead Local Flood Authority (LLFA).

Paragraph 167 of the NPPF (2021) states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 169 of the NPPF (2021) states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

The submitted Flood Risk Assessment (FRA) identifies that the site is located within Flood Zone 1. A small proportion of the site is at low, medium and high risks of surface water flooding.

The site features limited areas of impermeable surfacing, the development would utilise water management techniques to control runoff based on Rural Sustainable Drainage Systems ('RSuDS').

The Environment Agency has been consulted on the application who have made no comments on the application.

The County Flood Risk Management Team have been consulted on the application and have no objection to the application in terms of drainage and flood risk, subject to the imposition of conditions upon any consent granted.

With regard to drainage, the submitted FRA states that foul waste would be managed by 'Port-a-loo' type facilities with waste disposed of via a licensed waste carrier which is considered to be acceptable.

Overall, it is considered that the conditions proposed would adequately address flood risk and drainage impacts, and no conflict is identified with the guidance set out within the PPG, the NPPF (2021), or the requirements of Policy NE4 of the Borough Plan 2019.

## **7. Ecology, Biodiversity and Landscaping**

The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: "a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."

Paragraph 174 of the NPPF (2021), in part, states that planning 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. It goes on to state that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Paragraph 180 of the NPPF (2021) states that opportunities to improve biodiversity in

and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy NE3 of the Borough Plan 2019 sets out that development proposals will ensure ecological networks and services, and biodiversity and geological features are conserved, enhanced, restored and, where appropriate, created. The policy further states that development proposals affecting the ecological network and/or important geological features will be accompanied by a preliminary ecological assessment and/or, where relevant, a geological assessment.

Policy NE1 of the Borough Plan 2019 states that the borough's green infrastructure assets will be created, protected, managed and enhanced as well as stating that new development proposals will create new, and enhance existing, green infrastructure assets.

Section 2.4.2 of the National Policy Statement for Renewable Energy Infrastructure (EN-3) states, amongst other things, that proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology.

- *Ecological Impact*

The application relates to the development of a greenfield site, with various ecological features located within and surrounding the site, which has the potential to result in negative ecological effects.

To assess the effects on designated and non-designated sites and habitats and species on site, a number of ecological and ornithological surveys have been carried out, including an Extended Phase 1 Habitat Survey and Habitat Suitability Index Survey, Preliminary Bat Roost Assessment, Badger Survey and a series of breeding bird surveys.

The Council's Parks and Green Spaces Officer has assessed the proposal and following further clarifications provided by the applicants' ecologist, no significant concerns have been raised, subject to the imposition of conditions to secure the submission of Great Crested Newt (GCN) Risk Avoidance Measures (RAMs). A Biodiversity Ecological Management Plan (BEMP) is also recommended to be attached to any permission granted which would include GCN hibernaculum locations and specification.

The Council's Parks and Green Spaces Officer has also advised that no evidence has been submitted to give confidence that sheep grazed pasture will achieve the targeted condition. Sheep grazed pasture on reasonably fertile ground typically ends up species-poor, there is therefore a degree of uncertainty about achieving the targeted conditions. However, conditions relating to the monitoring of progress towards the targeted condition and achievement of it are recommended to be included within the BEMP and CEMP conditions.

The conditions recommended to be imposed specifically detail a schedule of monitoring visits by ecologists to check on habitat creation, establishment and maintenance progress and to initiate remedial action where necessary. The BEMP condition specifically requires provision of that timetable, and that such visits will



each result in a written ecologists report submitted to the LPA including photographs and will detail conditions, progress and any necessary remedial actions.

- *Biodiversity Net Gain*

The Council's adopted Open Space and Green Infrastructure SPD (2021) requires the submission of the full spreadsheet calculation and underpinning maps of habitat areas used to input into the calculation to allow the inputs to be reviewed and to allow the Council to assess whether a net loss of biodiversity has been avoided. The originally submitted application was supported by headline result only and a request was made that the full editable excel spreadsheet be submitted for review.

Section 5 of the submitted Ecological Impact Assessment sets out the biodiversity impacts of the proposal. Figure 5.1 sets out the headline results from the biodiversity metric (DEFRA metric 3.1), the headline results show that the proposal would result in an 89.35% increase in habitat units on site and a 13.77% increase in hedgerow units on site. The editable excel spreadsheet results in similar figures, with a slightly lower hedgerow unit result of 11.83% gain. Several enhancement measures are proposed, to include proposed hedgerow, and enhancement of existing neutral and modified grassland to achieve better conditions. Subject to the imposition of conditions, it is clear that the proposal would result in a biodiversity net gain when having regard to the nature and scope of the proposal and the enhancements proposed. It should be noted that there would be a significant gain in habitat units and this should be considered as a benefit of the scheme.

The metric results set out above are based on the habitats within the site being maintained in a certain condition. Details of the proposed landscaping and long-term management of the proposed landscaping are recommended to be secured through the imposition of planning conditions.

On the above basis, the proposal would achieve a biodiversity net gain. Subject to the imposition of conditions, the application is considered to accord with the requirements of Policy NE3 of the Borough Plan 2019, the requirements of the Council's Open Space and Green Infrastructure SPD (2021), and the guidance set out within paragraph 174 of the NPPF (2021).

- *Tree and Hedgerows*

The fields within the site are bound by existing hedgerows and tree lined hedgerows which provide a significant element of vegetative screening, these trees and hedgerows have the potential to be impacted upon as a result of the development, and its construction and decommissioning periods.

An Arboricultural report has been submitted to support the application. The report includes a tree survey which reveals 71 trees and 44 tree groups and hedges. 18 of these trees are Category A, 13 trees and groups are Category B and the remaining trees and hedges are either Category C or U. A Tree Constraints Plan has been submitted with the report which has been used as a design tool when designing the proposed layout. In April 2023, further information to support the application in the form of an Arboricultural Method Statement and an Arboricultural Report and Impact Assessment was also submitted.

Two small sections of hedgerow are proposed to be removed to allow for access to all parcels of land within the site. The hedgerow lengths being removed would be

compensated throughout the rest of the site through additional planting of native species. The application does not propose any tree losses on site and instead sets out that planting of native trees and shrubs (woodland planting) in the northern parts of the site (approximately 3,000 m<sup>2</sup>) is proposed to further improve screening of the development.

A condition is recommended to be attached to any permission granted relating to a tree retention compliance condition. No objections have been raised by the Council's Tree Officer, subject to conditions relating to the restoration of the site.

- *Summary of Ecology, Biodiversity and Landscaping*

Subject to the imposition of conditions, the scheme would not result in any unacceptable ecological impacts, nor would it result in any unacceptable impacts upon protected species or designated sites. Additionally, the scheme is also considered to be acceptable when having regard to hedgerow and tree impacts, subject to the imposition of Arboricultural conditions. The development would result in an on site biodiversity net gain (to include significant habitat unit gain of nearly 90% above the baseline value of the site) which would be secured through the imposition of planning conditions. Management and monitoring of on-site net gain features should be secured for the full 40 year development lifespan, as opposed to the usual 30 year timeframe. Therefore, subject to the imposition of planning conditions, the application is considered to accords with the requirements of Policies NE1 and NE3 of the Borough Plan 2019, the requirements of the Council's Open Space and Green Infrastructure SPD (2021), and the guidance set out within paragraphs 174 and 180 of the NPPF (2021).

## **8. Aviation Safety**

Consideration has been given to the impacts upon aviation safety arising from glare. Section 2.52 of the Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) states that solar panels may reflect the sun's rays, causing glint and glare. Glint is defined as a momentary flash of light that may be produced as a direct reflection of the sun in the solar panel. Glare is a continuous source of excessive brightness experienced by a stationary observer located in the path of reflected sunlight from the face of the panel. The effect occurs when the solar panel is stationed between or at an angle of the sun and the receptor.

Section 2.52.5 of the Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) states that there is no evidence that glint and glare from solar farms interfere in any way with aviation navigation or pilot and aircraft visibility or safety.

The submitted GGA sets out that any solar reflections towards Coventry Airport are predicted to be acceptable in accordance with the associated guidance. Further detailed modelling is not recommended within the GGA, and the Council has no reason to discount the findings within the submitted GGA. On the above basis, there are no concerns in relation to aviation safety.

## **9. Length of Temporary Consent**

The solar farm would be a temporary use of the land as the equipment would be removed and the land restored when the development is decommissioned following 40 years from the date of the first export of electricity to the electrical grid. In the past, 25 year permissions have ordinarily been sought for solar farm developments. The Local Planning Authority are unaware of any government imposed limit on the

lifetime of solar farms set out in national guidance. It is understood that a 25 year permission was ordinarily imposed as this was the typical warranty period offered by manufacturers at the time and therefore used for modelling the viability of projects by developers. The Local Planning Authority are of the understanding that solar farms are more efficient for longer than previously anticipated which is extending warranties and hence improving the business models for companies that maintain solar farms. Whilst this in its own right is not necessarily a material planning consideration, the economic and environmental benefits of increasing the length of operation of the solar farm, means that the benefits of renewable energy production would be a benefit for longer as a consequence.

## 10. Other Material Planning Considerations

The PPG (Paragraph 005 Reference ID: 5-005-20150618) states that *‘there are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take in to account the requirements of the technology and critically, the potential impacts on the local environment, including from cumulative impacts.’*

A further material consideration in the assessment of this application are the National Policy Statements (NPS) for the delivery of renewable energy infrastructure. The energy NPS sets out the government’s policy for the delivery of energy infrastructure and provide the legal framework for planning decisions. Both the existing and draft NPSs state that the NPSs can be a material consideration in decision making on applications that both exceed or sit under the thresholds for nationally significant projects.

Section 2.4.2 of the draft NPS for Renewable Energy Infrastructure (EN-3) states that proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology.

The draft NPS EN-3 also states that *“solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation worldwide. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large-scale solar is now viable in some cases to deploy subsidy-free and at little to no extra cost to the consumer.”* The draft NPS EN-3 goes on to state that the government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions. As such, solar is a key part of the government’s strategy for low-cost decarbonisation of the energy sector.

The draft NPS EN-3 states that *“locating solar farms at places with grid connection capacity enables the applicant to maximise existing grid infrastructure, minimise disruption to local community infrastructure or biodiversity and reduce overall costs.”* The site is capable of grid connection.

On 4<sup>th</sup> December 2019, the Council declared a climate emergency, and committed to seeking how to make the Council’s activities carbon neutral by 2030. At a national level, following on from the Paris Agreement, on 27<sup>th</sup> June 2019, the Climate Change Act 2008 was amended by the government, and sets out legally binding obligations to achieve Net Zero carbon emissions by 2050. The government’s Net Zero Strategy also commits to ensuring all electricity comes from low carbon sources by 2035. The strategy calls for the accelerated deployment of low-cost renewable generation and states that a low-cost net zero electricity system is likely to be composed

predominantly of wind and solar generation. The strategy also emphasises that the planning system will play an important role in supporting the deployment of renewable energy. Further to this, the government's sixth carbon budget requires a 68% reduction in annual UK greenhouse gas emissions by 2030 relative to 1990 levels, and a 78% reduction by 2035.

Since the declaration, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change has indicated that there is a greater than 50% chance that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels. The report also indicates that delay in global action to address climate change will miss a rapidly narrowing window of opportunity to secure a liveable and sustainable future for all (IPCC Sixth Assessment Report – Summary for Policymakers, paragraph D.5.3)

The Glasgow Climate Pact, agreed by almost 200 countries at COP26 in November 2021, recognised the need for accelerated action to limit global warming to 1.5°C above pre-industrial temperatures. It called for all countries to; *“revisit and strengthen the 2030 targets in their Nationally Determined Contributions (NDCs) as necessary to align with the Paris Agreement temperature goal by the end of 2022, taking into account different national circumstances.”*

In response to the Glasgow Climate Pact, the Government revisited its 2030 Nationally Determined Contributions to ensure it remains a fair and ambitious contribution to global action on climate change. The Government has confirmed that the target – to reduce all gas emissions by at least 68% by 2030 on 1990 levels (announced in December 2020) – remains.

The UK Energy White Paper, Powering our Net Zero Future (2020), describes the cost of inaction as follows:

*“We can expect to see severe impacts under 3 degrees of warming. Globally, the changes of there being a major heatwave in any given year would increase to about 79%, compared to a 5% chance now. Many regions of the world would see what is now considered a 1-in-100 year drought happening every two to five years.”*

At 3°C of global warming, the UK is expected to be significantly affected, seeing sea level rise of up to 0.83m. River flooding would cause twice as much economic damage and affect twice as many people, compared to today, while by 2050, up to 7,000 people could die every year due to heat, compared to approximately 2,000 today. And, without action now, we cannot rule out 4°C of warming by the end of the century, with real risks of higher warming than that. A warming of 4°C would increase the risk of passing thresholds that would result in large scale and irreversible changes to the global climate, including large-scale methane release from thawing permafrost and the collapse of the Atlantic Meridional Overturning Circulation. The loss of ice sheets could result in multi-metre rises in sea level on time scale of a century to millennia.”

The 2022 Committee on Climate Change Progress Report to Parliament also points out that a reduction in fossil fuel consumption will help the country to cope with the rising price of energy. It is also pointed out that solar farm developments will need to ramp up significantly over the next decade in order to meet the aims the Net Zero target of 2050, and the Net Zero Strategy target of 2035. This is backed up by the Government's expectation that solar capacity will achieve a five-fold increase in provision.

The NPPF (2021) sets out that when dealing with planning applications, planning authorities should not require a developer to demonstrate a need for low carbon or renewable energy projects, and should recognise that even small-scale projects can help reduce greenhouse gas emissions. Paragraph 158(b) of the NPPF (2021) also states that such schemes should be approved if any impacts are, or can be made, acceptable. Furthermore, it identifies that once areas have been identified for such projects, by local authorities in local plans, any subsequent applications should demonstrate how they would meet the criteria used in identifying suitable locations.

The Council has not allocated any sites for renewable energy schemes in the Borough, however, Policy BE2 of the Borough Plan 2019 states that schemes to introduce renewable and low carbon technologies, to include solar photovoltaic schemes, will be approved. The policy does not provide any criteria for solar schemes and is therefore widely supportive of such development within the Borough.

The above material planning considerations should be considered in the assessment of the application and should be afforded appropriate weight in the planning balance.

## **11. Conclusion and Planning Balance**

The scheme would result in harm to the Green Belt from inappropriateness and loss of openness, to which substantial weight is afforded. In addition, the scheme would result in harm to the landscape and would convey visual harm to the area when having regard to the scale of the scheme, the findings set out within the submitted LVA, as well as the presence of Public Rights of Way. Such harm, given the mitigation proposed in the form of planting, as well as the temporary nature of the proposal, should be afforded moderate weight against the proposal in the planning balance. The less than substantial harm arising to the setting of the heritage assets would also need to be weighed against the public benefits of the proposal.

Other matters identified raise issues that either result in no harm or raise technical matters which would be adequately addressed through the imposition of planning conditions to mitigate the harm.

The proposed development would deliver a renewable energy facility that would create up to 25 MW of power. This would provide power for around 7,091 households, result in carbon dioxide displacement of around 5,055 tonnes per annum which would help to combat climate change and would support the Government's policy for the UK's transition to achieving a low carbon economy and assists in meeting the UK's legally binding obligations for Net Zero carbon emissions by 2050. As the Borough Plan is seeking to deliver 14,060 houses up to 2031, and the proposal would provide electricity for 7,091 houses, over half of the allocated housing in the borough provided as a result of Council activities could be powered by the development. Alternatively, the electricity could be used to power the existing housing stock of the Council.

In addition, Policy BE2 of the Borough Plan 2019 supports schemes which introduce renewable and low carbon technologies. With regard to the landscape impacts, it is noted that the proposal would result in harm as set out in the above report, however, there are other man-made interventions viewed within the context of the site to include pylons and overhead lines. This feature enables the area to accommodate a degree of change where other locally approved solar farms would contribute to the visual evolution of the appearance of the area.

The NPPF (2021) identifies that renewable energy projects in the Green Belt will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances which could include the wider environmental benefits associated with the increased production of energy from renewable sources. Such support would not confer an automatic approval of renewable schemes within the Green Belt. Consideration must be given to the range of issues relating to the presumption against inappropriate development in the Green Belt and the harm arising from the proposal.

The benefits of renewable energy attracts substantial weight in favour of the proposal. These benefits arising from the scheme would contribute to the ability to meet the requirements and aims of the Paris Agreement, the Climate Change Act 2008, Net Zero target, Net Zero Strategy and the 2022 Committee on Climate Change Progress Report to Parliament. The benefits are also clearly defined within section 14 of the NPPF (2021) which seeks to increase the use and supply of renewable energy and maximise the potential for suitable development to come forward. It also states that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. It is considered that the delivery of suitable renewable energy schemes is fundamental in facilitating the transition to a low carbon future.

Further to the above, a solar farm development requires grid capacity and a viable connection to the grid to operate. This requirement places a locational restriction on site selection which limits the number of appropriate sites which would be suitable to accommodate such a facility. The possibility of a viable connection being made means that the site is placed in an advantageous location which overcomes the location and connection constraints outlined above. On this basis, the Council consider that a rational approach was adopted in the site selection process.

It should also be recognised that the scheme would result in a significant biodiversity net gain, specifically a 89.35% increase in habitat units on site and a 13.77% increase in hedgerow units when measured against the baseline value of the site. Such a gain would be a benefit arising from the scheme and planning conditions are recommended to be attached to ensure monitoring of the biodiversity value of the site over a 40 year period. This benefit of the scheme should be afforded moderate weight in favour of the proposal.

Overall, the public and other benefits arising from the scheme are considered to be of a sufficient magnitude to outweigh the harm arising to the Green Belt, landscape, visual and the less than substantial harm arising to the heritage assets as identified in the above report. The benefits set out, cumulatively, would attract very substantial weight in favour of the proposal. The harm identified to the Green Belt would be clearly and demonstrably outweighed by other considerations identified and the very special circumstances necessary to justify the development are considered to exist. On this basis, the proposal would satisfy the requirements of Policies DS7 and BE4 of the Borough Plan 2019 and the National Planning Policy Framework (2021).

Planning conditions are recommended to be imposed upon any permission granted relating to the specific siting of the equipment and structures on site, as well as various ecological and biodiversity-related conditions, highway safety conditions, and conditions relating to the construction and decommissioning periods. A number of pre-commencement conditions are also recommended to be imposed, where such conditions have been recommended, the Council is of the view that they would be fundamental to the development and their use is clearly justified.

Further conditions are also required to grant only a temporary consent, to establish a decommissioning strategy, decommissioning the event of the early closure of the facility and to require notification as to when power generation begins. These conditions are necessary to control the landscape and visual impacts of the proposed development.

Overall, it is considered that the proposed solar farm would result in a substantial benefit in terms of sustainable energy production, and it is considered that the various harms identified in the above report and the adverse impacts which would arise as a result of approving the scheme would be outweighed by the very significant benefits. As such, based on a balancing exercise of positive benefits against the harms identified, it is considered that the scheme is acceptable and would represent sustainable development in accordance with the NPPF (2021) and the Council's Development Plan.

For the above reasons, it is recommended that planning permission be granted, subject to the imposition of conditions as printed.

### **REASONS FOR APPROVAL:**

Policy BE2 of the Borough Plan 2019 states that schemes to introduce renewable and low carbon technologies, to include solar photovoltaic schemes, will be approved. Whilst conflict has been identified with a number of policies within the Nuneaton and Bedworth Borough Plan 2019, the Council has identified significant benefits, to include public benefits, arising from the scheme which have been afforded very substantial weight in favour of the scheme. The very substantial benefits, along with the proposed planting mitigation and the temporary nature of the development, are considered to significantly and demonstrably outweigh the harm arising to the Green Belt, the landscape and visual impacts, as well as the less than substantial harm arising to heritage assets.

### **SCHEDULE OF CONDITIONS:**

1. The development hereby permitted shall not begin later than three years from the date of this permission.
2. The planning permission hereby granted shall be for a temporary period only, to expire 40 years and six months after the first export date of the development. Written confirmation of the first export date shall be provided to the Local Planning Authority within one month after the event.
3. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 40 years and 6 months following the first export date, whichever is the sooner, the solar farm and all ancillary equipment, structures and fencing shall be dismantled and removed from the site and the land restored back to a condition suitable for exclusive agricultural use, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. 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:
  - (a) the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period;
  - (b) methods to prevent mud and debris on the highway;
  - (c) areas for the parking of contractors and visitors;

- (d) areas for the loading and storage of materials;
- (e) details of measures to be taken during the decommissioning period to protect wildlife and habitats;
- (f) details of site restoration measures to a condition suitable for exclusive agricultural use.

The decommissioning of the site shall be undertaken in full accordance with the agreed details and timeframe.

The operator of the solar farm shall notify the Council in writing no later than five working days following the cessation of electricity generation.

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

<b>Plan or Document Title</b>	<b>Reference</b>	<b>Date Submitted</b>
Planning Drawing 1 Site Location Plan	4899-REP-037	17 October 2022
Planning Drawing 3 Proposed Indicative Site Layout	4899_DR_P_0004	17 October 2022
Planning Drawing 4 Proposed Indicative Site Layout (Aerial View)	4899_DR_P_0005	17 October 2022
Planning Drawing 5 Proposed Landscape Mitigation Plan	4899_DR_P_0006	17 October 2022
Planning Drawing 6 Typical PV Panel Table Section	4899_DR_P_0007	17 October 2022
Planning Drawing 7 Indicative Transformer Unit	4899_DR_P_0008	17 October 2022
Planning Drawing 8 Security Fencing and CCTV	4899_DR_P_0009	17 October 2022
Planning Drawing 9 Security Gate	4899_DR_P_0010	17 October 2022
Planning Drawing 10 Access Track Cross Section	4899_DR_P_0011	17 October 2022
Planning Drawing 11 Container Storage Unit	4899_DR_P_0012	17 October 2022
Planning Drawing 12 Customer Switchgear Building	4899_DR_P_0013	17 October 2022
Planning Drawing 13 DNO Switchgear Building	4899_DR_P_0014	17 October 2022
Planning Drawing 14 Indicative Temporary Construction Compound	4899_DR_P_0015	17 October 2022



Planning Drawing 15 Palisade Fencing and Gate	4899_DR_P_0016	17 October 2022
Arboricultural Method Statement Tolldish Hall Farm	AWA5416AMS	14 April 2023
Arboricultural Report and Impact Assessment Tolldish Hall Farm	AWA5416	14 April 2023
4899_LPAConsultation_Proposed Mitigation through Design	V.1.2_CS_2023.04.21_RT	21 April 2023
4899_Tolldish Hall Farm_Archaeological Mitigation Strategy	V1.3_CS_2023.06.15	19 June 2023
Appendix 2 and 3 EclA and BNG	14857_R01	17 October 2022
Appendix 13 Tree Survey and Arb Report	AWA4457	17 October 2022
Appendix 7 Amended Landscape Mitigation Plan 4899-DR-LAN-101 Rev A	4899-DR-LAN-101	21 June 2023

Unless otherwise agreed in writing by the Local Planning Authority through the approval of a non-material amendment to the permission, or unless otherwise required by any other condition attached to this permission.

5. Notwithstanding the details submitted, nor the approved plans contained in Condition 4 above, prior to their erection on site, details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, containers, equipment, fencing, CCTV and enclosures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the proposed development, unless otherwise agreed in writing by the Local Planning Authority.

6. Notwithstanding the details submitted, nor conditions 4 or 5 above, no site security fencing shall be erected on or within 1m of any public right of way.

7. All works and development shall be carried out in full accordance with the tree/hedgerow protection scheme detailed within the submitted 'Arboricultural Report & Impact Assessment to BS 5837:2012' Reference: AWA5416 and the Arboricultural Development Advice provided within the Arboricultural Report to BS 5837:2012 Reference: AWA4457, both by AWA Tree Consultants, unless otherwise agreed in writing by the Local Planning Authority. These measures include compliance with the Tree Protection Plan at Appendix 4 provided within the 'Arboricultural Method Statement to BS 5837:2012 Reference: AWA5416AMS.' Notwithstanding the above or any other condition imposed upon this permission, the following activities must not be carried out under any circumstances:

- (a) no fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- (b) no equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site (with the exception of wildlife enhancement measures set out in the submitted Ecological Impact Assessment (EclA) Report No. 14857\_R01\_JW\_CW - being the provision of Bird and Bat Boxes or any other enhancement measures first agreed in writing by the Local Planning Authority),
- (c) no temporary access within designated root protection areas without the prior written approval of the Local Planning Authority.
- (d) no mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- (e) no soakaways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- (f) no stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- (g) no topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

8. Prior to the first export date, a detailed hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The agreed landscaping scheme shall be based on the Landscape Mitigation Plan Drawing No. 4899-DR-LAN-101 Rev A and shall include:

- (a) planting plans produced to a recognised scale and schedules indicating the location, number, species, density, form and size of proposed trees, hedges and shrub planting;
- (b) the method and specification for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting;
- (c) written specification including cultivation and other operations associated with tree, plant and grass establishment;
- (d) location, type and materials to be used for hard surfacing and permeable paving, including specifications and details of manufacturer, type, design and colour.

All soft landscaping shall be carried out in full within the first planting season following date when electrical power is first exported ('first export date') and all hard landscaping carried out in full prior to the first export date, unless otherwise agreed in writing with the Local Planning Authority.

If any existing tree, shrub or hedgerow is removed, uprooted, destroyed or dies, or if within a period of 40 years from the date of planting any new 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. This replacement planting shall be undertaken within that same planting season (if discovered within a planting season), or the following planting season, whichever is the sooner. For the purposes of this condition, a planting season shall mean between November and March inclusive.

The landscaping scheme shall fully accord with the details submitted and agreed in respect of conditions 10 and 11 of this permission.

Variations to the landscaping scheme may only be carried out following receipt of written consent of the Local Planning Authority.

9. The development hereby approved shall be carried out in strict accordance with the management and enhancement measures outlined within the submitted Ecological Impact Assessment (EclA) Report No. 14857\_R01\_JW\_CW, unless otherwise agreed in writing by the Local Planning Authority or unless otherwise required by conditions 10 or 11 of this permission. The wildlife enhancement measures including bird and bat boxes should be installed in the autumn (September to November) following the cessation of construction works.

10. No development including any site clearance shall take place within any phase until a Construction Ecological Management Plan (CEMP) relating to that phase has been submitted to and approved in writing by the Council. The approved CEMP shall be adhered to throughout the construction period.

The CEMP shall include details of:

- (a) any pre- construction checks required;
- (b) the species safeguards to be employed to include Great Crested Newt Risk Avoidance Measures (RAMs);
- (c) appropriate working practices and timings of construction works;
- (d) timing and methodology of site clearance;
- (e) the extent of buffer zones and stand-offs for sensitive ecological features;
- (f) actions to be taken if protected species are discovered during construction;
- (g) methods for checking habitats for nesting birds;
- (h) measures to prevent pollution of surface water and groundwater during construction based on the Environment Agency's (EA's) Pollution Prevention Guidance (PPG) notes, the Groundwater Protection Policy (GP3) (EA, 2013a), CIRIA guidance on Construction Method Statements (CIRIA 2001,2015) and other current best practice;
- (i) evidence that a protected species licence from Natural England in regard to operations affecting Great Crested Newts has been obtained (where required);
- (j) demonstration of the adoption of best practice in storage of fuel, oils and chemicals, and in plant refuelling and maintenance during the construction and decommissioning phases;
- (k) measures to protect soil (re-use on-site, appropriate storage and handling, measures to avoid compaction and erosion, reinstatement) in line with BS3882: 2015 (BSI, 2015);
- (l) details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding;

The CEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the CEMP and address any contingency measures where appropriate. The CEMP will set out key operations and associated points at which written reports will be submitted by the Ecological Clerk of Works to the Authority evidencing implementation of the contents of the CEMP through dated photographs and associated text. All visits leading to photographic reports shall be submitted to the Council within 2 weeks of any such visit. The approved plan will be implemented in accordance with the approved details.

The above conditions for Ecological works monitoring arrangements shall include a timetable covering all key stages and on site actions including what operations an ecologist will be present at and routine submission of written reports including dated photographic records of works and visits at each key stage. The above conditions conform to the British Standard BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

11. No development, including site clearance or site preparatory works, shall commence until a Biodiversity and Ecological Management Plan (BEMP) has been submitted to and approved in writing by the Council. The content of the BEMP shall include details of:

- (a) description and evaluation of the features to be managed over a 40 year period (or for the lifetime of the development);
- (b) details of habitat creation and the extent and type of new planting, to include GCN hibernaculum locations and specification;
- (c) details of existing and proposed landscaping features, SuDS features and ecological buffer zones to ponds and other habitat;
- (d) ecological trends and constraints on site that may influence management;
- (e) aims and objectives of management;
- (f) appropriate management options for achieving aims and objectives;
- (g) prescriptions for management actions;
- (h) details of initial aftercare and long-term maintenance and retention;
- (i) details of the body or organisation responsible for the implementation of the plan;
- (j) details for on-going monitoring and remedial measures.

The BEMP shall fully accord with the results set out within the submitted Biodiversity Impact Assessment (Tolldish Hall Farm BNG Metric 3.1). The BEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the BEMP and address any contingency measures where appropriate.

The BEMP shall include a commitment to instructing a suitably qualified ecologist to carry out an annual survey of the site in the first five years following the first export date and subsequently instructing a suitably qualified ecologist to carry out triennial surveys of the site for the lifetime of the development, The BEMP shall include full details of the likely scope of the annual and triennial surveys which shall be submitted to the Local Planning Authority for approval within 2 weeks of any such visit. The surveys shall evidence implementation of the contents of the BEMP through dated photographs and associated text.

The above conditions for Ecological works monitoring arrangements including a timetable covering all key stages and on site actions including what operations an ecologist will be present at and routine submission of written reports including dated photographic records of works and visits at each key stage. The above conditions conform to the British Standard BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

The BEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer and/or operator with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and

objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The construction, operation and decommissioning of the solar farm shall be carried out in strict accordance with the approved BEMP details, timescales, and any contingencies and/or remedial action (where required), unless otherwise agreed in writing by the Local Planning Authority.

12. No external lighting (other than temporary low level lighting required during occasional maintenance and inspection visits only) shall be erected, installed or used on site at any time, unless precise details of any lighting, columns and hours of illumination 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 of the lifetime of the development.

13. No tree works or vegetation clearance shall take place during the bird nesting period (beginning of March to end of August inclusive). Should such works be necessary within this period, then such works are exceptionally permitted to take place within 24 hours of an inspection of the vegetation proposed to be removed, lopped, topped or felled by a suitably qualified ecologist and where the absence of nesting bird has been professionally confirmed by the ecologist to the operator of the site in writing.

14. No development or site preparatory works shall take place on site until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CMP shall be adhered to throughout the construction and operation periods, unless otherwise agreed in writing by the Local Planning Authority.

The CMP shall provide for:

- (a) the routing and parking of vehicles and HGVs, site operatives and visitors;
- (b) hours of work;
- (c) loading and unloading of plant and materials;
- (d) storage of plant and materials used in constructing the development;
- (e) the erection and maintenance of security hoarding;
- (f) wheel washing facilities to prevent mud and debris being passed onto the highway;
- (g) a scheme for recycling/disposing of waste resulting from construction works;
- (h) measures to control the emission of dust and dirt during construction;
- (i) traffic management signage scheme;
- (j) emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period;
- (k) details of a scheme of Temporary Traffic Management (TTM) to ensure the safe operation of Parrotts Grove/ Hawkesbury Lane.

15. Except for emergency works, construction works and deliveries to the site shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays, and 08:00 hours to 13:00 hours on Saturdays, and at no time on Sundays or Bank Holidays.

16. No development shall be carried out at any time, unless in strict accordance with the methodology detailed within the document submitted with the application titled

“Outline Archaeological Mitigation Strategy for Construction of Ground Mounted Solar Farm: Tolldish Hall Farm, Date June 2023”.

17. No development or site preparatory works shall take place on site until:

(a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

(b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. 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 planning authority.

(c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

18. Notwithstanding the details submitted, prior to the installation of any drainage works and prior to the first export date, a detailed surface water drainage scheme for the site, based on sustainable drainage principles shall be submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the date of the first export of electricity to the electrical grid.

The scheme to be submitted shall:

1. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme.

Such plans shall:

(a) align with drainage principles set out in Flood Risk Assessment and Drainage Strategy October 2022 v2-0 and Lead Local Flood Authority Objection Response 4899 - Tolldish Hall.

(b) include permeable access tracks.

(c) clearly illustrate how run off from impermeable surfaces will be attenuated.

(d) illustrate how and where the proposed drainage features will tie in with existing drainage features on site.

2. Provide detailed drawings including cross sections and inlet/outlet structures, of the proposed swale features. These should be feature-specific demonstrating that the surface water drainage system(s) are designed in accordance with ‘The SuDS Manual’, CIRIA Report C753.

3. Provide a condition survey of the existing drainage features on site including ditches and ponds to demonstrate that they are in a suitable condition to receive

overland runoff and discharge from the development without increasing flood risk. Any maintenance or remedial actions identified from the survey should be undertaken and evidenced as necessary.

4. Acknowledge that the concentration of runoff along the drip-edge of panels can lead to erosion issues and detail mitigation measures as appropriate, including:

- (a) the importance of maintaining site vegetation and how this will be achieved.
- (b) gaps between each individual cell of the solar panels to allow water to fall to the ground at multiple points and avoid concentrating run-off.

19. No export of electricity shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (October 2022 v2-0) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority in consultation with the LLFA.

The details shall include:

- (1) demonstration that any departure from the agreed design is in keeping with the approved principles.
- (2) any As-Built Drawings and accompanying photos.
- (3) results of any performance testing undertaken as a part of the application process.
- (4) copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- (5) confirmation that the system is free from defects, damage and foreign objects.

20. No export of electricity shall take place until a detailed, site specific maintenance plan has been submitted and approved in writing by the Local Planning Authority in consultation with the LLFA.

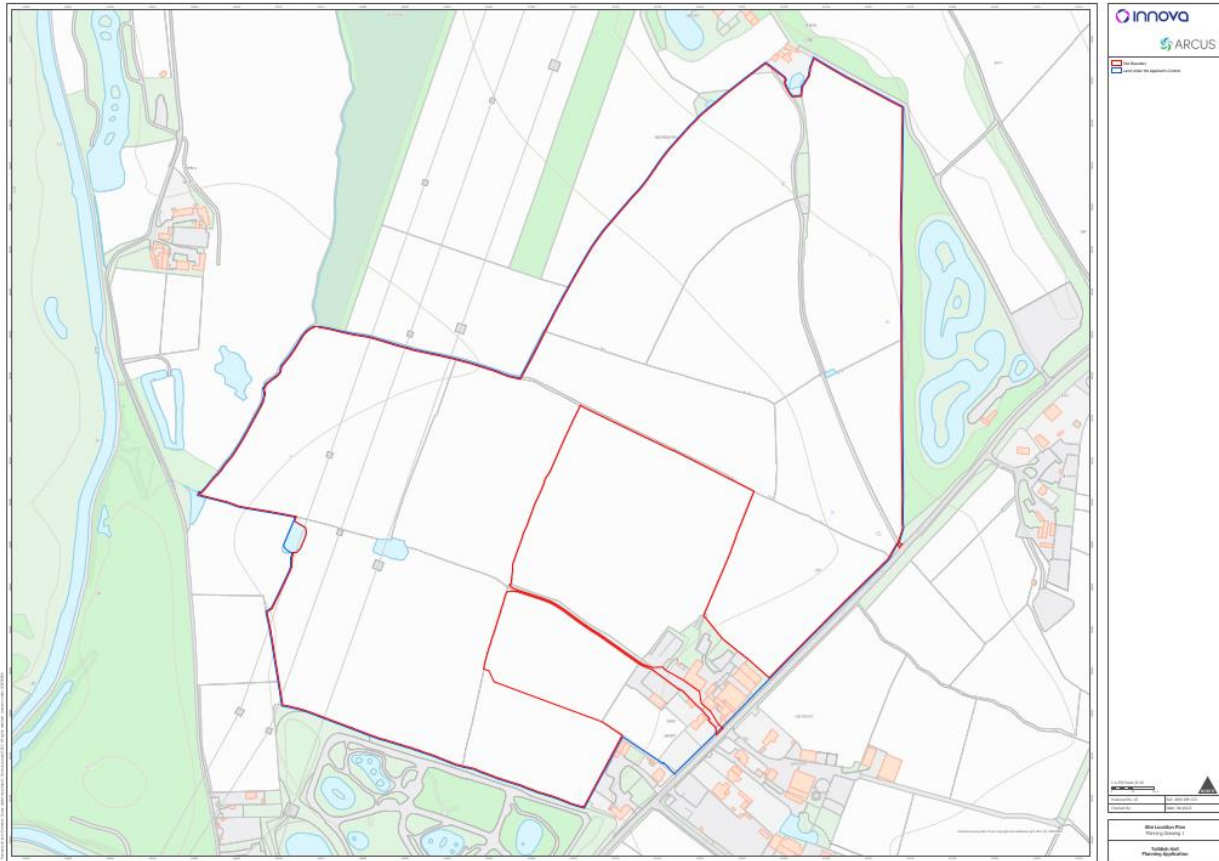
Such maintenance plan should:

- (1) provide the name of the party responsible, including contact name, address, email address and phone number.
- (2) include plans showing the locations of features requiring maintenance and how these should be accessed.
- (3) provide details on how surface water each relevant feature shall be maintained and managed for the lifetime of the development.
- (4) be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance

21. Notwithstanding the details submitted, nor conditions 4, 8 or 11 above, all new vegetation shall be planted at least 2 metres away from the edge of any public rights of way to ensure that mature growth does not obstruct users of the public rights of way.



## Site Location Plan (not to scale)

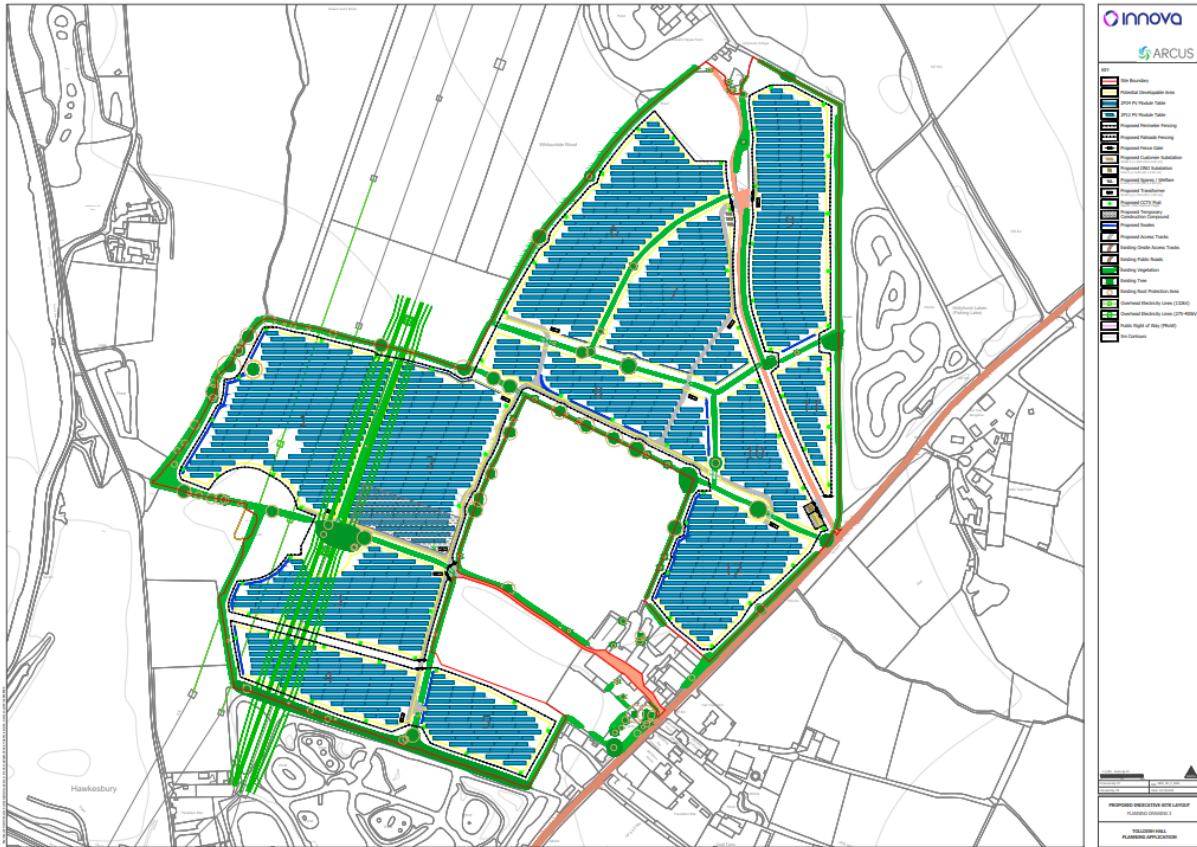


## Existing Aerial Plan (not to scale)





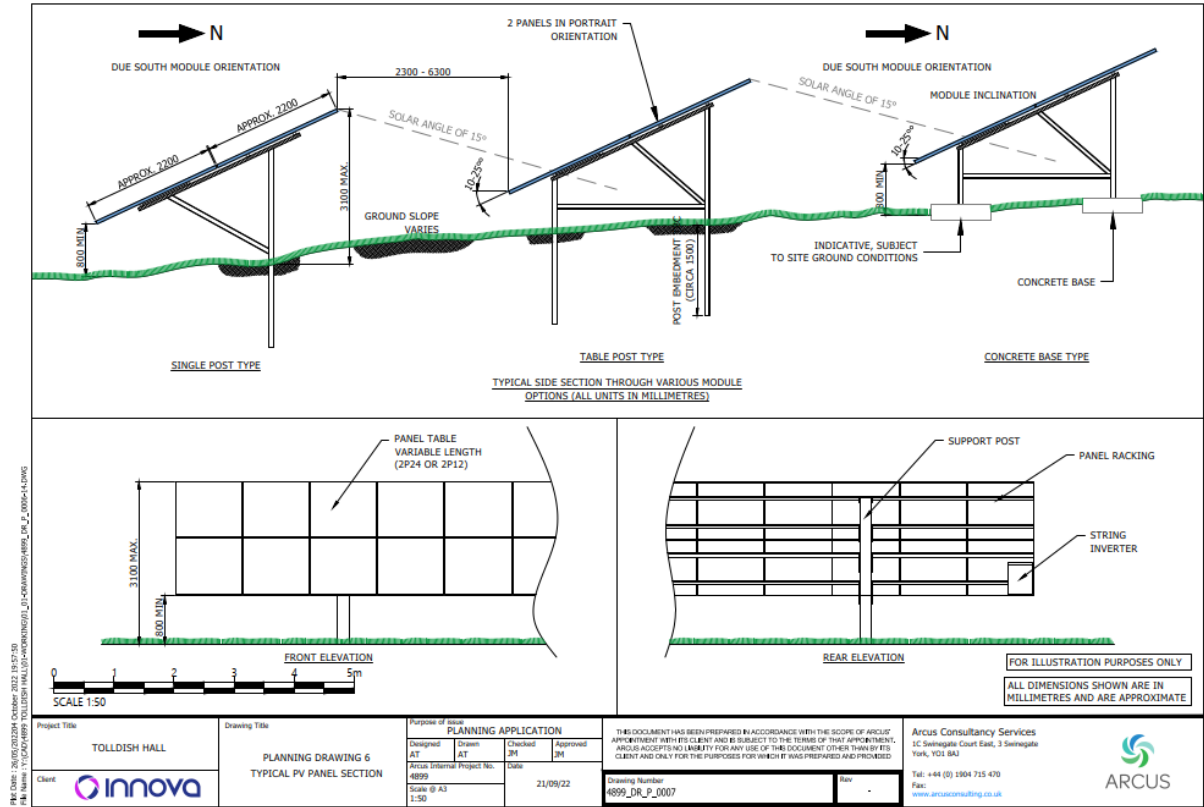
**Proposed Indicative Site Layout (not to scale)**



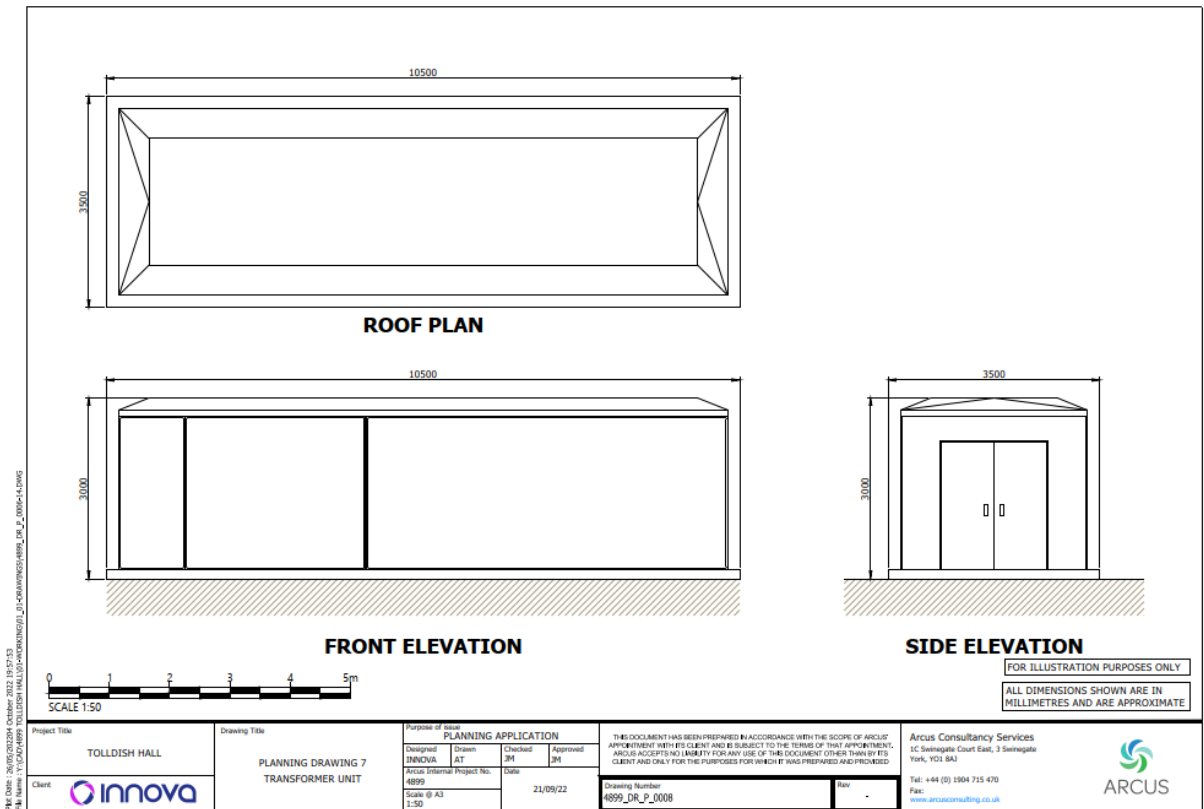
**Indicative Site Layout Aerial View (not to scale)**



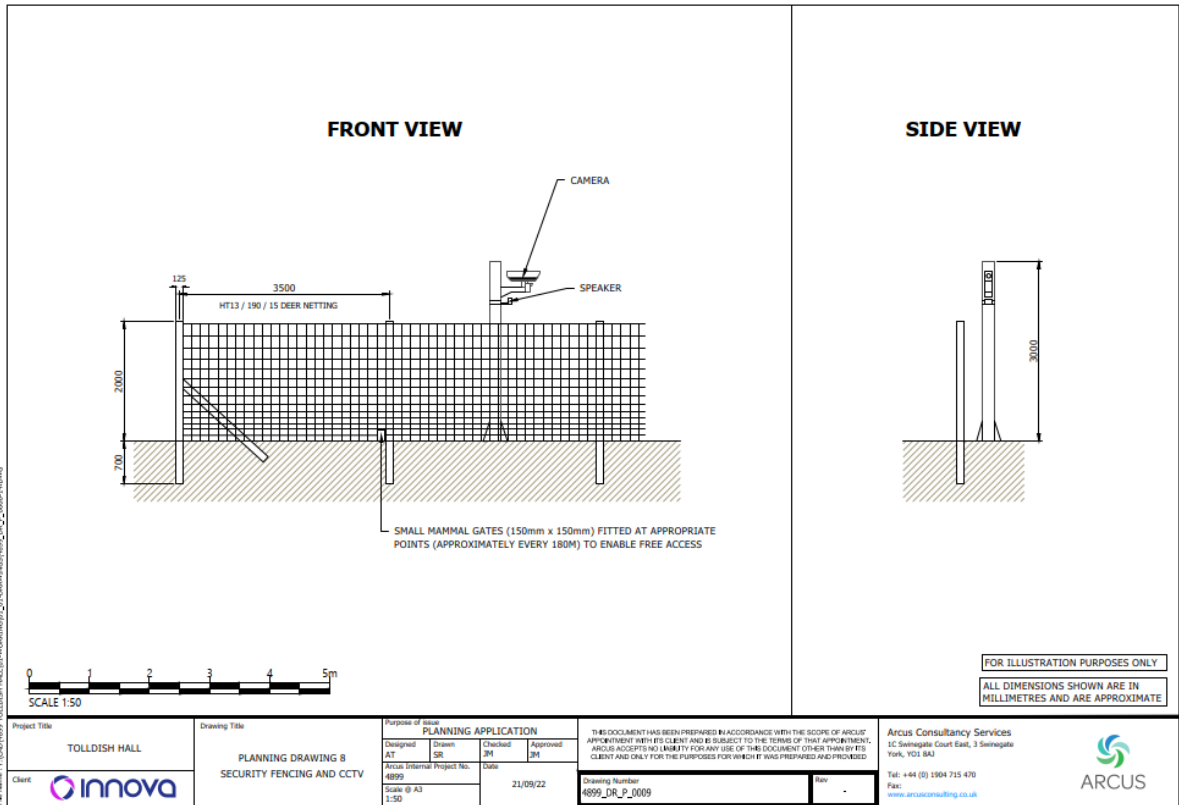
## Typical PV Panel Section Drawing (not to scale)



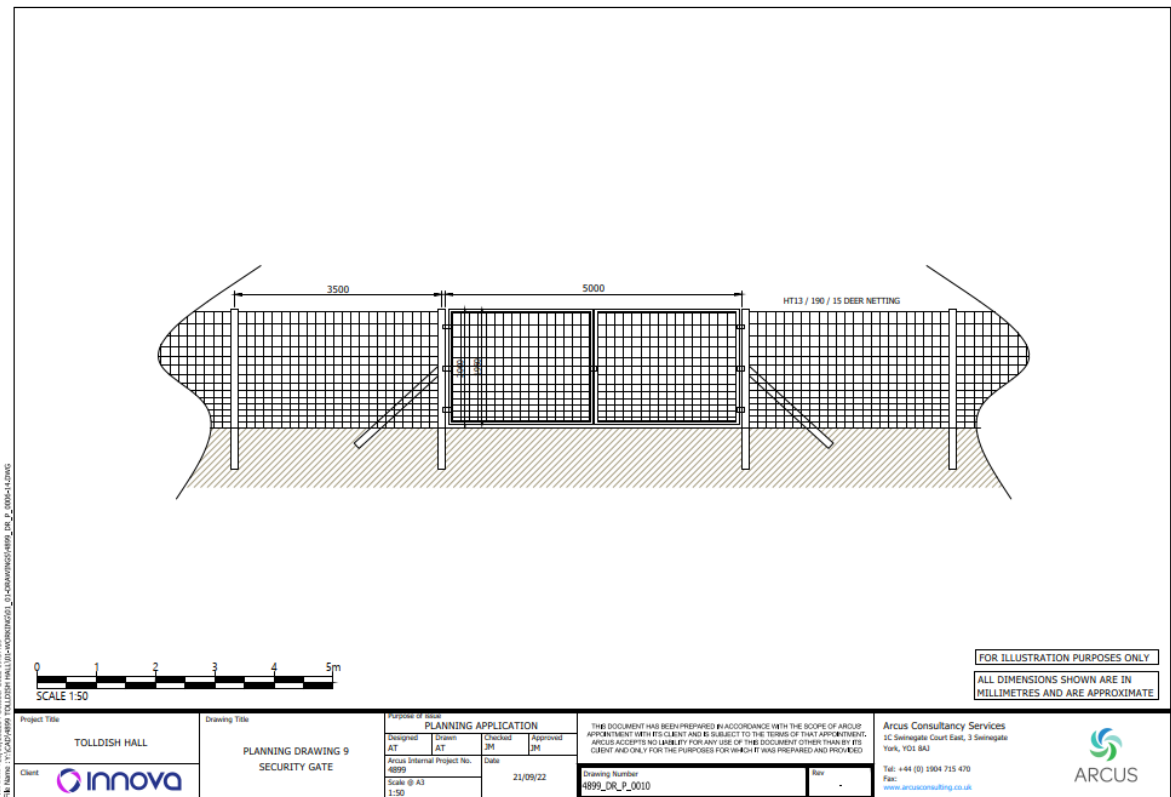
## Transformer Unit Drawing (not to scale)



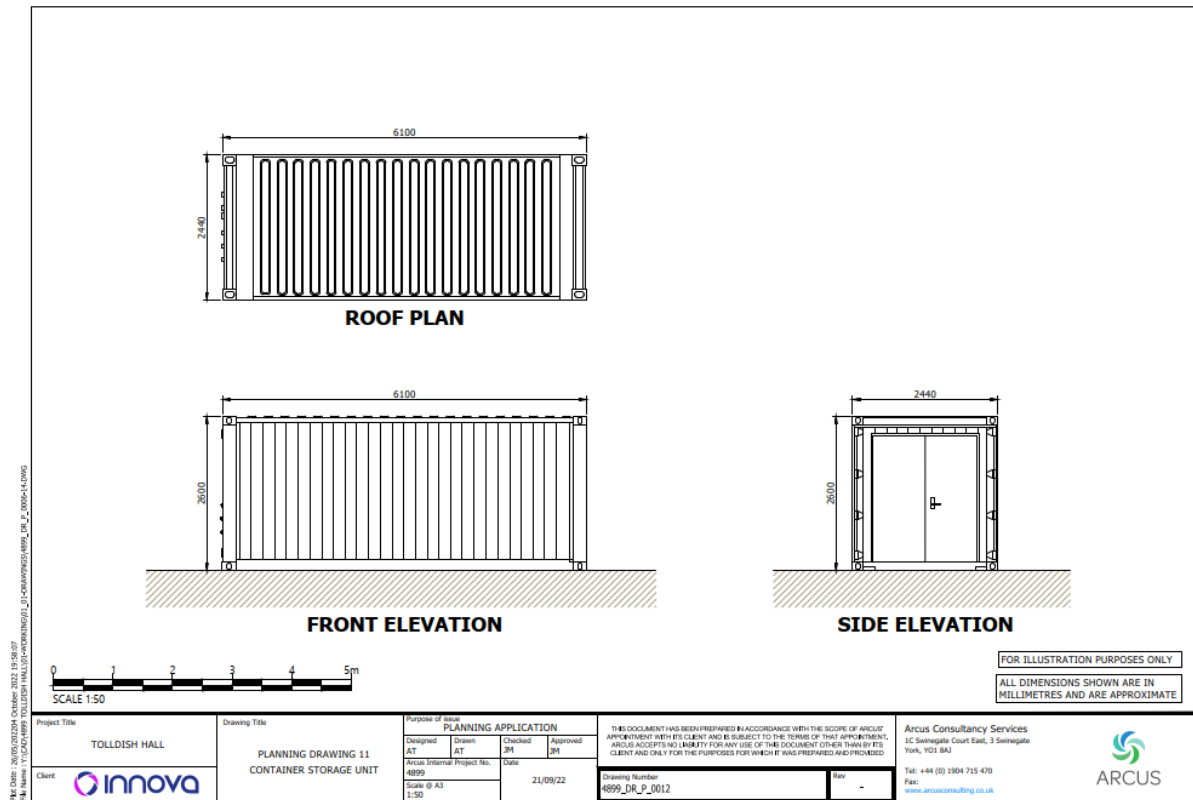
# Security Fencing and CCTV Drawing (not to scale)



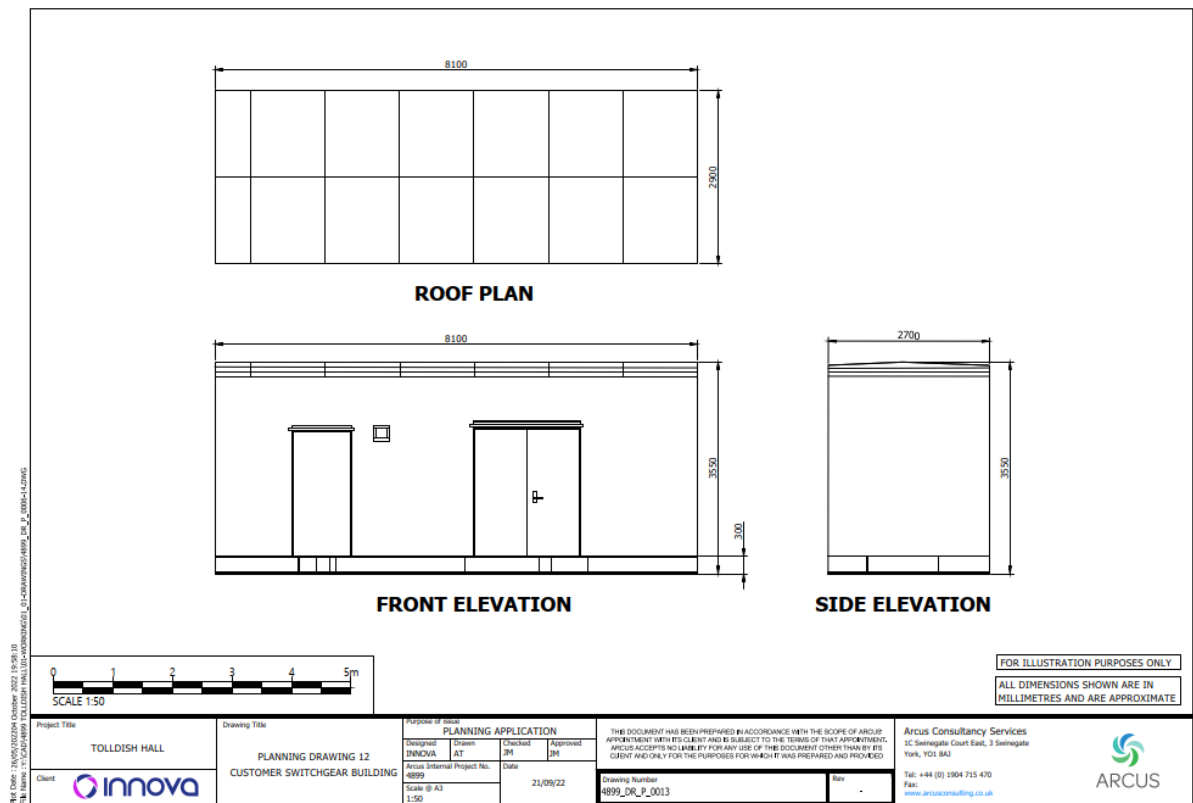
# Security Gate Drawing (not to scale)



## Container Storage Unit (not to scale)

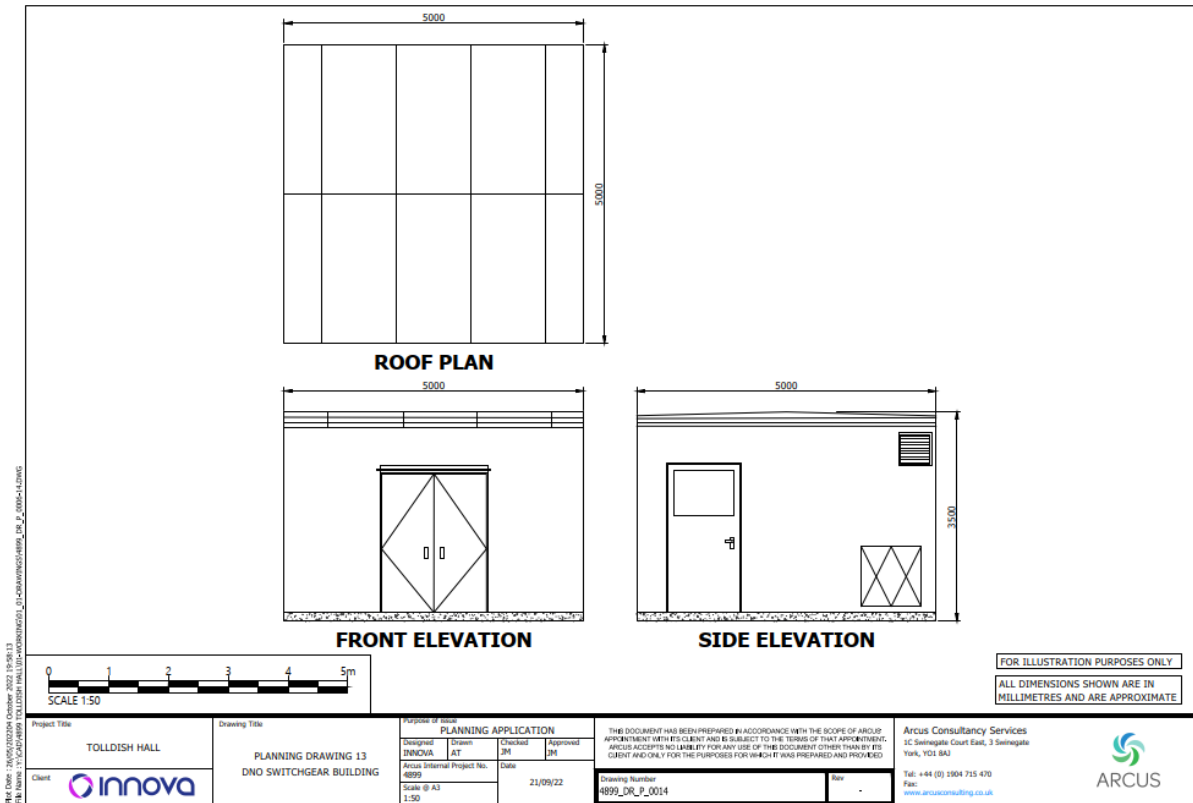


## Customer Switchgear Building (not to scale)

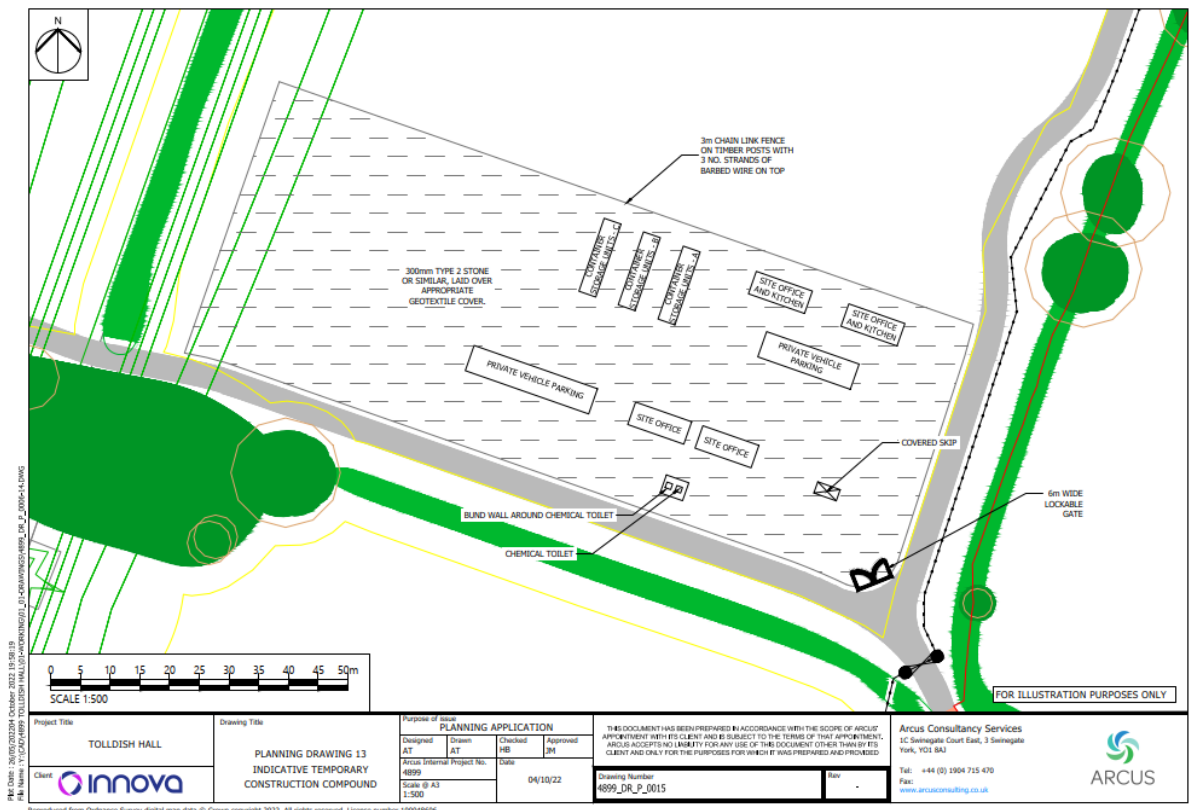




# DNO Switchgear Building (not to scale)



# Indicative Temporary Construction Compound (not to scale)



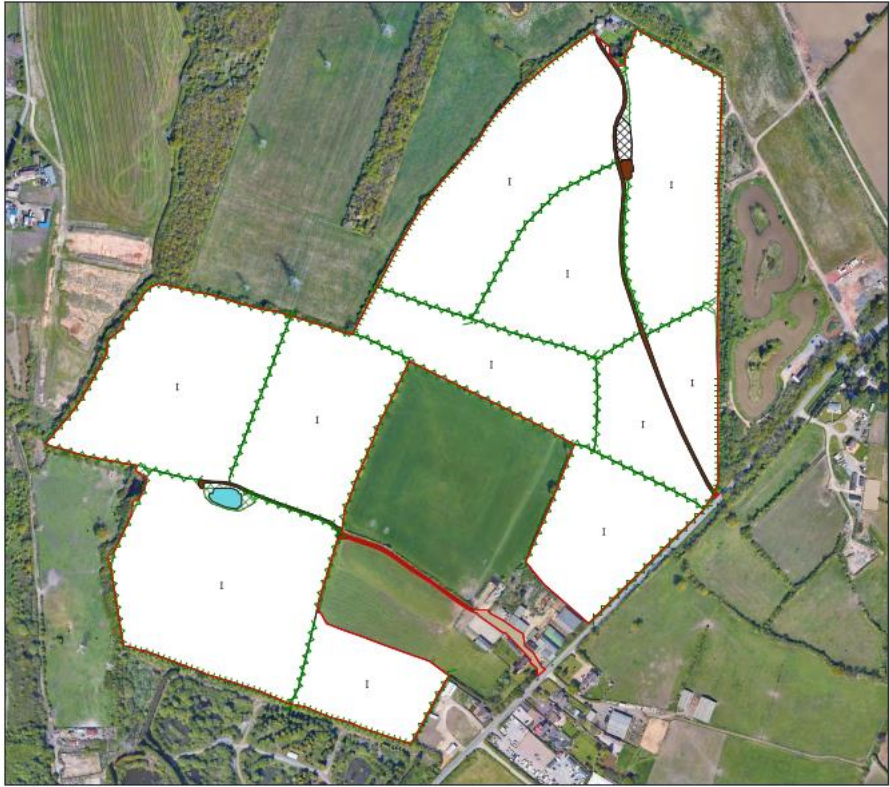




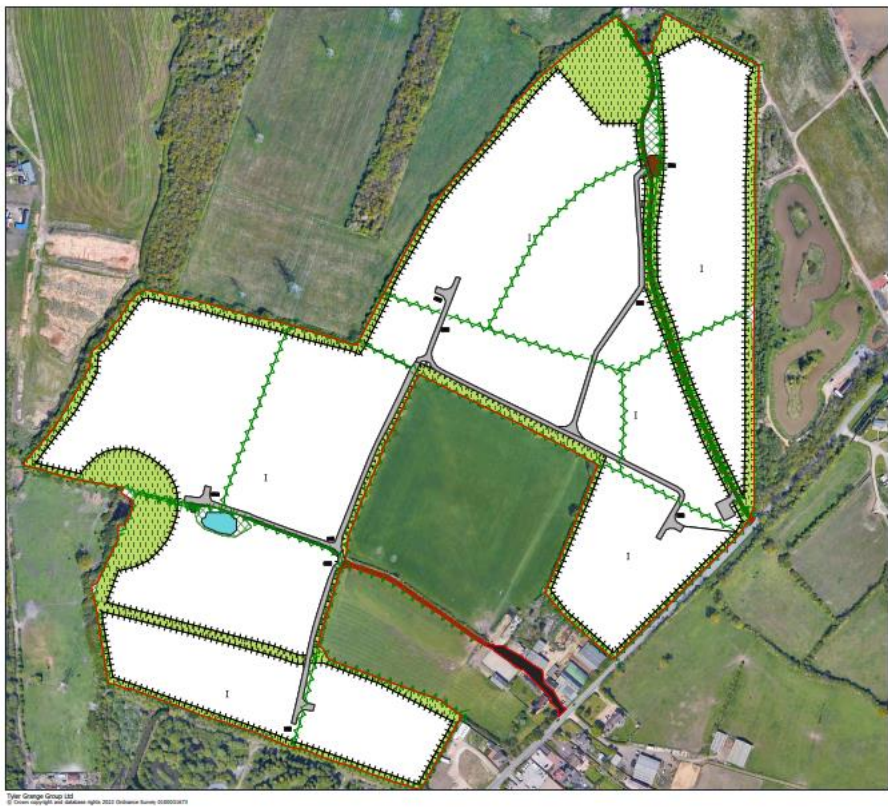




### Habitat Features Plan (not to scale)



### Post-development Habitat Features Plan (not to scale)





## Glossary

Adoption – The final confirmation of a local plan, or planning document, by a local planning authority.

Advertisement consent – A type of consent required for certain kinds of advertisements, such as shop signs and hoardings. Some advertisements are allowed without the need for an application by the Town and Country Planning (Control of Advertisement) (England) Regulation 2007.

Affordable housing – Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Authority monitoring report – A report that allows the Local Authority to assess the extent to which policies and proposals set out in all the local development documents are being achieved.

Appeal – The process by which a planning applicant can challenge a planning decision that has been refused or had conditions imposed.

Area action plan – A document forming part of the local plan containing proposals for a specific defined area.

Article 4 direction – A direction restricting permitted development rights within a specified area. They are often used in conservation areas to provide protection for things like windows, doors, chimneys, etc.

Brownfield – Land which has had a former use.

Conservation area – An area of special architectural or historic interest, the character and appearance of which are preserved and enhanced by local planning policies and guidance.

Conservation area consent – Consent needed for the demolition of unlisted buildings in a conservation area.

Consultation – A communication process with the local community that informs planning decision-making.

Certificate of lawfulness – A certificate that can be obtained from the local planning authority to confirm that existing development is lawful. Change of use – A material change in the use of land or buildings that is of significance for planning purposes e.g. from retail to residential.

Character appraisal – An appraisal, usually of the historic and architectural character of conservation areas.

Community – A group of people that hold something in common. They could share a common place (e.g. individual neighbourhood) a common interest (e.g. interest in the environment) a common identity (e.g. age) or a common need (e.g. a particular service focus).

Community engagement and involvement – Involving the local community in the decisions that are made regarding their area.

Design and access statement – A short report accompanying a planning permission application. Describes design principles of a development such as layout, townscape characteristics, scale, landscape design and appearance.

Design Code - A design code provides detailed design guidance for a site or area they prescribe design requirements (or 'rules') that new development within the specified site or area should follow.

Development – Legal definition is “the carrying out of building, mining, engineering or other operations in, on, under or over land, and the making of any material change in the use of buildings or other land.”

Development management control – The process of administering and making decisions on different kinds of planning application.

Development plan – A document setting out the local planning authority's policies and proposals for the development and use of land in the area.

Duty to co-operate – A requirement introduced by the Localism Act 2011 for local authorities to work together in dealing with cross-boundary issues such as public transport, housing allocations or large retail parks.

Economic development – Improvement of an area's economy through investment, development, job creation, and other measures.

Enforcement – Enforcement of planning control ensures that terms and conditions of planning decisions are carried out.

Enforcement notice – A legal notice served by the local planning authority requiring specified breaches of planning control to be corrected.

Environmental impact assessment – Evaluates the likely environmental impacts of the development, together with an assessment of how these impacts could be reduced.

Flood plain – An area prone to flooding.

Front loading – An approach to community engagement in which communities are consulted at the start of the planning process before any proposals have been produced. General (Permitted Development) Order The Town and Country Planning General (Permitted Development) Order is a statutory document that allows specified minor kinds of development (such as small house extensions) to be undertaken without formal planning permission

Greenbelt – A designated band of land around urban areas, designed to contain urban sprawl (not to be confused with 'greenfield').

Greenfield site – Land where there has been no previous development (not to be confused with Greenbelt).

Green infrastructure – Landscape, biodiversity, trees, allotments, parks, open spaces and other natural assets.

Green space – Those parts of an area which are occupied by natural, designed or agricultural landscape as opposed to built development; open space, parkland, woodland, sports fields, gardens, allotments, and the like.

Green travel plan – A package of actions produced by a workplace or an organization setting out how employees, users or visitors will travel to the place in question using options that are healthy, safe and sustainable, and reduce the use of the private car.

Highway authority – The body with legal responsibility for the management and maintenance of public roads. In the UK the highway authority is usually the county council or the unitary authority for a particular area, which can delegate some functions to the district council.

Historic parks and gardens register – The national register managed by English Heritage which provides a listing and classification system for historic parks and gardens.

Housing associations – Not-for-profit organisations providing homes mainly to those in housing need.

Independent examination – An examination of a proposed neighbourhood plan, carried out by an independent person, set up to consider whether a neighbourhood plan meets the basic conditions required.

Infrastructure – Basic services necessary for development to take place e.g. roads, electricity, water, education and health facilities.

Inquiry – A hearing by a planning inspector into a planning matter such as a local plan or appeal.

Judicial review – Legal challenge of a planning decision, to consider whether it has been made in a proper and lawful manner.

Legislation – The Acts of Parliament, regulations, and statutory instruments which provide the legal framework within which public law is administered.

Listed buildings – Any building or structure which is included in the statutory list of buildings of special architectural or historic interest.

Listed building consent – The formal approval which gives consent to carry out work affecting the special architectural or historic interest of a listed building.

Local authority – The administrative body that governs local services such as education, planning and social services.

Local plan - The name for the collection of documents prepared by a local planning authority for the use and development of land and for changes to the transport system. Can contain documents such as development plans and statements of community involvement.

Local planning authority – Local government body responsible for formulating planning policies and controlling development; a district council, metropolitan council, a county council, a unitary authority or national park authority.

Material considerations – Factors which are relevant in the making of planning decisions, such as sustainability, impact on residential amenity, design and traffic impacts.

Micro-generation – The small-scale generation of renewable energy usually consumed on the site where it is produced.

Mixed use – The development of a single building or site with two or more complementary uses.

National Planning Policy Framework (NPPF) – The government policy document first adopted in 2012 was updated in 2021. The NPPF introduces a presumption in favour of sustainable development. It gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Neighbourhood planning – A community initiated process in which people get together through a local forum or parish or town council and produce a neighbourhood plan or neighbourhood development order.

Non-determination – When a planning application is submitted and the local authority fails to give a decision on it within the defined statutory period.

Operational development – The carrying out of building, engineering, mining or other operations in, on over, or under land; part of the statutory definition of development (the other part being material changes of use of buildings or land).

Permitted development – Certain minor building works that don't need planning permission e.g. a boundary wall below a certain height.

Policy – A concise statement of the principles that a particular kind of development proposal should satisfy in order to obtain planning permission.

Parking standards – The requirements of a local authority in respect of the level of car parking provided for different kinds of development.

Plan-led – A system of planning which is organised around the implementation of an adopted plan, as opposed to an ad hoc approach to planning in which each case is judged on its own merits.

Planning gain – The increase in value of land resulting from the granting of planning permission. This value mainly accrues to the owner of the land, but sometimes the local council negotiates with the developer to secure benefit to the public, either through section 106 planning obligations or the setting of a community infrastructure levy.

Planning inspectorate – The government body established to provide an independent judgement on planning decisions which are taken to appeal.

Planning obligation – Planning obligation under Section 106 of the Town and Country Planning Act 1990, secured by a local planning authority through negotiations with a developer to offset the public cost of permitting a development proposal. Sometimes developers can self-impose obligations to pre-empt objections to planning permission being granted. They cover things like highway improvements or open space provision.

Planning permission – Formal approval granted by a council allowing a proposed development to proceed. Planning Practice Guidance (PPG) The government's PPG can be read alongside the NPPF and is intended as a guidebook for planners. It is not a single document but an online resource which is kept current through regular updates. Presumption in favour of sustainable development The concept introduced in 2012 by the UK government with the National Planning Policy Framework to be the 'golden thread running through both plan making and decision taking'. The National Planning Policy Framework gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Public inquiry – See Inquiry.

Public open space – Open space to which the public has free access.

Public realm – Areas of space usually in town and city centres where the public can circulate freely, including streets, parks and public squares.

Regeneration - Upgrading an area through social, physical and economic improvements.

Retail – The process of selling single or small numbers of items directly and in person to customers. The use category defined as Class E in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Rural – Areas of land which are generally not urbanised; usually with low population densities and a high proportion of land devoted to agriculture.

Scheduled ancient monument – A nationally important archaeological site, building or structure which is protected against unauthorised change by the Ancient Monuments and Archaeological Areas Act 1979.

Section 106 – see Planning obligation.

Sequential test – A principle for making a planning decision based on developing certain sites or types of land before others, for example, developing brownfield land before greenfield sites, or developing sites within town centres before sites outside town centres.

Setting – The immediate context in which a building is situated, for example, the setting of a listed building could include neighbouring land or development with which it is historically associated, or the surrounding townscape of which it forms a part.

Space standards – Quantified dimensions set down by a local planning authority to determine whether a particular development proposal provides enough space around it so as not to affect the amenity of existing neighbouring developments. Space standards can also apply to garden areas.

Supplementary planning document – Provides detailed thematic or site-specific guidance explaining or supporting the policies in the local plan.

Sustainable development – An approach to development that aims to allow economic growth without damaging the environment or natural resources. Development that “meets the needs of the present without compromising the ability of future generations to meet their own needs”.

Town and Country Planning Act 1990 – Currently the main planning legislation for England and Wales is consolidated in the Town and Country Planning Act 1990; this is regarded as the ‘principal act’.

Tree preservation order – An order made by a local planning authority to protect a specific tree, a group of trees or woodland. Tree preservation orders (TPOs) prevent the felling, lopping, topping, uprooting or other deliberate damage of trees without the permission of the local planning authority.

Use classes order – The Town and Country Planning (Use Classes) Order 1987 (as amended) is the statutory instrument that defines the 8 categories of use of buildings or land for the purposes of planning legislation. Planning permission must be obtained to change the use of a building or land to another use class.

Urban – Having the characteristics of a town or a city; an area dominated by built development. Urban design – The design of towns and cities, including the physical characteristics of groups of buildings, streets and public spaces, whole neighbourhoods and districts, and even entire cities.

Urban fringe – The area on the edge of towns and cities where the urban form starts to fragment and the density of development reduces significantly.

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Shop not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop	A1	F.2
Shop	A1	E
Financial and professional services (not medical)	A2	E
Café or restaurant	A3	E
Pub or drinking establishment	A4	Sui generis
Take away	A5	Sui generis
Office other than a use within Class A2	B1a	E
Research and development of products or processes	B1b	E
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E
Industrial	B2	B2
Storage or distribution	B8	B8

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Hotels, boarding and guest houses	C1	C1
Residential institutions	C2	C2
Secure residential institutions	C2a	C2a
Dwelling houses	C3	C3
Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation'	C4	C4
Clinics, health centres, creches, day nurseries, day centre	D1	E
Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F.1
Cinemas, concert halls, bingo halls and dance halls	D2	Sui generis
Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Hall or meeting place for the principal use of the local community	D2	F.2
Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

Changes of use within the same class are not development. Use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights, until 31 July 2021. The new use classes comprise:

**Class E (Commercial, business and service uses),**

**Class F.1 (Learning and non-residential institutions)**

**Class F.2 (Local community uses)**