

**Planning Committee 20 October 2020
Report of the Planning Manager**

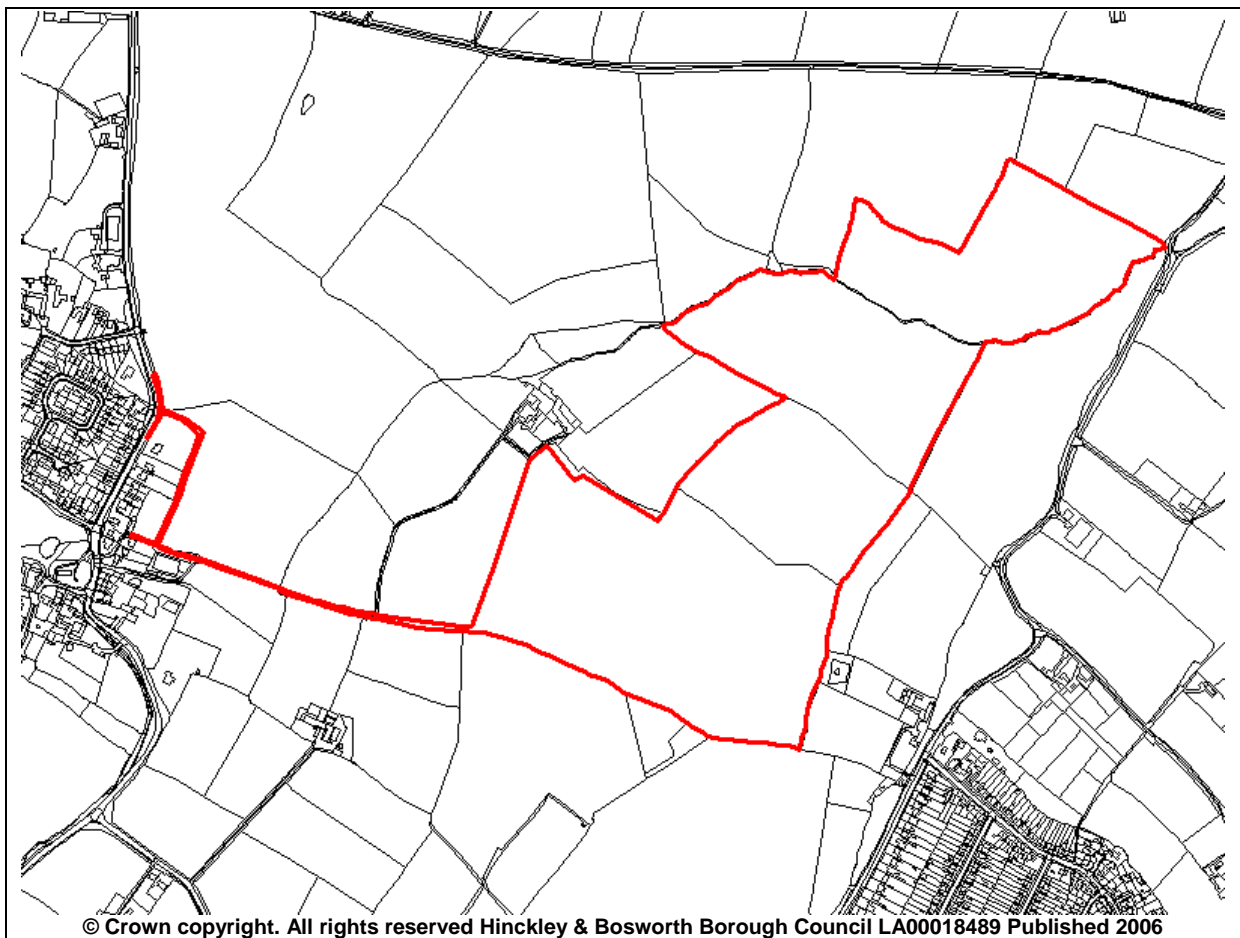
**Planning Ref: 19/01379/FUL
Applicant: NextPower SPV 7 Limited
Ward: Barwell**



Hinckley & Bosworth
Borough Council

Site: Land West Of Kirkby Road Barwell

Proposal: Construction of an 32 hectare solar farm to include the installation of solar panels to generate electricity with access from A447 Ashby Road and associated substation building, switchgear building, inverter cabins, telecommunications mast, storage/communications building, battery containers, access tracks, fencing, gates, CCTV and landscaping



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

2.1. This application seeks full permission for the construction of a solar park, to include the installation of solar photovoltaic panels to generate approximately 23.4MW of

electricity, with DNO and Client substations, inverters, perimeter stock fencing, access tracks and CCTV. Landscaping and other associated works.

- 2.2. Planning Permission is sought for a temporary period of 40 years from the date of first exportation of electricity from the site. At the end of the operational lifespan of the proposal the site would be restored back to agricultural use with all equipment and below ground connections removed.
- 2.3. The panels would be located in rows across the site; the spacing between the rows will be approximately 3m, depending on site context, to avoid shadowing and allow for maintenance. Each row will be mounted on a metal framework which will be driven into the soil, avoiding the need for concrete foundations. The height of the installation will reach around 80cm from ground to the bottom of the panel to facilitate sheep grazing around the panels and a maximum of approximately 3m to the top of the panels. The solar panels will be installed at approximately 25 degrees from the horizontal, oriented due south. The layout takes into account the existing tree and hedgerow vegetation and their root zone, hence they are offset from the vegetation.
- 2.4. It is proposed that the site would be enclosed by deer fencing for security, of approx. 2.0m in height. CCTV is also proposed, installed around the site boundary, mounted on 3m poles.
- 2.5. Control buildings (inverters) are required to allow the DC electricity produced by the PV panels to be converted to AC electricity. These cabins are proposed to match the colour of other buildings proposed and be approximately 12.2m long, 3.1m wide and 3.2m high, there will be up to 10 of these buildings on site. The switchgear buildings are proposed to be moss green or light grey, 3.1m in height, 4m long and 2.5m wide. A Substation compound will also be necessary, which is to be located within the site boundary to the south of the site, it proposed for this to be moss green or light grey. It is proposed that this building would be 5.7m in height, 7.2m long and 6.6m wide. Communication buildings are also required adjacent to these proposed buildings described and would be approximately 7m long, 1.9m wide and 3m in height. Battery container buildings are proposed, which are shipping containers approximately 12.2m long, 2.4m wide and 2.6m high, painted moss green or light grey.
- 2.6. In addition a telecoms tower, of approx. 15m height, is proposed to the south east of the site. However, the report notes that this mast falls within Permitted Development Rights, requiring prior notification.
- 2.7. The proposed access tracks are approximately 4m wide consisting of crushed stone, enclosed by 2m high wooden deer fencing and some occasional metal gates, situated to the north-east and to the south-west to access the sub-station.

3. Description of the site and surrounding area

- 3.1. The proposed development site is approximately 32ha in size located approximately 700 metres (m) to the east of Stapleton. The Site is situated to the west of Kirkby Road and the A447/Ashby Road, Barwell. The proposed Barwell SUE lies immediately to the south of the application site.
- 3.2. The proposal is situated on four regular largely rectangular fields, broadly sloping down gently from the west to the east, to form the sides of a gentle valley which broadly rises further to the east (beyond the proposed development boundary). The fields are currently in pastoral use and are lined and separated by a network of mature hedgerows, scattered trees and linear tree belts. Power lines also cross the field.

- 3.3. Two footpaths pass through the proposed solar farm area, following the field boundaries. There is also a bridleway along Chapel Street, from the Church along the private track towards Barwell Fields Farm.
- 3.4. The wider landscape around the proposed development consists of gently sloping farmland, focussed along the sides of a shallow valley landscape, of medium to large regular fields surrounded by mature hedgerows, linear tree belts and mature trees. There are scattered residential properties, farms and small towns and villages connected by a network of transport corridors including major and minor roads, railway lines and public rights of way.

4. Relevant planning history

19/00334/SCOPE

- EIA Screening Opinion in relation to the proposed development of a solar farm of up to 19 MW and associated development
- Opinion Issued
- 08.04.2019

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. There have been 15 letters of objection raising the following points:
- 1) Loss of views
 - 2) Damage to the land
 - 3) Volume of traffic using access
 - 4) Ashby Road already too busy
 - 5) Dispute the speed survey undertaken
 - 6) Motorised traffic will use a bridleway, this is not lawful
 - 7) Access for maintenance should be from Kirkby Road, Barwell
 - 8) Chapel Street access too dangerous
 - 9) Wheel washing should take place before entering Chapel Street
 - 10) Access floods
 - 11) Noise will increase from traffic
 - 12) Properties will become overlooked
 - 13) Reduction in hedgerow for wildlife
 - 14) Solar panels will have detrimental impact upon wildlife
 - 15) Further development following this one
 - 16) No unsociable working hours should be allowed
- 5.3. Two letters neither objecting or supporting the development was submitted stating the following:
- 1) Stapleton already has a traffic issue, however, we do support the development of sustainable, environmentally friendly energy sources
 - 2) Weight restricted bridges in wider highway network, within shown route

6. Consultation

- 6.1. No objection some subject to condition, received from:

Ramblers Association
Historic England
HBBC Environmental Services- Pollution
LCC Ecology
LCC Lead Local Flood Authority

Western Power
HBBC Compliance and Monitoring Officer
HBBC Planning Policy
HBBC Conservation Officer

6.2. Barwell Parish Council have no objections to the proposal

6.3. Peckleton Parish Council make the following observations:

- 1) Whilst the parish do not object to the application they bring the following matters to attention
- 2) There is concern about the traffic plan and vehicles passing through Peckleton, Kirby Mallory and Stapleton where there are weight restrictions.
- 3) There are pinch points in the highway that an articulated lorry can-not pass, visibility is poor on Ashby Road at the access and there is danger for pedestrians using the same access points. Where footpaths cross the access safety measures should be put in place
- 4) Concerns are raised with noise levels, especially on Saturdays and Sundays
- 5) There is little mention on the number of vehicles to use the access track
- 6) The traffic survey appears to have been done in half term
- 7) What if tow lorries meet at the Nags Head in Stapleton, they will not be able to pass.
- 8) Has the re-opening of the children's home on Ashby Road been taken in to account
- 9) Transport Plan shows lorries existing the site crossing the road in to on-coming traffic

7. Policy

7.1. Core Strategy (2009)

- Spatial Objective 12: Climate Change and Resource

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Renewable Energy Capacity Study (2014)
- Landscape Character Assessment (2017)
- Landscape Sensitivity Study (2017)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon the Historic Environment
- Agricultural Land Classification
- Impact upon neighbouring residential amenity
- Impact upon highway safety and Public Rights of Way
- Flooding and Drainage
- Archaeology
- Ecology
- Pollution

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making
- 8.3 Paragraph 11 of the NPPF and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (2016) (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4 Spatial Objective 12 of the Core Strategy Climate Change and Resource Efficiency seeks to minimise the impacts of climate change by promoting the prudent use of resources through increasing the use of renewable energy technologies
- 8.5 Policy DM2 of the Site Allocations and Development Management Policies DPD (SADMP) sets out that the Council will support appropriately designed and sited renewable energy developments
- 8.6 No land is specifically allocated for the generation of renewable energy. The application site is therefore located outside of any settlement boundaries, and is therefore within the countryside. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. Development considered to be sustainable in the countryside as identified by Policy DM4 includes proposals for stand-alone renewable energy developments that are provided in line with Policy DM2 when development is also consistent with part i)-v) of policy DM4
- 8.7 Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate and support renewable and low carbon energy and associated infrastructure. It goes on to state (Para. 154) that when determining planning applications for renewable and low carbon development, planning authorities should not require applicants to demonstrate the overall need for renewable energy and approve the application if its impact are (or can be made) acceptable
- 8.8 HBBC's Renewable Energy Capacity Study (2014) assesses the technical and deployable potential for renewable energy and low carbon energy within the

Borough up to 2026 and identifies key areas of opportunity and constraint. The planning application site is identified partly as an opportunity area for solar arrays but also within an area of constraint due to the topography. However, the Strategic Objectives of the Core Strategy highlight the importance of renewable energy and importantly a need to increase the use of renewable technologies, such as for the generation of electricity from renewable sources. With Policy DM2 providing support to renewable energy schemes.

- 8.9 In addition to this, in July 2019 HBBC declared a 'climate emergency' whereby Councillors pledged to take local action to contribute to national carbon neutral targets through the development of practices and policies, with an aim to being carbon neutral in the borough of Hinckley and Bosworth by 2030. However, the Council is yet to publish its Action Plan designed to outline how the council will address this emergency.
- 8.10 There is a clear presumption in favour of renewable energy proposals supported by local policies of the development plan and commitment by the Council to be carbon neutral. Therefore the principle of the proposed development is considered to be acceptable, subject to other material considerations being appropriately assessed
- 8.11 The PPG provides guidance in regards to specific renewable and low carbon energy developments and provides guidance upon key issues to assess when determining an application for large scale ground-mounted solar photovoltaic farms. This provides detailed guidance on particular factors to consider which includes encouraging effective use of land, the quality of agricultural land, the temporary nature of the proposals, visual impact of the proposal, potential impacts if the proposal includes arrays which follow the sun, the need and impact of security measures, impact upon heritage assets, potential to mitigate landscape and visual impacts, energy generating potential, cumulative landscape and visual impact. These potential impacts are considered further below.
- 8.12 The site is adjacent to but falls outside of the Earl Shilton and Barwell Area Action Plan boundary, therefore, the policies within it are not triggered. The principle of this proposed development would not prejudice the delivery of the Barwell SUE, which lies adjacent to the development boundary. However, consideration to this should be given through the assessment of potential impact of the proposed development.
Impact upon the character of the area
- 8.13 Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.14 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.15 The site does not fall within any national or local protected landscape designations, such as Areas of Outstanding Natural Beauty.
- 8.16 The application is supported by the submission of a Landscape and Visual Impact Assessment, covering a 5km study area as this is where the most noticeable effects may occur.

Landscape Character

- 8.17 The site falls within the north eastern part of Landscape Character Area (LCA) E Stoke Golding Rolling Farmland, as identified by the Landscape Character Assessment (2017). The key characteristics of this landscape are:
- 1) Undulating arable and pasture farmland with gentle valleys sloping down to the Ashby Canal, Tweed River and associated tributaries
 - 2) Small to medium scale rectilinear field pattern divided by low hedgerows and mature hedgerow trees typical of parliamentary enclosure, with smaller pasture fields around settlements, creating a largely unified field pattern and providing continuity with the agricultural past
 - 3) Rural settlement pattern with former agricultural villages typically demonstrating a historic core, modern outskirts and sporadic farmsteads on the outer edges, within a strong rural setting
 - 4) Historic villages occupying higher ground with attractive red brick cottages fronting onto the road and connected by rural lanes with grass verges and well-maintained hedgerows
 - 5) Church spires and towers within villages in and around the character area form distinctive landmarks on the skyline
 - 6) Associations with the Battle of Bosworth, particularly at Crown Hill in Stoke Golding
 - 7) Ashby Canal has affiliations with coal mining that has influenced the landscape over the years and is designated as a conservation area. It is now important for biodiversity and tourism"
- 8.18 The study sets out a number of key sensitivities for this landscape character area as:
- 1) The rural character of the landscape, despite its proximity to urban areas, and areas with little light pollution – particularly in the north of the area which create a relative sense of tranquillity compared to some other parts of the borough
 - 2) Low hedgerows and mature trees are important elements because of the relatively low level of woodland in the landscape and their role in defining historic field patterns
 - 3) Distinctive character and local vernacular of the villages, including red brick and traditional buildings with links to the agricultural history of the settlements. Former farmhouses and landmark buildings contribute to the sense of place and provide historic time depth
 - 4) Historic value and associations with the nearby Bosworth Battlefield
 - 5) The Ashby Canal is a valued landscape asset, particularly as a recreation and biodiversity resource as well as a reminder of the areas industrial heritage
 - 6) Footpaths including popular recreational routes provide connections with the wider landscape
 - 7) Uncluttered rural views of church spires are sensitive to change and are valued for the sense of local distinctiveness they provide"
- 8.19 It is evident from the above that the application site is typical of this landscape character area, sharing many of the key characteristics, particularly the undulating landform of the agricultural fields, sloping down to a tributary, hedge and tree lined

field pattern, surrounding historic villages. This site is not too distant from the registered Bosworth Battlefield.

- 8.20 The site also falls within Landscape Sensitivity Area 10: as set described in the Landscape Sensitivity Assessment (2017). This states *“The area is considered to have overall medium-high sensitivity to residential and commercial development and high sensitivity to larger commercial development, due to the rural and relatively tranquil character and the great intervisibility with the wider countryside from local highpoints. The settlement edge is relatively open with some small urbanising land uses located adjacent however, the simple pattern of agricultural fields provides an attractive setting to the settlement with great views experienced from the many public footpaths that extend from the built edge and connect with neighbouring towns and villages”* However, it is acknowledged the report specifically refers to residential and commercial developments and is not explicit about the impact of renewable energy schemes on the landscape.
- 8.21 The proposed development, which will be located within a series of relatively contained fields, the retention of hedgerow field boundaries and trees will mean that the proposal will not significantly disrupt the established landscape pattern. The retention of the public footpaths through the site and the use of existing access points, including gateways, will be used, minimising disruption to landscape character. Existing hedgerows, trees and linear tree belts will be retained on the boundaries and within the proposed development and retained and enhanced during operation.
- 8.22 The LVIA considers that the proposed mitigation planting leads to beneficial effects to the landscape character through the improvement of existing hedgerow planting. It acknowledges that the proposal will introduce a new built element within the landscape which will impact upon landscape character, this would need to be weighed within the planning balance. However, it considers that the low level nature of the proposal, limited interruption to the topography and field patterns means the impact upon landscape character is limited. Furthermore, it is considered that the proposed development would not significantly influence the wider landscape character.

Visual Impact

- 8.23 The effects on visual amenity consider the changes in views arising from the proposals in relation to visual receptors including residential properties, highways, Public Rights Of Way, and recreational areas; and the effect on representative viewpoints or specific locations within a specified study area.
- 8.24 The closest settlement to the proposed development site is Barwell, approximately 200m to the east of the application site, at its closest point. The LVIA sets out that from the residential fringes of Barwell, many views are restricted, even from the immediate residential properties, by the mature vegetation lining the roads. The LVIA also describes how variations in landform and lines of mature vegetation, contain views of the proposed development site. Including from Stapleton, approximately 500m to the west at its closest point. The application site is bordered by the enclosed A447, wider views across the adjacent fields are restricted. The LVIA considered that it is only from the upper stories of the residential properties lining the settlement fringes and the adjacent busy road that views across the adjacent regular farmland are intermittently possible. It will only be from the scattered properties in close proximity to the proposed development site, including Barwell Fields Farm, immediately to the west that has the potential to perceive the proposed development. In addition, the scattered farms and properties on the adjacent valley sides including; The Brockey, Brockey Farm Cottages and Brockey

Farm broadly to the east also have the potential to perceive the proposed development site across the valley.

- 8.25 From surrounding public rights of way, open views over the immediate sloping fields within the site are possible. Views from the public rights of way in close proximity to the proposed development site boundary are also possible. Open views over the adjacent and immediate solar panels will be possible from the footpaths within the site. Therefore, visual harm arises as a result of the proposal with regards to users of these footpaths.
- 8.26 To minimise visual impacts upon the above mentioned visual receptors the proposal includes a number of mitigation strategies.
- 8.27 Buildings and structures associated with the proposed development have been situated in locations to restrict their wider visibility and are proposed to be coloured dark green or light grey to minimise their influence. The proposed sub-station and ancillary buildings including the lattice tower have also been located in one of the lowest areas of the site, to the south-east and are well-enclosed by existing mature vegetation.
- 8.28 Further mitigation measures include new species rich hedgerow which will be planted on the south-western boundary of the proposed development, lining the public right of way. This will connect to the existing linear field boundaries enclosing the proposed development and provide screening from the adjacent public right of way. Proposed native tree planting to the west, in the vicinity of Barwell Fields Farm and the crossroads of public rights of way and in-fill hedgerow planting, will help to provide screening of views from these receptors as well as along the southern boundary lining the access road. All surrounding hedgerows retained and enhanced will be maintained at a minimum of 3m high.
- 8.29 The LVIA considered 7 key viewpoints, evaluating their sensitivity, the magnitude of impact and the overall level of effect. All 7 viewpoints are considered to have no more than minor to moderate adverse harm 5 years post development (with mitigation).
- 8.30 However, even with the above the solar panels will be prominent and dominate in the immediate view, from short stretches of public rights of way that pass through the proposed development having an adverse visual effect. Views will also be possible towards the site from public rights of way in very close proximity to the proposal, also having some adverse visual impact.
- 8.31 With regards to cumulative landscape and visual impacts, there are two operational solar farms within the 5km study area. However, it is considered that the landscape is unlikely to become dominated in view by solar farm developments.
- 8.32 The landscape and visual effects of the proposal are temporary with the proposed operation period being 40 years. Following which, a de-commissioning would be required by condition.
- 8.33 The impact upon residential properties is discussed later in the report.
- 8.34 Overall, it is considered that views of the proposal from the wider context will be limited and only views from close proximity will be achieved. The proposed mitigation measures reduce the impact, particularly through landscaping and landscape management. However there would be adverse harm to the visual environment of public footpaths within and close to the application site, this harm must be weighed in the balance of the scheme.

Historic Environment

- 8.35 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.36 Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 193).
- 8.37 These statutory duties need to be considered alongside the contents of the National Planning Policy Framework (NPPF) and accompanying National Planning Practice Guidance. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designation heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. The NPPF (paragraph 195) requires planning permission to be refused if there is substantial harm to or the total loss of a designated heritage asset unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all of the criteria listed in Paragraph 195 apply. Paragraph 196 states that where a proposal will lead to less than substantial harm to the significance of the heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use
- 8.38 The proposal is supported by the submission of a Historic Environment Desk Based Assessment and has identified that there are four listed buildings and a scheduled monument within 1km of the application site and 14 further listed buildings and all or part of three conservation areas within 2km of the application site. The Registered Battle of Bosworth (field) is located 2.3km to the north west of the application site.
- 8.39 Due to the distance between these designated assets and the application site there is no inter-visibility, nor are there any other know relationships between the application site and these heritage assets. It is therefore considered that the application site does not fall within the setting of these heritage assets and it does not make any contribution to their significance. Due to its siting and form of development the proposal does not have the capacity to affect the setting of any of the designated heritage assets identified above. It is therefore considered that this proposal will have no adverse impact on any designated heritage assets.
- 8.40 Overall, it is considered that by virtue of the siting and form of the development the proposal is in accordance with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD (2016) and paragraphs 193, 194 and 196 of the NPPF.

Agricultural Land Classification

- 8.41 An Agricultural Land Classification has been undertaken The Agricultural Land Classification identified the land to be Grade 3b, which is considered moderate quality agricultural land. The site is made up of two soil types, both of which were classified as Grade 3b.

- 8.42 Therefore the use of this land would not prejudice the use of Best and Most Versatile agricultural land. In addition to the above, the site is proposed to be put in to use for grazing of sheep between the installed panels.

Flooding and Drainage

- 8.43 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding
- 8.44 The Environment Agency (EA) indicative flood map shows that the development site is located within Flood Zone 1 and is therefore at low risk of flooding. However, as the development site is over 1 hectare (ha) in area, the proposal must be accompanied by a Flood Risk Assessment (FRA) to assess the surface water runoff produced by the development and if necessary outline measures to ensure flood risk is not increased downstream of the site considering Sustainable Drainage Systems (SuDS) best practise principles, in order to mitigate any potential issues relating to runoff rates and flow routes.
- 8.45 The FRA submitted in support of this application details that existing run off rates of the site have been considered plus 40% increase to account for climate change. There are existing watercourses adjacent and through the site and a number of existing field ditches that the site currently drains to.
- 8.46 For a development such as a solar PV site the proposed infrastructure only introduces a small area of impermeable surfaces through the steel pile system used for the tables/racking system and the transformers and substations concrete bases. The remainder of the site will comprise grassed spacing between rows, field margins, and retained hedgerows. Therefore, the nature of the photovoltaic panels means that the area represented by the panel themselves is not considered impermeable, as the ground beneath all panels will be grassed and as such remains permeable.
- 8.47 The access and maintenance roads are proposed to be permeable materials (crushed stone) and therefore will not contribute to increasing run off rates from the site. The total increase in impermeable areas is small. The drainage system only needs to deal with run off from new impermeable areas to ensure flood risk is not increased however, additional storage should be provided to allow for betterment. The change in use from farming is also of benefit and ploughed or bare land increases run off therefore run off rates from the site are likely to be reduced.
- 8.48 The introduction of run off storage involves the installation of swale features running parallel to the site contours within downslope areas of the site. These features will intercept and distribute flows, create storage, attenuate runoff and promote infiltration across the site. Maintenance of the swales will be required to ensure there effectiveness. As such, there will be no impact on neighbouring sites as a result of the proposed development.
- 8.49 The SuDS scheme proposed will effectively reduce the runoff rate to less than the undeveloped (current) runoff rates, because storage and infiltration on site will be improved. The LLFA do not object to the proposal subject to conditions securing the drainage strategy and maintenance details discussed.

Impact upon neighbouring residential amenity

- 8.50 Policy DM10 criterion (a) of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light

8.51 The LVIA gives consideration to the impact upon nearby residential dwellings, considered to be sensitive receptors of visual impact. Barwell Farm Fields is the closest residential property, immediately to the west of the proposed development. Views from this property may be achieved of the proposed development although separated by garden and vegetation. The landscape mitigation measure will reduce the impact of the proposed development overtime. Furthermore, this change does not amount to harm to residential amenity as the proposed development would not lead to a loss of light, overshadowing or impact upon the enjoyment of this dwelling by way of noise or disturbance. The proposal is not intended to be illuminated. The Brockey, Brockey Farm Cottages and Brockey Farm may also be able to view the application site, however, the separation distances intervening vegetation and topography of the land mean that the proposal would have limited adverse impact upon the residential amenity of these properties.

8.52 In addition to the above, the field immediately to the south of the application site is allocated as the northern most section of the proposed Barwell SUE. Policy 12 of The Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014) requires the SUE to be delivered in general accordance with the Development Framework within the ESBAAP. This would mean that when the SUE is delivered there would be residential development and public open space adjacent to the proposed solar farm if granted. However, the landscape mitigation plan details that the boundary hedgerow surrounding the site would be maintained and gaps infilled where necessary and then maintained at a height on 3m. Further to this, the solar panels are set off from this boundary by approximately 20-25m although this does narrow in areas where there is more dense existing tree coverage. The area in the south east corner containing much of the infrastructure and buildings is also set in from the boundary and contained with existing tree cover but also additional tree planting is proposed to this corner. Therefore, it is considered that the proposal would not adversely impact the delivery of residential properties to this area of the SUE.

Impact upon highway safety and public rights of way

8.53 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.

8.54 Given the scale of the development the proposal has been accompanied with a Transport Assessment.

8.55 The Applicant has proposed a new construction access to the site from the A447 Ashby Road. Ashby Road is subject to a 30mph speed limit at the location of the proposed access, however as this is a class I road the Local Highway Authority (LHA) required this proposal to be supported by a Stage 1 Road Safety Audit. Although this is described as construction access, it is also proposed that the access remain in place for access to the site by larger vehicles, if necessary. The submitted Stage 1 Road Safety Audit was found to be satisfactory with the proposed access design taking into account the points raised. Visibility splays have been shown on updated access drawings which accord with LCC Highways Design Guidance. One speed chevron to the north west of the access will require re-location in accordance with the RSA and plans provided. The submitted plans detail a holding area controlled by banksmen and radio control with deliver vehicles to control the access should more than one HGV be present, this is acceptable to the LHA.

- 8.56 Notwithstanding the above, some concern remained with HGVs turning left from the access, without crossing the central line of the carriageway. However amended plans were received updating the swept path and access design to allow for a HGV to turn without encroaching on to surrounding verges. This is now acceptable to the LHA.
- 8.57 The Applicant has proposed smaller vehicles up to the size of transit vans could access the site via Chapel Street. Chapel Street is a 30mph road, which forms part of the adopted public highway up to the eastern boundary line of Stapleton Methodist Church before continuing as a private farm access. At its junction with Ashby Road it measures approximately 3.1 metres wide, which is not sufficient width for two vehicles to pass. The Applicant has advised approximately two vehicles per month would access the site via Chapel Street in order to undertake maintenance once the site is in operation. The LHA would not have concerns with this level of maintenance traffic, using this access. However, concern was raised with use of this access for larger construction vehicles. The applicant confirmed all construction/decommissioning traffic would use the Ashby Road access and would not use Chapel Street.
- 8.58 There is an existing access to the site from Kirkby Road, which is an existing field gate access. It has been confirmed that this access will not be used.
- 8.59 A speed survey was conducted by the applicant, undertaken in February 2020 (prior to national lockdown). The speed survey was found to be acceptable by the LHA with traffic travelling in the 85%iles speeds of 33.1 northbound and 33.3 southbound.
- 8.60 A Traffic Management Plan was submitted in support of the application, this detailed a construction traffic route was initially proposed, which used rural roads with 7.5 tonne weight restrictions. This was not considered acceptable by the LHA and the applicant was asked to re-consider the construction traffic route. The Applicant now proposes to route all construction vehicles along the A447 towards the direction of Hinckley. Given this is an A class road which is not subject to weight or width restrictions, this is considered to be acceptable route to the LHA. Notwithstanding this, the Council are not in a position to restrict or control the route of traffic as it is not within the jurisdiction of the LPA to control the highway. In addition to TMP also detailed measures during construction/decommissioning such as wheel washing, compound and parking, temporary signage these were considered acceptable measures by the LHA which are necessary to secure by condition.
- 8.61 Trip generation was provided in support of the scheme which the LHA are satisfied represents the likely trips associated with the proposed development. Although additional information was provided to confirm the distribution of trips between the two proposed access points, however it was confirmed only the Ashby Road access would be used by construction traffic. The applicant also confirmed 75% of traffic associated with the site would be cars and smaller vans.
- 8.62 Public Footpath numbers T79 and T97 run through the proposed development as shown on the applicant's plans. It is noted that it is intended that the Public Rights of Way will run through buffer zones and will not need closing during construction or operation of the site.
- 8.63 Therefore, The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019) and

Policy DM17 and DM18 of the SADMP, subject to the conditions outlined in this report.

Archaeology

- 8.64 Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers will be required to provide appropriate desk-based assessment and, where applicable, field evaluation detailing the significance of any affected asset. Where preservation of archaeological remains in situ is not feasible and /or justified the local planning authority will require full archaeological investigation and recording by an approved archaeological organisation before development commences.
- 8.65 The Leicestershire and Rutland Historic Environment Record (HER) notes that the application site has high potential for the presence of significant Archaeological remains. The application was supported by the submission of a Desk Based Assessment but LCC Archaeology considered that this in itself was not sufficient to understand the potential of the site or the impacts of the development proposals upon the significance of any buried heritage assets. Therefore LCC Archaeology require pre-determination fieldwork to be carried out (trial trenching metal detecting).
- 8.66 The applicant conducted a geophysical survey of the site, which did not present any conclusive evidence of significant archaeological remains. However, anomalies were shown which LCC Archaeology stated should be investigated via target trail trenching. Suggesting 3% 30m trenching (plus 1% for contingency) of anomalies and 'blank areas'.
- 8.67 As a result of the above the applicant prepared and submitted a Written Scheme of Investigation, which was agreed with LCC Archaeology as a methodology for trail trenching of the site. Trail trenching commenced in March 2020, some of these trenches were inspected however, the work was halted due to Covid-19 restrictions and a final report could not be produced. An addendum to the WSI was produced and agreed by LCC following the lifting of restrictions and the site investigations and further trial trenching was carried out in September 2020.
- 8.68 No development shall take place until the results of the trial trenching including a post investigation assessment have been submitted to the Council to be considered by LCC Archaeology, required by condition. LCC Archaeology no longer object to the proposal, subject to the conditions.

Ecology

- 8.69 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.70 Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.71 The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.

- 8.72 The application has been supported by a Preliminary Ecological Appraisal, Great Crested Newt Report, Badger Report, Biodiversity Enhancements document and an Ecological Impact Assessment.
- 8.73 The Preliminary Survey identified that the site composed arable fields, surrounded by improved grassland field margins and hedgerows. A potential badger set was recorded which was assessed further and found not to be active. However, they can become active and therefore LCC Ecology require a condition to secure a pre-commencement badger survey so that if badgers are recorded on site mitigation can be put in place. Given the lapse in time since the submitted badger survey and the determination of the application, this condition is considered necessary and reasonable.
- 8.74 A population of Great Crested Newts was identified in a pond near the site, however LCC Ecology are in agreement that with reasonable avoidance measures as suggested the risk to Great Crested Newts can be minimised. These measures should be secured by condition.
- 8.75 The Ecological Impact assessment makes recommendations that LCC Ecology require to be followed to minimise impacts upon bat and bird species, including bat and bird boxes, along with the retention and buffering of hedgerows on site. The proposed development does also provide opportunities for Ecological Enhancement, this is discussed in the Biodiversity Enhancement document, however further information of the planting and species mix is required and can be secured via condition.
- 8.76 Overall, it is considered that the proposal is acceptable subject to conditions in accordance with policy DM6 of the SADMP.

Pollution

- 8.77 Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.78 HBBC Environmental Services-Pollution have no comments to make on the proposals. Objections have been received with regards to working hours, noise and disturbance. However, the operation of the solar farm once constructed would generate very limited noise and disturbance with infrequent trips for maintenance purposes. However, it is considered reasonable and necessary to require an Environmental Construction Plan for the construction and decommissioning phases of the development to ensure any disruption is limited as much as possible.

Planning Balance

- 8.79 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.80 Policy DM2 of the Site Allocations and Development Management Policies DPD (SADMP) sets out that the Council will support appropriately designed and sited renewable energy developments. This Policy has full weight, no conflict with this policy has been identified.
- 8.81 Policy DM4 is considered to be out of date as the settlement boundary is drawn using a focus on delivery of a lower housing requirement than required by the up-to-date figure. Notwithstanding this, this policy is afforded significant weight as it is found to be consistent with the overarching principles of the Framework. The proposal has found to have limited conflict with policy DM4 though moderate localised visual harm found to public footpaths that cross the site and within close

proximity and limited harm to the character of the countryside through the interlocation of development in to currently open fields.

- 8.82 Paragraph 8 of the NPPF identifies the three strands of sustainable development broken down into social, economic and environmental benefits.
- 8.83 The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period, therefore having limited weight.
- 8.84 The proposed solar farm will generate enough renewable energy each year to power approximately 7,120 homes in the local area. This is a significant environmental benefit of the scheme with substantial weight in the planning balance. The proposal also introduces other environmental benefits including enhancements to existing vegetation, additional planting, proposed bird boxes and bat boxes, wildlife habitats and wildflower margins, these benefits have moderate weight.
- 8.85 However, weighing against these benefits is the environmental harm identified by virtue of the visual intrusion upon the public footpath network that runs through and within close proximity of the site. Given that the footpaths are maintained in their current route there is limited harm to the landscape character. However there is moderate visual harm to sections of these footpaths that cross the site and in the immediate vicinity. However, this harm is limited to the near environment, with the proposal having limited visual harm from the wider countryside.
- 8.86 Therefore, in this instance the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and Development Plan when taken as a whole.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. The proposed development has been found to accord with Policies DM1, DM2, DM6, DM7, DM10, DM13 and DM17 and DM18 of the SADMP.
- 10.3. The proposal would have a neutral impact upon the historic environment and therefore accords with DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.4. The proposal has found to have limited conflict with policy DM4 though moderate localised visual harm found to public footpaths that cross the site and within close proximity and limited harm to the character of the countryside through the interlocation of development in to currently open fields. Weighed against this harm are the significant environmental benefits associated with the generation of sustainable renewable energy and other more limited economic and environmental benefits.
- 10.5. It is therefore considered on balance that the harm identified to the character and appearance of the countryside and visual harm to sensitive receptors, as a result of the proposed development would not significantly and demonstrably outweigh the identified benefits of the scheme. Therefore, the presumption in favour of sustainable development does apply and the application is therefore recommended for approval subject to the conditions listed below.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Landscape Masterplan DWG P0357 rev. C received 10 December 2019
Switchgear Housing Rev A1 received 10 December 2019
33kV Substation Housing Rev A1 received 10 December 20
Racking Detail Rev A1 received 10 December 2019
Inverter/ Transformer Detail Rev A1 received 10 December 2019
Fence Detail Rev A1 received 10 December 2019
Container Battery Drawing Rev A1 received 10 December 2019
Communication Building Rev A1 received 10 December 2019
CCTV Detail Rev A1 received 10th December 2019
Proposed Site Layout DWG 234-02-PV Rev D2 received 15 May 2020
Swept Path Analysis DWG 234-02-PV Rev B5 received 12 August 2020

Site Location Plan received 15 May 2020

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Written confirmation of the date of the first export of electricity to the National Grid from the solar farm hereby approved shall be provided to the local planning authority within one month of the date of this taking place.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

4. The planning permission hereby granted is temporary for a period of 40 years from the date of the first export of electricity to the National Grid from the solar farm hereby approved. After such time the use shall cease and the solar farm and associated equipment shall be removed from site in accordance with Condition 5.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

5. Not less than 12 months prior to the expiry of this permission a decommissioning Method Statement & Site Restoration Scheme shall be submitted to and in agreed in writing by the local planning authority. This shall include details of:

- 1) The works for the removal of the solar panels, ancillary equipment and structures
- 2) works for the restoration of the site
- 3) the management and timing of any works
- 4) a Traffic Management Plan
- 5) an Environmental Management Plan to include measures to be taking during decommissioning to protect wildlife and habitats
- 6) identification of access routes and
- 7) a programme of implementation

The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement & Site Restoration Scheme during the 12 months of the expiry of this permission.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

6. Should the solar farm hereby approved no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months, a Decommissioning Method Statement & Site Restoration Scheme as per the requirements of Condition 5 shall be submitted to and agreed in writing by the local planning authority within 3 months after the end

of the 6 months cessation period. The statement must also include the date the site first ceased to operate. The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement & Site Restoration Scheme.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

7. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the addendum to the Written Scheme of Investigation AH1031 dated September 2020; and provision has been made for analysis, publication and dissemination of results and archive deposition has been secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11, 12 and 13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development shall commence on site until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed, has been submitted to the local planning authority for their approval in writing. The submitted plan shall include all retained and created habitats including SUDs and all landscaping should be comprised of native species wildflower grassland. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

The submitted Management Plans shall generally accord with the Next Energy Biodiversity Enhancements document received 10th December 2019.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the SADMP

9. No development shall commence until a survey to confirm (or otherwise) the presence of Badgers on the site has been submitted to and approved in writing by the Local Planning Authority. If Badgers are present the survey shall be accompanied by a scheme of appropriate mitigation measures (including precise details of the timing and method of protection). No development shall be undertaken except in accordance with the approved scheme of mitigation.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The development shall be carried out in accordance with the submitted Reasonable Avoidance Measures for Great Crested Newts document dated June 2019 received by the Council on 10th December 2019.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6

of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. The development shall be carried out in full accordance with the mitigation strategies specified in the Midland Ecology; Ecological Impact Assessment received 10th December 2019.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to first use of the development approved by this planning permission a surface water drainage scheme in line with the principles discussed within the flood risk assessment received by the Council 10th December 2019, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

13. Prior to commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

14. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

15. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Intelligent Alternatives drawing number 234-02-PV Rev B5 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

16. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 4.5 metres x 75 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

17. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary on Ashby Road and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

18. No development shall take place until a scheme for the treatment of the Public Right(s) of Way T76 and T79 has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with Paragraph 98 of the National Planning Policy Framework (2019).

11.4 Notes to applicant

1. With reference to condition 12 the scheme shall include the utilisation of holding sustainable drainage techniques to provide sufficient on-site surface water storage for any additional surface water volume generated by the proposed hard standings while also accounting for a climate change allowance.
2. With reference to condition 13 details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system. It is noted that the proposals do not include formal surface water drainage features, however existing surface water features need to be considered in full. Where relevant, details should also include procedures that must be implemented in the event of pollution incidents within the development site.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve

the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.

4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
5. A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
6. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the local Highway Authority (telephone 0116 305 0001).
7. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Local Highway Authority.
8. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Local Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and Leicestershire County Council as Local Highway Authority may be obliged to require its immediate removal.