

Planning Committee 2 August 2022
Report of the Planning Manager (Development Management)

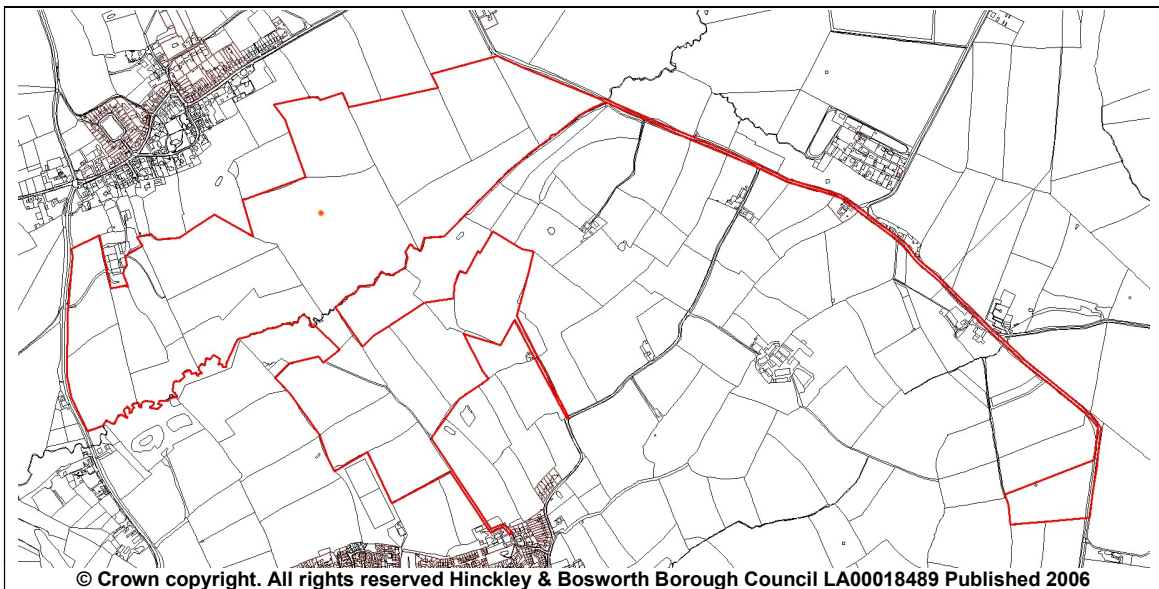
Planning Ref: 21/01395/FUL
Applicant: Mr Robin Johnson
Ward: Barlestone Nailstone and Osbaston



Hinckley & Bosworth
Borough Council

Site: Church Farm Washpit Lane Barlestone

Proposal: Installation and operation a of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, point of connection mast, switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.



1. Recommendation

1.1. Grant planning permission subject to:

- The **conditions** listed 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.** The application seeks full planning consent for a 107 hectare solar farm comprising solar PV arrays, battery storage facilities, ancillary infrastructure, Distribution Network Operator (DNO) connection infrastructure, internal access tracks, highways between the solar farm and substation, and areas of landscape planting and ecological enhancement
- 2.2.** The proposed solar farm comprises three land parcels: agricultural land north of Booson Brook (approx. 72.3Ha) ("land parcel A"), agricultural land south of Booson Brook (approx. 28.1Ha) ("land parcel B") and land west of B585 (approx. 3.5Ha) ("land parcel C").

- 2.3. The solar panels would be laid out as arrays in rows with gaps of approximately 5-6m between each row depending on field topography. Panels are mounted on a frame made of galvanized steel. Framework posts would be pile-driven into the ground to a depth of around 2-2.5m. The arrays would be oriented east-west across the Site, with the facades of the panels facing south, maximising the amount of solar radiation they can absorb through the day as the sun moves across the sky.
- 2.4. At their lower edge panels would be approximately 0.8m above ground level and up to approximately 3m above ground level at their upper edge. The positioning of the arrays responds to existing physical features such as ditches, trees and hedgerows with panels set back appropriate buffer distances as informed by technical guidance. No earth moving or ground levelling is required.
- 2.5. 20 no. Inverter-Transformer stations will be located throughout the solar farm. 11 of these units will be co-located with battery storage units in the Battery Stations. 9 No. of the inverters will be standalone units. Inverters convert direct current generated by the PV panels into alternating current. Transformers then convert low voltage output from the inverters to high voltage suitable for feeding into the network. Transformers are located next to the inverters inside the containerised equipment.
- 2.6. The inverters would be housed within pre-fabricated metal containers that are typically finished in a grey or green colour. Each unit measures c. 12.2m x 2.4m x 2.9m. (LxWxH). Inverters would be positioned on a hardcore base laid on blocks, leaving a gap of 500mm above ground level. This gives a total elevation of up to 3.4m.
- 2.7. 1 No. Customer Switchgear Container is proposed to be included within the development. The switchgear would receive electricity from the inverter-transformers and batteries before transferring it to the DNO Substation via underground electrical cables. This would be a pre-fabricated metal container, typically finished in a grey or green colour. The switchgear unit would measure c. 12.2m x 2.4m x 2.9m. (LxWxH). It would be positioned on a hardcore base atop blocks, leaving a gap of 500mm above ground level. This gives a total height of up to 3.4m
- 2.8. The DNO substation with Power Over Cable (POC) masts is located in Parcel C to the south-east of the primary solar farm on a small parcel of land that includes existing pylons. The cable route between Parcel A and the POC masts in Parcel C will be via an underground easement along the B585. It will then travel approx. 2km along the B585 before entering Parcel C where the DNO substation and POC mast will be location adjacent to existing infrastructure.
- 2.9. The POC masts will enable the solar farm to connect to the 132 kV overhead line that crosses Parcel B. To facilitate the connection into the grid a DNO primary substation control building with transmission masts is proposed. The substation compound would be a permanent DNO asset, most likely built in brick or similar. POC masts are an external transformer adjacent to the substation building and existing pylon. This element of the proposed development would be built by an Independent Connection Provider (ICP) on behalf of the DNO to their required specification. Once completed this would be an adopted DNO asset and thereafter part of their upgraded infrastructure network for the benefit of more than just the solar farm.
- 2.10. Security fencing c. 2m high would be installed around the perimeter of the site in the form of 'Deer Fencing' with wooden fence poles and galvanised high tensile steel wire between. There will be access wing gates at entrances to the site. The fencing would enclose the solar panels and allow sheep to graze amongst the arrays. Gates

will be installed to allow for movement from the access points off into the site to for ongoing maintenance.

3. Description of the site and surrounding area

- 3.1. The application site comprises some 107 hectares of agricultural land located between the settlements of Nailstone and Barlestone, with a smaller area to the south-east of on land west of the B585 Bagworth Road. The application site comprises a number of arable and pastoral fields located between the settlements of Barlestone and Nailstone. The land is Agricultural Land Classification (ALC) Grade 3b.
- 3.2. The application site covers an area north (Parcel A) and south (Parcel B) of Booson Brook which runs east-west through the centre of the site, along with a single field (Parcel C) located to the west of the B585. The surrounding landscape and fields within the site are relatively flat in themselves. The site slopes down towards Booson Brook which forms the lowest point of a “valley” between Nailstone and Barlestone. The surrounding landscape is predominantly agricultural in appearance with some scattered farm holdings and barns.
- 3.3. The land immediately surrounding Booson Brook is located in Flood Zone 2 and 3 although the remainder of the site is located in Flood Zone 1 and is subsequently at low risk of fluvial flooding
- 3.4. A Public Right of Way (Footpath S29) runs through Parcels A and B between Barlestone and Nailstone. The path forks to the south of Nailstone. Footpath R66 runs broadly parallel to the site's northern boundary. Footpath S48 runs north-east to south-west to the west of the application site and footpath S30 runs west to north-east and is located to the south-east of the application site.
- 3.5. The application site is located in the countryside and is not subject to any other local or national designations.
- 3.6. There are no designated heritage assets located within the site itself. Nailstone Conservation Area is located approximately 250m to the north of the application site. There are 6 Grade II Listed building within Nailstone, as well as the Grade II* listed All Saints Church. Barlestone has 4 Grade II Listed buildings.
- 3.7. The application site falls within the Charnwood Fringe and Barton Village landscape character areas as identified by the Landscape Character Assessment (2017)

4. Relevant planning history

- 4.1. None

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. Site notices were also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 14 objections have received in response to the publication of this application. The areas of concern are summarised below:
 - 1.) Solar energy should be generated using roofs of buildings
 - 2.) Solar energy should be generated using brownfield sites
 - 3.) Village will lose its farming identity/ harm to village's character
 - 4.) Highways concern regarding site entrance (access visibility) and congestion

- 5.) Cumulative harm arising from other nearby solar farms
- 6.) Land should be retained for agriculture / land needed for food will be lost
- 7.) Harm to open countryside / loss of green spaces
- 8.) Harm to Conservation Area / fails to protect Conservation Area / harm to historic integrity
- 9.) Visual impact / panels will be highly visible / impact on views to/from Nailstone long distance views spoilt / will be an "eye sore"
- 10.) Ridge and furrow will be destroyed
- 11.) Unsuitable location – north facing hillside / should be on flat land
- 12.) Impact on enjoyment of footpaths / security fences will "ruin country walks" / impact on enjoyment of the countryside
- 13.) Harm to wildlife including birds, hares, newts and butterflies
- 14.) Too large / size disproportionate
- 15.) Negative impact on environment
- 16.) No community benefits / no benefits to village other than "green energy"

5.3. 92 representations support the proposal have been received following the publicity surrounding the planning application. It is noted that a number of representations have come from the same address and approximately 50% of the representations of support are from addresses that are not local to the application site. These have included addresses in Liverpool, London, Derbyshire, Birmingham and Loughborough. The comments of support are summarised below:

- 1.) Reduces reliance on fossil fuels/ doesn't require fossil fuels to operate
- 2.) Creates energy supply resilience / energy security
- 3.) Need to support "clean energy" / renewable energy should be encouraged
- 4.) Fossil fuels unsustainable
- 5.) Helps respond to climate emergency – local response to climate emergency
- 6.) Welcome due to energy "price hike" / "cost of living crisis" / cheaper energy
- 7.) Will benefit children
- 8.) If not a solar farm it would be 4,000 houses / better than housing
- 9.) Land is poor quality farmland / land is fallow / soil is poor quality
- 10.) Good for environment / need to protect the environment
- 11.) Ecological benefits / increased biodiversity
- 12.) Will improve footpaths / will provide new permissive paths
- 13.) Supports dual use of land / good use of land
- 14.) Will reduce need for agricultural chemicals
- 15.) Developer will provide amenities/put money in schools and parks
- 16.) Preferable to nuclear / wind generated energy
- 17.) Farmland will not be lost
- 18.) No noise or pollution
- 19.) Can be decommissioned after use
- 20.) Will result in tree planting
- 21.) Environmental, social and economic benefits

5.4. 4 neutral representations have been received in response to the publicity, neither supporting nor objecting to the development proposals or raising queries.

6. Consultation

6.1. No objection subject to conditions or obligations have been received from the following:

- LLFA
- LCC Minerals
- Ecology
- Ramblers Association

- Barlestone Parish Council (Supports)
 - Inland Waterways
- 6.2. No comments were received from the following:
- S106 Monitoring Officer
 - Historic England – deferred to Council Heritage Officer for response
 - Newbold Verdon Parish Council
 - Nailstone Parish Council
- 6.3. The County Archaeologist has objected on the grounds they require trial trenching to take place prior to determination. This is explained in greater detail in the section below on archaeology.
- 6.4. The Local Highway Authority initially requested further information from the applicant. Following receipt of that information the Local Highway Authority remains of the view that additional information is required regarding more accurate drawings, visibility splays and tracking. This is explained in greater detail in the section below on the impact upon highways.
- 6.5. The applicant has been given the opportunity to respond to the latest comments from the Highways Authority. Any forthcoming consultation response will be dealt with through an update to the Committee.

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) (2021)
 - 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 on 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

- 8.1 Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) 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 a starting point for decision making.
- 8.2 Land parcel B falls within the Barlestone Neighbourhood Plan area which is subject to a made Neighbourhood Plan. Full weight should be given to the policies within this plan for the purposes of determining this planning application.
- 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 renewable energy developments where all reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape, noise, visual and cumulative impacts.
- 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 parts 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 should 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 as being 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. Policy DM2 provides 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 the 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 it 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 there is a 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 regarding 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.

Impact upon the character of the area

- 8.12 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.
- 8.13 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.
- 8.14 BNP Policy ENV12 seeks to protect important views. Views north-west from the edge of the village over open countryside, across the valley and toward the Nailstone ridge on the horizon, across the application site, have been identified as being of importance.
- 8.15 The site does not fall within any national or local protected landscape designations.

Landscape Character

- 8.16 The application site and the two host landscape character areas it is located within Charnwood Fringe Settles Forest Hills and Barton Forest Farmlands are of medium value. The site does not fall within the definition of valued landscape for the purposes of applying paragraph 174a of the NPPF. The Council has been advised

by its landscape advisor that the landscape has a medium/low susceptibility to the proposed development.

- 8.17 The Council's landscape advisor has advised that the site does contain features of landscape value which include the cross-valley views from the edge of both Nailstone and Barlestone; the tower spire of All Saints Church on the ridgeline; steeper valley slopes; and the tree lined corridor along the brook on the valley floor. The majority of landscape features are proposed to be retained.
- 8.18 The Council is further advised that the magnitude of change and levels of effect on the landscape would be major to major/moderate and significant. By year ten the effects would be reduced by the proposed mitigation measures but will remain significant across the site as a whole. On a district level the effect on both landscape character areas would be moderate adverse in year one reducing to moderate minor by year ten.

Visual Impact

- 8.19 Visual receptors are likely to consider the impact of the solar farm to be adverse given the rural context of the area. The most sensitive receptors will be users of the public footpaths. This is due to the change in character from open arable/pasture fields to regimented rows of solar arrays and associated infrastructure.
- 8.20 In terms of site suitability, the site contains a number of fields that are appropriate for solar arrays, yet a number of the more steeply sloping fields are less appropriate as the visual effect of the arrays on the rising and undulating ground will appear as alien features in the landscape.
- 8.21 Some aspects of the proposed mitigation – native planting, habitat creation and biodiversity enhancements - can be regarded as neutral or beneficial.
- 8.22 In response to comments from the Council's landscape advisor some priority areas of solar arrays have been omitted from the scheme in order to widen cone views from the PROWs back from the landmark spire and the setting of All Saints Church thus improving levels of effect from the rights of way. An area of arrays above 143 m AOD has also been excluded from the scheme to reduce effects on views from Leicestershire Round, travelling west to Nailstone and as seen across the valley to the south. Visual effects on rights of way have been satisfactorily addressed.
- 8.23 Other areas that the Council's advisor recommended be excluded from the scheme have not been followed by the Applicant on the basis that their own advisor suggests that the effects in year 10 would be no more than minor adverse. The Council is advised that the visual effects of the scheme upon select receptors are an overall significant adverse effect at the site and local level at year 1 which would reduce to an extent by year 10.

Conclusion

- 8.24 Whilst the improvements to the scheme are welcome, there remain a number of significant effects on both the landscape character and visual receptors within the site and immediate area. This amounts to a significant adverse effect at the site and local level at year 1 which would reduce to an extent by year 10. The development proposals are concerned with a large scale, long term solar farm that occupies the majority of a valley feature between two neighbouring villages. This is significant harm that needs to be weighed in the planning balance.

Impact upon the Historic Environment

- 8.25 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 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment.

- 8.26 Paragraph 197 states that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.27 Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.28 The NPPF (paragraph 201) 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 201 apply. Paragraph 202 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.
- 8.29 Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:
- An understanding of the significance of the heritage asset and its setting, and
 - The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
 - How the benefits of the proposal will outweigh any harm caused
 - Any impact on archaeology in line with Policy DM13
- 8.30 Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features (as identified in Conservation Area Appraisals and Management Plans).
- 8.31 BNP Policy ENV5 provides that proposals that affect the identified buildings or their settings, should conserve the significant features which make them important.

Site context and affected heritage assets

- 8.32 Barlestone and Nailstone are ridge-top settlements occupying higher ground in a landscape of irregular shaped fields resulting from Enclosure with hedgerow boundaries. The prominence of the higher ground upon which Nailstone is situated is more evident than Barlestone. There are some mature trees within the hedgerows and occasional small groups of trees within the landscape. The application site is situated between Nailstone and Barlestone, a single field away from both settlement edges at its closest point. The topography of the area drops down and away from both settlements and is bisected by a stream, known as Booson Brook, at the bottom of a shallow valley.
- 8.33 The application site comprises three parcels of farmland, identified as parcels A, B and C within the applicant's submitted Heritage Statement and referred to as such hereon in these comments.
- 8.34 Parcel A is the largest section of the site and is located to the south of Nailstone. It is bound to the west by the A447 road, to the north-east by the B585 Bagworth Road and on all other sides by farmland in mixed arable and pasture use. This parcel is located on land rising up to the north-west towards Nailstone from the Booson Brook.
- 8.35 Parcel B consists of five fields and is located to the north of Barlestone. It is bounded on all sides by farmland and is located on land rising up to the south-east towards Barlestone from the Booson Brook.
- 8.36 Parcel C is much smaller and comprises of a single field in arable use much further to the east adjacent to the B585 Bagworth Road.
- 8.37 In determining applications, paragraph 194 of the National Planning Policy Framework (NPPF) and Policy DM11 of the Site Allocations and Development Management Policies DPD (SADMP) requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 195 of the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset. That required assessment has been undertaken in the body of these comments. The Heritage Statement that has been prepared to accompany the application identifies the significance of affected heritage assets; in my opinion this document is proportionate and meets the requirements of paragraph 194 of the NPPF and Policy DM11 of the SADMP.
- 8.38 There are no designated or non-designated (built) heritage assets within the three parcels of land that comprise the application site, however it must be assessed whether the site falls within the setting of heritage assets. The NPPF (Annex 2) defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." Historic England provide advice on the setting of heritage assets in their Good Practice in Planning Note 3 (2015), this identifies that the surroundings in which an asset is experienced may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way which we experience an asset in its setting is also influenced by other

factors such as noise, dust and vibrations from other land uses in the vicinity, and by our understanding of the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.

- 8.39 Historic England recommends undertaking a five-step approach to assessing change in the setting of heritage assets. The first step is to identify which heritage assets and their settings are affected by the proposal. Although it is not solely reliant of there being public access, any impact from the proposal is most likely to be experienced by users of the public rights of way that traverse the site, and perhaps to a lesser extent by users of surrounding roads. A public footpath runs directly between Nailstone and Barlestone through the intervening countryside and through the centre of Parcels A and B. It forks into two routes into Nailstone when approaching northwards uphill from the valley. An additional footpath (part of the Leicestershire Round) runs along the top of the ridge along an east-west axis and this travels along the northern boundary of Parcel A.
- 8.40 Within Nailstone the Grade II* listed building the Church of All Saints, the Grade II listed Manor House and the farm buildings to the rear of The Elms, and the Nailstone Conservation Area could be affected by the proposal due to the visibility and proximity of these assets to the application site. The application site therefore falls within the setting of these heritage assets. Two further designated heritage assets could be affected by the proposal as they are visible when situated within and in conjunction with the application site, those being the grade II listed building the Church of St Giles in Barlestone and the grade II* listed building the Church of St Peter in Market Bosworth; the application site therefore also falls within their setting.
- 8.41 Due to the combination of either distance, topography and presence of intervening built form and vegetation there is no inter-visibility between the application site and any other heritage assets located within Barlestone, Nailstone, or the wider area, nor is there any known key historic, functional or other relevant relationships or associations between the application site and any such heritage assets. The application site is therefore not considered to fall within their setting and due to the form of the proposal it is considered this position would not be altered following the development.
- 8.42 Due to the isolated position of parcel C and its limited size this parcel is not considered to fall within the setting of any heritage assets and due to the form of development within this parcel it is considered this position would not be altered following the development. From here on the assessment of the proposal refers to development within parcels A and B only.

Significance of affected heritage assets

- 8.43 Step 2 is to assess the degree to which these settings make a contribution to the significance of the heritage asset or allow significance to be appreciated.
- 8.44 The Grade II* listed Church of All Saints in Nailstone, Grade II* listed Church of St Peter in Market Bosworth, and the Grade II listed Church of St Giles in Barlestone all principally derive their significance from the historic and architectural interest of their built form as a parish church although they also embody communal value as a place of worship and as the social and physical focal point of both the past and present community of each settlement.

- 8.45 Each church is located within an associated churchyard which surrounds the asset. These immediate and contained settings contribute positively to each church's significance, reinforcing their historic, architectural and communal values. There are no ground level views of the application site from within any of the churchyards. By virtue of the height of the church tower and spire and varied topography of the surrounding landscape, which includes both churches being sited largely on raised ground, the Church of All Saints and the Church of St Peter can also be seen within a much wider setting. The Church of St Giles has a lower tower and it does not occupy such a raised position. It is also quite well screened by vegetation so it is a less prominent feature within the surrounding landscape and has a more focused setting compared to the other two churches.
- 8.46 When leaving Barlestone and travelling north on the public footpath the spire of the Church of All Saints is a prominent feature and has a dominant presence in the landscape, this being at both longer distances over the intervening agricultural land and vegetation when first leaving Barlestone and entering the application site, dropping down into the valley, leaving the valley back uphill, and entering Nailstone from either of the footpath routes. Due to the orientation of the footpath the direct view is nearly always towards the church spire and is often channelled and directed by a hedgerow field boundary, with a more open context in views to either the west or east. These direct views demonstrate the importance of the church within the wider landscape and within which the application site forms an integral part of this context. Given that the orientation of the views follows what is very likely to be a historic and the most direct route between Barlestone and Nailstone, focusing on the church as a key point of orientation, these views are considered to be important and allow for a considerable appreciation and understanding of its significance. Due to the orientation of the Leicestershire Round footpath the direct view when travelling towards Nailstone from the east is again focused upon the church spire and is often channelled by a hedgerow field boundary. Such views are again considered to be important, and they allow for an understanding and appreciation of the significance of the church.
- 8.47 When leaving Nailstone from Church Road and travelling south on either of the two public footpaths, the tower of the Church of St Giles is not visible until the two footpaths conjoin in a field as the topography starts to drop towards the valley. This is very much a distant view where the tower can just be glimpsed over the intervening agricultural land and vegetation and within the vegetation within its churchyard. No glimpses of the church are then available until having emerged out of valley and when travelling along the footpath where it rises very gently towards Barlestone. Views are less direct but are again sometimes channelled by a hedgerow field boundary. Even when getting closer to the church when travelling towards Barlestone the church tower remains a feature to be glimpsed within its surroundings rather than being the focal point of the landscape. When available, such views again demonstrate the importance of the church within the wider landscape and the application site does form part of this, although views are considered to be more incidental rather than direct so only allow for a very minor appreciation and understanding of its significance.
- 8.48 The Church of St Peter in Market Bosworth is a prominent landmark in the local area as a result of the height of its spire and elevated position in the landscape. The spire is visible some 3 to 4km to the south-west in views across the western section of parcel A, from along the public footpath between Barlestone and Nailstone, and from the public footpath from the B585 to Nailstone. These are very much distant views where the spire can be glimpsed over the intervening agricultural land and

vegetation but the views do demonstrate the importance of the church within its wider and extended landscape of which the application site forms part of. These views however are not on a direct or historic route and are considered to be incidental rather than key so only a very minor appreciation and understanding of its significance is obtained from these views due to their limited extent and the intervening distance.

- 8.49 The Grade II listed building the Manor House in Nailstone is an 18th century house with an earlier core. It principally derives its significance from the historic and architectural interest of its built form. It is located within modest grounds that are generally well screened by surrounding vegetation. The grounds comprise of its principal setting, however there is an open aspect to the south (the rear) and also to the east due to the absence of built form in those directions. Overall the setting of the Manor House is considered to make a reasonable contribution to its significance. Key positive elements include the enclosed grounds as well as the surrounding agricultural landscape which is seen in views towards the house from the south and east.
- 8.50 The farm buildings to the rear of the Elms are Grade II listed buildings located at the western end of Nailstone. The farm buildings are two rectangular ranges situated to the rear of The Elms set at a right angle around a yard. One has recently been converted to residential use. These date from the late-18th to early-19th century. Both listed buildings derive their significance from the historic and architectural interest of their built form, their former uses, and value as a group of buildings with a functional relationship with the Grade II listed The Elms to the north of the courtyard.
- 8.51 The Nailstone Conservation Area boundary is drawn quite tightly around the historic core of the settlement and at its closest point is c.120m north of the application site. The Nailstone Conservation Area Appraisal and Management Plan (NCCAMP) (2015) identifies that a key characteristic of this heritage asset and relevant to this proposal is the highly visible nature of the conservation area and All Saints church spire set within the surrounding agricultural landscape with views and vistas out of conservation area into the countryside that contribute to the rural character of the village. Vista 2 and view 8 (both looking southwards) and vista 3 (looking eastwards), as identified in the NCCAMP, all currently focus on the wider open countryside and reinforce the rural and largely undeveloped context of the village and its conservation area. Each of these views/vistas also look out over the application site.

Impact of the proposal upon the significance of affected heritage assets

- 8.52 Step 3 of the Historic England Good Practice in Planning Note 3 is to assess the effects of the proposal, whether beneficial or harmful, on the significance of affected heritage assets or on the ability to appreciate that significance.
- 8.53 Due to the size of the solar farm it is not likely to be visible in its entirety as one entity. Nonetheless, users of the public rights of way in the vicinity of the development (and possibly to a lesser extent surrounding highways), will see rows of industrial human-made solar arrays rather than the natural beauty and open character of the countryside that is currently present. The development would be at odds with the prevailing rural character of the area and due to its size it may be difficult to fully assimilate it into the landscape via an environmental enhancement strategy or similar. The proposed planting of hedgerows along parcel boundaries and along rights of way, once established (10 year images are provided within the

submitted Landscape and Visual Impact Assessment (LVIA)), would however likely reduce the visual impacts of the proposal on the landscape from certain vantage points.

- 8.54 Consideration has been given to preserving the direct views of heritage assets through the siting of the solar panel arrays. When travelling north on the public footpath from Barlestone towards Nailstone the panels are set behind the existing flanking field boundary hedgerows, which would provide a level of natural visual screening to the panels beyond, and then on the opposite side the panels would be situated within a field with a newly created boundary consisting of a deer fence and planted hedgerow. The intention of this layout is to create a narrow visual corridor with a focus upon the spire of the Church of All Saints whilst traversing north along the footpath. The narrow corridor is in place throughout parcel B and the first two fields within parcel A when travelling north from the valley bottom. The width of the corridor has been increased following consideration of officer comments of the first revision of the proposal. There is then no development in between the two footpath spurs to create a 'visual splay' up towards the church spire. In year one the presence of the panels either side of the footpath, where not screened by existing vegetation, would be highly noticeable for the user. The visual impact will be reduced over time through the establishment of the new boundary hedgerows.
- 8.55 Despite the siting of the panels and associated planting, throughout the lifecycle of the development the experience for the user when travelling on the path between Barlestone and Nailstone would be greatly altered, from one of experiencing the open countryside either on both sides or one side of a field to one where the experience is much more enclosed by natural and man-made features. When travelling north and westwards towards Nailstone this would reduce the number of important clear views of the spire of the Church of All Saints, and where they would remain their extent would be reduced and the context from which they can be appreciated altered considerably through the enclosure of the surrounding open landscape. The visual change when travelling westwards on the public footpath from the B585 towards Nailstone flanking parcel A is considered to be less impactful as the open landscape to the north would be unaltered.
- 8.56 The presence of the solar panels in parcels A and B would represent a distinct change in the setting of the Church of All Saints and this change would be noticeable from a variety of locations including the historic key route between Barlestone and Nailstone. Whilst the church spire would remain prominent in these views the surrounding context and character of the church's setting would be altered considerably by the development reducing the ability to appreciate and understand its significance from its associated rural and open landscape. This visual change would be most noticeable immediately upon completion of the development, reducing over time as the proposed landscaping including boundary hedgerows become established. The adverse visual impact is not removed altogether by this landscaping as the newly created boundaries enclose this previously open landscape and due to the size and extent of the development it is not possible to fully screen the panels. The impact would be reduced slightly by the increase in width of the visual corridor when traversing the public footpaths northwards towards the church. The proposed development could be deemed reversible, in that the panels could be removed after 30 years so impacts are only relevant for this period of time, but some aspects such as the access roads would leave scars on the landscape. Overall the proposal would have an adverse impact upon the significance of the Grade II* listed Church of All Saints as a result of change within its setting. The adverse impact is considered to result in less than

substantial harm to its significance, and likely at the lower end of this spectrum of harm.

- 8.57 The public right of way user experience would again be enclosed when leaving Nailstone and approaching Barlestone and from the footpath existing glimpses of the Grade II listed Church of St Giles would either be lost or where they remain the context altered, with the solar panels, particularly in parcel B, being visible. However given the existing limited visibility of the church and the very minor appreciation only of the significance of the building currently gained from public footpath and its wider setting the impact of the proposal upon its significance is considered to be negligible and not adverse.
- 8.58 Arrays of solar panels would be visible in the foreground of views of the Grade II* listed Church of St Peter in Market Bosworth from within the application site and along the public footpaths within the site and the vicinity. The panels would predominantly be on lower ground with the church spire being a presence on the horizon and retaining its prominence, nor would the panels affect any relationship between this church and the Church of All Saints in Nailstone. Due to the very minor appreciation and understanding of the significance of the Church of St Peter provided by the application site, and the remaining presence of the spire in long distance views following the development, the impact of the proposal upon its significance is considered to be negligible and not adverse.
- 8.59 As summarised by the submitted Heritage Statement the Grade II listed Manor House at Nailstone has some mature vegetation along the southern and eastern property boundary, but much of this is kept short so that extensive views in these directions are available. The mature hedgerows along the northern edge of the application site and the sloping topography of parcel A mean that development within this parcel would not be visible from the property. There may be glimpsed views of solar panels within parcel B but these would a longer distance, c.800m, from the house. In views towards the Manor House from outside of the application site some areas of solar panels may be visible but would be peripheral in such views and the Manor House is not prominent in such views. Overall it is considered that the proposed development would not affect the significance of the Manor House.
- 8.60 There would be views towards the rear of the grade II listed farm buildings at the Elms in Nailstone in which solar panels in the west side of parcel A would be visible, but these buildings face inwards as part of a courtyard arrangement and are not prominent in any such views. There would be further loss of any remaining association with the farmland to the south of these buildings, but at least one of the buildings are no longer is such an operational use. Overall it is considered that the proposed development would not affect the significance of the farm buildings at The Elms.
- 8.61 Areas of solar panels within parcels A and B would be visible in views towards and from the Nailstone Conservation Area; this includes vista 2 and view 8 (both looking southwards) and vista 3 (looking eastwards) as identified within the NCCAMP. In each of the views outwards the solar panels closest to the conservation area would be concealed behind existing mature hedgerows that would be reinforced with additional planting. When this additional planting reaches maturity any visible areas of panels would be on the higher ground in the southern part of parcel B. Areas of panels would be visible in views towards the Nailstone Conservation Area in the same way as views towards the Church of All Saints, however the only part of the conservation area that is prominent in such views is the church spire. There would

be some change to the use of the land within the setting of the conservation area, altering its rural context, but a buffer of farmland would remain between the conservation area and the application site. Overall the proposal would have an adverse impact upon the significance of the Nailstone Conservation Area as a result of change within its setting. The adverse impact is considered to result in less than substantial harm to its significance, and likely at the lower end of this spectrum of harm.

Harm vs benefits assessment and summary

- 8.62 The proposal would cause less than substantial harm to the Grade II* listed Church of All Saints at Nailstone and less than substantial harm to the Nailstone Conservation Area. In accordance with local and national policies as the proposal causes harm to designated heritage assets this harm should be weighed against the public benefits of the proposal.
- 8.63 Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - Reducing or removing risks to a heritage asset
 - Securing the optimum viable use of a heritage asset in support of its long term conservation
- 8.64 The Heritage Officer has confirmed no heritage benefits, other than a possible minor increase in the amount of existing boundary hedgerow planting to reinforce a key rural characteristic and positive contributor to the setting of the affected heritage assets, arise from the development proposals. There will be further environmental benefits resulting from the planting of hedgerows and creation of wildlife enhancement areas, and the likely considerable benefit resulting from the quantum of solar panels as a means of providing renewable energy, which to a certain level would also contribute to addressing the Borough Council's declared Climate Change emergency.
- 8.65 In accordance with Policy DM11(c) of the SADMP and paragraph 202 of the NPPF the less than substantial harm caused to each designated heritage asset by the proposal should be weighed against the public benefits. It must be noted that, as established by case law, harm which is less than substantial is not to be equated with harm which is minor or unimportant. When taken as a whole the level of the public benefits demonstrated by the proposal should be of a level to outweigh the harm caused and to comply with paragraph 202 of the NPPF and Policy DM11(c) of the SADMP. In completing this balancing exercise great weight should be given to the conservation of heritage assets as required by paragraph 199 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990. The more important the asset, the greater that weight should be, noting that Grade II* listed buildings are heritage assets of the highest significance.
- 8.66 The Heritage Officer has reaffirmed that the conclusion of the balancing exercise is one for the decision taker. Should the balancing exercise not come out in favour of the proposal it should be refused due to its conflict with Policies DM11 and DM12 of the SADMP and the relevant paragraphs of the NPPF. In addition should the application of paragraph 11d of the NPPF be relevant for decision taking then it should be recognised that the Nailstone Conservation Area and the Grade II* listed

building the Church of All Saints are designated heritage assets of particular importance (as referenced in footnote 7).

- 8.67 Step 4 in the Historic England assessment approach is to explore ways to maximise enhancement and avoid or minimise harm. It is considered that there is no particular means to achieve an enhancement to the setting of the heritage assets affected by this proposal but there are further means to minimise the harm caused to the Nailstone Conservation Area and Grade II* listed building Church of All Saints by increasing the width of the visual corridor towards these designated heritage assets along the public footpath between Barlestone and Nailstone.
- 8.68 Due to the sloping and rising topography the visual effects could be most greatly reduced by increasing the distance of the panel arrays, deer fence and new hedgerows from the western edge of the public footpath within the last field within parcel B before dropping down to the Booson Brook, and the first two fields within parcel A when rising from the brook up to the spur in the public footpath. Such a revision to the proposal would increase the openness of the land to the west of the footpath and more closely reflect the existing landscape context of the two designated heritage assets, allowing their significance to be appreciated more fully from within their setting. The applicant has undertaken this revision, which whilst it would still result in less than substantial harm to the setting of heritage assets it does reduce the level of impact. The Heritage Officer has confirmed that the decision taker should determine whether such a revision would alter the planning balance with regard to the application.

Agricultural Land Classification

- 8.69 NPPF paragraph 174 bullet “B” provides that planning decisions should contribute to and enhance the natural and local environment by (inter alia) 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, classified as Grades 1 to 3a.
- 8.70 An Agricultural Land Classification Survey has been submitted in support of this planning application. It shows the application site to be Grade 3a (12 hectares) and 3b (110 hectares) and is subsequently, as a whole, is not best and most versatile agricultural land. The development proposals subsequently adhere to the relevant advice contained in the NPPF.
- 8.71 Furthermore, as is set out in paragraph 2.10 of this report, sheep can graze between the solar panels. They keep weeds and vegetation down, maximising the performance of the panels and in turn they benefit from the shade provided by the panels.

Impact upon neighbouring residential amenity

- 8.72 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 includes impacts from noise, land contamination and light. Similarly paragraph 130 (inter alia) requires development proposals to create places which promoted health and well-being, with a high standard of amenity for existing and future users.
- 8.73 It is noted that the Environmental Health Officer has raised no objection to the proposed development in respect of noise or pollution and has recommended a condition to control the construction phase of the development. An Acoustic Report

has been provided which shows very low noise rating levels, at least 6 dB below representative background sound levels during the daytime period and likely not audible or noticeable/intrusive when compared to the baseline acoustic environment during both the daytime and night-time periods; and the development would not result in overall ambient noise levels exceeding the level above which adverse effects would occur, either in external amenity areas or internally within dwellings with windows partially open during the night-time period.

- 8.74 A Glint & Glare Study has been prepared to support the planning application. It finds that that solar reflections are geometrically possible towards 73 out of the 111 assessed dwelling receptors. Views of the reflecting panels are considered possible at seven of these dwellings; however, no mitigation requirement has been identified because the duration of effects predicted to be experienced by an observer is not significant or there are sufficient mitigating factors to reduce the level of impact. The impact of the development in this regard is considered to be acceptable.
- 8.75 Due to the nature and form of the proposed development no harm to residential amenity would arise from the development when considering the potential for loss of privacy, loss of daylight/sunlight, or overbearing impacts or increased sense of enclosure.
- 8.76 Based on the assessment above the development proposals accord with SADMP Policies DM7 and DM1 and the advice contained in the NPPF.

Impact upon highways and public rights of way

- 8.77 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.
- 8.78 BNP policy TR1 (inter alia) requires development to be designed to minimise additional traffic generation and movement through the village and to provide any necessary improvements to site access, communal parking and the highway network where it is necessary to ensure that the development can proceed in a satisfactory manner. BNP policy ENV10 requires development proposals to take account of existing rights of way and be designed to respect their importance to the local community.
- 8.79 Paragraph 111 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.
- 8.80 The Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application. Members will be updated on the latest position in a Late Items report.

Background

- 8.81 The Local Highway Authority (LHA) previously requested the following information in the context of their previous consultation response:
- Speed surveys at access points 2 and 3 as well as the new access to Parcel C;
 - A Stage 1 Road Safety Audit (RSA) and designers' response for all proposed construction accesses, as well as the proposed new access to Parcel C;
 - A detailed drawing of the new maintenance access to Parcel C;

- Details in respect of the reduction in width of the proposed site accesses following construction (and re-instatement if necessary);
- Further consideration in respect of the location of Access 2 to enable the access to join at 90 degrees to the highway;
- Consideration as to whether the construction accesses can be widened to allow for two HGVs to pass or details of the nearest passing places within the site access provided;
- Consideration/ justification as to why an internal access road between Parcels A and B could not be provided to avoid the requirement for construction traffic to use Access 3 altogether;
- Updated PIC analysis to consider the most recent five-year period;
- Further clarity in respect of the sites trip generation during construction with a more detailed breakdown of the total number of trips anticipated to each access, preferably on a weekly basis, along with the types of vehicles;
- Confirmation regarding frequency of maintenance vehicles to all access locations; and
- Further clarity in respect of the site access compound and wheel washing locations, as well as clarity on what measures are proposed for Parcel C.

8.82 The Applicant has submitted a Technical Note dated 13 May 2022 and a Construction Traffic Management Plan dated 20 May 2022 to the Local Planning Authority with the view to addressing the above comments. Based on the information provided, the Highways Authority has provided the following advice:

Site Access

Access for Construction Traffic

- 8.83 The LHA previously requested clarification as to why Parcels A and B could not be served fully by Access 2, to avoid the need for Access 3 and prevent the need for larger vehicles to travel down the C classified Bagworth Road. It has been advised that feedback from other disciplines, particularly with regard to the impact of removing hedgerow, trees and installing a bridge to cross the brook running through the site was taken into account when devising the site layout. Taking this into account, it was deemed preferable to utilise and upgrade existing field accesses for the purposes of temporary construction, rather than permanently remove hedgerow and trees to install a crossing point over the watercourse which routes through the site. This is accepted by the Highway Authority.
- 8.84 The Applicant had previously advised that Accesses 2 and 3 would be reduced in width following construction and the LHA therefore requested details as to how the accesses were to be reduced if this was the case. It has been advised the width of construction accesses 2 and 3 will be retained for the purposes of maintenance accesses. The Applicant has also advised that Access 2, during construction, does not allow for HGVs to manoeuvre out of the site travelling northbound on the B585, due to geometric constraints. By retaining the width of the construction access for maintenance, this will ensure there is sufficient width for maintenance vehicles, in particular panel vans, to emerge from the construction access. Notwithstanding the LHA's comments below, the LHA has no objection to the retention of any construction accesses without reducing the width subject to consideration of their safety and suitability.
- 8.85 Previously the LHA requested consideration as to whether the construction accesses could be widened to allow for two way HGV traffic or details of the nearest passing places within the site. The Applicant has advised how weekly/ daily

deliveries would be overseen by the site manager to avoid disruption and that the site compounds would allow space for both a parked and turning HGV so that vehicles could be held back when another is scheduled to arrive. Hauliers would also be advised to contact the site manager to give an indicative time of arrival to ensure banksmen (if necessary) and delivery space are available prior to arrival. After reviewing the tracking and access arrangements however, the LHA requests the Applicant to consider designing all construction access points to an industrial access standard as per Part 3, Table DG5 of the Leicestershire Highway Design Guide.

- 8.86 The Applicant has undertaken a Stage 1 Road Safety Audit (RSA) in respect of each construction access (accesses 2, 3 and 5) and a speed survey has also been undertaken for access points 2 and 3. Speed surveys were undertaken to determine vehicle speeds where 215m visibility splays could not be achieved. Automatic Traffic Counts (ATC's) were placed in three locations by the Applicant to determine vehicle speeds between Tuesday 26th and Wednesday 27th April 2022, gathering 48 hours' worth of data.

Access 2

- 8.87 An ATC was placed on Bagworth Road (B585) to record vehicle speeds at the edge of the achievable visibility splay to the west of Access 2. Survey data indicates northbound 85%ile speeds of 51.8mph and southbound 85%ile speeds of 50.8mph. Based on Part 3, Table DG4 of the Leicestershire Highway Design Guide (LHDG), visibility splays of 2.4 x 160m are required to the west of the access. The Applicant has also detailed 2.4 x 215m in the opposite direction. Details of the visibility splays are provided in RPS drawing number JNY11137-02 Rev A. The LHA have reviewed the visibility splays and based on available records, believe the 215m visibility splay crosses over third party land in the vicinity of the bridge to the southeast. This should be reviewed by the Applicant and details of the highway boundary provided on the site access drawing. Further information on the extent of the highway boundary can be provided to the applicant.
- 8.88 The submitted RSA identifies an issue with the site access arrangements in respect of the ditch/ watercourse either side of the proposed access and the potential for larger vehicles over-running these, increasing the potential for vehicles to tip. The RSA recommends measures are put in place to prevent accidental entry into the ditch/ watercourse.
- 8.89 After reviewing the site access drawing, the LHA advises it maintains concerns as to the unusual angle at which the access meets the adopted highway and it remains unclear why the access could not be relocated further to the northwest to allow for HGVs to access the site at a 90-degree angle to the highway, given the internal layout of the site. This could also avoid the need for larger vehicles having to turn right out of the site on departure due to difficult manoeuvres, which could not be enforced in any case whether or not the access location was changed. A revised access would therefore need updated tracking and an RSA. The LHA also notes that the drawing is based on an OS map and is therefore limited in accuracy in comparison to a topographical map. Further information is therefore required in respect of Access 2.

Access 3

- 8.90 An ATC was placed to record vehicle speeds at the edge of the achievable visibility splay to the northeast of Access 3, taken from Bagworth Road. Survey data

indicates south-westbound 85%ile speeds (towards the access) of 40.5mph. An ATC was also placed to record vehicle speeds at the edge of the achievable visibility splay to the southwest of Access 3, taken from Bagworth Road. Survey data indicates northbound 85%ile speeds (towards the access) of 28.9mph.

- 8.91 Based on the LHDG, visibility splays of 2.4 x 120m are required to the northeast of the access. The Applicant has provided splays of 2.4 x 47m to the southwest as opposed to 2.4 x 43m on the basis that the road is also currently being used by construction traffic for a nearby housing development and a higher proportion of HGVs are using the road. Overall, visibility is accepted by the LHA. Details of the visibility splays are provided in RPS drawing number JNY11137-04 Rev A. The submitted RSA for Access 3 does not identify any problems.
- 8.92 After reviewing the submitted information, the LHA advises the tracking has been provided for a Maximum Articulated Vehicle which would not be relevant for this access, and shows little or no clearance between the wheel track and edge of carriageway. Vehicle tracking should be provided for the largest vehicle that would be using the access.

Access 5

- 8.93 Visibility at Access 5 was previously considered to be acceptable by the LHA. The Applicant has now undertaken an RSA of the access which has not identified any problems associated with the proposed access arrangements. The LHA notes that vehicle tracking of the largest anticipated vehicle to use the access has not been provided for all turning manoeuvres.

Access for Maintenance Traffic

- 8.94 Previously the LHA requested clarification as to which access was to be used to serve Parcels A, B and C for site maintenance once construction was complete. The Applicant has advised Access 2 would be the primary maintenance access for Parcel A, with the option to utilise Access 1 if required, for example if maintenance vehicles are arriving from the A447 and need to replace panels or undertake maintenance at the westernmost section of the site.
- 8.95 This is accepted by the LHA, given that the B585 is lower in classification than the A447. Parcel B would be accessed primarily via Access 3, with very infrequent access via Access 4 (Washpit Lane, Barlestone) if necessary. Again, this is accepted by the LHA. Both accesses are already existing and could be used to some level in association with the existing farmland. The Applicant has advised that the new access to Parcel C off Bagworth Road (B585) would be subject to a separate planning application and it will be the responsibility of the Distribution Network Operator (DNO) to operate the substation and thus gain access to it. At present, the LHA can only assume that in the absence of any other planning application, access to the sub-station would be taken from the construction access detailed on RPS drawing number JNY11137-05. It should be noted that any new access to the site would need to be considered safe and suitable.
- 8.96 The LHA therefore advise that the Applicant should consider appropriate access rights to the sub-station in the event that any new access is not granted planning permission by the LPA.

Highway Safety

- 8.97 The Applicant has assessed Personal Injury Collision (PIC) data for the five year. The PIC's within the study area are detailed in the Technical Note. The Applicant has concluded by stating having analysed the PIC data, there are no clusters which would highlight any potential deficiency in the design of the highway network, and it is considered there are no prevailing highway safety issues along the highway network. The LHA has identified an additional PIC which occurred at the junction of Bagworth Road (B585) and Heath Road in January 2022 and was recorded as serious.
- 8.98 Overall, notwithstanding the additional PIC identified by the LHA, the Applicant's PIC analysis is accepted. It is also advised that HGVs would predominately remain on A/ B classified roads throughout construction where such vehicles would be expected and that an increase in vehicular traffic associated with the site is only likely to be temporary in nature during the construction phase of the solar farm.

Trip Generation

- 8.99 The LHA previously requested further clarity in respect of trips to/ from the site and, should staff and construction traffic be split between the site accesses, an anticipated breakdown of the anticipated daily or weekly use for each access along with the types of vehicles. It was previously advised that deliveries would vary in amount per day during the construction period with an average of six deliveries (six inbound plus six outbound movements) per day over the 24-week period and while 60 staff members would be on site per day. According to the Applicant, similar developments car sharing reduces the number of staff vehicles to around 30.
- 8.100 The Applicant has now advised that with regard to the breakdown of vehicle movements per access, it should be noted that the rate of construction would remain the same, irrespective of the size of the solar park. A larger solar park would be built out at the same rate but would have a longer construction period. On this basis, the vehicle movements detailed within the report during construction would not occur across all accesses simultaneously. As one part of the site is constructed, construction would move to the next part and thus to a different access. The site setup phase of construction would occur across the whole site, with construction staff and HGV deliveries travelling to either Access 2 or 3 depending on which section of the site is being built out. The same would occur for the solar arrays, cabling and ducting, and commissioning.
- 8.101 The Applicant has also advised that large loads (HGVS above 15.4m in length) delivering materials for the construction of Parcel B would be required to utilise Access 2, rather than Access 3, due to geometric constraints at the B585 / Bagworth Road junction. Materials would then be transported on smaller HGVs between accesses 2 and 3. Thus, when Parcel B is being constructed, the largest loads will still need to access Parcel A, even if there were no construction works ongoing at Parcel A.
- 8.102 It has also been advised that Access 5 is to the sub-station and is therefore different to Accesses 1 to 4 which are to the solar arrays. In terms of the construction vehicle movements which will utilise Access 5 over the construction period, there would be an average of 2-3 HGVs per week (4-6 HGV movements) and up to 10 construction staff vehicles per day at the peak period of a few weeks. Overall the LHA accepts the Applicant's explanations with regards to the level of trips anticipated during construction. It is also acknowledged that the level of trips would only be temporary in nature during the construction and decommissioning stages.

- 8.103 It has been advised that once operational, the frequency of maintenance vehicles would be of a similar magnitude across all operational accesses. Vehicles that would periodically visit the site would be 4x4 cars, or small vans. There would typically be approximately one maintenance vehicle every three months to each of Accesses 1, 2, 3 and 5. This is accepted by the LHA.

Construction Traffic Management Plan (CTMP)

- 8.104 The LHA previously raised concerns with regards to the Applicant's proposed construction traffic routing to the M69 as it included HGVs routing along Fenn Lanes, and through Sutton Cheney along weight restricted roads. The routing of construction traffic to the M69 has now been amended to direct traffic along the A447/ A47 within the updated CTMP, which is welcomed by the LHA as this is considered to be a more appropriate route. Consideration may need to be given to the route for larger vehicles due to the low railway bridge on the A5, however alternative routes are available if necessary.
- 8.105 The Applicant has provided further information in respect of the site compounds for all parcels and confirmed sufficient parking, turning and wheel washing facilities will be available within each compound. This is welcomed by the LHA.

Public Rights of Way

- 8.106 The existing PRoWs are not proposed to be diverted or closed and will remain open to users during the temporary construction period and during operation. Measures will be set out with respect to PRoWs in the pre-commencement CEMP and pre-operational LEMP. The application also proposes 2.66km of new permissive paths.

Conclusion

- 8.107 The LHA requires the Applicant to submit additional information to the LPA in respect of the following points for further consideration by the LHA:
- Consideration of access drawings for all three construction access based on a more accurate topographical survey and also to be designed to industrial access standard;
 - Further consideration of the location of Access 2, including visibility splays, tracking and relocation;
 - Tracking of the actual maximum sized vehicle proposed to be used for Access 3; and
 - Tracking of the largest anticipated vehicle to be arriving and departing from Access 5.
- 8.108 The additional information has been requested and the Committee will be updated accordingly.

Flooding and Drainage

- 8.109 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. BNP Policy EN1 requires development proposals to demonstrate resilience to future climate-change-driven flood risk during the lifetime of this Plan and beyond.
- 8.110 Paragraph 159 of the NPPF requires inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Paragraph 167 continues by explaining that, when determining planning

applications, local planning authorities should ensure that flood risk is not increased elsewhere.

- 8.111 The LLFA has noted that this greenfield site is primarily located within Flood Zone 1 with a small area in Flood Zone 2 and 3 in the centre of the site due to an ordinary watercourse. The Proposed Development is classed as 'Essential Infrastructure' by the EA (and NPPF Appendix 3). Solar farms are suitable in flood risk areas.
- 8.112 The proposals seek to replicate the greenfield scenario of the existing site with permeable course tracks and gravel beds for inverters storage areas meaning the site does not require a positively drained drainage strategy. Measures are also identified for soil compaction with routes for construction plant identified to mitigate this. Infiltration testing is planned to demonstrate that the development can be constructed without increasing flood risk. The LLFA subsequently raise no objections to the development subject to conditions securing the aforementioned infiltration testing; a drainage strategy based on sustainable drainage principles; and ongoing maintenance of the proposed drainage infrastructure.
- 8.113 Based on the assessment above and with the use of the recommended conditions, the development proposals are considered to be in accordance with SADMP policy DM7, BNP Policy EN1 and the advice contained in the NPPF.

Archaeology

- 8.114 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.
- 8.115 Paragraph 194 of the NPPF provides that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 8.116 The Leicestershire and Rutland Historic Environment Record (HER) notes that the application site lies within a landscape where Roman and prehistoric activity is relatively frequent and is nearby the medieval and post-medieval historic settlement cores of Nailstone (MLE2968) and Barlestone (MLE2703). The application area also appears topographically favourable for early occupation, with gentle south facing slopes running down to the watercourse dissecting the site. The submitted Geophysical Survey (Magnitude Surveys Ref: MSSK987) and Heritage Statement (RPS) are welcome. The results of the Geophysical Survey identified a number of anomalies with a potential archaeological origin, included a possible roundhouse ring-ditch and a possible rectangular enclosure.
- 8.117 Prehistoric and Anglo-Saxon archaeological remains are often not visible on geophysical surveys, so there is a possibility that further features are present that have not been identifiable. An archaeological trial trench evaluation is necessary to identify and locate any archaeological remains of significance. This evaluation should target known anomalies from the Geophysical Survey and test geophysical 'blank' areas.
- 8.118 The preservation of archaeological remains is, of course, a "material consideration" in the determination of planning applications. The proposals include operations that

may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, the County Archaeologist recommended that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals. This will require provision for:

- An Archaeological desk-based Assessment
- A field evaluation, by appropriate techniques including trial trenching, if identified necessary in the assessment, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.

8.119 The County Archaeologist has stated that this information should be submitted to the planning authority before any decision is made on the application so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate. Without this information the County Archaeologist considers that it would be difficult for the planning authority to properly assess the archaeological impact of the proposals.

8.120 In response to the County Archaeologist's comments, the applicant prepared and submitted a Written Scheme of Investigation (WSI). Unfortunately, this remains unacceptable to the County Archaeologist as they advise that trial trenching takes place prior to determination of the application for the reasons set out in the paragraph above. The Local Planning Authority is mindful of the size of the application site and that the application is for a solar farm rather than for dwellings. The ability to revise the extent of the solar panels in the light of the trial trenching is far greater than had the application been for dwellings. On that basis officers are prepared to accept, on this occasion, that archaeological interests can be secured as a pre-commencement condition with precautionary measures should any notable deposits be discovered. Such conditions are included in section 10 of this report.

8.121 With the use of the suggested conditions the development proposals are considered, on balance, to accord with SADMP Policy DM13 and the advice contained in the NPPF.

Ecology & Trees

8.122 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.

8.123 BNP Policy ENV3 identifies a number of sites and features of natural environment significance. These are predominantly centred around the brook and subsequently abut or encroach somewhat into the site boundary. BNP policy ENV7 is concerned with protecting trees. Any proposals which result in the loss of trees and hedgerow should be accompanied by an Arboricultural Survey to assess the quality of the tree and or hedgerow. Where the loss of any features identified in the plan is unavoidable the principles of mitigation and biodiversity net gain should be applied in accordance with paragraph 32 of the NPPF. BNP policy ENV8 requires development proposals to safeguard all significant habitats and species, especially those protected by relevant English and European legislation, and, where practicable, to create new habitats for wildlife. Similarly BNP policy ENV9 requires development proposals to use independent research to determine the presence or

absence of bats and sets out development management criteria aimed at protecting bats.

- 8.124 Paragraph 174 bullet 'd' of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, amongst other things, minimising impacts upon and providing net gains for biodiversity.
- 8.125 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.

Habitats & Biodiversity Net Gain

- 8.126 The Council's Ecologist has confirmed that the submitted ecology appraisal (RPS 2021) is acceptable and that Biodiversity Net Gains (BNG) are achievable.

Veteran trees

- 8.127 Several veteran ash trees are present on site (T15, T16, T39, T79, T83 and T83). All these meet our Local Wildlife Site criteria as veteran or mature trees and should be retained. A notable record is a single veteran native Black Poplar which is located along the stream valley. It is an extremely rare tree, and one of only a handful known in Leicestershire. This tree is subject to a TPO and is designated as a Local Wildlife Site. The Ecologist has confirmed that this tree will not be affected by the development. The locations of the veteran trees have been confirmed and they will be protected during the construction phase of the development. This can reasonably be secured by condition.

Farmland birds

- 8.128 Some farmland and ground-nesting birds will be affected (skylark, linnet and yellowhammer, in particular, where it is likely that territories will be lost.) The populations have local value but are not significant in a county-wide, regional or national context. The loss of 19 Skylark breeding territories is the most significant loss, which cannot be compensated for within the site. However, the farmland habitat is common in the area, and it is likely they will be displaced to adjacent land.
- 8.129 Losses and disturbance to other bird species can be countered through creation of species-rich headlands along hedges, which will provide additional foraging habitat for all bird species (plus habitat for small mammals and invertebrates). Precautions will be needed to avoid disturbance to nest-sites in the nesting season. It has been demonstrated that skylark can nest between and beneath solar panels.

Great Crested Newts

- 8.130 An offsite pond has Great Crested Newt eDNA, but no individuals were recorded in follow-up surveys, indicating a small or transient population. Although it is close to the site boundary, impacts will be minor if precautionary working is followed in this part of the site.

Badger

- 8.131 Several badger setts were present, and these should not be directly affected; the layout plans show that solar panels will not be placed in the immediate vicinity. Disturbance during construction is possible, and it will be necessary to work under precautionary measures. These are given in the Appendix B to the Ecology Report,

and are acceptable with one additional requirement: that there are gaps under or badger gates in boundary fences at badger access points. A 450mm gap under a fence should be sufficient. The badger survey has not identified these access points. It is recommended that a pre-commencement condition is used to secure an appropriate survey, plan of access point locations, design of fence gaps and pre-removal checks to ensure no additional setts have formed.

Otter

- 8.132 The submitted Ecological Survey found no otters or evidence of their use present along the stream.

Bats and lighting

- 8.133 Bat surveys were not done, yet the Council's Ecologist has advised that impacts on bats will be minor during operation, and it is not necessary to do full bat activity surveys. There is a potential impact though construction lighting if the construction compounds have security lighting. These can be designed to reduce light pollution and impact on bat habitats and can be secured by condition.

Ecological enhancements

- 8.134 The Council's Ecologist has advised that ecological enhancements are possible and can be achieved through creation of species rich grassland along margins of the solar panel blocks, and through improved management of retained hedges and grasslands – especially alongside the stream. They have noted that the planting of 150 Black Poplar trees along the stream is desirable – but only if they are derived from cuttings taken from the veteran specimen already on site. The inclusion of bat and bird boxes are also proposed.

LEMP

- 8.135 A Landscape and Ecological Management Plan has not been provided yet, including measures to secure the BNG, but these can reasonably be secured through pre-commencement conditions.

CEMP

- 8.136 A Construction Environment Management Plan has not been produced although this too can be secured through a pre-commencement condition.

Ecology Conclusion

- 8.137 With the use of the recommended conditions, the development proposals are considered to accord with SADMP Policy DM6; BNP Policies ENV3, ENV7, ENV8 and ENV9; and the advice contained in the NPPF together with the relevant wildlife protection legislation.

Pollution

- 8.138 Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this includes impacts from noise, land contamination and light.
- 8.139 As previously stated, the NPPF, at paragraph 130, seeks to promote health and wellbeing and a high standard of amenity for existing and future land users. Paragraph 183 explains that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risk of ground instability and contamination.
- 8.140 The Environmental Health Officer has raised no objections to the development proposals subject to a condition to secure a Construction Environmental Management Plan with view to minimise the impact on nearby residential properties

in respect of odours, noise, dust, smoke and light and to manage any potential contamination. With the use of this recommended condition the development proposals are considered to accord with Policy DM7 of the SADMP and the advice contained in the NPPF.

Other Matters

- 8.141 BNP policy EN6 seeks to protect areas of ridge and furrow and highlight their status as non-designated heritage assets. The BNP contains a plan indicating the location of areas of ridge and furrow. The application site excludes any identified area of ridge and furrow.

Planning Balance

- 8.142 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
- 8.143 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 and no conflict with this policy has been identified.
- 8.144 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 NPPF. The proposal has been found to conflict with policy DM4 through harm found to views public footpaths that cross the site and harm to the character of the countryside through development of open fields. This harm is considered to weigh significantly against the proposals.
- 8.145 Paragraph 8 of the NPPF identifies the three strands of sustainable development broken down into social, economic and environmental benefits.
- 8.146 When considering the development's impact on nearby heritage assets, with the improvements to the scheme, the less than substantial harm to heritage assets is considered to be outweighed by the public benefits arising from the generation of renewable energy and subsequent reduced reliance on fossil fuels.
- 8.147 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.
- 8.148 The proposed solar farm will generate enough renewable energy each year to power approximately 22,000 homes. This is a significant environmental benefit of the scheme, and it follows that this should be held in significant 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 and wildlife habitats. These benefits are held moderate weight.
- 8.149 There are a number of areas of compliance with development plan policies including matters surrounding heritage, drainage and flood risk, environmental health matters and residential amenity. These are not considered benefits as such and are subsequently held in neutral weight when considering the overall planning

balance. It is anticipated that the highways matters can be resolved and held in neutral weight in the planning balance.

- 8.150 This recommendation is finely balanced but it is suggested that the significant benefits associated with the generation of renewable energy, together with the moderate benefits associated with the environmental enhancements, outweigh the significant harm associated with the landscape and visual impacts arising from the development which in turn are harmful to the rural character of the area. The development is thus regarded to represent a sustainable form of development and, subject to the highways matters being satisfactorily resolved, it is recommended that planning permission is granted with the conditions listed in section 10.

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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

- 9.3 There are no known equality implications arising directly from this development.

10. Recommendation

Grant planning permission subject to the following conditions

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:

- Block plan 1 (received 22 November 2021)
- PV Layout revision A (received 1 July 2022)
- Landscape Proposals JSL4005 100 Revision I (received 21 June 2022)
- Fence, track and cctv details revision A (received 22 November 2021)
- Inverter station details revision A (received 22 November 2021)
- Custom switchgear details revision A (received 22 November 2021)
- Battery station details revision A (received 22 November 2021)

- Comms and weather station mast revision A (received 22 November 2021)

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:-

- The works for the removal of the solar panels, ancillary equipment and structures;
- works for the restoration of the site;
- the management and timing of any works;
- a Traffic Management Plan;
- an Environmental Management Plan to include measures to be taking during decommissioning to protect wildlife and habitats;
- identification of access routes; and
- 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. Part 1 - No development shall take place within the area indicated the whole site until a programme of archaeological work has been secured and implemented, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording;
- The programme for post investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation;
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;
- The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Part 2 - The solar farm shall not be brought into operation until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Part 1 of this condition, and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with 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. Part 1 - Prior to any development on site commencing, a detailed site plan including Archaeological Exclusion Zones will be submitted to and approved by the Local Planning Authority. Following the approval and completion of the archaeological evaluation referred to in Condition 7, and prior to the commencement of development, a final detailed site layout plan with full details of the final locations, design and materials to be used for the panel arrays, inverters, customer switchgear, substations, CCTV cameras, fencing, foundations and cabling will be submitted for approval. Should the archaeological evaluation identify any significant archaeological deposits, the final detailed site layout plan will define archaeological exclusion zones within which below and above ground development will be excluded or provide sufficient design mitigation including but not limited to the use of above ground cables, concrete shoes or other means to avoid any impact on archaeological deposits if required. The final detailed site layout plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the County Council's Lead Archaeologist. Subsequently the development shall be carried out in accordance with the approved details.

Part 2 - If there are archaeological areas to be preserved in situ, a management plan will be produced for any archaeological areas to be preserved in situ, setting out the methodology to secure the ongoing protection of these areas both during construction, operation and decommissioning of the solar farm.

Reason: To ensure that trial trenched evaluation is undertaken at the earliest opportunity post consent to establish the archaeological potential of the site in order that any mitigation requirements can be defined at an early stage recording in accordance with Policies DM11, 12 and 13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. 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.

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

10. 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).

11. The development shall be carried out in full accordance with the mitigation strategies specified in the RPS Ecological Appraisal dated 5th November 2021.

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. No development shall take place until a site wide Landscape & Ecological Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This plan must include the following elements:
 - Deliver the net gains set out in the metric
 - Include specification for enhancement of retained grassland along the stream valley, and management of this (though grazing and/or hay cutting and removal of arisings)
 - Include specification for creation of grassland, including species-mixes, and management through grazing or hay-cutting and removal of arisings
 - Include siting, design and future maintenance of bird and bat boxes
 - Include method for propagating, planting and maintaining Black Poplars
 - Include tree and hedge maintenance, including species-mixes, enhancement and gapping-up existing retained hedges
 - Include replanting of hedges removed for construction access visibility splays, including species-mixes.
 - Commitment to at least 40 years management and maintenance of measures included in the BNG plan

Once approved the development shall be carried out in accordance with the plan thereafter.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site and secure BNG in accordance with SADMP policy DM6; BNP policies ENV3, ENV7, ENV8 and ENV9; and the advice contained in the NPPF together with the Habitats Directive.

13. No development shall take place until a site wide Construction Environment Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This plan must include the following elements:
 - measures for protecting the retained hedges and trees, with specific reference to the Black Poplar
 - protection of setts and badger foraging routes during construction
 - creation of gaps/gates along boundary fencing to allow hedgehog, badger and small mammal access, and avoid entrapment with the site
 - Avoidance of harm to bird nesting during construction – either by avoidance of works in the March to July inclusive nesting season, or through surveys by suitably qualified ecologist immediately prior to ground clearance and construction; any birds nesting ‘in the way’ will

need to be protected and monitored until they have finished nesting and their young have fledged.

The development will be carried out in accordance with the approved Construction Environment Management Plan thereafter.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site and secure BNG in accordance with SADMP policy DM6; BNP policies ENV3, ENV7, ENV8 and ENV9; and the advice contained in the NPPF together with the Habitats Directive.

14. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect any bats using the site for foraging or commuting in accordance with SADMP policy DM6; BNP policies ENV3, ENV7, ENV8 and ENV9; and the advice contained in the NPPF together with the Habitats Directive.

15. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To protect the amenities of nearby land users in accordance with SADMP policies DM7 and DM1 and the advice contained in the NPPF.

16. Site preparation and construction shall be limited to the following hours;

Monday – Friday 07:30 – 18:00

Saturday 08:00 – 13:00

No working on Sundays and Bank Holidays

Reason: To protect the amenities of nearby land users in accordance with SADMP policies DM7 and DM1 and the advice contained in the NPPF.

17. No development approved by this planning permission shall take place until such time as a surface water drainage scheme 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 and the NPPF.

18. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

19. Prior to first use of the development approved by this planning, details in relation to the long-term maintenance of the surface water drainage system within the development are to be submitted to and approved in writing by the Local Planning Authority.

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 surface water drainage system (including sustainable drainage systems and existing surface water features) within the development to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

20. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

21. 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.

22. Highways conditions – to be confirmed

Notes to applicant

1. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Leicestershire County Archaeological Service
2. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality from proposed hard standing areas; demonstrate that engineered pervious areas offer sufficient surface water run-off mitigation; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off from hard standing areas on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.