



# Strategic Planning Committee

A meeting of the Strategic Planning Committee will be held at The Forum, Moat Lane, Towcester, NN12 6AD on Monday 11 December 2023 at 2.00 pm

## Agenda

1.	<b>Apologies for Absence and Appointment of Substitute Members</b>
2.	<b>Declarations of Interest</b> Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.
3.	<b>Minutes</b> **Please note: The Minutes of the meeting of the Committee held on 21 November 2023 are to follow.
4.	<b>Chair's Announcements</b> To receive communications from the Chair.
<b>Planning Applications</b>	
5.	<b>WNS/2022/1557/EIA - Astwick Green Power, Land North of Barley Mow Farm, Buckingham Road, Evenley (Pages 7 - 74)</b>
6.	<b>WND/2022/0901 Land at Fawsley Estate, Fawsley, Northamptonshire (Pages 75 - 114)</b>
7.	<b>Urgent Business</b> The Chairman to advise whether they have agreed to any items of urgent business being admitted to the agenda.

## 8. Exclusion of Press and Public

In respect of the following items the Chairman may move the resolution set out below, on the grounds that if the public were present it would be likely that exempt Public Document Pack Page 1 information (information regarded as private for the purposes of the Local Government Act 1972) would be disclosed to them: The Committee is requested to resolve: "That under Section 100A of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business on the grounds that if the public were present it would be likely that exempt information under Part 1 of Schedule 12A to the Act of the descriptions against each item would be disclosed to them"

Catherine Whitehead  
Proper Officer  
1 December 2023

### **Strategic Planning Committee Members:**

Councillor Phil Bignell (Chair)	Councillor Kevin Parker (Vice-Chair)
Councillor Ann Addison	Councillor Alan Chantler
Councillor André González De Savage	Councillor Rosie Herring
Councillor Rosie Humphreys	Councillor David James
Councillor Charles Manners	Councillor Ken Pritchard
Councillor Bob Purser	Councillor Cathrine Russell
Councillor Danielle Stone	

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence and the appointment of substitute Members should be notified to [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk) prior to the start of the meeting.

### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item

### **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare that fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

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### **Queries Regarding this Agenda**

If you have any queries about this agenda please contact Diana Davies, Democratic Services via the following:

Tel: 01327 322195

Email: [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk)

Or by writing to:

West Northamptonshire Council  
The Forum  
Moat Lane  
Towcester  
NN12 6AD

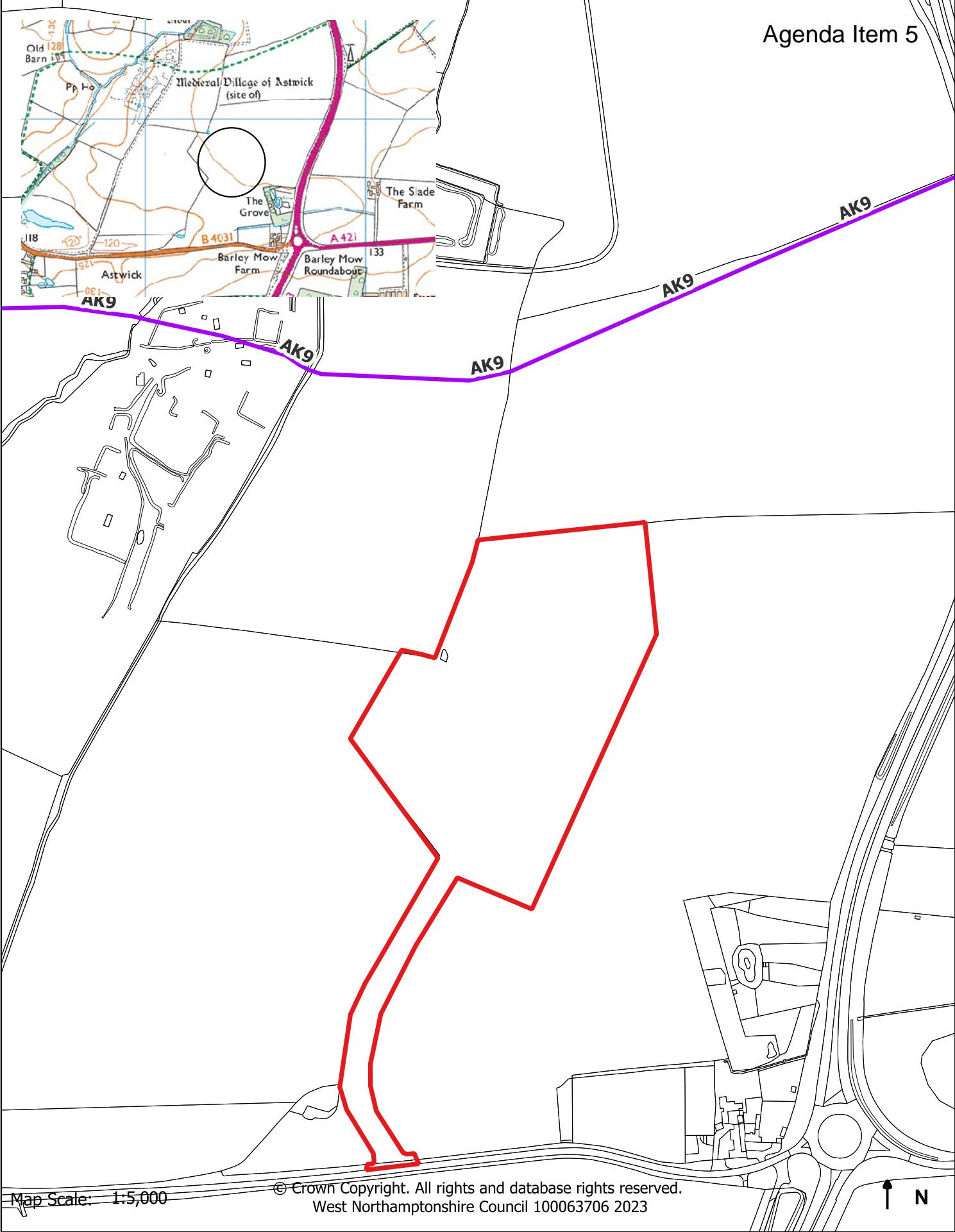
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West Northamptonshire Council  
Strategic Planning Committee  
11 December 2023

Agenda Item	Ward	Application Number	Location	Case Officer	Recommendation
5	Middleton Cheney	WNS/2022/1557 /EIA	Astwick Green Power, Land North of Barley Mow Farm, Buckingham Road, Evenley	Chris Burton	*Grant Permission
6	Woodford and Weedon Ward	WND/2022/0901	Land at Fawsley Estate, Fawsley	Chris Burton	*Grant Permission

\*Subject to conditions

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Map Scale: 1:5,000

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West Northamptonshire Council 100063706 2023



**WNS/2022/1557/EIA**  
**Evenley CP**

 Planning Application  Public Right of Way



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Map Scale: 1:5,000

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West Northamptonshire Council 100063706 2023



**WNS/2022/1557/EIA**  
**Evenley CP**

 Planning Application

Aerial: 'Latest Available'



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# Planning Committee Report

**Application Number:** WNS/2022/1557/EIA

**Location:** Astwick Green Power, Land North of Barley Mow Farm,  
Buckingham Road, Evenley

**Development:** The construction and operation of an anaerobic digestion facility, ancillary infrastructure, landscape planting and the construction of a new access road and access from the B4031. Application accompanied by an Environmental Statement

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**Applicant:** Acorn Bioenergy Ltd

**Agent:** Joanna Freyther

**Case Officer:** Chris Burton

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**Ward:** Middleton Cheney

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**Reason for Referral:** Major application

**Committee Date:** 11 December 2023

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## EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

**RECOMMENDATION:** GRANT PERMISSION SUBJECT TO CONDITIONS as set out below with delegated authority to the Assistant Director – Planning and Development to approve an amendment to conditions as deemed necessary.

### Proposal

The construction and operation of an anaerobic digestion facility, ancillary infrastructure, landscape planting and the construction of a new access road and access from the B4031. Application accompanied by an Environmental Statement

### Consultations

The following consultees have raised **objections** to the application:

- Parish Council, CPRE

The following consultees have raised **no objections** to the application:

- Environment Agency

178 letters of objection have been received and 7 letters of support have been received.

### Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Landscape Impacts
- Amenity Impact, Including Odour, Noise and Safety
- Heritage
- Employment and Economic
- Highways
- Environmental Impact Assessment

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1 APPLICATION SITE AND LOCALITY**

- 1.1 The proposed Anaerobic Digestion (AD) facility would be located on agricultural land belonging to Elm Tree Farm. The 8.98 hectare site comprises arable field in open countryside, adjacent to the A43. The A43 is dual carriageway in this location and is part of the Strategic Road Network (SRN) managed by National Highways. The site is currently accessed via an informal access on to the A43, which provides direct access to Brackley to the north and Bicester to the south. The access to the AD facility is proposed to be via a new access from the B4031 to the south, across land owned by the farmer. The B4031 joins the A43 at a roundabout further east. The land is Grade 3 agricultural land and in Flood Zone 1 (low risk). The site is bound by a native hedge, which separates it from arable land to the north and west and the A43 to the east. To the south is an area of mixed grassland and woodland (The Grove), which appears to be connected to the nearest residential property, Barley Mow Farm, which comprises a number of dwellings, including Barley Mow Barn Farm and Paddock House. The rear elevation of the most northerly Barley Mow Farm dwelling is approximately 280m from the south eastern boundary of the site.

### **2 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 The proposed development would import and treat in the region of 90,000 tonnes of feedstock per annum from the applicant's landholding and local farms, which would undergo a process of controlled decomposition (anaerobic digestion) within the Anaerobic Digestion (AD) facility. This anaerobic digestion generates biogas which is upgraded on site into biomethane, before being removed by tanker to a central facility for injection into the national grid. The AD facility would have the capacity to produce approximately 9,000,000 m<sup>3</sup> of biogas per annum.
- 2.2 The feedstock would typically comprise the following:

- energy crops such as silage, rye, maize and grass;
- straw; and
- poultry litter and dairy slurry

2.3 In addition to the biogas, the AD process also produces a nutrient rich solid fertiliser and soil conditioner and a liquid fertiliser (digestate), which would be used on local farms in place of raw manures and artificial fertilisers.

2.4 The AD process would also result in the production of carbon dioxide (CO<sub>2</sub>) as a natural by-product. This byproduct is usually vented by AD plant operators, for whom the main goal is the production of biomethane. However, as CO<sub>2</sub> is a precious resource, the proposed AD plant would be fitted with equipment to upgrade the CO<sub>2</sub> to 99.9% purity, suitable for almost all industrial and commercial applications in the UK. Upgraded CO<sub>2</sub> would be liquefied and transported by road to end users within the market area. The proposed AD facility would capture approximately 13,000 tonnes of CO<sub>2</sub> a year.

2.5 The development consists of the following elements:

- 3 X digestate lagoons (covered). Each has a 10,000m<sup>3</sup> storage capacity
- 5 X Digester Tanks/ Fermenters Storage capacity of each 35,000m<sup>3</sup>; straight wall height of 9m with 7.6m gas dome; 34m diameter; max height 17m
- Storage capacity of each 35,000m<sup>3</sup>; straight wall height of 9m with 7.6m gas dome; 34m diameter; max height 14.62m. 8mX8m
- Pasteurisation Tanks 3m x 5m x5m
- Silage Clamps (x3) each one will be 101.25m long x 35m wide x 3.52m high.
- Straw Shed Straw Shed
- Straw Process Building (67.1 m long x 15.1m wide and 7.16m to ridge)
- Separator Building (18m x 15m x 6m to eaves, 8m to ridge)
- Chicken Manure Reception Shed (26.5m x 19.5m x 6m to eaves, 8m to ridge)
- Feeder Hoppers (x2) Area 80m<sup>2</sup>, 13.2m x 3.9m x 3m each
- Gas Flare Stack height 8.7m. Flue diameter 2.4m.
- Gas Upgrading Unit 12m long by 2.9m wide by 3m in height.
- CO<sub>2</sub> Tanks 13.2m long by 2.8m diameter by 3.4m high including plinth.
- CO<sub>2</sub> Capture Unit Approx 12m long by 2.9m wide by 3m in height.
- Propane Tanks 2 x 12.5 tonnes
- Combined Heat and Power (CHP) Units (x2) CHP1 – 4.7m x 2.2m x 3m, stack 9m, CHP2 – 13m x 2.5m x 3m, stack 9m
- Pump room container 13m x 2.5m x 3m
- New Site Access Roads (Via the B4031 and extending along the eastern boundary line)
- Biomethane off-take vehicle bay (x4)
- Weighbridge and Site Office 2 x 20ft containers on top of each other.
- Welfare Office Unit (x2) Two x 20ft containers on top of each other.
- Rainwater Harvesting Lagoon Storage capacity 2,800m<sup>3</sup>
- HGV Parking Area (5 bay car parking area (plus 10 additional to accommodate visitor car parking in front of welfare/canteen.).)

- Site Boundary Fence (Protek anti-climb 2.4m high v mesh fencing installed around the core site. Deer/wildlife fencing installed around lagoons. Double leaf vehicle access gates and a pedestrian access gate will allow entry into the Site.)
- Containment Bund (188m x 50m x 1.3m )

- 2.6 In terms of operating hours, the AD process involves a biological process that is continuous. The processing plant would therefore be operational 24/7. The facility would be staffed during the hours of 07:00 – 19:00 Monday to Sunday, except during peak harvest periods when working hours would be extended as necessary. A supervisory control and data acquisition (SCADA) system would monitor the facility overnight when it is not manned.
- 2.7 In terms of the biomethane, the facility would benefit from approximately 6-7 hours of storage capacity for produced gas; gas export and collection would therefore take place approximately twice each day 24-hour period including once or twice overnight, this will be the main activity requiring night-time lighting.
- 2.8 Deliveries of crops to site would be determined by the harvest. Harvests are ordinarily completed on a campaign basis therefore during the peak harvest periods delivery hours would be in line with standard agricultural harvest-time activity.
- 2.9 Vehicle movements relating to delivery of agricultural by-products and export of digestate would generally be limited to the following hours:
- Monday – Friday 07:00 – 18:00; and
  - Saturday 07:00 – 13:00
- 2.10 The facility would be staffed by up to five full time equivalent (FTE) members of staff on-site.
- 2.11 The construction of the AD facility would generate approximately 100 FTE jobs. The temporary increase in employment and the associated secondary economic effects such as supply chain multiplier effects, and spend on local services, would have positive effects at a local level during the construction phase.

### **3 RELEVANT PLANNING HISTORY**

- 3.1 There is no planning history directly relevant to the proposal.
- 3.2 There have been two recent planning applications on the land next to the site, for residential housing, one has been withdrawn and the other is pending consideration. The reference numbers are:
- 2023/529/OUT (Withdrawn 16/08/2023)
  - 2023/6477/OUT (Pending Consideration)

## 4 RELEVANT PLANNING POLICY AND GUIDANCE

### Statutory Duty

- 4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development that affects the setting of a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### Development Plan

- West Northamptonshire Joint Core Strategy Local Plan (Part 1)
- South Northamptonshire Local Plan Part 2

### Material Considerations

- Supplementary Planning Guidance
  - National Policies the National Planning Policy Framework (NPPF)
- 4.3 The policies in the 2014 Joint Core Strategy Local Plan (JCSLP) were reviewed against the NPPF 2019 in January 2020 and found to be sound. The following policies are relevant:
- Policy SA – Presumption in favour of sustainable development
  - Policy S1 – The distribution of development;
  - Policy S10 – Sustainable development principles;
  - Policy S11 – Low carbon and renewable infrastructure;
  - Policy BN2 – Biodiversity
  - Policy BN3 – Woodland enhancement and creation;
  - Policy BN5 – The historic environment and landscape;
  - Policy BN7 – Flood risk;
  - Policy BN7A – Water Supply, Quality and Wastewater infrastructure;
  - Policy BN9 – Planning for pollution control;
  - Policy R2 – Rural economy;
  - Policy C2 – New developments.
- 4.4 The following policies of the adopted South Northamptonshire Local Plan Part 2 (LPP2) are considered relevant to the proposed development at the site
- SS2: General Development and Design Principles
  - EMP3: New Employment Development
  - EMP6: Farm Diversification
  - HE1: Significance of Heritage Assets
  - HE2: Scheduled Monuments and Archaeology
  - HE7: Non Designated Heritage Assets
  - NE4: Trees, Woodlands, and Hedgerows
  - NE5: Biodiversity and Geodiversity
- 4.5 Within the NPPF 2023 renewable and Low Carbon energy is defined within Annex 2 as:



***“Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).”***

4.6 This proposal for an Anaerobic Digester falls within the NPPF definition of Renewable and low carbon energy.

4.7 Within the NPPF the following paragraphs are applicable:

Paragraph 84:

*Supporting a prosperous rural economy. Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside;*

Paragraph 152:

*“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”*

Paragraph 158:

*“When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas,”*

Paragraph 174:

*Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing*



*valued landscapes, sites of biodiversity or geological value and soils, and recognising the intrinsic character and beauty of the countryside.*

- 4.8 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.9 The application sits within the purview of the West Northamptonshire Planning department, not that of the Minerals and Waste Authority. The Minerals and Waste Authority have been consulted and have confirmed that the West Northamptonshire Planning Framework should take primacy of that of the Minerals and Waste Plan (July 2017).

#### Material Consideration

- 4.10 Following the Councils refusal of WNS/2022/0557/EIA a solar farm of 49.9 MW capacity at Land at Halse Road, south of Greatworth, Northamptonshire NN13 6EB a Public Inquiry was held in June of 2023 and sat for 5 days. The Planning appeal reference is 3315771.
- 4.11 The appeal was allowed on 14 November 2023.
- 4.12 Though this appeal was for a solar farm, which contains different complexities and impacts, the Inspector set out a clear dialogue on the weight to apply to renewable energy and the balancing act that is required to be undertaken when assessing renewable and low carbon development. Inspectorate decisions can form a material consideration when determining planning applications.
- 4.13 Paragraphs of relevance from the south of Greatworth are included below:

#### Paragraph 25

*“National policies clearly recognise the need to plan positively for renewable energy that maximises the potential for suitable development while ensuring that adverse impacts are addressed satisfactorily. The Framework notes that schemes need not justify the need for the energy and that authorities should approve schemes where the impacts are (or can be made) acceptable. The nPPG supports this, noting that increasing supplies from renewable sources where local environmental impact is acceptable, will help make sure the UK has a secure energy supply, reduce greenhouse gases, slow down climate change and stimulate investment....”*

#### Paragraph 119

*“The appellant clearly sets out that this country is actively seeking to promote renewables and reduce its reliance on fossil fuel sources as it moves towards its legal commitment to net-zero. National strategies call on large-scale solar as one of the key technologies to assist in this. The development plan is generally permissive of renewable energy schemes, and the Framework clearly supports increased use and supply of renewable energy. It states that applications should be approved where the impacts are, or can be made, acceptable.”*

Paragraph 131

*“The countryside is an asset on which there are conflicting demands. Rural areas in particular may be valued for their beauty and the pleasure and health benefits they give to those who access them. They are also the source of the majority of our food and other agricultural products and, in addition, are now expected to meet the need to diversify and decarbonise our energy sector, at least in part. These conflicting needs are clearly present here, with the desire to see food security and continued productivity from the fields and the passion felt by local residents for the beauty and tranquillity of the countryside accessible on footpaths surrounding the villages. Consequently, while the overall thrust of government policy may be in favour of renewable sources, this does not give them unquestioned primacy over the other demands.”*

Paragraph 132

*“I have identified very significant weight from renewable energy production”*

## 5 RESPONSE TO CONSULTATION

5.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council’s website.

Consultee Name	Position	Comment
Department for Levelling Up, Housing and Communities	No Comment	No comment to make on the environmental Statement
Crime Prevention Design Advisor	No objection	Northants Police has no objection to the application. CCTV coverage of the site would be recommended so that the operator could identify any issues out of hours and for the purpose of evidence gathering should the site perimeter be breached.
Natural England	No Objection	Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.  Natural England’s generic advice on other natural environment issues is set out at Annex A.
Archaeology	Request for more info	The applicant has submitted a Heritage Desk Based Assessment together with the results of geophysical survey. The DBA indicates the potential for prehistoric or Roman activity within the site, though this is stated to represent the periphery of a site rather than its nucleus. This is suggested by the cropmark evidence. However, it is often the case that cropmarks are only partly visible due to variation in ground conditions, vegetation cover and ambient light, and site identified by this means are often shown to be

		<p>larger than initially thought. The geophysics confirms the probable archaeology in the area of the cropmarks but is hampered by the presence of green waste on much of the site, which is known to affect the results from this type of survey.</p> <p>On this basis I would recommend that the trenching which the DBA mentions as a likely requirement should be carried out prior to determination of this application. Given the degree of uncertainty about the nature and extent of the archaeological resource within the site, the information to be gained from trial trenching should be provided as part of the planning application in order to allow the LPA to make a balanced and informed decision as to the archaeological potential of the area.</p> <p>I therefore recommend that further information in the form of an archaeological field evaluation is provided by the applicant before the determination of this application.</p> <p>This will enable us to ascertain the existence and the state of preservation of any buried remains, in order to assess the importance of the site and the impact of the development as per the NPPF.</p> <p>In terms of any impact on the setting of the Scheduled Monument of Astwick Village, to the west of the proposed site, I would strongly advise you to consult the Historic England inspectors for the county.</p> <p>Following the trial pit assessment the Archaeologist has suggested standard conditions</p>
LLFA	No Objection	No objection subject to conditions for the implementation of the submitted drainage scheme.
Ecology	Awaiting comments	Awaiting comments, which should be issued for the committee update– note no NE objection and no concern raised in ES over ecology.
Northants and Beds Wildlife Trust	comment	<p>Thank you for your email. I'm afraid as a local charity we don't have sufficient resources to respond to every planning application and therefore, I have to prioritise where we get involved. The guidelines we use to do this are available on our website. Anaerobic digestion facilities are complex application with the ability to degrade habitats and wildlife sites at a distance from them due to nutrient deposition from the air. These impacts can be difficult to mitigate or compensate for a variety of reasons. Whilst it has not been possible to provide a full response to this</p>

		<p>application, we would like to highlight that the nitrogen deposition model is close to the critical load for Old Astwick Village Moat Local Wildlife Site, which is to the north of the proposal. This would be of concern.</p>
<p>Environmental Health</p>		<p>This application follows on from the Screening Opinion application in May 2022 which concluded that an EIA is required.</p> <p>In summary:</p> <p>The proposed Anaerobic Digestion facility would be located on agricultural land belonging to Elm Tree Farm and used to treat around 98,000tpa of agricultural feedstock. The feedstock would likely comprise silage (rye, maize and grass)' straw, dairy slurry, farmyard manure; and poultry litter. The feedstock would be transported to site in tractors and HGVs from surrounding farms and once at the site, would undergo a process of controlled decomposition (anaerobic digestion) within the proposed facility. The process produces biomethane (biogas) which would be stored on site prior to being transported by tanker to a central gas injection point. The resultant digestate would be used as an agricultural fertiliser. CO<sub>2</sub> suitable for industrial and commercial applications in the UK would also be produced.</p> <p>The applicants consultants SLR have stated that their technical reports concluded that the impacts of the proposed development would not be significant, which supported their initial position that EIA would not be required. This submission includes an ES which includes a Landscape and Visual Impact Assessment only. Reports and assessments have been undertaken to cover the other technical disciplines, which have been 'scoped out' of the EIA.</p> <p>In relation to Environmental Protection, the most significant environmental impacts are likely to relate to:</p> <ul style="list-style-type: none"> <li>· an increase in traffic on the highway network due to the quantity and frequency of trips,</li> <li>· air pollution</li> <li>· light pollution</li> <li>· odour pollution</li> <li>· noise pollution</li> <li>· vermin and flies.</li> </ul> <p>All operational anaerobic digestion facilities must be</p>

		<p>operated in a manner which is compliant with the Environmental Permitting regulations, as regulated by the Environment Agency (EA). The EA's advice confirms that the site could be permitted under the Standard Rules Permitting regime. Operational nuisance will be largely controlled by the permit conditions and as such nuisance legislation will not be able to address these issues.</p> <p>The nearest sensitive receptors are residential use at Barley Mow Farm and RAF Croughton. In addition there is a significant number of receptors in Evenley.</p> <p><b>Noise</b> The AD process involves a biological process that is continuous. The processing plant would be operational 24 hours a day, 7 days a week, staffed by up to five full time equivalent (FTE) members of staff.</p> <p>I have reviewed the Noise Impact Assessment, prepared by SLR dated June 2022, reference 11923. The assessment has been presented in accordance with industry guidance BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound, local and national planning policy guidance. The report addresses the following noise sources and in relation to these the report is accepted:</p> <p>Please could details of any additional mechanical plant (including fork lift trucks / diggers / tractors / generators / plant etc) be made available along with hours of use. If this additional information is not forthcoming the following condition is recommended in relation to noise sources outside of those in the table above: Prior to use a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.</p> <p>Reason: In the interest of safeguarding residential</p>
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		<p>amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. The report application states that vehicle movements relating to delivery of agricultural by-products and export of digestate would generally be limited to the following hours:</p> <ul style="list-style-type: none"> <li>• Monday – Friday 07:00 – 18:00; and</li> <li>• Saturday 07:00 – 13:00.</li> </ul> <p>I believe it is reasonable to restrict these times so that vehicle movements do not commence prior to 08:00hrs and this should be secured by condition.</p> <p>Hours of Use (relating to delivery of agricultural by-products and export of digestate)</p> <p>Other than with the prior written approval of the Local Planning Authority, the delivery of agricultural by-products and export of digestate shall only be permitted to take place between the hours of:</p> <ul style="list-style-type: none"> <li>• Monday – Friday 08:00 – 18:00; and</li> <li>• Saturday 08:00 – 13:00.</li> </ul> <p>Odour</p> <p>An odour management plan is necessary and should be secured by condition.</p> <p>A site management scheme shall be submitted within three months of the date of this permission and approved in writing by the Waste Planning Authority, which specifies the provision to be made for the control of odour and vermin from the site. The scheme shall be reviewed and approved periodically to reflect operations on site.</p> <p>The report should:</p> <ul style="list-style-type: none"> <li>· specify the name and contact details of the main point of contact for complaints from the public</li> <li>· state that daily checks, maintenance and training shall be documented and made available to the regulator when requested.</li> <li>· Include documented odour boundary checks, specifically when delivery of energy crops occur and when spreading occurs.</li> <li>· Specify management methods are in place to minimise odour and vermin</li> <li>· Document wind direction when receiving deliveries and spreading and during any emission event.</li> <li>· Specify the requirements for trucks to be securely covered.</li> <li>· State that The Odour Management Plan will be reviewed annually and submitted to the LPA for approval</li> </ul>
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		<p>Land Quality</p> <p>The full contaminated land condition is necessary due to ground works. (See attached)</p> <p>Air Quality</p> <p>For the operational stage, six car parking spaces are proposed and EV charging should be secured by condition.</p> <p>I have reviewed the submitted Air Quality Assessment prepared by SLR, dated July 2022, reference: 404.11923.00004 phase 3.</p> <p>Air Quality Construction Phase – mitigation.</p> <p>All of the “highly recommended” and “desirable” measures detailed in table 7-1 should be secured by condition.</p> <p>Air Quality Operational Phase – mitigation</p> <p>All of the measures set out in sections 7.2.1 and 7.2.2 should be secured by condition.</p> <p>Ammonia</p> <p>Potential impacts relating to ammonia emissions from the Site could not be screened out in the initial assessment, and therefore further detailed assessment (dispersion modelling) was undertaken.</p> <p>I have reviewed the Ammonia Emissions Assessment prepared by SLR dated July 2022 reference: 404.11923.00004 Phase 3.</p> <p>In summary, the findings of the assessment are as follows and the report is accepted:</p> <ul style="list-style-type: none"> <li>• long-term NH3 impacts (annual mean) can be described as ‘negligible’ at all human receptors modelled;</li> <li>• short-term NH3 impacts (1-hour mean) can be described as ‘negligible’ at all human receptors modelled;</li> <li>• therefore the overall effect on air quality is considered ‘not significant’; and</li> <li>• the emissions are considered to cause ‘no significant pollution’ on the Local Wildlife Sites in proximity to the Site.</li> </ul> <p>Light</p> <p>I have reviewed the submitted Light Assessment prepared by Strenger, dated August 2022. The report is approved.</p> <p>The Lighting Assessment concludes that it has been demonstrated that the proposed development will be compliant with the residential receptor criteria as set out in the Institution of Lighting Professionals (ILP) Guidance Note 01/21: The Reduction of Obtrusive Light. Specifically, the</p>
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		<p>assessed lighting associated with the Proposed Development is compliant with the obtrusive light criteria as set out for ILP Environmental Zone E2.</p> <p>For clarity, the obtrusive light criteria are as follows:</p> <ul style="list-style-type: none"> <li>• 'Light intrusion' limit of 1 lux (Ev - vertical illuminance)</li> <li>• 'Glare' limit of 500 cd (I - source intensity)</li> <li>• 'Sky-glow' limit of 2.5 % (upward light ratio)</li> </ul> <p>Construction Phase</p> <p>It is noted that the construction phase will take approximately 70 weeks and require approximately 100 construction workers on site and 350 HGV deliveries.</p> <p>The applicant should be aware of the permitted construction hours which differ from those cited in the submissions:</p> <p>Monday – Friday 08:00 – 18:00  Saturday 08:00 – 13:00  Sunday &amp; BHs at no time.</p> <p>The following condition is recommended:  Prior to the commencement a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction</p> <p>Reason: In the interests of safeguarding highway safety, safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.</p> <p>Informative:  The Statement required to discharge the Construction Management Plan of this consent is expected to cover the following matters:</p> <ul style="list-style-type: none"> <li>· the parking and turning of vehicles of site operatives and visitors;</li> <li>· loading and unloading of plant and materials;</li> <li>· storage of plant and materials used in constructing the development;</li> <li>· the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</li> <li>· details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;</li> <li>· wheel washing facilities;</li> <li>· measures to control the emission of dust and dirt during construction;</li> <li>· a scheme for waste minimisation and recycling/disposing of waste resulting from the</li> </ul>
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		<p>construction works.</p> <ul style="list-style-type: none"> <li>· design of construction access</li> <li>· hours of construction work</li> <li>· measures to control overspill of light from security lighting</li> <li>· a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.</li> <li>· All of the "highly recommended" and "desirable" measures detailed in table 7-1 Air Quality Assessment prepared by SLR, dated July 2022, reference: 404.11923.00004 phase 3.</li> </ul> <p>Informative: Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p>
Thames Water	No objection	<p>Waste Comments</p> <p>The planning application proposal sets out that FOUL WATER will NOT be discharged to the public network and as such Thames Water has no objection. Should the applicant subsequently seek a connection to discharge Foul Waters to the public network in the future, we would consider this to be a material change to the application details, which would require an amendment to the application and we would need to review our position.</p> <p>The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.</p> <p>Water Comments</p> <p>With regard to water supply, this comes within the area covered by the Anglian Water PLC. For your information the address to write to is - Anglian Water PLC, Am bury Road, Huntingdon, Cambs PE18 6NZ Tel - (01480) 433433</p>
National Highways	No Objection	EIA Scoping Opinion request in support of a planning application for an anaerobic digestion facility, ancillary infrastructure, landscape

		<p>planting and the construction of a new access road and access from the B4031 at Astwick Green Power, Land North Of Barley Mow Farm, Buckingham Road, Evenley.</p> <p>Thank you for giving National Highways the opportunity to comment on the above-mentioned EIA scoping opinion.</p> <p>National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In responding to sustainable development consultations, we have regard to DfT Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development ('the Circular'). This sets out how interactions with the SRN should be considered in the making of plans and development management considerations. In addition to the Circular, the response set out below is also in accordance with the National Planning Policy Framework (NPPF) and other relevant policies. The SRN in the vicinity of the application is the A43 trunk road.</p> <p>A Transport Statement (TS) prepared by SLR on behalf of the applicant has been submitted in support of the EIA scoping opinion. The TS indicates that the development proposals will typically generate approximately 27-31 HGV/tractor trips per day for the majority of the year (10 months), which equate to approximately 3 HGV/tractor movements per hour, based on a 10 hour working day. During the developments peak harvest periods (approximately 6 weeks per year), traffic levels will increase to approximately 67 HGV/tractor trips per day, equating to approximately 6-7 vehicle trips per hour, based on a 10 hour working day. The number of vehicle trips the proposals could generate are unlikely to have a severe impact on the operation or capacity of the SRN.</p> <p>Given the nature of the development proposals, it is acknowledged that the site will not be in a highly accessible location. However, measures should still be explored to</p>
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		encourage future staff / visitors to travel to/from the application site via sustainable modes of transport.
Economic Growth and Regeneration	No Objection	<p>Introduction</p> <p>This response is provided by the Development Management (Section 106) function of the North Northamptonshire Unitary Council on behalf of West Northamptonshire Unitary Council's Digital Infrastructure service on which this development would have an impact. Other Council service areas may respond separately.</p> <p>This response follows the principal guidance in the adopted 'Creating Sustainable Communities - Planning Obligations Framework and Guidance Document (2015)', which follows the tests of paragraph 57 of the National Planning Policy Framework (2021), and is therefore relevant to this planning application.</p> <p>Superfast Broadband</p> <p>To help boost fibre broadband connectivity to new developments, the following Informative is proposed for inclusion in any decision notice, should permission be granted in relation to this application:</p> <p>The West Northamptonshire Joint Core Strategy Local Plan (Part 1) (December 2014) policy C1, Changing Behaviour and Achieving Modal Shift, states that new development should be accessed by fibre to the premise (FTTP) technology. This supports the government's Gigabit programme and local targets to see 80% full fibre and 90% gigabit coverage by the end of 2028. Developers should approach telecoms providers at the earliest opportunity to agree gigabit-ready infrastructure and connectivity plans. The network capability delivered by full fibre technology supports the fastest broadband speeds available, is considered future proof, and will bring a multitude of opportunities, savings and benefits. It may also add value to the development and is a major selling point to attract potential homebuyers and occupiers, with many people now regarding fast broadband as one of the most important considerations. Efficiencies can be secured if ducting works and other network infrastructure is planned early and carried out in co-operation with the installations of standard utility works. Any works carried out should be compliant with the Manual of Contract Documents for Highway Works- specifically Volume 1 Specification Series 500 Drainage and</p>

		Ducts, and Volume 3 Highway Construction Details Section 1 - I Series Underground Cable Ducts
Environment Agency	No Objection	<p><b>Environment Agency position</b></p> <p>This development will require a permit under Section 1.1 Part A of the Environmental Permitting Regulations (England and Wales) 2016. We do not have enough information to know if the proposed development can meet our requirements to prevent, minimise and/or control pollution.</p> <p>The proposed development is an anaerobic digestion facility. To reduce the risks to people and the environment and obtain a permit further information is likely to be required, such as:</p> <ul style="list-style-type: none"> <li>• Whether the applicant/operator would have capacity to store digestate in periods of no spreading.</li> <li>• Detail on CHP engines including thermal input.</li> <li>• How many pasteurisation tanks would be required.</li> <li>• Detail of management systems including odour abatement.</li> <li>• Details of secondary containment on site (bund capacity).</li> <li>• An air quality assessment.</li> </ul> <p>We recommend that the developer considers parallel tracking the planning and permit applications as this can help identify and resolve any issues at the earliest opportunity. Parallel tracking can also prevent the need for post-permission amendments to the planning application. We would welcome a joint discussion with the applicant and planning authority to discuss this further.</p>
Aynho Parish Council	Comment	<p>The Council discussed and agreed the following comments. APC recommend a vehicle routing agreement where access to the site should be via the A43/M40.</p>
Local Highways Authority (LHA)	No Objection	<p>By way of background, the applicant has engaged in pre-application discussions with the local highway authority (LHA). A response was provided on 13th May 2022 setting out recommendations to the applicant on what the Transport Statement should consider.</p> <p>A Transport Statement (TS) has been submitted with the application which considers the Transport and Highway implications of the proposed development.</p> <p>Site Location</p> <p>The application site is located approximately 3.5km south of the centre of Brackley. It is accessed via the</p>

		<p>B4031 Buckingham Road to the south, which links with the A43 to the east of the site. The B4031 is subject to the national speed limit of 60mph in the vicinity of the site, and does not benefit from pedestrian footways or street lighting. The village of Croughton lies approximately 2.5km west of the site on the B4031.</p> <p>The village of Croughton lies approximately 2.5km west of the site on the B4031.</p> <p><b>Proposed Development</b></p> <p>The site is currently agricultural arable farmland. The application seeks planning consent for an Anaerobic Digestion (AD) Facility to serve local farms. The development would consist of 2419sqm of Use Class B2 - General industrial.</p> <p>The proposed AD Facility would process up to 97,600tpa of agricultural feedstock, likely to comprise of energy crops such as silage (rye, maize and grass), straw, farmyard manure, and poultry litter and dairy slurry. The feedstock would be transported to site in HGVs (tractor-trailers and lorries), and would undergo a process of controlled decomposition (anaerobic digestion) within the proposed facility. The process produces biomethane (biogas) which would be stored on site prior to being transported by tanker to a central gas injection point.</p> <p>The facility is proposed to operate 24 hours per day and would be staffed as required during the hours of 07:00 – 19:00 Monday – Sunday, except during peak harvest periods when working hours would be extended as necessary.</p> <p><b>Proposed Access</b></p> <p>The site is currently accessed via an informal access off the A43. It is proposed to close off the existing access and provide a new access off the B4031 Buckingham Road. The proposed site access junction has been</p> <p>Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way designed in accordance with CD123 DMRB, as a simple priority junction. The access road is proposed to be 7m wide with 15m radii at the junction bellmouth. Drawing no. 404.11923.00004.0003.001.8 shows the proposed access arrangement.</p> <p>It is noted that the access has been designed taking into consideration the recently consented RAF Croughton proposals, whereby a new signal-controlled junction will be installed approximately 80m to the</p>
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		<p>west of the proposed site access location on the B4031.</p> <p>Drawing no. 404.11923.00004.0003.001.8 shows that visibility splays of 2.4m x 215m can be achieved in both directions from the proposed site access in accordance with DMRB standards for a 60mph speed limit.</p> <p>The views, observations, comments and recommendations contained in this response represent those of West Northamptonshire Council as Local Highway Authority and in no other function or authority.</p> <p>A swept path analysis has been undertaken, which shows a 16.5m articulated vehicle entering the site whilst another is exiting. The applicant states at paragraph 7.4 of the TS that “an HGV can gain access to the site whilst another HGV waits to egress.” However, the swept path analysis shows that an HGV exiting the site would need to pass over into the opposing side of the carriageway on the B4031, and the drawing suggests there is the potential for conflict if another HGV was attempting to enter the site at the same time. The proposed site access needs to accommodate the simultaneous two-way flow of HGV’s, to ensure that a HGV entering the site can pull clear of the highway without having to stop suddenly or block the free flow of traffic on the B4031. The applicant is therefore required to revisit the design of the proposed site access. It is suggested that the radii on the eastern side of the site access may need to be relaxed to give more space to vehicles exiting the site. An updated swept path analysis should then be undertaken and provided at a suitable scale.</p> <p>The applicant states that all HGV traffic generated by the site will be restricted to arriving and departing from the east via the A43 and A421, stating that signage at the proposed site access will be installed to instruct drivers to exit towards the east to avoid routeing through Croughton, other than for local access. Whilst these measures are welcomed, the LHA have concerns that they are not sufficient to enforce HGV’s only accessing the site from the east. This is especially the case as deliveries will be predominantly made by local farmers, making it more challenging to enforce with more informal soft measures such as signage. The route through Croughton village is not suitable for HGV’s due to a weight restriction and traffic calming features, and to preserve resident’s amenity. The applicant is therefore required to propose additional measures to restrict vehicles accessing the site to/from the west via Croughton. This may take the form of physical measures at the site access such as trieff kerbing, whereby the access</p>
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		<p>is designed to guide/restrict HGV's from turning left in/right out of the site whilst still allowing a car to make all manoeuvres. A S106 routeing agreement may also be considered alongside a Traffic Management Plan which clearly sets out measures to enforce the routeing of deliveries and exports from the site. The applicant should commit to the routeing restriction being included in a S106 Agreement.</p> <p>A Stage 1 Road Safety Audit (RSA) of the proposed access was undertaken which raised concerns regarding the existing levels between the site and the B4031. The change in levels may lead to difficulty for HGV drivers exiting the site which may in turn lead to side swipe type collisions on the B4031. It was recommended that the levels between the site and public highway are amended in line with junction design standards. In response, the applicant has proposed that the access will be ramped up to the B4031 from the site, with the gradient of the access ramp suitable to accommodate laden HGVs. This will be considered during the detailed design, which the LHA confirm is acceptable.</p> <p>Given the nature of the operation proposed a wheel wash facility will need to be positioned in a suitable location along the site access road to ensure that mud and debris is not tracked from the site onto the public highway. The location of this will need to take into consideration the gradient of the access ramp up to the public highway, and be clearly shown on the site layout plan.</p> <p>Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way</p> <p>Traffic Generation</p> <p>The application site currently comprises of approximately 5.6ha of vacant greenfield/arable farmland, and as such, the existing trip generation would be minimal.</p> <p>Traffic associated with the proposed development would be generated by the import and export of materials and a low number of staff trips. The applicant has supplied feedstock forecasting based on land yield potential and calculated product outputs to inform the traffic generation assessment. Table 6-1 of the TS is extracted below and provides a summary of the data and calculated annual vehicle movements.</p> <p>As it can be seen from table 6-1, HGV traffic generation will vary across the year depending on the season. A</p>
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		<p>daily traffic forecast based on the above feedstock predictions and delivery range has been undertaken which indicates that for the majority of the year (10 months) the proposed development would generate 27 – 31 HGV/tractor trips per day, which equates to 54 – 62 HGV/tractor movements (two-way). On the basis of a 10</p> <p>Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way hour working day and an even traffic profile, this level of traffic would equate to an average of 3 loads or 6 movements (two-way) per hour.</p> <p>Proposed site traffic generation levels would then peak associated with seasonal harvest periods. This would likely be restricted to two weeks in June and July (Rye Silage) and two weeks in September (Maize Silage). Predicted traffic levels would peak for two weeks in September with up to 67 HGV/Tractor trips per day, which equates to 134 HGV/Tractor movements (two-way). On the basis of a 10 hour working day and an even traffic profile, this level of traffic would equate to a peak average of 7 loads or 14 movements (two-way) per hour.</p> <p>Regular feedstock movements such as the delivery of straw, manures, and other organic wastes will typically take place during standard working hours of 0800-1700hrs. The applicant has stated that peak harvests periods will be operated by local farmers and casual staff using a limited number of owned/hired vehicles, not a large fleet. As such, traffic movements would be evenly spread throughout the day, thus avoiding any congestion issues.</p> <p>Whilst the TS has focussed on the number of HGV/Tractor movements anticipated, it is noted that there will also be a low level of vehicle movements associated with staff travelling to/from the site and any visitors. However, the LHA is satisfied that these additional movements would not be material.</p> <p>Given the level of existing background traffic on the B4031 in this location and the relatively low level of peak hour movements generated by the proposed development even at peak operation, the LHA is satisfied that the additional development traffic can be accommodated on the local highway network. The applicant should note that the LHA would however seek to limit the number of daily HGV movements in and out of the site by condition, as no assessment has been carried out on the impact of a greater number of HGV's.</p>
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		<p>Parking</p> <p>The application form states that there would be 5 full time equivalent (FTE) members of staff, however the TS suggests there would be 6 FTE staff. It is proposed to provide 5 car parking spaces, which includes 1 disabled parking bay. Two of the spaces will provide electric vehicle charging facilities. The site will also provide 2 cycle parking spaces.</p> <p>There are concerns whether sufficient parking provision has been proposed for the number of staff and any potential visitors to the site. The applicant should clarify the proposed number of FTE staff and the number of staff which are expected to be on site at any one time. Sufficient parking provision should then be proposed to accommodate all staff on site and any visitors.</p> <p>Conclusion</p> <p>Mindful of the above, the applicant is required to provide additional information and updated plans to address the concerns raised. Once the LHA is in receipt of this additional information, it will then be in a position to finalise its comments on the proposal.</p> <p>Further comments were received:</p> <p>planning application. The response provided comments on the proposed development and requested additional information and updated plans to allow the LHA to fully assess the proposed development.</p> <p>The applicant has subsequently submitted a Transport Technical Note (TN), dated October 2022, to seek to address the LHA comments.</p> <p><b>Proposed Access</b></p> <p>The applicant had proposed to close off the existing site access onto the A43, and provide a simple priority junction off of the B4031 Buckingham Road to serve the development. Whilst the LHA did not object to the principle of an access in this location, some concerns were raised regarding the design of the access and it's ability to accommodate the simultaneous two-way flow of HGV's. It was also noted by the LHA that the route through Croughton village is not suitable for HGV's due to a weight restriction and traffic calming features, and to preserve resident's amenity. It was therefore requested that the applicant propose additional physical measures at the site access to restrict vehicles accessing the site to/from the west via Croughton.</p> <p>To address the LHA comments, the applicant has provided a revised access design, drawing no. 404.11923.00004.0003.001.9, which is attached at Appendix 02 of the TN. The access has now been designed with kerb radii to allow the simultaneous two-way flow of HGV's using the access, without having to pass over onto the opposing side of the B4031. An island has also been</p>
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		<p>included which uses trieff kerbing to guide/restrict HGV's from turning right out of the site. In addition to this physical restriction, the applicant has proposed a signage strategy which the LHA is satisfied can be secured by Condition. They have also expressed a willingness to commit to a routeing restriction being included in a S106 Agreement. It is noted that the revised access design will not restrict the potential for HGV's to turn left into the site from the west via Croughton. However, there is a robust collection of measures being proposed, including a signage strategy and legal obligation to commit to the routeing restriction via a S106 Agreement. It is also accepted that physically limiting the ability for HGV's to turn left into the site may result in a safety concern if drivers attempt to enter and have to stop suddenly on the B4031, or reverse out of the site. This potential safety concern is further exacerbated by the road being subject to the national speed limit of 60mph. Therefore, on balance, the LHA is satisfied that the measures being proposed to restrict vehicles accessing the site to/from the west via Croughton is satisfactory. The applicant has stated that a vehicle/plant washdown area will be provided adjacent to the weighbridge for general site maintenance purposes. This resource will be available for all vehicles, where necessary, to ensure that no mud/debris is tracked out onto the highway.</p> <p><b>Parking</b></p> <p>The applicant was asked to clarify the proposed number of FTE staff and the number of staff which are expected to be on site at any one time, to ensure that sufficient parking provision is proposed to accommodate all staff on site and any visitors.</p> <p>The applicant has confirmed that whilst the number of FTE staff could be up to 6, the number of employees on site at any one time is likely to be 3, which would leave spaces spare for visitors.</p> <p>The latest proposed site layout, drawing no. 29346 - 004 F101 Rev B, which is included at Appendix 03 of the TN, proposes 6 car parking spaces in the south of the main site. Further to this there are 12 car parking spaces in the north-east section of the site adjacent to the staff welfare unit. It is also noted that the majority of visitors will be service engineers who will park by the equipment they are servicing in most cases.</p> <p>The LHA is satisfied that the proposed parking provision is acceptable to adequately meet the needs of the site</p> <p>The LHA has then suggested conditions which have been included.</p>
Farthinhoe Parish Concl	Comment	<p>Farthinghoe Parish Council has considerable concerns about the A422 through Farthinghoe being used as a prime HGV and Heavy plant delivery route for this project both at the construction stage and even greater concerns later when it is full operational. This road is already absolutely saturated beyond capacity with HGVs to the point where HS2 has agreed not to use the route for its construction traffic, having electronic controls in place to monitor this situation.</p>

		<p>We also have concerns for the increased dangers created by the same traffic in the Barley Mow area of the already busy A43 Can we please see a detailed mitigation plan in both instances? Rgds Cllr Mick Morris—Chairman</p> <p>Further comment received:</p> <p>Dear Sirs Following on from our Objection response dated 14/9/2022 I am not sure how many people realise, but with projected growth of Milton Keynes in the late 80s and early 90s (via the Milton Keynes Development Corporation) and the building of the M40 reaching up Banbury it was decided to improve the A422 to more easily facilitate the movement of goods between J13 MI and J11M40. This became known as The A421/A422 Corridor and later was accepted by Northants County Council as part of an SFN Several major improvements and bypasses were put in place ( one of these was never completed and don't we know it in Farthinghoe) This A421/A422 Corridor reaches the A43 at the Barley Mow Island and carries a large volume of HGVs many of which are Foreign registered.In Farthinghoe we know to our cost that the satnavs of most of these trucks direct them via the A422 through Farthinghoe to Banbury ( not J10 of the M40 as is the popular conception ) What measures will be put in place to ensure that traffic to and from this proposed Digester site does not add to already considerable woes?</p> <p>Further comment:</p> <p>Dear Sirs Following on from our Objection logged on 14/10/2022 Farthinghoe has the following fear and would like some reassurances and a commitment which can be 100% honoured The danger of a serious collision between another HGV and one of the liquid gas tankers at the pinch point on the A422 send shivers down our spines. We would like to receive a 100% guarantee that none of these tankers ,empty or loaded uses the A422 to get to Banbury and back We would also like to see siees in place for any other commercial vehicles which service this site Rgds □hairman--Farthinghoe Parish Council</p>
Venley Parish Council	Objection	<p>Evenley Parish Council strongly objects to the planning application by Acorn Bioenergy Ltd (Acorn) to construct one of the UK's largest anaerobic digester plants in the parish of Evenley (Evenley). The application is to West Northamptonshire Council number WNS/2022/1557 /EIA. Our reasons are thus: The 15 acre site on which buildings will reach a height of 57ft (14m) is being proposed on green agricultural land. This is contrary to the Northamptonshire</p>

	<p>Minerals and Waste Local Plan (the Local Plan), policy 1.17 which states 'For waste this includes specific industrial locations ...'. Evenley is not an industrial location. Neither is it in the designated area of growth, set out in policy 2.18 or in North Northamptonshire as disclosed in 2.23.</p> <p>Policy 5.39 'requires primary and advanced waste management facilities locations where investment can be optimised and sustainable development can occur'. It asks that 'The key driver for the location of these facilities will be their relationship to what this Local Plan defines as Northamptonshire's central spine'. This is a greenfield site and Evenley is not within the Northamptonshire central spine as proposed in the Local Plan.</p> <p>Policy 5.44 asks that 'Preliminary facilities in the rural centres of Brackley feed into the advanced treatment facilities in the central spine' (see above). It states that 'Locations such as general industrial areas and any new development areas would be the preferable locations within these rural service centres'. The location at Evenley is not a general industrial area or new development area. Indeed it is productive food producing land. Map 13 (policies map) shows sites for waste locations in and around Brackley. Evenley is not one of those locations. Again policy 5.46 states that 'Facilities in rural areas should where possible be linked to existing employment uses'. There is no 'existing employment use' at this location. Should permission be granted a mere five jobs will be created by this plant.</p> <p>Policy 5.51 states that proposals must also demonstrate a specific need for the facility, specifically addressing the intended functional role and catchment area. Evenley Parish Council does not consider that Acorn has demonstrated a need for this facility. Indeed the bio methane produced by this AD plant leaves the county of Northamptonshire by road for use in Oxfordshire.</p> <p>Policy 5.54 demands that 'Proposals for non-inert waste management facilities on greenfield or previously undeveloped sites will be required to demonstrate a need for the facility at that specific location'. The site at Evenley is a greenfield food producing site. Acorn requires 100,000 tonnes of material to operate this plant, that in turn requires over 7,000 acres of arable land to be taken out of food production to provide material for this plant. There is very little mixed agriculture remaining in this area, indeed there are just two small cattle farms in the locality so any animal waste will need to be imported into the county to feed this plant. Similarly, a well-established waste stream is already operating to remove litter from local chicken farms so again, this waste would need to be brought from outside the area</p>
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		<p>to feed this plant. Evenley Parish Council believes there is currently no demonstrable need for this facility at this location. Acorn's facility will be fed with agricultural waste from other counties whilst the energy it creates will be used outside Northamptonshire. This does not fit in with WNC's sustainable waste management plan.</p> <p>Point 3.13 'is about ensuring that new or extended minerals and waste related uses not only do not damage or destroy the county's existing environmental and natural assets, but that opportunities are taken (including via restoration) to enhance existing and planned green infrastructure networks and to support the identified landscape character areas of the county'.</p> <p>Evenley Parish Council believes the proposed AD plant will damage and destroy existing environmental and natural assets. The plant will be processing 100,000 tonnes of waste in a greenfield location, within just 250m of a group of dwellings at Barley Mow, 700m from homes at Slade Farm and just over 1k from the village of Evenley and with a minimum of 9000 HGV and tractor movements will be operating 24 hours a day.</p> <p>Again policy 6.16 states that 'It is important to protect the county's landscapes for the sake of their intrinsic character and beauty, the diversity of wildlife, as well as the wealth of their natural resources. Once lost such features can be difficult to re-create.' The proposed site of the AD plant at Evenley is currently a greenfield food producing site of significant archaeological interest. Policy 6.19 emphasises this further; 'Particular features that create a specific aspect of local distinctiveness or character should be protected from future loss; this includes such features as topography (e.g. hills and dales), habitats that are unique to an area (e.g. ironstone gulleys or quarries, acid grassland and ancient woodland), geology (e.g. unique formations and historic quarries) and historic landscapes (which may contain features such as ancient hedgerows, stone walls and survivals of former field systems such as ridge and furrow)'.</p> <p>Local historian Philip Scaysbrook in his Encyclopedia of Evenley describes the location as thus: The site at Evenley is that of the ancient village of Eastwick (referred to as Astwick in the application), which is a huge quilt of stone mounds and banks and foundations. It shows evidence of replanning in medieval times perhaps when the Viking threat from the north faced a communal redesign of villages into nucleated ones.' Locally the area is known as a medieval great tournament field, one of only six in England.</p>
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		<p>And in the South Northamptonshire Local Plan Part 2 great emphasis is put upon heritage. 'All proposals affecting the historic environment and heritage assets should have special regard to the setting of those assets'. (10.1.10), whilst points 10.2.2 and 10.2.3 impress the importance of protecting known archaeological sites and those of potential interest. Policy HE2 goes further. Point 1 states 'Development that would harm nationally important Scheduled Ancient Monuments or archaeological remains or their settings, whether scheduled or not will not be permitted except in wholly exceptional circumstances where a clear and convincing justification can be demonstrated.'</p> <p>Elsewhere in the (Waste &amp; Mineral) Local Plan, under policy 24 Restoration and after-use is discussed. Acorn states that the site has a 25-year life. There is no provision for restoration and after-use at all. Neither does Acorn provide for how it would meet its Planning conditions and obligations, provide for post-permission works as set out in policy 26 nor for Monitoring, the provision of Local Liaison Groups or for Sustainable Development.</p> <p>In the South Northamptonshire Local Plan Part 2, policy 5.7 Farm Diversification, it states 'it is important the countryside is not spoilt by the unfettered development of an inappropriate and unwarranted nature, whilst balancing the need to ensure that farms remain viable business propositions. Proposals should be of a scale and nature appropriate for the location and be capable of satisfactory integration into the rural landscape. Such proposals should have regard to the amenity of neighbours, both residents and other businesses that may be adversely affected by new types of on-farm development.' Again Evenley Parish Council believes Acorn's application is contrary to this policy in both scale and integration into the rural landscape.</p> <p>And finally with regard to location, Evenley is not on the list of locations under Northamptonshire's Local Plan policy 13, Locations for waste management facilities, and the site of Evenley does not feature in the Key Diagram.</p> <p>Evenley Parish Council does not believe the application meets the criteria set out in the Northamptonshire Minerals and Waste Local Plan or the South Northamptonshire Local Plan Part 2 2011-2019 and therefore suggests that the application is turned down.</p> <p>In addition to the points above, Evenley Parish Council believes the planning officer and planning committee should consider the following: Acorn estimates that its plant will create an extra annual 9500 HGV/tractor movements with peak</p>
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		<p>periods in the Summer months. This would be to feed the plant and to remove the resultant biomethane gas by road to Banbury. Nowhere in its application does Acorn discuss how water will be moved to the plant so we must assume this will also arrive by road. Indeed Anglian Water has not been consulted on this part of the application, drawn to your attention by neighbouring supplier Thames Water Utilities.</p> <p>Access to the site is proposed from the B4031, close to the new entrance to RAF Croughton, home to 422nd Air Base Group. Traffic will either have to travel through the nearby village of Croughton, through the heavily congested village of Farthinghoe or via the A43 and M40. Construction of HS2 compounds has begun in this area and it is already impossible to access the A43 from Evenley without risk. Construction of HS2 itself has yet to begin and when it does, we are to expect 1000 HGV movements each day. The A43 is at breaking point. Last Winter Evenley roundabout saw 11 accidents over just 16 days. Adding slow moving tractors into this traffic flow would be irresponsible madness and would have a detrimental effect not just on the residents of Evenley parish but for Brackley and the surrounding villages. This is reflected in the responses to this application from neighbouring villages.</p> <p>It is noted that Acorn in its planning applications in other areas, uses the fact that it can pipe biomethane directly into the national grid as a key feature, a selling point. In its application for a site at Hornage, Buckinghamshire it states 'Digestate and feedstocks can use farm tracks and pipes rather than congest local roads'. Its Spring Grove, Suffolk application states 'Rather than congest local roads, digestive will be transported offsite via a new pipeline'. There are no pipelines at Evenley and none planned. At the site in Evenley, digestate and biomethane will be taken to Banbury by road.</p> <p>Acorn proposes an AD plant which would process 100,000 tonnes of material annually. There is just one larger site in the UK which processes 120,000 tonnes and this is located on an established landfill site (ie, an industrial site) in Staffordshire. At that site there have been numerous issues with odour, well documented in the local media. The location at Evenley is a greenfield site. The village of Evenley, which due to the land height in this area is subject to strong south-westerly winds, is less than 1.5km downwind of the proposed location. Evenley Parish Council does not believe this is the right location for this scale of industrial development.</p> <p>The planning officer and planning committee should also be aware that factual inaccuracies exist in Acorn's Statement of Community Involvement. Point 4.7 states 'both before and after the public exhibition</p>
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		<p>the project team contacted the parish councils in the area offering them a presentation on the proposals. Parish councils contacted included Evenley Parish Council, and Croughton Parish Council'. Evenley Parish Council was not consulted beforehand. Councillors received a public letter through letterboxes inviting them to the presentation. The clerk contacted Acorn and two days before the exhibition, an email was sent to the chairman. There has been no follow-up contact from Acorn. Furthermore residents at Barley Mow, just 250m from the proposed plant, were not contacted at all. The consultation process has been flawed.</p> <p>Evenley Parish Council believes this is a misguided application for all the reasons stated above. Evenley Parish Council's main objection however remains that this is industrial development in a rural location and that is contrary to the National Planning Policy Framework, in particular policy 15 Conserving and enhancing the natural environment. Evenley Parish Council therefore believes the application should be rejected.</p> <p>And finally.... is there a demonstrable need for an AD plant in South Northamptonshire? In the Local Plan capacity gap, at present Northants has an overcapacity of 0.39m tonnes of waste processed through composting and anaerobic digestion annually and this continues to 2031. Furthermore this plan is presented as a 'green project designed to reduce greenhouse gas emissions to slow down climate change. But what happens to the waste Acorn requires to operate its plant today? The local livestock farmer takes his farm slurry from his yard and uses it on his fields. Any excess he gives to his neighbour. In return, the neighbour gives his excess straw to the livestock farmer to use as bedding for his cattle. These farms are less than a mile apart so there is no traffic disruption, no-one's lives are blighted by odour, noise, dust and pests. There is no need for 57ft buildings or flare-stacks. No building sites, bright lights and 24 hour energy-using machinery whirring. Archaeological grounds remain undisturbed and nesting birds and other wildlife retain their habitats. There is no requirement for this plant and which form of 'recycling' is better for our fragile environment? For this reason, Evenley Parish Council believes the application should be rejected.</p>
Croughton parish Council		<p>A response by Croughton Parish Council. 13th October 2022: Background: Croughton Village is located to the west with the Parish Boundary approximately 1.2 miles from the application site. Direct access to the application site is along the B4031 High Street, Croughton</p>



		<p>therefore giving rise to considerable concerns about traffic resulting from the proposed facility. Whilst the Council recognises the wider political and national efforts to secure energy from renewable sources, any proposals which claim to contribute to this effort should not be considered above legitimate planning and environmental scrutiny and therefore full mitigation of this and other Parish Council's concerns resulting from the impact of the proposals should be facilitated as part of any permission granted and be secured prior to any operation of the permitted facility. Wider strategic considerations concerning the best locations for such facilities should be taken into account and permission should only be granted (in this instance) if the location of this proposal is considered to be the best available location having regard for the wider regional and national aims and other more suitable locations which may be now or in future available. This should be the case particularly in view of the proposal requiring all gas produced at the application site to be transported by tanker to a "Gas Hub" in Banbury, adding unnecessary vehicle movements to the A43 and M40 North. Indeed, one has to question whether a location in much closer proximity to the Gas Hub would be more suitable than an isolated Greenfield location some distance away with all the traffic, visual and other impacts such a location creates. Traffic: This Council is aware of the significant concerns of its parishioners and unanimously of its Councillors about the highly likely increase in traffic through the Village if this is not properly and adequately controlled and restricted in any permission the Local Planning Authority might be minded to grant. It is of particular concern that such vehicle movements will almost exclusively be from Heavy Goods Vehicle (HGV) traffic and heavy agricultural vehicles carrying the input "fuel" for the facility to process. Whilst Croughton is subject to a 7.5T weight restriction it is understood that this restriction does not apply to agricultural vehicles. It is inevitable that, without suitable safeguards in place, such traffic will route through the village's High Street (B4031) causing disruption, disturbance and highway safety implications. That would be totally unacceptable to this Parish Council and its residents. It is therefore critical for the Local Planning Authority to recognise that if it were minded to grant</p>
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		<p>planning permission then the development MUST be subject to a properly functioning Routing Agreement which is both monitored and enforced. This Agreement should direct all vehicles via the A43 to the site's east and clearly prohibit all traffic from using the B4031 to the site's west. Physical measures, signage and clear instruction to all site users should reinforce this and be part of any Planning Agreement. The Parish Council has very strong concerns about the monitoring and enforceability of any Routeing Agreement. If this cannot be enforced, then planning permission should not be forthcoming. If a Routeing Agreement were to be agreed the Parish Council suggests that this be included as part of a S106 Agreement so it can be enforced through injunction or financial penalty, and it should not be a "stand alone" Routeing Agreement outside the scope of the planning permission. Measures in the S106 should include: Annual financial payments to cover the costs of the council's monitoring Regular on-site monitoring and reporting Clear mechanisms for residents to report breaches Financial penalties in the event of breaches occurring Cessation of deliveries in the event of persistent breaches All measures to continue for the life of the development Furthermore, to dissuade vehicles from routing errantly through the village, where the speed and volume of traffic is already a problem, the Parish Council would support a traffic calming proposal from the applicants, or a financial contribution, based upon installing average speed cameras for the full length of the Village to both reduce volume of "rat running" vehicles, inhibit speed and allow monitoring to enforce the above Routing Agreement. In the Applicants recent public meeting and in the subsequent Ward and Parish Council Meetings, concerns were raised about the traffic volumes and safety record of the adjacent Barley Mow Roundabout (at the junction of the A43/ B4031/ A421 Buckingham Road). This roundabout links the A421/A422 giving access to the M40 at both Junction 10 and Junction 11. Given the existing pressures on the East/West strategic network between the M1 and M40, the need for a more strategic and cumulative assessment (in consultation with National Highways and the DoT) ahead of any further traffic generating permissions being granted has become critical. This should include proposed development in adjoining council administrative areas as well as</p>
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		<p>potential strategic housing allocations/applications around Brackley. This development proposes to add up to 62 vehicle movements per day (on average) directly onto this roundabout, many if not all of which will be HGV and tankers. Junctions need to be assessed against resulting peak daily traffic movements and appropriate improvements completed. The current queueing along the B4031 at peak use hours is significant and the current use of the B4031 access onto this roundabout at peak hours is considered dangerous, especially so when turning right to the south and M40. Further traffic from the current HS2 construction phase will exacerbate this making the B4031 arm significantly more so. The applicants should consider improvements to this junction and seek input from National Highways particularly as it plans to route all of the facility traffic in and out this way.</p> <p>Odour: Residents in Croughton remain very concerned that odour both from the facility and from the potential errant vehicle journeys made through the village carrying animal waste products will increase as a result of the facility. In the event that the Local Planning Authority is minded to permit the application the Parish Council suggests the use by the Planning Authority of both restrictive planning conditions and covenants under an associated S106 Agreement, to restrict the facility to process only the waste products identified in its application. This would exclude domestic food waste which is considered to present more unpleasant odours to surrounding communities. The applicants reassured the Parish in a recent joint public meeting with Evenley and Croughton Parishes that it has no intention of processing domestic food and other waste bi-products. However, whilst this intention is welcomed, it does not restrict others from changing its view in future. We would therefore expect that suitably robust restrictions are imposed upon the use of the facility under both planning and environmental legislation to prevent the future use of the facility for processing any waste likely to emit unpleasant and disruptive odours into the immediate and surrounding areas. Other: At the public meeting a suggestion that (notwithstanding the primary need to satisfy all of the concerns raised above), if the Authority were minded to approve the application, a Community Fund, set up by the applicants, run by the local</p>
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		<p>communities and funded by the applicants/operators of the facility in order to provide future community support to the surrounding villages, promote and fund sustainable living and ensure that the operators of the site "have an emotional stake" in the future wellbeing of the surrounding communities by providing for future benefits to improve the wellbeing of those communities. This Council is aware of numerous comments and objections to the proposals and has tried to focus on those aspects of the proposals which are of most concern.</p> <p>Croughton Parish Council supports the concerns of its neighbouring Parishes and requests that in its consideration of the application, the Local Planning Authority ensures that that all of those concerns are addressed, and that permission is only granted if it is satisfied that the application provides for all reasonable mitigation to do so. Concerns were raised at the recent public and Ward meetings about the focus by the applicant's team on the need to grow and harvest the necessary fuel to "feed" the facility in its production of gas. Whilst the applicants had previously focussed in the early exhibition on their facility dealing primarily with "bi-products" of farming, it appears that this has altered towards a need to grow and produce the imported material which is then processed into biogas? It has been suggested that local supplies of farm by-products are already in short supply or already being transported to other existing facilities for processing or use on fields. This Council is concerned that by providing this facility here, its commercial viability in the long term should not rely on diversification into other more impactful "fuels" if locally sourced "fuel" is not available and that the Local Planning Authority should test the local need for such a facility and that commercial viability of the proposals are sustainable in the long term before granting any permission. The Council should also consider from where such plant-based fuels for the facility will be grown and transported to it and the traffic journeys to and from those (yet to be identified) sources/locations. End. 13th October 2022</p>
CPRE	Object	<p>CPRE Northamptonshire feel that important information is not included in the application documentation. The information that we consider necessary for the application to be properly determined includes:</p> <ul style="list-style-type: none"> <li>• Agricultural Land Assessment</li> <li>• Sources of feedstock</li> </ul>

		<ul style="list-style-type: none"> <li>• Net Carbon assessment</li> <li>• Winter photomontages</li> <li>• Biodiversity Net Gain</li> </ul> <p><b>Agricultural Land Assessment</b>  The application states that the site consists primarily of Grade 3 land which is described as "good to moderate quality"(para 2.4). Grade 3a land is categorised as Best and Most Versatile Land (BMVL) which the NPPF highlights should be a material consideration.</p> <p>The war in Ukraine has caused a re-evaluation of the importance of national food security. BMVL is our most productive land and should not be taken out of use lightly. Even Grade 3b land is an important resource because it is ideal for producing cereals which are in short supply because of the war.</p> <p><b>Sources of feedstock</b>  The application does not identify the catchment area from which the feedstock will be sourced. There are noncommittal statements about local farms supplying feedstock, but this does not identify how much will be sourced locally and how much will come from more distant sources. We would have expected this to be a part of the transport assessment but although this addresses local road impacts at the end of the journey, we did not find consideration of the wider impacts of transporting the feedstock to the site.</p> <p><b>Net Carbon assessment</b></p> <p>The scheme proposed is effectively for an industrial plant sited on productive farmland within the open countryside. This is against planning policy but in planning the benefits of a scheme can be judged to outweigh the harms that it will cause tipping the planning balance in favour of the scheme. In the case of this scheme the primary benefit is carbon savings resulting from the production of renewable energy. However, in order to weigh the scheme in the planning balance, it is necessary to quantify the net carbon savings that would derive from the scheme.</p> <p>The application implies that the size and scale of the scheme has been determined by the need to meet a subsidy threshold rather than the local availability of feedstock. A problem with large AD schemes is often that the volume required to supply the plant results in feedstock being transported long distances at a high carbon cost which substantially reduces and could even outweigh the carbon savings of the scheme. The application mentions that local farms could provide feedstock but the implication is that this will only form a part of the requirement.</p>
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		<p>It is essential that larger AD applications such as this one identify the sources of feedstock and demonstrate that these will be available for the duration of operation the scheme. We are aware of smaller schemes that have struggled to source feedstock and applied for an extension of the distance from which it can be transported. Having done so, the carbon costs of transporting the feedstock should be calculated and deducted from the gross carbon savings cited as the benefit of the scheme.</p> <p>We note that the application states that the vehicles used to export the gas exported from the site will use fuel produced at the site. These will be lower net carbon than fossil fuel powered vehicles. However the feedstock will be transported by normal vehicles and so their carbon emissions are likely to be the highest ongoing carbon cost of the scheme.</p> <p>Winter photomontages. The LVIA only shows the visual impact during optimum screening conditions when vegetation is in full leaf. Best practice is to also show the worse case impact when vegetation is not in leaf and providing far less screening.</p> <p><b>Biodiversity Net Gain</b></p> <p>Chapter 5 of the application documentation appears to be an incomplete draft. Paragraphs 5.42 and 5.43 do not contain a figure for the Biodiversity Net Gain and have a comment: "Complete when Olivia completes BNG calculations". It is not even certain that the document relates to the application site since the page footer has "Insert Site Name".</p> <p><b>Conclusion</b> CPRE Northamptonshire does not consider the application contains sufficient information for it to be safely determined and that supplementary information should be requested. In the absence of the information we must object to the scheme.</p>
Historic England	No comment	Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.
Hinton-in-the-Hedges	Objection	Probably a good idea with the right 'green' aspirations BUT definitely in the wrong place. This is a green field site in open countryside. The closest similar applications are at Ardley with the Recycling Centre and the Energy from Waste Plant. This proposal should either be NEXT to the main gas receiving plant so that the output is piped straight into the main pipeline OR next to the Ardley EfW site which has good access facilities rather than being next to a main A43 roundabout with all its freight dangers for accidents. One suspects that the firm

		<p>would be reluctant to site this in Banbury because the smell would induce a raft of complaints - perhaps they think 'country folk' would be more tolerant being used to agricultural smells! The plans completely fail to convince that the smells would not be an issue. The prevailing wind carries the sound of the 'Last Post' at Croughton airbase to Hinton-in-the-Hedges, so the slightest aromas from this plant would also carry. The plans also fail completely to convince that traffic would not be an issue. The A43 at present struggles to cope with 'normal' traffic at peak times. For the next ten (?) years it is overloaded with HS2 traffic. There are major warehouses planned at the M40 junctions in Banbury and Baynards Green. It is part of the major cross country lorry traffic between the M1 and the M40 - both north-south and east-west. The output traffic from this facility would want to go to Banbury and the logical route is A43/A422. This would take them through the major pinch point and accident blackspot of Farthinghoe OR would involve them in 'rat runs' through the villages such as Hinton, Croughton, Aynho and Charlton. The Local Plan Part 2A did not include any such developments in the open countryside south of Brackley - it is not a designated development area. Therefore these plans should be rejected with the message  "Good Idea - Wrong Place"</p>
<p>Conservation Officer</p>	<p>Comment</p>	<p>Thank you for consulting me on this application. I have now had an opportunity to consider the information submitted in support of the application and have the following comments.</p> <p>There are no designated built heritage assets within the site, there will therefore be no direct effects of the proposed development on this type of heritage assets. In terms of indirect effects (on setting) there are a series of three Grade II listed World War II Fighter Pens located to the south of the site. Their location within the (former) Croughton airfield is integral to their setting; the proposed development to the south of the airfield is not considered impact the setting and therefore significance of the Fighter Pens.</p> <p>There are no known undesignated built heritage assets either directly or indirectly affected by the proposed development.</p> <p>In term of archaeological assets there are no designated assets within the site there is however a Scheduled Monument; Astwick medieval settlement and moated enclosure, to the north and west of the site. The report addresses the issue of the significance of the asset itself but is not considered to fully address the matter of setting.</p> <p>As to non-designated archaeology the geophysical survey identified features considered to be ridge and furrow to the south of the site. The report, whilst</p>

		<p>recognising that the surrounding ridge and furrow provides a context to the medieval settlement is quite dismissive as to its significance particularly to setting. Indeed Para 6.1.2 of the report stating “<i>Historic agricultural remains would retain some archaeological interest illustrating historic agricultural practices and land division. They would not be considered to comprise heritage assets of the highest significance, and they would not warrant preservation in situ or otherwise preclude development within the Site</i>”. This judgement appears to have been made without full consideration of their significance, advise should be sought from the archaeological advisor on this matter. Advise should also be sought on the significance of the potential settlement remains to the south of the site and how the north part of the site affected by green waste should be evaluated.</p>
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## 6 RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

6.1 There have 178 letters of objections and 7 letters of support raising the following comments:

- The site is a good idea but access should be of the A43
- People should be supporting localised green energy
- Will have a negative impact on the area and increase accidents
- Barley Mow roundabout is a choke point
- Area has been devastated by HS2
- Principle supported but not the right location
- Wind born emissions
- Traffic Implications
- There has been a serious accident on the access road which resulted in a death
- Village is currently a rat run and this will make it worse
- People currently ignore the speed limit
- Intrusion into the open countryside
- Smell from the site
- Drainage and water problems from the increase in traffic
- The development is known only to a few and WNC are working with Acorn
- Materials stored on site are combustible
- People with respiratory problems will suffer
- The site is well connected for transport routes
- Poor communication
- Environmental credentials are lost by the use of tractors driving to site and the amount of water required
- Farmers should be encouraged to grow food not waste
- Distribution to the gas network is by road



- Concern about gas flaring
- The use is at odds with using the site for housing
- The site is not an industrial area
- Recent academic research calls into question the green credentials of AD plants
- No benefits to the local community
- Too large for the area
- Technology will mean there is only a minor impact
- Site is of archaeological impact
- Does meet the criteria set out in the Waste and Minerals Plan
- Term virtual pipeline is trying to 'dupe' people
- Explosion risk
- There will be noise 24 hours a day
- Negative impact on the local community
- Will spoil the rural beauty
- The ecology report is misleading
- The project is 'greenwashing'

6.2 The majority of objections focus on the following issues:

- 1) Traffic - through the village, the danger along the road and the access at the Barley Mow Roundabout; and
- 2) Odour - both from the vehicles carrying feedstock and travelling through the village and the plant itself.
- 3) Development in the Countryside

6.3 Throughout this report the public comments are considered.

## 7 APPRAISAL

### Principle of Development

7.1 Unlike many other renewable energy technologies, the proposed development produces energy in the form of a gas rather than electricity, which allows it to fulfil a somewhat different and complementary function to other technologies:

- Renewable energy production – The proposed AD plant would produce biomethane which could be used directly to heat homes and fuel vehicles. The proposed development at Courteenhall is alleged to provide enough green gas to meet the heating demand of 7,650 UK households (based in 14.1 MWh/y per household). The applicant sets out that the biomethane produced by the AD facility would have an equivalent saving of 31,230 tonnes of CO<sub>2</sub> each year, equivalent to taking 20,750 cars off the road.
- Stable energy production – AD plants produce consistent and predictable quantities of biogas irrespective of weather conditions and daylight. They do not go 'offline' during differed weather conditions.

7.2 Aside from biomethane AD Plants also produce other products, these are:

- Organic fertiliser – Digestate is a nutrient-rich liquid biofertiliser used as a renewable fertiliser. It has high availability of crop nutrients and is a direct

alternative to artificial fertilisers, avoiding the use of artificial carbon-intensive compound fertilisers created from natural gas and from mining phosphate and potash fertilisers. In addition to improving crop yields, digestate can improve soil health; healthier soil can store more carbon, as well as support a more diverse ecosystem. If the AD facility developed a partnership with local farmers, the facility would supply its agricultural partners with the organic fertiliser produced at the AD plant; this is used not only on energy crops used to supply the AD facility but also on crops for the wider food supply chain. The digestate can also be used on pastureland to help to improve grazing for dairy farmers. An added benefit of the digestate is that it is considerably less odorous than the undigested slurries and manures typically spread on land.

- CO<sub>2</sub> - This is normally considered to be a by-product of biomethane production and is normally vented off by AD plant operators. The applicant has set out that they are in talks to provide industrial units in Northampton with CO<sub>2</sub> product.

### 7.3 Other benefits that the applicants have asked the LPA to consider are:

- Support to the local economy - The proposed development could benefit local farmers as it may ensure offtake of agricultural residues, some of which are difficult to manage. Farmers working in partnership with the AD facility would grow crops for the facility which gives them a wider range of viable crop rotations and agronomical planning options. The multi-year crop rotation cycle would ensure diversity on the farm, which benefits soil fertility. These benefits could provide farmers with economic stability at a time when agricultural costs are rising, farming subsidies are being phased out and farmers are being squeezed by supermarkets on price. With regard to the wider community, the proposed development would draw from the local supply chain for a wide range of goods and services, thereby directly supporting individuals and companies providing jobs and services in the local area.
- Agricultural health – The applicants have set out that at present British agriculture is looking for a means of solving two issues, that of the weed black-grass and finding a ‘break crop’ (a crop that can be placed in a wheat rotation to reduce pests and diseases) following cabbage flea beetle issues with oilseed rape:
  - Black grass (*Alopecurus myosuroides*) is one of the biggest challenges to profitable arable farming in the main wheat growing areas of the UK due to increased herbicide resistance with many areas suffering a 13% yield loss in cereals. The use of the AD silages within the farmers crop rotations can dramatically help to control this weed and hence minimise its impacts on following wheat crops.
  - Oilseed rape is the standard break crop grown in British agriculture and has come under pressure over the last few years. Flea beetle has always been a pest in oilseed rape, but some farmers have been forced to drop the crop after the neonicotinoid seed treatment ban commenced in April 2018. This seed treatment helped control the flea beetle but also had a detrimental effect on bees. Use of energy crops destined for the

AD plant as break crops can form an alternative economically viable solution to assist oilseed rape production.

- Agricultural diversity - Inserting silage crops within the wheat rotation leads to a more diverse number of crops being grown, having benefits outside of greater crop yields. It has several benefits for soil and crop systems: lower incidence of weeds, insect pests, and plant diseases, as well as improvements of soil's physical, chemical, and biological properties. Improvements in the soil's physical properties include better water holding capacity and aggregate stability, whereas the improvements in the biological properties include an increase in organic matter, which replenishes soil nitrogen and carbon. Crops grown in rotation reduce greenhouse gas emissions because of the lower amount of nitrogen fertiliser needing to be added.
- Biodiversity - Wider benefits also occur where organic fertiliser (digestate) replaces artificial fertilisers in terms of the wildlife living within the cropping area, with demonstratable benefits to soil invertebrates, insect numbers and diversity, leading in turn to larger and more diverse mammal and bird populations.

7.4 The application site is not located within any of the District's defined settlement confines and so is located in 'open countryside' (LPP2 Policy SS1).

7.5 Policy S1 of the WNJCS sets the framework for the distribution of development. Whilst S1 limits new development in the rural areas, the policy does support proposals which strengthen rural enterprise. Furthermore, WNJCS policy S2 states: "*Proposals which sustain and enhance the rural economy by creating and safeguarding jobs and businesses will be supported where they are of an appropriate scale for their location, respect the environmental quality and character of the rural area and protect the best and most versatile agricultural land*". The policy also identifies seven types of development which are considered to be acceptable. The proposal does not appear to fit directly within any of the criteria, however criteria b) and f) could be applicable:

*b) schemes for farm diversification involving small-scale business and commercial development that contribute to the operation and viability of the farm holding;*  
*f) small scale employment development to meet local needs;*

7.6 There is no definition of 'appropriate scale' or 'small scale' in the context of this policy. The application site is approximately 8.98ha, which is unlikely to be considered 'small scale'. However, the policy also refers to proposals being "of an appropriate scale for their location". This is looked at in further detail in the Landscape Impact heading, with the conclusion of the Councils Landscape report finding the site will be "*in scale with the surroundings*". It is also important to consider the Inspectors

7.7 With respect to criterion b) the submission states that the feedstock would be provided by the landowner's farm, however it is not clear from the submission if and how the proposed development would contribute to the vitality and viability of the farm holding. The applicant has provided a 'feedstock' map, showing the surrounding areas that they would also look to source feedstock from. Though it is not possible to tie the applicant to only receiving feedstock from this location it is certainly a useful, indicative, tool to show the benefit that may be derived by surrounding farm holdings.

7.8 WNJCS Policy S10 sets sustainable development principles for development including: *g) maximise the generation of its energy needs from decentralised and renewable or low carbon sources.*

7.9 Paragraph 5.105 of the WNJCS identifies that the deployment of larger scale low carbon and renewable energy schemes can have both positive and negative effects on nearby communities. WNJCS Policy S11 relates to low carbon and renewable energy and requires: *“Proposals should be sensitively located and designed to minimise potential adverse impacts on people, the natural environment, biodiversity, historic assets and should mitigate pollution”*.

7.10 Within the south of Greatworth appeal the Inspector stated that policy S11 of the LPP1 was the main policy for the determination. Though this site is not for a solar farm it is for low carbon and renewable energy. In the determination of this application, officers have concurred with this view and consider S11 the primary policy for the determination of the application. The relevant policy wording is:

*“Proposals should be sensitively located and designed to minimise potential adverse impacts on people, the natural environment, biodiversity, historic assets and should mitigate pollution. In addition, the location of wind energy proposals should have no significant adverse impact on amenity, landscape character and access and provide for the removal of the facilities and reinstatement at the end of operations.”*

7.11 As part of the Inspectors discussion of S11 they set out (at paragraph 77):

*“In my view, S11 must be read on its face, and any proposal must be able to show that it has been chosen with sensitivity to the location. For solar farms there is an unavoidable and very strong locational driver of being able to connect to the national grid in an area with capacity to accept the connection. This is a fundamental driver for location, coupled with the need for a large area of land, which invariably drives such schemes into rural areas. This is acknowledged in local and national policies.”*

7.12 In terms of location, the driving factor is that of accessible feedstocks. Though the catchment of the source feedstock cannot be conditioned it is logical to assume that the transportation of feedstock is not economical over large distances or far from major transport networks. The site requires a large area, not necessarily suited to edge of town locations, which pushes such schemes to rural areas.

7.13 The proposal has the potential to make a very positive contribution to achieving the sustainability aims of the WNJCS in terms of producing biogas and reducing carbon emissions. With regards to S11, further discussion is contained below (landscape impacts) with officer’s view being that the application has been sensitively located and designed.

7.14 Policy EMP3 of the LPP2 directs new employment and commercial development to the most sustainable locations, in accordance with Policy SS1: The Settlement Hierarchy. As noted above, the site is not within any of the defined settlements. Therefore part 2 of EMP3 applies, which allows for employment development on suitable sites outside of the settlement confines where one of the listed criteria applies. The Planning Design and Access Statement asserts that the proposal would meet criterion iii., as AD facilities are best located in open countryside locations, away from built up areas due to their size and need for 24 hour processing. In addition, the statement highlights the fact that, as the source of the feedstock and the end users of the digestate is farmland in the surrounding area, having the facility on this site would reduce road miles. The statement also describes the site assessment process and the Environment Agency’s

guidelines for this type of facility, which this site would comply with. Based on the submitted the information, there would appear to be a reasonable justification for the proposal to be located within open countryside.

- 7.15 Policy EMP6 of the LPP2 supports the principle of farm diversification, subject to four criteria:
- a. *The proposal would not prejudice the continued viable operation of the existing use; and;*
  - b. *The character, scale and type of proposal is compatible with its location and landscape setting; and*
  - c. *Existing buildings are reused wherever possible; and*
  - d. *Where new or replacement buildings are required, the proposal is in scale with the surroundings and well related to any existing buildings on the site*
- 7.16 In terms of a) the proposed site would remove grade 3 agricultural land, which is not considered to be 'best and most versatile' however there is no indication that the removal of this land from farming use would have any impact that would prevent a viable operation.
- 7.17 There are no existing buildings to reuse so c) cannot be applied.
- 7.18 With regard to b and d, the Landscape Impacts section examines the issue in more detail, with *The Land North of Barley Mow Farm, Buckingham Road, Evenley Landscape and Visual Review (September 2023)* concluding that:

*“In terms of the South Northamptonshire Local Plan Part 2 2011-2019 (Adopted 2020), the Proposed Development would accord with the requirements of Policy EMP6: Farm Diversification because the character, scale and type of proposal is considered compatible with its location and landscape setting, and would also be in scale with the surroundings. The proposal would comply with Policy NE4: Trees, Woodland and Hedgerows as existing trees and hedgerows would be retained and integrated into the layout. The proposed planting scheme would use native and similar species to maximise benefits to the local landscape and wildlife“*

- 7.19 In summary, the site is considered a renewable or low carbon development by the NPPF. The NPPF (paragraph 158) sets out that the Council should “*approve the application if its impacts are (or can be made) acceptable*”. The same NPPF paragraph is also clear is setting out that it is not for the Council to question the need of the development. A basic presumption in favour of the development has been created, subject to the impacts of the development (which are looked at below) being made acceptable.

#### Landscape Impacts

- 7.20 Due to the complexity of the application and the potential landscape impacts the Council has sought to engage an external consultant to review and comment on the landscape suitability of the proposal. A comprehensive report was produced for the Council and is titled *Land North of Barley Mow Farm, Buckingham Road, Evenley Landscape and Visual Review (September 2023)*. The report concludes that:

*“It is concluded, subject to the recommended further work not revealing anything unexpected, that there would be no clear conflicts with either national or local planning policy. Consequently, it is expected that adverse landscape*

*and visual effects would have limited weight against the proposal in the planning balance, and there would be no robust grounds for refusal on landscape and visual grounds.”*

- 7.21 The additional work consisted of a number of small clarifications and corrections, which has been undertaken. This additional work did not provide any concerns or raise any issues.
- 7.22 The main clarification requested by the LIVA review was that of confirmation of the height of the digester tanks. The height is confirmed as being 17 metres.
- 7.23 Though the *Land North of Barley Mow Farm, Buckingham Road, Evenley Landscape and Visual Review (September 2023)* should be read in full, the relevant conclusion is contained below:

*“It is inevitable that almost any renewable energy development on a greenfield site would result in some significant adverse landscape and visual effects, however it is the distribution of these effects, numbers of people affected, and the relationship to policy that will determine if these effects constitute any notable weight in the planning balance and be a legitimate reason for refusal.*

*It should be noted that judgements of significance are not judgements of acceptability considering the policy context. It may be the case that the LVIA concludes that a proposal would result in significant adverse effects on a receptor, however the proposed development could still be consistent with policy.*

*The Proposed Development is assessed to broadly comply with the NPPF, from a landscape and visual perspective in that significant adverse landscape and visual effects are localised and would be experienced from very limited sections of a local public rights of way network that are truncated. The proposals are not located within any landscape designations, or the Green Belt. The proposals are considered broadly compatible with the local landscape character context, noting the visual relationship with similar structures (Radar domes) on the nearby RAF Croughton Site. The applicant’s landscape strategy has considered a range of measures that would minimise adverse landscape and visual effects including the considered siting of individual structures within the site, retention of existing hedgerows and trees, earth mounding and mitigation planting.*

*In terms of the West Northamptonshire Core Strategy (2014), whilst the Strategy does not have any specific references to anaerobic digestion, it is considered that the Proposed Development would comply with Policy S11: Low Carbon and Renewable Energy, as the proposal has been sensitively located and from a landscape and visual perspective, and has been designed to minimise (but not eliminate) potential adverse impacts on people and the natural environment.*

*The Proposed Development would have a significant adverse impact on landscape character of the Site and immediate vicinity, as would be the case with almost any renewable energy development on a greenfield site (i.e., AD, solar or wind). The proposals however would have no significant impact on local landscape character when assessed at the scale of the landscape character area and visual effects would be very localised. Measures have been designed*

*by the Applicant to minimise (but not eliminate) noise and external lighting to the extent that adverse effects on tranquillity would be modest and restricted to the Site and immediate vicinity. In light of these conclusions, it is assessed that there is no conflict with Policy S1: Distribution of Development, noting the policy is silent on the siting of Renewable Energy*

*In terms of the South Northamptonshire Local Plan Part 2 2011-2019 (Adopted 2020), the Proposed Development would accord with the requirements of Policy EMP6: Farm Diversification because the character, scale and type of proposal is considered compatible with its location and landscape setting, and would also be inscale with the surroundings. The proposal would comply with Policy NE4: Trees, Woodland and Hedgerows as existing trees and hedgerows would be retained and integrated into the layout. The proposed planting scheme would use native and similar species to maximise benefits to the local landscape and wildlife.”*

- 7.24 Having viewed the site submitted LVIA by the applicant (plus amendments) and the *Land North of Barley Mow Farm, Buckingham Road, Evenley Landscape and Visual Review (September 2023)* officers concur with this standpoint and agree that the development will not have an unacceptable impact on the landscape, subject to the proposed mitigatory planting.

#### Amenity Impact, Including Odour, Noise and Safety

- 7.25 At the Barley Mow there are residential dwellings which are approximately 280 metres from the site boundary. *The and North of Barley Mow Farm, Buckingham Road, Evenley Landscape and Visual Review (September 2023)* sets out the following level of harm with regards to views:

*“The assessment on private views experienced by residents of Barley Mow Farm concluding a Moderate and Significant visual effect during construction and operation Year 1 that reduces to a Minor and non-significant effect at Year 15 following growth of the mitigation planting, is a conservative and appropriate assessment conclusion based on HCUK field observations.”*

- 7.26 The development will have a visual impact on the residents at the Barley Mow, with a moderate and significant impact during construction and operation. This impact is anticipated to decrease to a minor and non-significant effect by year 15, due to the mitigatory planting.
- 7.27 The landscape impact will be some 280 metres from the property. It is important to note that a view is not a material planning consideration. The distance from the site to the residential property is considered to be of a suitable distance that it will not create issues of overlooking or overshadowing. Officers have given regard to if the application could be considered overbearing and in doing so have taken review of the South Northamptonshire Design Guide 2017 (Chapter 7). Though the outlook of the residents will change the degree of separation, the generally agrarian look of the development and its general spacing and broken form (not being a single, homogenous unit) will prevent the site being overbearing on the Barely Mow.
- 7.28 To reduce harm further it is recommended that a LEMP condition is applied, which enforces the long-term maintenance of the mitigatory planting. It would also be appropriate to apply a condition that requires planting within the first planting window,

after the commencement of the development, so that the mitigatory planting has as long as possible to establish itself.

- 7.29 In terms of other residential, visual amenity no harm has been found. The application and officers have also reviewed the local footpath network and concur with *The and North of Barley Mow Farm, Buckingham Road, Evenley Landscape and Visual Review (September 2023)* that there is very limited harm. It should be noted that the public right of way appeared to be very overgrown and underutilised when the landscape review was undertaken.
- 7.30 The other major amenity concern is that of odour.
- 7.31 Much of the public objection with regards to odour is perhaps one of perception and may have been formed by older Anaerobic Digestors that do not conform to modern standards. Such a perception is entirely understandable, if residents have 'smelt' other Anaerobic Digestors they will naturally be very concerned about the proposed site.
- 7.32 The applicant has carried out an Air Quality Assessment and Ammonia Emission Assessment
- 7.33 Environmental Health have been consulted and they have returned no objection and have requested the inclusion of an odour condition.
- 7.34 The site will also have to apply to the Environment Agency (EA) for a permit. Such a permitting scheme will examine, in detail, odour and odour control. The AD Facility is a type of operation that would be regulated under the Environmental Permitting (England and Wales) Regulations 2016 (SI 2016 No.1154 as amended). The EP Regulations include requirements on operating conditions, monitoring and ELVs that would be incorporated into the site's Permit and would be enforceable by the Environment Agency (EA).
- 7.35 Various guidance documents are provided by the EA with respect to the operation and assessment of impacts from facilities regulated under EP Regulation. Key to air quality assessments is the 'Air Emissions Risk Assessment for your Environmental Permit' (AERA) guidance. The AERA guidance provides Environmental Assessment Levels (EALs) for pollutants not covered under the AQS or AQSR, such as ammonia and guidance on assessing impacts.
- 7.36 Through the stringent EA permitting scheme it is felt that there will be no adverse impacts to odour. The reader is also steered to the heading 'Planning and Environment Agency' to see how the permitting scheme sits within planning.
- 7.37 As the site will run for 24 hours a day noise and its impact is a concern. Again, the EA permitting scheme will cover much of this issue. Environmental Health have reviewed the proposal and are in broad agreement with submitted noise assessment but they have requested a condition for the submission of further details with regards to some plant machinery.
- 7.38 Naturally the safety of the site has been questioned, especially with the news of the Cassington AD Facility. The applicant has provided a "Statement on Site Operational Safety" and some objectors have provided their own commentary with regards to the safety of the site, including the fact that the Cassington AD Facility had lighting conducting measures attached to it.



- 7.39 The safe operation of the plant falls within the remit of the Environment Agency Permitting Scheme, this includes the submission to the EA of a risk assessment as well as host of technical documents on the operation of the site.
- 7.40 Such a position is difficult as the Council and its officers will naturally want to ensure the full and safe operation of any site that they recommend approval for but it is within the purview of the EA to ensure the safe and continued operation of the plant (see the Planning and Environment Agency heading, below).
- 7.41 The impacts to amenity are considered to be to the view and outlook of the properties at the Barley Mow. The degree of separation and mitigatory planting is considered to provide a sufficient level of mitigation to alleviate any significant harm, though officers do accept that Moderate and Significant visual effects will occur during construction and operation Year 1 that reduces to a Minor and non-significant effect at Year 15 following growth of the mitigation planting. Overall and on balance it is officers view that the though the scheme will impact on the residents at the Barely Mow this impact, when weighed against the very significant weight to be given to renewable and low carbon development, is outweighed by the positives.

#### Heritage and Archaeology

- 7.42 The conservation officer has set out that there are no designated built heritage assets within the site, there will therefore be no direct effects of the proposed development on this type of heritage assets. In terms of indirect effects (on setting) there are a series of three Grade II listed World War II Fighter Pens located to the south of the site. Their location within the (former) Croughton airfield is integral to their setting; the proposed development to the south of the airfield is not considered impact the setting and therefore significance of the Fighter Pens.
- 7.43 There are no known undesignated built heritage assets either directly or indirectly affected by the proposed development.
- 7.44 With regards to potential harm to the Astwick village scheduled monument (1002898), while the Site belongs to the same parish and likely had historic landscape associations, the upland agricultural land on which the Site sits is not the primary setting of the monument
- 7.45 The conservation has raised concerns with regards to the non-designated archaeology. The Council's archaeologist has also been consulted and they requested trial pits were dug to investigate the area. 17 trial pits were dug, the findings from these pits will inform a suitable scope for mitigation works, this will include an archaeological watching brief, which will be conditioned.
- 7.46 As such, the application will not have an impact on a designated or undesignated heritage asset.
- 7.47 The trial trenching has provided a suitable background for an archaeological watching brief to be conditioned, which will see the applicant submit an appropriate scope of archaeological mitigation works. This condition will protect the non-designated archaeological interest.

#### Highways

- 7.48 No highway objection has been advanced by the Local Highways Authority (LHA) or National Highways. The LHA have suggested conditions, which have been applied to the recommendation.
- 7.49 In producing this recommendation officers have understood the objection concerns regarding the 'virtual pipe line'. It is understandable that such a term has been raised as it is confusing. In this context the 'virtual pipe line' means that the development does not connect directly to the gas network, rather, lorries will import the gas from the proposed site to the gas network.
- 7.50 Though the term 'virtual pipe line' may be an obfuscation the highways movements have been included within the submitted transport statement and been assessed by your Highways Authority.
- 7.51 Through the objections concern has also been raised with regards to the roundabout onto the A43. The LHA have found no specific concerns with regards to the traffic generation while officers have attended or passed the site a number of times (including at rush hour) and have not noted any particular issue with queuing traffic. It is acknowledged that local residents will have a familiarity with the traffic movements at the roundabout but the site will generate approximately 27-31 HGV/tractor movements per day, with a peak of around 140 traffic movements on and off the site at harvest time. It is not felt that such a number will cause a significant or demonstrable effect to the highway network.
- 7.52 Officers do have some concern with regards to the site access/ egress and this element has been carefully considered. The road is national speed limit and observations while on site are that vehicles travel quickly along this stretch of road (from the A43 to Croughton). To mitigate these concerns the applicant has proposed:
- a signage strategy
  - The access has been designed with kerb radii to allow the simultaneous two-way flow of HGV's using the access, without having to pass over onto the opposing side of the B4031
  - An island which uses trieff kerbing to guide/ restrict HGV's from turning right out of the site
  - Routing restriction's
- 7.53 Within the applicant's submission and the LHA response discussion is had regarding a S106 for agreement with regards to the routing of vehicles. A S106 is not deemed necessary as a routing plan can be conditioned and considered fully enforceable. With the above mitigation conditioned the LHA are content that the scheme will be acceptable.
- 7.54 As part of the submission the applicant has also provided a draft Operational Management Plan. Figure 2 of that document shows a plan with the distribution of interested feedstock parties. Though the actual plan cannot be conditioned it provides a useful, indicative, routing map of HGV movement, including restricted routes. Figure 2 demonstrates that the majority of site would naturally use the A43 to route into site and would have no necessity to enter Croughton (routing restrictions aside). The Operational Management Plan will be an evolving document, which will look to reflect any changes in feedstock locations.
- 7.55 National Highways have also reviewed the scheme, stating that:

*“The TS indicates that the development proposals will typically generate approximately 27-31 HGV/tractor trips per day for the majority of the year (10 months), which equate to approximately 3 HGV/tractor movements per hour, based on a 10 hour working day. During the developments peak harvest periods (approximately 6 weeks per year), traffic levels will increase to approximately 67 HGV/tractor trips per day, equating to approximately 6-7 vehicle trips per hour, based on a 10 hour working day. The number of vehicle trips the proposals could generate are unlikely to have a severe impact on the operation or capacity of the SRN.”*

- 7.56 It is officers view that the submitted draft Operational Management Plan will mitigate concerns over vehicles travelling through Croughton, the indicative feedstock route also demonstrates a naturally route will be to use the main A road network to enter and leave the site.
- 7.57 National Highways have considered the impact on the Strategic Road Network (SRN) and set out that the number of vehicle trips the proposals could generate are unlikely to have a severe impact on the SRN. As such it is not felt that there will be an unacceptable impact to the increase in traffic movements.
- 7.58 With regards to safety of the site access the LHA have reviewed the site access and are content that, on balance, it provides a safe entrance and exit if the mitigatory works are undertaken.
- 7.59 As such officers do not believe that highways constitutes a reason for refusal.

#### Ecology

- 7.60 The site has been submitted with a number of ecological documents, including a Biodiversity Net Gain Calculation Great Crested Newt Survey and a preliminary ecological assessment.
- 7.61 The proposal will create a Biodiversity Net Gain (BNG) of 51% in habitat creation and 22% in hedgerow creation. A condition requiring that this level is adhered to is included.
- 7.62 The surveys undertaken found the following:
- Bats – Moderate Potential. The site has two trees with potential for roosting bats (labelled as T1 and T2 on the UK Hab Survey Map), neither tree is proposed for felling. It is noted that a dark corridor runs around the outside of the site, following the hedgerows and that development is not proposed next to these hedgerows. A condition controlling external lighting on is proposed, this is to make sure that external lighting does not impact on the potential bat flight lines. Further, the conditioned LEMP will also expect the applicant to demonstrate how the hedgerows will be maintained in perpetuity.
  - Badger – Moderate Potential for commuting and foraging Badgers was found. A public comment has raised concerns that the Badger surveys have been underplayed. In viewing the commentators submission Officers are of the view that the moderate potential remains but as a precautionary approach a further badger survey, carried out by a competent person, has been included as a prior commencement condition.
  - Riparian Mammals – A negligible impact has been found

- Hazel Dormouse – A low potential for hazel dormice was found due to the connecting hedgerow habitat.
- Reptiles- Low potential
- Birds- High potential due to the hedgerow supporting nesting birds. The LEMP and CEMP conditions will require submission of how the works can be carried out without the disturbance of the birds.
- Greater Crested Newts – The submitted survey states that a precautionary approach should be taken, though states a low risk.

7.63 The Council's ecologist has yet to comment on the scheme, though it is expected to provide commentary in the late update representation. Natural England have been consulted on the scheme and have provided no objection, nor have they requested any further information.

7.64 Though officers would prefer for the Councils ecologist to have commented, due to the review by Natural England officers are content that the submission is of a high quality and has appropriately reviewed the site. The suggested conditions provide a precautionary approach to the ecology, but officers are comfortable that the proposal will see a BNG and that the correct approach can be controlled through conditioned to allow construction and operation to move forward lawfully.

#### Flood Risk

7.65 The site sits within flood zone 1 and has received no objection from the FFLA. With the application of the FFLA conditions it is not felt that there will be any flood risk,

#### Environmental Impact Assessment

7.66 The development has been subject to both a screening and scoping opinion, required under the relevant Environmental Impact Assessment (EIA) regulations. The screening opinion provided by the Council advised that an Environmental Statement (ES) would be required, and the subsequent scoping opinion advised on the matters that should be addressed in the ES.

7.67 Where an ES is submitted with an application there is a legal duty for the Local Planning Authority to have regard to it. This means examining the environmental information, reaching a reasoned conclusion on the significant effects, integrating that conclusion into the planning decision and, if granting permission, considering whether to impose monitoring measures.

7.68 An ES which has been submitted in support of this application considers the proposal in detail against the matters identified within the scoping opinion which include Landscape Character and Visual impact, Biodiversity / Ecology, Noise, Light, Odour Traffics, and Cumulative and Interactive impacts, with other ES factors, including nearby similar developments ay. These matters are regarded as scoped in within the ES.

7.69 The ES does not identify any significant adverse effects either individually or cumulatively from the proposed development. The term 'significant' is important. It does not mean that no effects whatsoever will occur as a result of the development; where

impacts still need to be weighed in the planning balance these are noted in the relevant sections below. The absence of significant environmental effects in EIA terms does not necessarily imply that a development is acceptable in planning terms, or indeed vice versa if adequate mitigation and monitoring is put in place.

- 7.70 Having assessed the ES Officers agree that on all matters aside from Ecology they will not result in significant environmental effects. having regard to the criteria established by the EIA regulations. In particular, those projects that have been assessed for cumulative or combined impacts are each sufficiently far away from the proposed development for direct cumulative/combined effects to be negligible.

#### Planning and Environment Agency

- 7.71 The process of gaining consent for an AD Plant sits with a number of bodies, including the planning department. the Environment Agency and the Hazardous Substance Consent Process. Planning and permitting decisions are separate but closely linked. Planning permission determines if the development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.

Both decisions:

- Take account of environmental risks and impacts.
- Are needed before a developer can operate the proposed development.
- May be granted or refused according to their respective legal requirements.

Local planning authorities are responsible for determining planning applications. When deciding on a planning application, planning authorities should:

- Be confident the development will not result in unacceptable risks from pollution when considering if the development is an appropriate use of the land.
- Not focus on controlling pollution where it can be controlled by other pollution regulations, such as EPR.
- Take advice from other consenting bodies, such as the Environment Agency, in pre application discussions about fundamental issues that could affect whether a development is acceptable. Where any significant issues are identified, we recommend that other consents needed, such as environmental permits, are processed at the same time as the planning application to resolve any issues as early as possible.

- 7.72 As such there may be issues raised in planning those objectors feel strongly about, but that falls within the remit of the Environment Agency and their permitting scheme. As such it may not form a planning reason for refusal but could form a Permitting refusal.

- 7.73 The EA will continue to monitor compliance with their permit, this includes unannounced spot checks. Enforcement action can be taken by the EA, including both stop notices and fine

## **8 FINANCIAL CONSIDERATIONS**

- 8.1 CIL is not payable.

- 8.2 No S106 is proposed. A S106 agreement was advanced by Highways but officers are content that the same benefits can be secured by condition.

## **9 PLANNING BALANCE AND CONCLUSION**

- 9.1 Much like other renewable energy schemes the base position is that significant positive weight should be given to the scheme (to help achieve net zero carbon emissions by 2050 (2045 is the target WNCS have set). As with other renewable schemes there are also a host of negatives which must be included in the planning balance; these include landscape impacts, highways concerns, biodiversity issues, contamination, the rural location and the potential overbearing nature of the buildings and ancillary infrastructure.
- 9.2 Officers have carefully reviewed the scheme, considered the public comments and assessed the impacts the proposal will cause. In carrying out this assessment Policy S11 of LPP1 has been used as a base to assess the suitability of the application.
- 9.3 The decision has taken into consideration the landscape and associated impacts and has also reviewed the impact to amenity faced by both the residents of the Barley Mow and surrounding residents.
- 9.4 Officers have found that there will be impacts to the residents of the Barley Mow but, on balance, have assessed that these harms, with mitigation, are outweighed by the positives of the scheme.
- 9.5 With regards to highways, officers have considered that though there will be an increase in traffic it is unlikely to have an impact on the SRN, officers are also content that the draft Operational Management Plan shows a very low likelihood of vehicles travelling through Croughton. The potential dangers of the exit and entrance have also been considered and officers are in agreement with their LHA colleagues in that the road is fast but that safe egress can be made.
- 9.6 In terms of odour, noise and safety officers have reviewed the submitted documents and found no impact that would indicate a reason for refusal. Officers are also aware of the Environment Agency Permitting scheme and the rigorous examination the site would be placed under if the application were to be approved.
- 9.7 It is your officers view that the application should be approved and it is presented to you that the Assistant Director – Planning and Development be granted authorisation to approve any amendment(s) to conditions as deemed necessary.

## **10 CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 

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

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## Approved plans

2. The development shall not be carried out otherwise than in complete accordance with the approved plans unless a non-material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015. The approved plans are:

11923.00002.0094.0 Site Location Plan  
29346 - 1002 Rev A Straw Bunker Building Plans, Elevations and Sections Sheet 1  
29346 - 1003 Rev A Straw Bunker Building Plans, Elevations and Sections Sheet 2  
29346 - 1006 Rev A Separator Building Plans and Elevations  
29346 - 1007 Rev A Chicken Shed Plans and Elevations  
29346 - 1009 Rev A Office Building Elevations  
29346 - 1012 Rev A Workshop Building  
29350 - 102 Rev C Emissions Building  
29350 - 101 Rev L Site Layout Plan and Block Plan  
29350 - 104 Rev D Proposed Site Levels  
29350 - 105 Rev B Existing Site Elevations  
29350 - 106 Rev B Existing Site Sections  
29350 - 120 Rev B Proposed Paving Plan  
29350 - 6000 Rev A Topsoil Strip  
29350 - 6001 Rev A Cut and Fill to Formation  
29359 - 004 - F101 - B Site Floor Plan and Proposed Visuals  
29359 - 004 - F102 - B Elevations Proposed

Arboriculture Report (CBA Trees, July 2022)  
Flood Risk Assessment and Surface Water Drainage Strategy July 2022  
Flood Risk Assessment and Surface Water Drainage Strategy Technical Memorandum 5 May 2023  
Lighting Assessment (Strenger, July 2022)  
Preliminary Ecological Appraisal  
Great Crested Newt Survey  
Biodiversity Net Gain Report

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Reason : To clarify the permission and for the avoidance of doubt.

## Compliance with Ecology Appraisal

3. The development hereby permitted shall be carried out in accordance with the mitigation, conclusions and enhancements in the Environmental Statement and Biodiversity Gain Plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE ANY DEVELOPMENT

COMMENCES

### **Biodiversity**

4. No development shall take place until a Biodiversity Management Plan (BMP), which accords with the agreed Biodiversity Net Gain calculations of not less than 51% habitat units and 22% hedgerow units, has been submitted to and approved in writing by the local planning authority.

The proposed Scheme shall include measures for the implementation and oversight of works and monitoring and reporting of the biodiversity in years 1, 3, 5, 10 and 15 following the first export date. The BMP shall be implemented as approved.

Should the expected biodiversity net gains not be achieved then a revised set of habitat retention, enhancement and creation measures shall be submitted to and approved in writing by the local planning authority. The amended measures shall be implemented and retained in accordance with the approved details.

Reason : To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

### **Contamination**

5. No part of the development hereby permitted shall take place until:

- (a) a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and
- (b) has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core Strategy and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. If a potential risk from contamination is identified as a result of the work carried out under condition 5 above, then no part of the development hereby permitted shall take place until:

- (a) a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present has been carried out;
- (b) the risks to receptors and to inform the remediation strategy proposals has been documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and
- (c) both (a) and (b) above has been submitted to and approved in writing by the Local Planning Authority.



No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

7. If contamination is found by undertaking the work carried out under condition 5, then no development hereby permitted shall take place until
- (a) a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and
  - (b) has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

8. If remedial works have been identified in condition 6, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework.

9. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework.

### **Construction method statement**

10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- i) Construction traffic routing
- ii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- iii) wheel washing facilities
- iv) measures to control the emission of dust and dirt during construction
- v) how the hedgerows around the site will be protected during construction

Reason: To protect the amenities of nearby residents and users of the public rights of way and to protect highway safety and to comply with Policy SS2 of the South Northamptonshire Part 2 Local Plan.

### **Archaeology**

11. No development shall take place within the area of archaeological interest until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) Approval of a Written Scheme of Investigation;
- (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
- (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
- (iv) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199.

### **Surface water drainage**

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12. Before any above ground works commence full details of the surface water drainage scheme for the site, based on the Flood Risk Assessment and Surface Water Drainage Strategy July 2022 and

Flood Risk Assessment and Surface Water Drainage Strategy Technical Memorandum 5 May 2023 will be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- i) details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).
- ii) details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
- iii) cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices

Reason

To prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site.

13. No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption.

The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.

A site plan including access points, maintenance access easements and outfalls.

Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.

Details of expected design life of all assets with a schedule of when replacement assets may be required.

Reason

To ensure that the drainage systems associated with the development will be adopted and maintained appropriately in perpetuity of the development, to reduce the potential risk of flooding due to failure of the proposed drainage system.

14. No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority.

The details shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) CCTV confirmation that the system is free from defects, damage and foreign objects.

Reason

To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

### **Materials**

15. A schedule of materials and finishes to be used in the external surfaces of the buildings and structures hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy SS2 of the South Northamptonshire Part 2 Local Plan.

### **Landscaping**

16. A scheme for landscaping the site (including screen planting and any additional thorny planting for security) shall be provided to and approved in writing by the Local Planning Authority which shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of any means of enclosure
- (d) All species used in the planting proposals associated with the development shall be native species of UK provenance.

The proposed planting shall be designed to screen or soften the appearance of the development (buildings and attenuation basin) in the rural landscape and maximise its ecological value.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following the development first being brought into use.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy SS2 of the South Northamptonshire Local Plan, Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework.

### **Landscape maintenance**

17. The approved landscaping details listed under Condition 16 shall be maintained in accordance with a management plan that shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the development hereby permitted.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with policies SS2 of the South Northamptonshire Part 2 Local Plan.

### **Security**

18. Full details of the proposed CCTV installation (and any other security measures) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The development shall proceed in accordance with the approved details.

Reason: To ensure the site possess suitable CCTV in accordance with policy SS2 of the South Northamptonshire Part 2 Local Plan.

### **External lighting**

19. Details of all external lighting to be installed on the site, including the design, position, orientation and any screening of the lighting, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Part 2 Local Plan.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE OCCUPATION

### **Employment**

20. Prior to the commencement of the development, a local labour strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The development hereby approved shall then only be used in accordance with the approved strategy.

Reason: To support the retention of skilled resident workforce in the area, in accordance with Policy EMP1 of the South Northamptonshire Part 2 Local Plan 2011-2029

### **Highways**

. 21. Prior to the commencement of development an Operational Traffic Management Plan (OTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The development hereby permitted shall not become operational until the approved OTMP has been implemented and retained thereafter. The OTMP shall provide for the following:

- Site access and site traffic management.
- HGV routeing.
- Vehicle scheduling.
- Wheel-wash and other measures to prevent detritus being transferred onto the highway.
- All site users will be made aware of the OTMP, which will be provided during the contract agreement process, and must follow the measures stated.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the development.

Other than with the prior written approval of the Local Planning Authority, the delivery of agricultural by-products and export of digestate shall only be permitted to take place as per the details set out in the Operational Traffic Management Plan.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the development.

22. The development shall not exceed 134 HGV movements (67 in, 67 out) per day.

Reason: To limit the number of HGV's the site generates and in order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

23. No other part of the development shall begin until the new means of access, to include trieff kerbing, has been sited and laid out in accordance with the approved drawing and constructed in accordance with West Northamptonshire Council's standards for construction.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

24. No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 215 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

25. Within one month of the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb or removing the existing bellmouth and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

26. Prior to occupation of the development a scheme for Highway signage to direct HGV's to only travel to/from the east into/out of the site shall be submitted to the Local Planning Authority for approval in writing. The signage shall then be installed as approved prior to occupation of the development hereby permitted and shall be retained as such thereafter.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

27. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

### **Odour**

28. A site management scheme shall be submitted within three months of the date of this permission and approved in writing by the Waste Planning Authority, which specifies the provision to be made for the control of odour and vermin from the site. The scheme shall be reviewed and approved periodically to reflect operations on site.

The report should:

- specify the name and contact details of the main point of contact for complaints from the public
- state that daily checks, maintenance and training shall be documented and made available to the regulator when requested.
- Include documented odour boundary checks, specifically when delivery of energy crops occur and when spreading occurs.
- Specify management methods are in place to minimise odour and vermin
- Document wind direction when receiving deliveries and spreading and during any emission event.
- Specify the requirements for trucks to be securely covered.
- State that The Odour Management Plan will be reviewed annually and submitted to the LPA for approval

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

### **Noise**

29. Prior to use a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014 (+A1:2019). Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

### **No adverts**

- 30 . (a) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (b) No advertisement shall be sited or displayed so as to:-
- (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (c) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (d) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (e) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason : By virtue of Regulation 14 (1) (a) and Schedule 2, of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### **Informative**

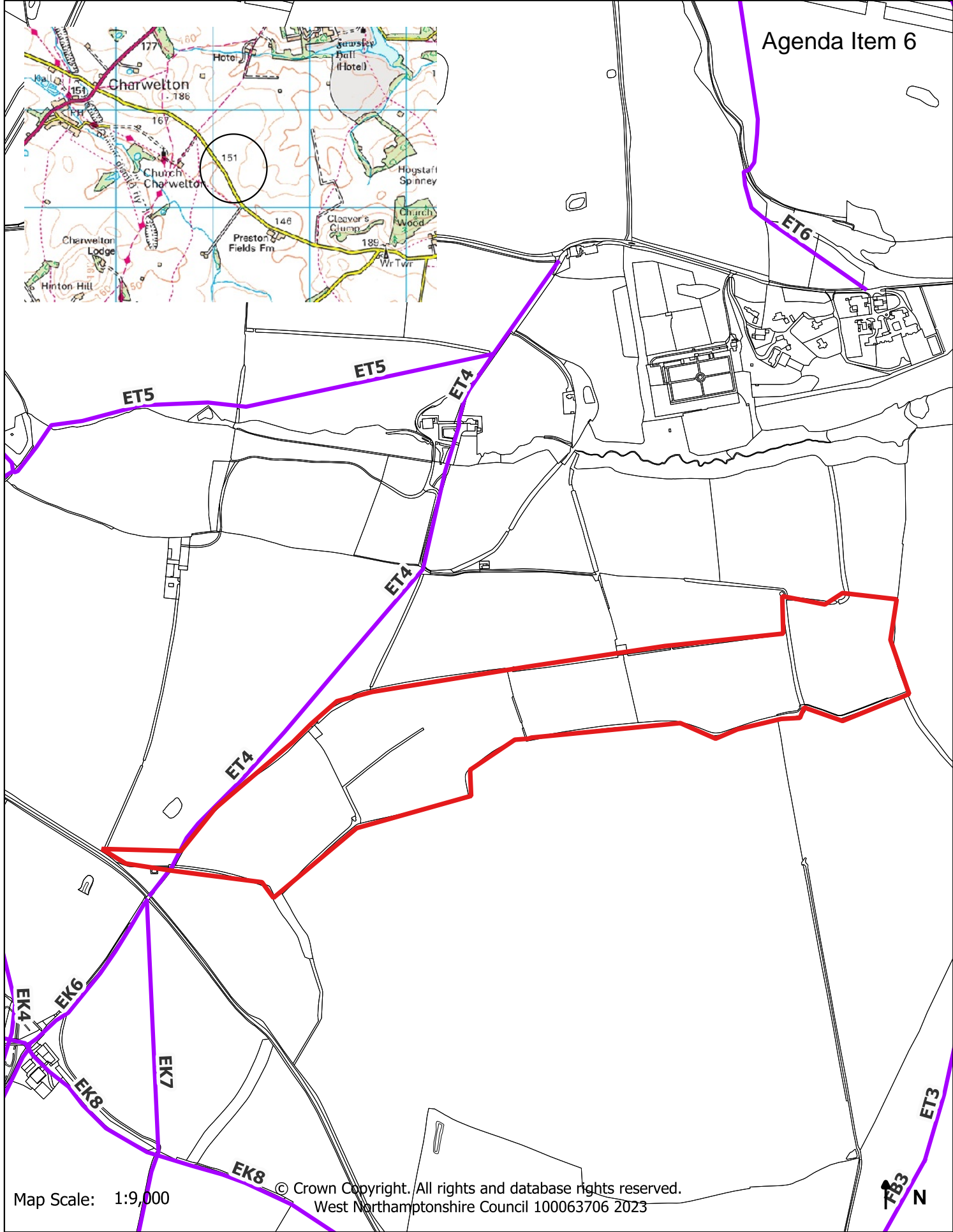
1. Please note that on receipt of planning consent, and in order to carry out works within the highway to facilitate the development, the applicant will be required to enter into a minor Section 278 agreement with the LHA. Please note also that the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a WNC Highways Approved Contractor, who has the required and necessary public liability insurance in place. Further details regarding the costs and requirements associated with this agreement can be obtained from the Section 278 Team at Northamptonshire Highways ([section278.ncc@westnorthants.gov.uk](mailto:section278.ncc@westnorthants.gov.uk)), however the agreement cannot be entered into until planning consent is granted.



2. All external highway works will be subject to Stage 1 Road Safety Audit at design stage. The applicant will need to agree the audit brief and audit members with Matthew Barratt at Northamptonshire Highways. [Matthew.Barrett2@kier.co.uk](mailto:Matthew.Barrett2@kier.co.uk)

3. Upon request the applicant will be required to submit HGV monitoring reports to WNC to demonstrate compliance with conditions.



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Map Scale: 1:9,000

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West Northamptonshire Council 100063706 2023

**WND/2022/0901**  
**Fawsley CP**

 Planning Application  Public Right of Way



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**WND/2022/0901**  
**Fawsley CP**

 Planning Application

Aerial: 2021



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# Planning Committee Report

**Application Number:** WND/2022/0901

**Location:** Land at Fawsley Estate Fawsley Northamptonshire

**Development:** Renewable energy generating station comprising ground mounted photovoltaic solar arrays with primary substation, inverter stations, cabling, access gates, site access, internal tracks including infrastructure, security fencing, CCTV, landscaping and biodiversity enhancements

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**Applicant:** RPS Elgin Energy EsCo

**Agent:** RPS National Planning & Infrastructure

**Case Officer:** Chris Burton

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**Ward:** Woodford and Weedon Ward

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**Reason for Referral:** Major application

**Committee Date:** 11 December 2023

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

**RECOMMENDATION:** GRANT PERMISSION SUBJECT TO CONDITIONS as set out below with delegated authority to the Assistant Director – Planning and Development to approve an amendment to conditions as deemed necessary.

### **Proposal**

Renewable energy generating station comprising ground mounted photovoltaic solar arrays with primary substation, inverter stations, cabling, access gates, site access, internal tracks including infrastructure, security fencing, CCTV, landscaping and biodiversity enhancements

### **Consultations**

The following consultees have raised **objections** to the application:

- LLFA, Ecology, CPRE,

It should be noted that officers are of the view that both the LLFA and Ecology objections can be overcome via condition.

The following consultees have raised **no objections** to the application:

- Environment Agency, Natural England, Environmental Health, Garden Trust, Landscape Officer, Northampton Fire and Rescue Service, Local Highways Authority,

Historic England, Archaeology, Thames Water, Anglican Water, Thames Water.

2 letters of objection have been received and 0 letters of support have been received and 1 comment with regards to amendments have been received.

## **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Heritage assets and in particular on views important to their setting;
- Biodiversity and ecology;
- The landscape including the cumulative impact with existing or approved renewable energy development;
- The enjoyment of the open countryside including public rights of way.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1 APPLICATION SITE AND LOCALITY**

- 1.1 The application site is located to the south of Fawsley Hotel and Spa, which is situated approximately 5km to the south of Daventry, Northamptonshire. The site lies wholly within the administrative boundary of the West Northamptonshire Council, Daventry Area.
- 1.2 The site is irregular in shape and is 24.17 hectares (ha) in area. It is bounded to the west, north and east by agricultural land, in use as pasture, and to the south by agricultural land predominantly used for arable production. The land within the application area is used as pasture. It includes several fields, separated by well-established hedgerows and trees which provide robust visual screening. These fields are identified as Grade 3 (Good to Moderate) through the Provisional Agricultural Land Classification (ALC).
- 1.3 The site is not located within an Area of Outstanding Natural Beauty (AONB) or National Park. The closest nationally designated site is the Cotswolds AONB, which is located approximately 15 km southwest of the Proposed Development site.
- 1.4 The site is not located within any statutory or non-statutory nature conservation designations. Badby Wood Site of Special Scientific Interest (SSSI) is situated approximately 1.6 km north. There are a further three ecologically designated sites within 5km of the site, including High Wood and Meadow SSSI approximately 2.7km south east, Mantles Heath SSSI located approximately 3.1 km south east, and Everdon Stubbs SSSI located 3.9 km east. There are also areas of ancient woodland in the surrounding landscape, including the following:



- an area of ancient and semi-natural woodland situated approximately 800 metres south east;
- area of ancient replanted woodland, located approximately 750 metres south east;
- Church Wood covers, located 1.2 km south east;
- and Badby Wood, is located 1.6 km north.
- 

1.5 The Proposed Development site is located within the Gatesbury and Fawsley Special Landscape Area (SLA).

1.6 There are two Public Rights of Way (PRoW) located in close proximity to the north western and eastern boundaries of the site. One of these, ET4, is a public bridleway.

## 2 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 The development is for "Renewable energy generating station comprising ground mounted photovoltaic solar arrays with primary substation, inverter stations, cabling, access gates, site access, internal tracks including infrastructure, security fencing, CCTV, landscaping and biodiversity enhancements".

2.2 As part of the development the following is proposed:

- Solar photovoltaic (PV) panels, 0.8 to 2.8-3.2m high, ground mounted onto a pile driven sub- structure framework made of galvanized steel;
- 6 no. inverter substations (typically between 7.5-10m (l) x 2.2-3m (w) x 2.2-3m (h))
- 1 no. customer substation (5.9m (l) x 3.8m (w) x 3.7m (h))
- Internal tracks
- 2.45m high deer fencing
- Security and monitoring CCTV/infra-red cameras mounted on 3m high poles;
- Underground and tray cabling to connect infrastructure
- Construction and operational site access; and
- Landscaping planting, biodiversity enhancements.

## 3 RELEVANT PLANNING HISTORY

3.1 There is no relevant planning history directly on the site but following planning history is considered relevant to the current proposal in terms of assessing the cumulative impact:

Application Ref	Description	Size (MW)	Decision
DA/2013/076	Proposed solar farm	0.53	Approved 19 Feb 2014
DA/2014/0016	Construction of solar park	1.782	Approved 15 April 2014
DA/2020/0200	Construction of a solar farm to generate up to 49.8mw of energy	49.9	Approved 19 November 2020

WND/2022/0447	Solar development	2	Approved 9 December 2022
WND/2022/0410	Solar development	49.9	Approved 21 July 2023

#### 4 RELEVANT PLANNING POLICY AND GUIDANCE

##### Statutory Duty

- 4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development that affects the setting of a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Relevant Planning Policies:

##### **West Northamptonshire Joint Core Strategy (2014) (LPP1):**

Policy SA - Presumption in favour of Sustainable Development  
 Policy S1 - Distribution of Development  
 Policy S10 - Sustainable Development Principles  
 Policy S11 - Low Carbon and Renewable Energy  
 Policy BN1 - Green Infrastructure Connections  
 Policy BN2 - Biodiversity  
 Policy BN5 - The Historic Environment and Landscape  
 Policy R1 - Spatial Strategy for the Rural Areas.

##### **The Daventry District Settlement and Countryside Local Plan (Part 2) (Feb 2020 (LPP2)):**

Policy SP1 – Daventry District Spatial Strategy  
 Policy RA4 - Small Settlements/Hamlets  
 Policy RA6 – Open Countryside.  
 Policy ENV1 - Landscape  
 Policy ENV2 - Special Landscape Areas  
 Policy ENV 4 - Green Infrastructure  
 Policy ENV5 - Biodiversity  
 Policy ENV7 - Historic Environment  
 Policy ENV9 - Renewable Energy and Low Carbon Development  
 Policy ENV11 – Local Flood Risk Management

##### **National Planning Policy Framework (NPPF) (September 2023)**

Paragraph 11 - Presumption in favour of sustainable development:  
 Paragraph - 9 Take local circumstances into account  
 Chapter 9 - Promoting sustainable transport  
 Chapter 11 - Making effective use of land  
 Chapter 12 - Achieving well-designed places  
 Chapter 14 - Meeting the challenge of climate change, flooding and coastal change  
 Chapter 15 - Conserving and enhancing the natural environment

### Other Material Considerations

- 4.3 Following the Council's refusal of WNS/2022/0557/EIA, a solar farm of 49.9 MW capacity at Land at Halse Road, south of Greatworth, Northamptonshire NN13 6EB, a Public Inquiry was held in June of 2023 and sat for 5 days. The Planning appeal reference is 3315771.
- 4.4 The appeal was allowed on 14 November 2023.
- 4.5 Though all planning applications turn on their individual merits and constraints the south of Greatworth appeal provides a material consideration in the weighting to be given to solar farms and renewable energy in the planning balance.
- 4.6 As part of the appeal decision the Inspector considered Powering up Britain: Energy Security Plan, March 2023 p37 a material consideration. This national strategy seeks a five-fold increase in current installed capacity and to achieve this the Government considers that alongside deploying rooftop solar, large-scale ground mounted solar, on brownfield, industrial and low and medium grade agricultural land, is required.

## 5 RESPONSE TO CONSULTATION

- 5.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
Natural England	No Objection	<p>Initially an objection from Natural England was lodged due to further information being required. This being a Winter Bird Survey and an aerial tree climbing inspection conducted on trees with a high bat roost potential to determine impacts to protected species.</p> <p>The applicant provided relevant information and the objection from Natural England was withdrawn.</p> <p>Natural England also confirmed that as the land has been classified as 3b they do not consider there is an issue with "Best and Most versatile Soils" but they have recommended adherence to DEFRA's Code of Practice for the Sustainable Use of Soils on Construction Sites.</p> <p>This will be conditioned.</p>
LLFA	Objection	<p>On 20 March 2023 the FFLA returned comment that the:</p> <p>"The applicant has failed to provide an appropriate SuDS scheme and</p>

		<p>therefore we are unable to provide an informed LLFA consultation response.”</p> <p>The applicant subsequently revised their SuDS scheme and provided a technical drainage note on 14/0/23. No comment from the FLLA has yet to be received</p> <p>In viewing the note ( and due to the length of time a response has taken) officers are of the view that a suitably worded condition would allow drainage matters to be considered and a complaint scheme proposed.</p>
<p>Environmental Health</p>	<p>No objection subject to conditions</p>	<p>Solar panels come with a range of infrastructure such as transformers, substations, DNO control rooms, GRP comms, security fencing, landscaping and other associated infrastructure.</p> <p>The impact of fixed plant and equipment associated with the development on the existing sensitive receptors should be assessed.</p> <p><u>Noise</u></p> <p>I have reviewed the submitted Noise Impact Assessment dated 27/09/22 prepared by RPS.</p> <p>On the basis of the above, when considering noise from the proposed solar farm, it has been found that:</p> <ul style="list-style-type: none"> <li>· Adverse impacts are not expected at any NSRs and noise impacts are predicted to be ‘low’, and</li> <li>· noise from the proposed development is likely to be of very low absolute magnitude (&lt; 30 dB) at NSR locations.</li> </ul> <p>The National Planning Policy Framework states that: ‘identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason;’ 6.27 The BS4142 assessment has found that the rating level is 13 dB below the background sound level at the most exposed section of the footpath to the east and the predicted specific level is 17 dB LAeq,Tr (during</p>

		<p>the day when the footpath is likely to be used). Based on this information, it is unlikely that the proposed development will be audible on the footpath to the east and as such is likely to be close to the no observed effect level (NOEL ref. the NPSE). In addition, this only relates to the portion of the footpath closest to the site and for the majority of the path noise levels will be reduced. Based on this analysis, it is considered that the 'tranquil' nature of the publicly accessible footpath to the east of site has been protected.</p> <p>The report is accepted, however should any amendments be made either to the plant or layout, then the noise report would need to be revisited and models re-run etc. Therefore, the noise report should form part of the approved plans.</p> <p><u>Land Quality</u></p> <p>As ground works are proposed, the full contaminated land condition is necessary.</p> <p><u>Light</u></p> <p>It is not clear if any additional external lighting is proposed, and if so a condition for a scheme to be submitted and approved is recommended.</p> <p><i>Prior to occupation, a scheme showing the provisions to be made for external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting is to be designed, installed and maintained so as to fully comply with the ILP Guidance for the Reduction of Obtrusive Light. The design shall satisfy criteria to limit obtrusive light presented in Table 2, page 8 of the guide, relating to Environmental Zone E2 Low district brightness areas-Rural, small village or relatively dark urban locations. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.</i></p>
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		<p><i>Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.</i></p> <p><u>CEMP</u></p> <p>I have reviewed the submitted Construction Traffic Management Plan prepared by RPS dated 27 September 2022. Whilst this covers most of the traffic requirements (Highways may wish to comment further), some aspects have not been adequately addressed and therefore the following condition is recommended:</p> <p><i>Prior to the commencement a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction</i></p> <p><i>Reason: In the interests of safeguarding highway safety, safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.</i></p> <p>Informative: The Statement required to discharge the Construction Management Plan of this consent is expected to cover the following matters:</p> <ul style="list-style-type: none"> <li>• the parking and turning of vehicles of site operatives and visitors;</li> <li>• loading and unloading of plant and materials;</li> <li>• storage of plant and materials used in constructing the development;</li> <li>• the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</li> <li>• details of measures to prevent mud and other such material</li> </ul>
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		<p>migrating onto the highway from construction vehicles;</p> <ul style="list-style-type: none"> <li>• wheel washing facilities;</li> <li>• measures to control the emission of dust and dirt during construction;</li> <li>• a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.</li> <li>• design of construction access</li> <li>• hours of construction work</li> <li>• measures to control overspill of light from security lighting</li> <li>• a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.</li> </ul> <p>Informative: Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p><u>Pests</u></p> <p>Structures of this type have the potential to harbour vermin and the applicant should detail management techniques to prevent this.</p>
CPRE	Objection	<p>It is a major energy generating station in attractive countryside</p> <p>There is an energy crisis but a balanced approach must be taken to protect food production and grazing</p>

		<p>The site is totally taken up by solar panels</p> <p>Re-grazing by sheep is not realistic</p> <p>Re-establishment of the land is not realistic unless earth stabilisation techniques are undertaken</p> <p>These sites should be assessed other areas of the district due to their enormous impact.</p>
Landscape Officer	No Objection	<p><i>"I have had a look at the potential viewpoints sent to us and generally I believe they cover the potential views according to the Zone of Theoretical visibility and the landform in the surrounding landscape. The only possible addition in terms of a viewpoint would be after turning off the A361 on to the Fawsley Road the road rises and there are distant views across land to the south as appears to be indicated by the colouration on the Zone of Theoretical Plan. This would I am certain be but a distant view but the highest section of the land identified for the potential Solar Farm. may be visible.</i></p> <p><i>In terms of the context of the site visit we had the possible solar farm is composed of five fields (one divided by an established line of trees) connected end to end forming a linear possible site generally running south west to north east. In addition the majority of the field boundaries are well established hedges including many often mature trees. Whilst the trees and hedges have generally been shown for retention which is vital visually it is important that the location of the solar panels realistically accommodates any shadow so created. The field most visible from the wider landscape is the middle/central field as it sits on the highest ground and its northern</i></p>



		<p><i>field boundary is the poorest in terms of hedgerow as sections are missing along this boundary. In order to address this boundary concern the hedge should be replanted with occasional native hedgerow tree species included to create the general character of the surrounding area as well as providing a further vertical element. The planting of the northern boundary of this central field where gaps exist will help to provide visual mitigation for the panels beyond with the advantage that the ground gently falls away to the southern field boundary of the same field. There are other gaps along the existing site hedgerows but nothing of the same extent and all should be able to be filled with appropriate planting. Generally the potential site is fairly well screened by the existing hedgerows and trees whose retention is fundamental in providing mitigation as well as the surrounding landform, hence the potential for possibly only one further viewpoint.”</i></p>
Garden Trust	No objection	<p>The Garden Trust have pointed out a number of inaccuracies with regards to the development. It was noted that the existing hedge line was very thick and contained many trees and that the westernmost part of the site slopes away from the Registered Park and Garden.</p> <p>It is requested that officers ensure that if the application were to be granted that the boundary-hedge line in this area is adequately enforced.</p> <p>Overall, subject to the reinforced hedge-line it is the view that the solar array will have much a of negative impact on the Registered ark and Garden</p>
Northampton Fire and Rescue Service	No objection, with request for further	NFRS has no comment to make on this application.

	<p>information with regards to crime prevention</p>	<p>From a crime prevention perspective I would comment as follows:</p> <p>Large scale thefts of cable from solar farms have occurred in this county in the past and recently a number of crimes have taken place across the county border. Solar farms have been advised to review their security measures as thefts from solar farms are increasing sharply compared to last year.</p> <p>Crimes on solar farms often occur during construction when drums of cable are the target and once operational the strings of cables between panels are cut and removed. Solar farms are regularly targeted for crime both during the construction phase and once operational as they are easy targets due to being in isolated places with minimal 'capable guardianship' from adjacent development, vehicles or pedestrians. The applicant acknowledges the need for security and details measures to be taken to reduce opportunities for crime such as the provision of deer fencing to 2.450metres plus gates and the installation of CCTV to be installed around the perimeter. This is all fine as far as it goes but there are aspects of this security strategy which need clarification:</p> <p>CCTV cameras are no deterrent on their own and will need to be monitored and be capable of seeing in the dark. The language in the section on site security is somewhat ambiguous and requires clarification.</p> <p>What are the spaces between the CCTV cameras. Please provide a detailed drawing showing positions, spacings and arcs of coverage.</p> <p>Are they all infra red enabled?</p> <p>Are they monitored and if so from where and who responds to any activation observed?</p>
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Nature Space	No Objection, subject to condition	<p>In summary, from the report I can see enough information has been provided and I agree with the ecologist conclusions that there will certainly be a need for the licence and they are welcome to chose the option of enquiring into Nature space's district licensing scheme.</p>
Local Highways Authority	No objection, subject to condition	<p>In respect of the above planning application, the local highway authority (LHA) has the following observations, comments and recommendations: -</p> <p><b>Site Access</b></p> <p>The site access will require a heavy duty commercial standard access as set out in the attached guidance document. As stated in the notes, the kerb radius can be adjusted to suit tracking as demonstrated on drawing JNY11276-01. This access must be fully constructed prior to construction works starting on site and a planning condition to this effect is requested. Work to install the crossover of the highway verge will require the appropriate highway agreement being in place and this work can only be undertaken by a WNC approved contractor.</p> <p><b>Trip Generation</b></p> <p>As with most renewable energy</p>

		<p>developments, traffic generated by the site is largely limited to construction and decommissioning. This is obviously a temporary situation but must be adequately addressed. The applicant has set out the suggested construction traffic routes alongside anticipated numbers and types of vehicles required.</p> <p>Given the modest amount of traffic per day, there would not be a severe impact on the road network and the development should be seen as acceptable in these terms. The CTMP sets out the 2 routes for construction traffic (north and south) which approach the site via the A361 only. No construction traffic should need to approach from the east (Preston Capes) and the CTMP, if approved, would secure this.</p> <p><b>Highway Safety</b></p> <p>The applicant has demonstrated acceptable visibility at the site access and the A361 junction similarly provides adequate access for the 30mph speed limit. A review of injury collisions in the vicinity of the site does not show a pattern of incidents that would be of concern.</p> <p><b>Public Right of Way</b></p> <p>The applicant has addressed the presence of Public Bridleway ET4 which crosses the access track and then runs along the western boundary of the site. The LHA are content that the arrangements in place contained within the CTMP are satisfactory to safeguard the route and its users. However, please ensure that the applicant is made fully aware of their responsibilities in respect of Bridleway</p> <p>No.ET4 as follows:</p> <p>With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements: -</p>
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		<p>The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times, it is an offence to obstruct the highway under Section 137 HA 1980.</p> <p>There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by the Area Rights of Way Officer, (as per Section 131 HA1980).</p> <p>If as a result of the development, i.e. the safety of the public cannot be guaranteed, the Right of Way needs to be closed, and a Temporary Traffic Regulation Order would become necessary. An Application form for such an order is available from West Northamptonshire Council's website, a fee is payable for this service and a period of six weeks' notice period is required.</p> <p>Any new path furniture such as a gate can only be authorised if needed for the ingress or egress of livestock (Section 147 Highways Act 1980) and needs to be approved in advance with the Area Rights of Way Officer, standard examples can be provided.</p>
Historic England	No objection,	<p>Thank you for your letter of 15 November 2022 regarding the above application for planning permission. We refer you to the following published advice which you may find helpful in determining the application.</p> <p>The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (2nd Edition).</p> <p>Available to download at:  <a href="https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/">https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/</a></p> <p>Commercial Renewable Energy Development and the Historic</p>

		<p>Environment and Historic England Advice Note 15. Available to download at:  <a href="https://historicengland.org.uk/images-books/publications/commercial-renewable-energy-development-historic-environment-advice-note-15/">https://historicengland.org.uk/images-books/publications/commercial-renewable-energy-development-historic-environment-advice-note-15/</a></p> <p>We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.</p> <p>It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.</p>
Archaeology	No objection subject to condition	<p>The proposed site is located within the Fawsley Hall estate, south west of the Hall itself and of the registered parkland. The county Historic Environment Record does not indicate any heritage assets within the proposed development area but there are cropmarks of possible activity to the east and south, and well-preserved ridge and furrow earthworks to the north which can mask earlier remains. LiDAR images suggest the presence of ridge and furrow within the site though less well defined than the earthworks to the north.</p> <p>The applicant has provided a geophysical survey, which does not indicate the presence of significant archaeological remains within the proposed development area. I have previously discussed this with the archaeological consultant and agreed that on this occasion, given the geophysics results, further evaluation by trial trenching can be carried out by condition, followed by any mitigation which may be required thereafter. I will be happy to provide a brief for the trenching and for the mitigation.</p>
Environment Agency	No comment	Does meet criteria for EA comment
Thames Water	No comment	No comment
Anglian Water	No comment	Advised applicant to check if any Anglian water assets cross the site. Advice that if any diversion of crossing

		of the assets occur then permission will be required.
Charwelton Parish Council		Response Awaited. – Consulted at original submission and chased.
Fawsley Parish Council		Response Awaited. – Consulted at original submission and chased.
The Ramblers Association	No comment returned	
Ecology	AWAITING CONDITIONS	The Council's ecologist previously requested that further surveys were done, in line with the comments from Natural England.  Natural England are now content that the additional information has been provided and have withdrawn the previous objection.

## 6 RESPONSE TO PUBLICITY

6.1 Below is a summary of the third party and neighbour responses received at the time of writing this report.

6.2 There have 2 number of objections/letters of support raising the following comments:

- Very close to a public bridleway and footpath, please do not re-route.
- The type and height of the fence will be an eyesore and the CCTV will be intrusive. Use British trees in front of trees to act as camouflage
- It is ancient, unspoiled land and there are better locations for this type of development. It will become a blot on the landscape.
- Walkers follow the Jurassic way which passes through these fields
- The area is haven for animals which come here as it is away from other built up areas/ pollution
- The proposal is for the generation of money and will put the farmer out of business

6.3 There has been 1 letter of comment raising the following points

Generally, in support of the concept but the planning committee should only approve if the following restrictions are considered:

- *“The fencing around the proposed site should be adequately maintained throughout the lifetime of the development and promptly repaired where necessary. If members of the Committee visit Fawsley Estate they will be able to see that fences generally have not been maintained well and the use of binder twine and plastic ties has all too frequently been used to make repairs.*
- *All gaps in the hedges around the proposed site are replanted and that thereafter the hedges are trimmed annually in late winter to maintain them at a height of at least 2 metres. Again if members of the Committee visit the proposed site they will see that little hedge maintenance has been carried out in recent years.*

- *On the attached map I have marked a small part of the proposed development site that is not on the south facing slope and will therefore be visible from the Capability Brown landscaped part of the estate. I would ask the committee to not permit development of this small area which is in the east most field within 10 metres of its northern field boundary.”*

6.4 This report looks to address the concerns raised by the objections; it has also considered the recommendations requested.

## 7 APPRAISAL

### Principle of Development

7.1 The proposed development will contribute to local and national 'Net Zero' targets with an export capacity of up to 12 Megawatts (MW) of renewable energy. The applicant's planning statement sets out that this annual output will provide approximately enough clean electricity to power 4,600 average family homes or 5300 electric vehicles (EV's) every year.

7.2 Within the NPPF 2023 the following is set out:

*“152. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. “*

(officer emphasis added)

7.3 The NPPF also sets out how applications involving renewable development should be determined:

*“158. When determining planning applications for renewable and low carbon development, local planning authorities should:*

*a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;*

*b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas”*

7.4 The supporting text in 'Climate Change and Sustainable Development Principles' at paragraph 5.105 – 5.106 of the LPP1 acknowledges that:

*“The deployment of larger scale low carbon and renewable energy schemes can have a range of positive or negative effects on nearby communities. They could provide landowners with the opportunity for rural diversification, deliver local jobs and opportunities for community based schemes and benefits.*



*However, proposals can have a range of impacts that will vary depending on the scale of development, type of area where the development is proposed, and type of low carbon and renewable energy technology deployed. When considering planning applications for low carbon and renewable energy, an assessment will need to take account of impacts on landscape, townscape, natural, historical and cultural features and areas and nature conservation interests. Proposals should also use high quality design to minimise impacts on the amenity of the area, in respect of visual intrusion, noise, dust, and odour and traffic generation.”*

- 7.5 Solar farms are large scale development that do intrinsically change the nature of countryside they are set in. Each application for a solar farm must be carefully considered so that the positives of renewable energy do not outweigh the harm they may cause.
- 7.6 In principle the Council has taken a stance of supporting proposals for renewable energy development (with appropriate mitigation) where an adverse impact is avoided on the following criteria;
- i. Form, character and setting of an existing settlement;
  - ii. Heritage assets and in particular on views important to their setting;
  - iii. Biodiversity and ecology;
  - iv. The landscape including the cumulative impact with existing or approved renewable energy development;
  - v. Residential amenity; and
  - vi. The enjoyment of the open countryside including public rights of way.
- 7.7 This is set out in ENV9 (Renewable Energy and Low Carbon Development) of The Daventry District Settlement and Countryside Local Plan (Part 2) (Feb 2020) (LLP2). This committee report will examine each of the above headings in forming its recommendation.

Form, character and setting of an existing settlement

- 7.8 Due to the rural location of the development, it will have no impact of an existing settlement.

Heritage assets and in particular on views important to their setting

- 7.9 To the north of the proposal are the following listed buildings:
- Fawlsey House (Grade I)
  - Fawsley Stable Block (Grade II)
  - Church of St Mary (Grade I)
- 7.10 Following a site visit no perceptible views from Fawsley House were perceived. The photomontages presented in Figures 7.3ii and 7.4 in the Landscape and Visual Assessment (LVIA) submitted in support of the application also concur with this position.
- 7.11 The eastern boundary of the proposal site is less well-vegetated and there are views into the eastern field (of the proposal site) from the adjacent land which is within the Grade II\* Registered Park and Garden. However, this is just a small part of an extensive designated heritage asset. The Zone of Theatrical Views (ZTV) indicates that there

may be glimpses of the proposed development from other areas within the Registered Park and Garden, including views of at least the upper part of the proposed substation from the higher ground in the northern part of the park (adjacent to Badby Wood), although this would be at a distance of around 2.5 km. However, the photomontage from VP10 presented as Figure 7.4 in the LVIA shows that in fact there would be no visibility of any part of the proposed development would not result in any harm to the significance of the Grade II\* Registered Park and Garden.

- 7.12 Consideration has also been given to the Garden's Trust comments. The site is well hidden and the applicant has shown a robust level of screening across the site, including across the western most part.
- 7.13 As such, it is not considered there will be any harm to the listed buildings (objective 14 and policy ENV7 of the DDSCLP) nor will there be an unacceptable level of harm to the Registered Park and Garden, by virtue of the strong screening. As such it is not considered that criteria ii of ENV9 could not form a reason for refusal.

#### Biodiversity and ecology

- 7.14 The submitted Ecology Report sets out that The Biodiversity Net Gain Assessment of the Proposed Development will deliver a net gain of 100.05% for habitats. The total units delivered by the proposals is 142.35 units. The assessment above indicates that the development proposals for the Fawsley Estate Solar site will deliver a net gain of 11.51% for hedgerows.
- 7.15 Such a net gain attracts a positive weighting in the planning balance and is in accordance with WNC Local Plan Policies BN2 and ENV5.
- 7.16 As part of the application both Natural England and the Council's ecologist requested further survey work was undertaken with regards to two trees (T39 and T125). The applicant submitted an Ecological addendum statement and an Arboricultural Impact Statement as part of the application. Following further work, it was deemed that tree T125 had a high bat roost potential and so the tree has been marked for retention. A small amendment to the plans was issued which allows the tree to remain in situ. Tree T125 was deemed to have a low bat roosting potential and a recommendation for a 'soft fell approach under ecological supervision was made'. Following this information Natural England withdrew their objection to the proposal.
- 7.17 The Council's ecologist held the same objection (though has not confirmed they remove their objection) as that of Natural England so with Natural England removing their objection officers are content that the issue is resolved.
- 7.18 Suitable conditions requiring adherence to the recommendations contained within the relevant ecological documents are suggested.

#### The landscape including the cumulative impact with existing or approved renewable energy development

- 7.19 In this particular instance the site has been assessed by the landscape planning officer and the overall view is that the officer confirms that the linear site composed of five fields running south west to north west is generally well screened visually by well-established hedgerows and trees all shown to be retained. Their opinion is that:

*"The solar panels have been set an appropriate distance from the edge of the fields to limit impact of shadows from the adjacent trees/hedges as this would*

*have an impact upon the viability of any panels to close to the boundary vegetation given the potential for shade.*

*The location of the site in terms of the surrounding rolling landscape in addition to the existing retained boundary vegetation has created a naturally well contained site that limits long distance views.*

*The central field occupies the highest ground and the hedge marking its north western boundary closest to Fawsley has a number of gaps allowing possible views of the field through the breaks. As this boundary is on the high point, between a slope to the north dropping down toward Fawsley and the middle field dropping away to the south mitigation of the middle field it has been identified that this issue can be addressed by the filling of the gaps and general strengthening of the hedge with appropriate native planting. This approach to the strengthening and filling of gaps elsewhere around the site will help to eliminate other glimpses and is certainly supported in landscape terms.*

*The site is naturally well contained with retained generally strong boundary vegetation that will be strengthened where necessary and as a possible site for a solar farm I support it in landscape terms.”*

- 7.20 The landscaping at the site is based around the retention of the mature hedgerow lines. Strong hedgerow reinforcement is proposed along parts of the northern hedgerow (which borders the PRow), which will effectively create a double hedgerow. The scheme will also retain the hedgerows running from north to south, these help to break up the solar panels and prevented them being perceived as a ‘sea of glass’.
- 7.21 The proposed security fencing sits inside of the existing hedgerow. It is expected that the fencing will be well screened and should not protrude unnecessarily into the rural setting.
- 7.22 The Primary Substation will be the largest structure on site at (5.9m (l) x 3.8m (w) x 3.7m (h), The submitted LVIA sets out that at winter year 1 this would create a moderate adverse level of impact to users of the public bridleway but that this level of impact will soften to minor adverse by summer year 10. This is not considered to be a significant level of harm and will create only a ‘fleeting’ view as a user travels on the PRow.
- 7.23 The cumulative impact, on the landscape, of nearby solar farms has also been assessed (see planning history). None of the proposed solar farms are within 5km of the site (Glasthrope is the closest at 10.1km). As such no cumulative impact is considered, due to proximity.
- 7.24 In assessing the landscape impact, it is clear that solar panels bring an element of built form which intrinsically changes the area. With this in mind the application will not maintain the distinctive character and quality of the local landscape as required under Policy ENV1 and there will naturally be an adverse impact on the landscape as per ENV9 iv of LLP2. It would seem almost impossible for a solar farm of any reasonable size to come forward without causing some degree of harm to the landscape.
- 7.25 The application does sit well within the landscape The change on the eleven Representative Viewpoints as submitted in the LVIA are predicted to be mostly barely discernible. None of the Viewpoints is expected to have significant adverse effects from the solar park development. The view from Representative Viewpoint 1 is judged to experience the most change and **Moderate adverse** effect in winter year 1. This is at a low point in the hedgerow on the Application Site’s northern boundary. The rest of

this boundary hedgerow is thick with mature trees, which will provide an effective visual screen from visual receptors using the adjoining PRow bridleway PRow NN/ET/4. During construction the changes would be a little greater but also temporary on the representative viewpoints 1, 3 and 4 along this bridleway as the Construction compound and access are located to the south of the Application Site.

- 7.26 In terms of landscape impact, officers are of the view that this site is well screened and with a suitable LEMP condition to enforce long term management the solar farm should remain well screened.

#### Residential amenity

- 7.27 There are no residential houses within the immediate vicinity of the application site. The nearest residential properties are:

- Charwelton Church Farm, approximately 400 metres south west;
- Residential properties in Fawsley, approximately 500 metres north;
- Fawsley Farm, approximately 500 metres north of the eastern end of Proposed Development site;
- Bounden Hill Farm, approximately 630 metres north west;
- Residential properties in Charwelton, approximately 950 metres west; and
- Residential properties in Preston Capes, approximately 1.7 km south east.

- 7.28 It is not felt that the proposal will have a negative impact on the development that would outweigh the positives of the renewable energy generation.

#### The enjoyment of the open countryside including public rights of way

- 7.29 Though undoubtedly a change to the immediate countryside use the Inspector at the south of Greatworthy appeal provides a precise commentary on the conflicting uses of the countryside:

*“The countryside is an asset on which there are conflicting demands. Rural areas in particular may be valued for their beauty and the pleasure and health benefits they give to those who access them. They are also the source of the majority of our food and other agricultural products and, in addition, are now expected to meet the need to diversify and decarbonise our energy sector, at least in part. These conflicting needs are clearly present here, with the desire to see food security and continued productivity from the fields and the passion felt by local residents for the beauty and tranquillity of the countryside accessible on footpaths surrounding the villages. Consequently, while the overall thrust of government policy may be in favour of renewable sources, this does not give them unquestioned primacy over the other demands.” (Para 131)*

- 7.30 The clear and undisputable need for green energy does not simply outweigh the requirement to consider the protection of the open countryside and those that enjoy it.

- 7.31 The heading “The landscape including the cumulative impact with existing or approved renewable energy development” (of this report) is also relevant when considering this criteria. As established above, the site sits well in the countryside and though there

may be some perception of the site while walking along the public footpath the enhanced screening and naturally topography will virtually disguise the site from public view.

- 7.32 Environmental Health have also confirmed that the noise generated will be close to imperceptible, so that any user of the footpath will continue to enjoy tranquillity while using the public footpath.
- 7.33 As such, though there will be a change to this particular part of the countryside, the use is considered to be well contained with minimal impact. When balanced against the need for renewable energy the enjoyment of the countryside and the public right of way would not be so adversely impacted that the site warrants a recommendation for refusal.

### **Other Considerations**

#### Flood Risk

- 7.34 Paragraph 167 of the NPPF states that in determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Applications of over 1Ha in Flood Zone 1 (i.e. major development) should be accompanied by a Flood Risk Assessment.
- 7.35 Policy BN7 of the Joint Core Strategy and Policy ENV11 of the LPP2 requires development to provide satisfactory surface water drainage and incorporate mitigation identified through an assessment of flood risk.
- 7.36 The application site sits within Flood Zone 1, defined as having a 'low probability' of annual flooding.
- 7.37 Initially the Lead Local Flood Authority (LLFA) requested further information for a failure to provide a suitable SUDS Scheme. The applicant has provided a revised technical report which appears to show a well thought out SuDs scheme.
- 7.38 As the LLFA have yet to formally comment on the revised SUDS scheme it is felt that appropriate conditions can be included which will require the submission and approval of drainage scheme before the commencement of development.

#### Loss of Farmland

- 7.39 The applicant has produced an Agricultural Land Classification of the Site as 3b. In consultation Natural England confirmed that there is a distinct difference between 3a and 3b and they would not have "any issue with regards to Best and Most Versatile Soils".
- 7.40 As such the proposal would not see a reduction to Best and Most Versatile Soils which is in accordance with Policy R2 of LPP1.
- 7.41 Within the Agricultural Land Classification, a number of actions are considered to help with soil management. It is proposed to include these recommendations.
- 7.42 The applicant sets out that the land will be retained for the grazing of sheep, as grass will remain underneath and between the solar panels. As per the south of Greatworth

appeal, such a use is accepted but overall, there would be a decrease in the potential of the land under full stocking or cultivation levels.

- 7.43 Below the 'decommissioning' aspect of the scheme is addressed, with a condition included with regards to decommissioning process and this will include a soil management plan.

#### Decommissioning

- 7.44 Solar farms are 'temporary', with a proposed lifespan of 40 years. A condition is included within the recommendation for the removal and restoration of the site following the 40 year period and includes the submission of information for the decommissioning of the site within one year of its commencement.
- 7.45 The 'temporary' nature of the scheme is touted as a positive of the development and is advanced in the applicant's planning statement as weighing in favour of the scheme.
- 7.46 Within the appeal at south of Greatworthy the Inspector provided strong guidance with regards to a 40 year lifespan of a solar site:

*"Before concluding on this matter, it is necessary to consider the issue of the temporary status of the proposal. At a number of points in the submission of evidence on matters relating to landscape effects, as well as effects on agricultural land, reference was made to this being a temporary proposal and that the site would revert to its existing condition, or even an improved condition, at the end of that period.*

*68. However, 40 years is a considerable length of time during which peoples' experience of the development within the rural landscape or its role as part of the recreational resource would be altered. It was eloquently put to the Inquiry that for a teenager, the effects would be present throughout their adult life. The proposal may not be a permanent change but would reflect a very long-term change, and over such a period of time, there can be no guarantees on the future need for such energy sources or the pressures that might lead to re-powering or extending its life. Consequently, I would recommend that little weight is given to the aspect of the potential reversibility of the proposal in landscape or visual terms."*

- 7.47 As such officers give very limited weight to the potential reversibility of the proposal and consider it should be assessed as having a high degree of permanence.

#### Highways

- 7.48 As discussed by the Inspector in the south of Greathworth appeal, the operational requirements of a solar farm are minimal in terms of traffic movements, and while there would be HGV movements during construction, this would only be for a limited period.
- 7.49 The Local Highway Authority provide no object, with their suggested conditions included as part of this recommendation.
- 7.50 As such, no adverse Highway impacts are envisaged.

### Designing out Crime

- 7.51 The comments of the Designing out Crime officer are noted. Rural crime is a particular concern at solar farms, though the security of the solar farms can conflict with the aims of preserving and enhancing the landscape.
- 7.52 A condition is included that will see the submission of details for security measures, these can be commented on by both the Designing out Crime Officer and the Landscape Officer so that a suitable scheme can be proposed and brought forward that looks to retain security and retain the mitigatory screening.

### Public Comment and Objection

- 7.53 The majority of the public comments focus on the impact on the landscape and the effect the introduction of the solar panels on the surrounding countryside.
- 7.54 Following the advice of the landscape officer and having viewed the submitted LVIA it is officers view that the landscape impact is minimal and localised. With robust mitigatory planting it is felt that the scheme will be effectively screened.
- 7.55 In terms of impact on wildlife the scheme has been assessed as achieving a 100.05% biodiversity net gain, this is considered a considerable gain for the local wildlife.

## **8 FINANCIAL CONSIDERATIONS**

- 8.1 CIL is not payable for this development.
- 8.2 The Council's Low Carbon and Renewable Energy (Part 2) Supplementary Planning Document adopted in July 2013 advocates community gain from renewable energy projects, which could include contributions made under a s106 agreement. This has been largely superseded by amendments to the CIL regulations though, which only allow the Council to seek contributions where they are directly related to the development and necessary to make it acceptable in planning terms. Given the isolation of the proposed development and the fact it does not place direct or permanent pressure on local infrastructure or facilities, it is not considered that a contribution to community facilities or projects could be reasonably be sought under a s106 agreement.

## **9 PLANNING BALANCE AND CONCLUSION**

- 9.1 Each planning application will turn on its own merits, there is no absolute template that can be copied over from one development proposal to another. That being said the south of Greatworth appeal provides a very clear direction that the Council must consider when determining solar farm applications, this includes the weightings to be given to the benefits of a solar farm when assessed against the perceived harm that they cause.
- 9.2 In assessing this application your officers have considered the impacts of the development, including the local landscape, heritage and the natural environment. Though finding that there will be limited harm to the landscape character of the area it has been assessed that this limited harm is well mitigated and when balanced against the significant weight to be applied to the provision of solar farms it is felt that the limited

landscape harm is outweighed. This is in accordance with LPP2 ENV9, Spatial Objective 1 (Climate Change) of the West Northants Joint Core Strategy (LPP1) and Policies SA, S10 and S11 which set out a presumption in favour of sustainable development and principles for sustainable development to facilitate assessment of development proposals provided they are sensitively located and designed to minimise potential adverse impacts on people, the natural environment, biodiversity, historic assets and should mitigate pollution.

- 9.3 It is your officers view that the application should be approved and it is presented to you that the Assistant Director – Planning and Development be granted authorisation to approve any amendment(s) to conditions as deemed necessary.

## **10 CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The permission hereby granted, shall cease to have effect no later than 40 years from the date when electricity is first exported from any of the solar panels to the electricity grid ('First Export Date').

Written notification of the First Export Date shall be given to the local planning authority within 14 days of its occurrence.

Reason: To allow the restoration of the land to agricultural use following the cessation of the use of the site.

3. Within 12 months preceding the date of expiry of that part of the permission hereby granted for a temporary period, a scheme shall be submitted to the local planning authority for its written approval for the removal of the solar panels and associated equipment and the restoration of the site to agricultural use. The approved scheme of restoration shall then be fully implemented within the timescale set out in the scheme.

If any part of the solar array ceases to be used to generate electricity for a continuous period of 12 months, a scheme shall be submitted to the local planning authority for its written approval within 3 months from the end of the 12-month period, for the removal of the solar panel(s) and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall then be fully implemented within the timescale set out in the scheme.

Reason: To allow the restoration of the land to agricultural use following the cessation of the use of the site.

### Approved Plans

4. The development shall be carried out in complete accordance with the approved plans and details, subject to details required by Condition 13. The approved plans and details are:

Ecological Assessment ELizECO02244  
Solar Layout – 1172- FAWSLEY-001 Rev D



Construction Compound – ELGIN-75x75COMPOUNT-001 Rev A  
Substation – ELGIN-CUSTOMERSUB-001 REV A  
General Fence – ELGIN-FENCE-001 REV A  
Typical Inverter – ELGIN-INVERTER-001 REV A  
Solar Panel Sections – ELGIN-PANEL-001 REV A  
Site Location Plan – 1172-Fawsley-001 REVA  
Access Tracs – 001 A  
CCTV -001A CCTV Stations  
Agricultural Land Classification NP11843  
Nature Space GCN Mitigation Principle  
Nature Pace Best Practice Principles  
AIA – JSL488\_770\_V5  
HLEF82416 Flood Risk Assessment  
HLEF82416 Response

Reason: To ensure development is in accordance with the submitted drawings and to enable the Local Planning Authority to consider the impact of any changes to the approved plans.

5. No installed solar panels hereby approved shall exceed 3m above ground level.

Reason: To ensure a visual amenity and to accord with Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

6. The development hereby permitted shall be carried out in accordance with the recommendations, mitigation measures and enhancements set out in the Ecological Assessment ElizECO02244 (September 2022)

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

7. Notwithstanding the plans and details submitted with the application, no development shall take place until full details of the final locations, design and materials to be used for the panel array; inverters; control room; substation; power conversion systems; HVAC units; fencing and any other permanent infrastructure has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ENV1 of the Daventry Local Plan (Part 2).

8. No development shall take place (including demolition, ground works or vegetation clearance) until the site has been thoroughly checked by a suitably qualified ecologist to establish any changes in the presence, abundance and impact on protected species. The survey shall be undertaken no earlier than 2 months prior to the planned commencement of development. If the survey results identify a material change then the survey, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. No development shall take place (including demolition, ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include at a minimum:

- a) The parking of vehicles of site operatives and visitors;
- b) The routeing of HGVs to and from the site;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours;

The approved CEMP shall be adhered to throughout the construction period for the development.

Reason: Details are required prior to the commencement of development in the interests of safeguarding highway safety and residential amenity in accordance with Policies C2 and BN9 of the West Northamptonshire Joint Core Strategy 2014.

10. No development shall take place (including demolition, ground works or vegetation clearance) until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include as a minimum:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of 'Biodiversity Protection Zones';
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) A scheme for the control of pests

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

11. Notwithstanding the requirements of Condition 4, and the approved Site Layout and Landscape Illustrative Masterplan Rev E , no development shall take place (including demolition, ground works or vegetation clearance) until a detailed scheme for landscaping the site has been provided to and approved in writing by the local planning authority which shall include:-
- a) further details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc). All species used in the planting proposals associated with the development shall be native species of UK provenance;
  - b) further details of the existing trees and hedgerows to be retained or felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation; and
  - c) details of the hard landscaping including access tracks within the development.

Such details shall be provided prior to the development commencing. The approved scheme shall be implemented by the end of the first planting season following commencement of the development.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ENV1 of the Daventry Local Plan and Government guidance contained within the National Planning Policy Framework.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development, and shall be maintained for a period of ten years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent for any variation.

Reason : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policies ENV1 of the Daventry Local Plan and Government guidance contained within the National Planning Policy Framework.

13. No development shall take place (including demolition, ground works or vegetation clearance) until a Landscape and Ecology Management Plan (LEMP), which shall include full details of the proposed Green Infrastructure network within the Site, has been submitted to and approved in writing by the local planning authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason : To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

14. No development shall take place until a Biodiversity Management Plan (BMP), which accords with the agreed Biodiversity Net Gain calculations of not less than 100.05% habitat units and 11.51% hedgerow units, has been submitted to and approved in writing by the local planning authority.

The proposed Scheme shall include measures for the implementation and oversight of works and monitoring and reporting of the biodiversity in years 1, 3, 5, 10 and 15 following the first export date. The BMP shall be implemented as approved.

Should the expected biodiversity net gains not be achieved then a revised set of habitat retention, enhancement and creation measures shall be submitted to and approved in writing by the local planning authority. The amended measures shall be implemented and retained in accordance with the approved details.

Reason : To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

15. No development shall take place until the existing tree(s) to be retained have been protected in the following manner, unless otherwise previously agreed in writing by the local planning authority;
- a) Protective barriers shall be erected around the tree(s) to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multi-stemmed trees 10 times the trunk diameter just above the root flare.
  - b) The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.
  - c) The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment, machinery and surplus material has been removed from the site.
  - d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason : To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with ENV1 of the Daventry Local Plan and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

16. No development shall take place until an Arboricultural Scheme has been submitted to and approved in writing by the local planning authority as the Arboricultural Impact Assessment, (JSL4488\_770\_V4\_Arboricultural\_Impact\_Assessment\_Part 1, part 2 and part 3) which. Once approved, the Arboricultural Scheme shall be implemented as approved.

Reason : To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with ENV1 of the Daventry Local Plan and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

17. No development shall take place (including demolition, ground works or vegetation clearance) until a highway condition survey of construction traffic routes agreed with the Local Planning authority has been submitted to and approved in writing by the local planning authority.

Within 6 months of the end of the construction phase, a post-construction highways condition survey shall be provided to and approved in writing by the local planning authority. Should the condition survey identify any material changes in the highway condition directly resulting from the development, then the survey shall set out a scheme and timeframe for the remedy of such changes. The scheme shall be implemented as approved.

Reason: : To ensure the environment is protected during construction in accordance with Policy ENV1 of the Daventry Local Plan and Government guidance contained within the National Planning Policy Framework.

18. No development shall take place (including demolition, ground works or vegetation clearance) until a noise assessment that outlines the likely impact, and the measures necessary to ensure that the noise does not affect the local amenity has been submitted to and approved in writing by the local planning authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy

20. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- a) Approval of a Written Scheme of Investigation;
- b) Fieldwork in accordance with the agreed Written Scheme of Investigation;
- c) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
- d) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the local planning authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 205.

21. No development shall take place until a Soil Management Plan has been submitted to and approved in writing by the local planning authority. The Management Plan shall include, but not be limited to, details pertaining to soil management including consideration of the appropriate time of year for soil handling, planting beneath the panels and return to the former land quality as specified in the Agricultural Land Classification Report prepared by RPS Group (NP11843, March 2023). The Management Plan shall adhere to the guidance set out in the following documents:

- a) Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (September 2009)
- b) The British Society of Soil Science Working with Soil Guidance Note on Benefiting from Soil Management in Development and Construction or subsequent replacement versions.

The approved Soil Management Plan shall be implemented for the lifetime of the solar development.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policies ENV1 of the Daventry Local Plan and Government guidance contained within the National Planning Policy Framework

22. Notwithstanding the submitted drainage details, no works forming part of the development hereby permitted, other than access works, shall commence until detailed design drawings for the surface water drainage together with provision for the management of the approved systems have been submitted to, and approved in writing by the local planning authority.

The detailed designs should be in accordance with the approach set out Flood Risk Assessment (FRA) prepared by RPS in September 2022 (reference no. HLEF82416) and the letter dated 9 June 2023.

The approved surface water drainage systems shall be implemented in full prior to the development being first connected to the grid and shall be maintained in accordance with an approved maintenance management plan.

Reason : In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system.

23. If battery storage is introduced to the site Development of the battery storage compounds shall not commence until a Battery Safety Management Plan (BSMP) has been submitted to and approved in writing by the local planning authority. The BSMP must prescribe measures for safety during the construction, operation and decommissioning of the battery storage facility, including the transport of new, used and replacement cells both to and from the authorised development. The BSMP will be implemented as approved.

Reason: To ensure the safe operation of the site.

26. Prior to the development being brought into operation, further details shall be submitted to and approved in writing by the local planning authority regarding the proposed security system. This shall include:
- a) Details of the proposed security system specification and location;
  - b) Details of who will monitor security of the site and their proposed methods for responding to alerts.

Reason : In the interests of crime prevention and security and to comply with Policy ENV1 of the Daventry Local Plan (Part 2).

27. Prior to the development being brought into operation, details of signage and other available information around the site for the general public shall be submitted to and approved in writing by the local planning authority. This shall include, as a minimum, the size, location, and content of any signage to be installed. The approved details shall be implemented and maintained as approved.

Reason : To ensure the development is appropriately signed without detriment to the visual amenities of the surrounding area, in accordance with Policy ENV1 of the Daventry Local Plan (Part 2).

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), no CCTV cameras, fencing, outbuildings or other structures shall be erected (aside from those shown on the approved plans), without prior planning permission from the local planning authority.

Reason: to protect the character of the area and amenity in accordance with Policy ENV1 of the Daventry Local Plan (Part 2).

29. Prior to occupation, a scheme showing the provisions to be made for external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting is to be designed, installed and maintained so as to fully comply with the ILP Guidance for the Reduction of Obtrusive Light. The design shall satisfy criteria to limit obtrusive light presented in Table 2, page 8 of the guide, relating to Environmental Zone E2 Low district brightness areas-Rural, small village or relatively dark urban locations. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

30. 1. No part of the development hereby permitted shall take place until:



- (a) a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and
- (b) has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core Strategy and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

30. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

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