

Application Number: WND/2022/0243

Location: Land off Rugby Road, Kilsby

Development: Construction of Solar Farm to generate up to 13MW of energy, comprising ground mounted solar panels, internal access tracks, and other associated infrastructure including sub -station, control house, transformers, fencing, CCTV and landscape.

Applicant: Voltalia Ltd

Agent: Pegasus Group

Case Officer: Chuong Phillips

Ward: Braunston & Crick

Reason for Referral: Major Development

Committee Date: 20th March 2023

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO GRANT PLANNING PERMISSION FOR THE DEVELOPMENT SUBJECT TO PLANNING CONDITIONS.

Proposal

Construction of Solar Farm to generate up to 13MW of energy, comprising ground mounted solar panels, internal access tracks, and other associated infrastructure including sub -station, control house, transformers, fencing, CCTV and landscape

Consultations

There have been several rounds of consultation due to the submission of various revisions to the proposed plans and/ or additional information to address issues raised by consultees or otherwise arising during the consideration of the application. The following forms the latest and most up to date responses.

The following consultees raised **objections** or expressed concerns regarding the application:
Barby & Olney Parish Council
Canal & Rivers Trust

The following consultees raised **no objections**, subject to conditions/comments:
Warwickshire County Council
WNC Highways Officer

Natural England
WNC Ecology Advisor
WNC Archaeology
WNC Conservation & Listed Building Officer
WNC Landscape Officer
Rugby Borough Council
Environment Agency
WNC Lead Local Flood Authority
WNC Crime Prevention Design Advisor

The following consultees are **in support** of the application subject to conditions:

Kilsby Parish Council
WNC Environmental Health Officer

0 letters of objection and 0 letters of support were received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Development Plans and other relevant guidance as listed in detail within the report.

The key issues arising from the application details are:

- Renewable Energy Provision
- Landscape Impacts
- Heritage Impacts
- Ecology and Biodiversity
- Flooding
- Residential Amenity
- Highway Impacts
- Crime Prevention

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions to be agreed. In the context of the presumption in favour of sustainable development set out within the NPPF, it is considered that, on balance, the proposal would result in sustainable development. The application accords with the Development Plan for West Northamptonshire Council. It will deliver a balanced and sustainable development providing energy needs for up to 4000 homes per year and anticipated CO2 displacement of approximately 5590 tonnes per year.

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 20 hectare proposal site comprises four adjacent agricultural fields in open countryside to the north west of Kilsby, north of Barby and south east of Rugby. The majority of the site is relatively flat and low-lying in the surrounding landscape with the easternmost field rising up towards Nortoft Lane and this area of the site is more visible from the immediate surroundings than the lower lying parts of the site. The surrounding

area is predominantly agricultural. The mainline railway runs parallel with the site's north eastern edge and beyond this further to the north is the industrial development at DIRFT. The longest edge of the site runs alongside Rugby Road with a native hedgerow separating the site from the public highway. Native hedgerows also surround each of the four fields that make up the site and existing gaps in these hedges already facilitate vehicle access between the fields. There is an existing vehicle access and hardstanding leading onto the site off Rugby Road and this is situated roughly central along the sites northern edge.

- 1.2 The Oxford Canal walk is the nearest rural right of way to the site and this follows the alignment of the canal and Conservation Area – no rights of way traverse or border the proposal site itself. Rains Brook, a small tree lined watercourse, meanders around the west and southwest of the site, and Flood Zones 2 and 3 edge out from this watercourse up into the lower portion of the south western most field. However, the red line denoting the proposed area for the solar installation has been drawn to exclude that flood zone area, leaving the proposal site entirely in flood zone 1.
- 1.3 The nearest dwelling to the site is Croft Farm, directly opposite the site on the north side of Rugby Road. This dwelling is understood to have an association with the proposed solar farm so this may provide an explanation as to why concerns that would normally be expected from neighbouring residents have not been forthcoming from this property. The next nearest dwelling is Wharf Farmhouse, a listed building within Rugby Borough some 400m north west of the site along Rugby Road.
- 1.4 The designated heritage assets that exist in the vicinity of the site are: grade II listed Wharf Farmhouse and the Canal Conservation Area, a linear conservation area that runs NE to SW along the canal some 140m from the site's western boundary. Two local nature reserves lie within the vicinity being Linnell Road (2.5km) and Ashlawn Cuttings (2.7km). A Local Wildlife Site sited along the Oxford Canal lies approximately 130m north west of the site at its nearest point.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The proposed solar park occupy the majority of land within all four of the fields. Long rows of solar panels would be mounted across the fields from east-to west on angled tables positioned to face south. Arranged at a 25 degree angle and at their highest point the panels would be up to 2.7m metres above ground level and the lower part of the panel would be 0.7 metres above ground level. It is proposed that sheep would graze around and beneath the panels as a means of managing the grass levels. The posts to support the arrays would be driven down to 1.5m depth and the cabling would be concealed in trenches. A new 2.0 metre high stock-proof fence is proposed to secure the fields that accommodate the arrays and a scheme of CCTV is proposed. A package of landscape and ecological benefits are proposed together with the bolstering of hedgerow and tree planting. The lifetime of the development is expected to be 35 years after which the modules would be decommissioned and removed from site. Details of buildings, structures and cabinets to house the associated equipment and utilities that would support the solar installation have been submitted and are indicated to be sited adjacent the northern boundary and vary between 3-4m in height, approximately 2.8-4m in depth and 6m at the widest point.
- 2.2 The following documents have been submitted in support of the application:
 - Planning Statement
 - Design and Access Statement
 - Arboricultural Impact Assessment
 - Landscape and Visual Impact Assessment (LVIA)

- Ecological Impact Assessment
- Landscape & Ecological Management Plan
- Heritage Assessment
- Flood Risk Assessment
- Construction Traffic Management Plan

3. RELEVANT PLANNING HISTORY

3.1. There is no planning history directly associated with the land.

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.

Development Plan

4.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the former Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029; the Daventry District Local Plan (Part 2) which was adopted by the former Daventry District Council in February 2020; and any adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

4.3. The relevant policies of the LPP1 are:

- SA – Presumption in favour of Development
- S1 - Distribution of Development
- S7 - Provision of Jobs
- S10 - Sustainable Development Principles
- S11 - Low Carbon and Renewable Energy
- BN2 - Biodiversity:
- BN5 - Historic Environment and Landscape
- BN7 - Flood Risk
- R2 – Rural Economy

Daventry District Local Plan (Part 2) (LPP2)

4.4. The relevant policies of the LPP2 are:

- SP1 -Daventry District Spatial
- ENV1 -Landscape
- ENV5 – Biodiversity
- ENV9 – Renewable Energy
- ENV10 - Design

- ENV11 – Local Flood Risk Management

Material Considerations

4.5 Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF), revised July 2021:
- Planning Practice Guidance (PPG)
 - Determining a planning application
 - Flood Risk
 - Historic Environment
 - Natural Environment
 - Renewable and low carbon energy.
- Supplementary Planning Guidance:
 - Daventry Landscape Character Assessment 2017
 - Biodiversity Supplementary Planning Document, May 2017 (DDC)
 - Energy & Development Supplementary Planning Document, March 2007 (DDC)
 - Climate Change Act 2008 & Amendment 2019
 - Northamptonshire Climate Change Strategy
 - Government Energy White Paper “Powering our Net Zero Future” Dec 2020

5. RESPONSE TO CONSULTATION

5.1 Below is a summary of the consultation replies received at the time of writing this report. There have been several rounds of consultation, in response to amended plans and earlier consultations. The responses form the most up to date responses on the plans and information to be considered by members in determining the application.

Consultee Name	Position	Comment
Kilsby Parish Council	No objection	Approve the principle as realistic proposal for sustainability but regrettable that a brown field site could not be found. The PC feel there are mitigating features in terms of continued partial grazing use and measures to improve biodiversity, as well as landscape and screening measures and it is essential that these are carried out. The construction phase as planned will incur significant extra traffic on what is already a busy road and the main link between Kilsby and Rugby and measures as described to control and mitigate this, and particular to avoid LGV traffic through Kilsby must be maintained. This narrow single carriageway road is at present

		signed as not accepting vehicles over 7.5 tons and will be vulnerable to damage.
Barby & Onley Parish Council	Object	Object to this application due to concerns regarding the visual impact on the landscape and concerns regarding traffic.
WNC Environmental Health Officer	Support	<p>Support the application subject to following condition being imposed: Details of the inverter equipment that will be installed at the site shall be submitted to, and for, the prior approved by the Local Planning Authority before any development commences. Details shall include the full inverter equipment acoustic specifications, locations where these will be installed and evidence to demonstrate that the units will achieve the noise limit as specified in condition. Only the approved inverter models shall be installed and retained on site and these will be serviced and maintained in accordance with the manufacturers instruction in order to ensure that they operate at the operate sound power output level. Reason : To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policy B9</p> <p>The rating level of noise emitted from inverter equipment installed at the site in accordance with [condition1] shall not exceed an $L_{Aeq(T)} 35$ dB(A). The noise levels shall be determined at the nearest noise sensitive properties. The measurements and assessment shall be made according to BS 4142:2014+A1:2019 Method for Rating Industrial Noise Affecting Mixed Industrial and Residential Areas. Reason : To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policy BN9.</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>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</p>

		<p>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.</p> <p>Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.</p> <p>Structures of this type have the potential to harbour vermin and the applicant should detail management techniques to prevent this.</p> <p>Before the first use of the development a scheme for the prevention and treatment of rodent infestations shall be submitted to the Planning Authority for approval. Once approved, the scheme shall be implemented and maintained in the approved state.</p> <p>Reason: to reduce the likelihood of rodent infestation that may affect amenity and public health.</p> <p>Lastly, I ask you consider imposing the following conditions to protect local residents from the impacts of construction:</p> <p>Vehicles, including delivery vehicles, must not park outside the development site at any time of the day or night unless specifically agreed in writing with the Local Planning Authority. Vehicles must enter the site immediately and must leave the site in a safe and controlled manner. The public highway shall not be used as a holding area for deliveries. There shall be no contractor parking on the public highway at any time.</p> <p>Reason: In the interests of safeguarding highway safety, safeguarding residential amenity and reducing pollution in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy 2014.</p> <p>Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc. deposited on the road as a result of the development must be removed immediately by the operator/contractor.</p>
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WNC Highways	No Objection	<p>The applicant has demonstrated that the available visibility at the site conforms to minimum standards. Prior to any construction works a plan illustrating the upgrade of the site access to a heavy duty commercial type crossover and hard bound surfacing into the site for the length of 15.4m shall be submitted and approved by the LPA. Any gates across the access must similarly be set back to allow vehicles to pull fully off the carriageway. The access must be fully constructed prior to the commencement of construction works in the interests of highway safety</p>
Warwickshire County Council	No objection	<p>Based on assessment and appraisal of the development proposal and the submitted Construction Traffic Management Plan it is unclear why high vehicles would be re-routed via Rugby Town Centre. It is advised that the Ashlawn Road would suffice for the purpose and given the relatively low number of vehicle movements anticipated per day, it is not considered this would lead to severe detriment to the safe and efficient operation of the highway. It is therefore advised that the following condition be imposed. Notwithstanding the approved documents, no construction shall be undertaken</p>

		<p>until a CTMP which should contain an HGV routing plan is submitted and approved by the LPA and LHA and implemented as approved.</p>
<p>WNC Landscape Officer</p>	<p>No objection</p>	<p>Following the meeting on site with the applicant's representatives and walk around I can confirm that the site is fairly well enclosed by a strong hedgerow network. The panels have been set back from the hedgerows to generally allow for the potential impact of shadow with significant setback provided along the western side of the site nearest to Rains Brook and the canal to the north west.</p> <p>In addition when walking along the towpath of the Canal to the immediate north west views are generally well screened by hedgerows and a stand of canal side trees as well as the vegetation associated with Rains Brook.</p> <p>I suggested on site there would be an opportunity potentially to create small copses adjacent to Rains Brook in corners of the field to add to the tree provision on site which in character terms is appropriate for the area but the ecologist had reservations as the open space provided at the western end of the site was specifically designed for the ideal open space for skylarks which could be impacted by the addition of copses. There was though the proposal to add trees along the boundary/hedge to Rains Brook.</p> <p>Given the generally flat site, provision for the retention of the existing hedgerows and trees that generally screen the site, with the potential for additional trees along Rains Brook I confirm I have no landscape objections.</p>
<p>WNC Listed Building and Conservation Officer</p>	<p>No objection.</p>	<p>From my own assessment of the existing character and condition of the site, including views from and towards the canal, and of the proposed siting and layout of the solar panel arrays and associated infrastructure and the proposed landscaping measures which seek to mitigate the impact of the development, I am satisfied that there would be no material harm to the setting of the designated heritage asset.</p> <p>The existing hedgerows offer effective enclosure of the site. Retention, reinforcement and management of these features, together with the proposed tree planting and creation of grassland buffers at the edge of the application site, would largely screen the development from the</p>

		<p>conservation area. Where glimpses would be possible they are unlikely to have a harmful impact (noting that the height of the pole mounted CCTV was going to be reduced from what was shown on the submitted drawings – as discussed with the applicants/agents on site).</p> <p>No heritage objections.</p>
Canal & Rivers Trust	Object	<p>The solar panels will be highly visual intrusions in the landscape due to the scale and location of the site and will be readily visible to those using the waterway and the towpath. Further landscaping is necessary and further information provided to allow better understanding of the impact of the proposal on the water way corridor and the Canal Conservation Area.</p> <p>The area is flat with no locks, and its dominant characteristic is that of open fields, put to arable use for many centuries, confirmed by evidence of the Medieval ridge and furrow undulations still residual around the site. This usage is a continuous narrative up to the present day. The canal conservation area is linear, though it does pass through differing environments, however at this stretch, the quality or character of open agricultural fields is its main setting and thus significance. This bucolic backdrop would be lost to some degree</p> <p>The Heritage Statement (HS), p.30 para 6.17 states: 'the current agricultural nature of the proposed development site is not considered to form part of the Grand Union Canal Conservation Area's setting which contributes towards its heritage significance'. The Canal & River Trust do not agree with that conclusion, the agricultural landscape has been the canal's setting for hundreds of years. If anything, the canal cut through the countryside disturbing it, however, there has been little-to-no further development since. The towpath is still very natural, little has changed scene-wise in over 200:years. On this stretch, the open, unspoilt nature of the canal CA is part of its unique character.</p> <p>Paragraph 197 of the NPPF states that the LPA should take account of 'c) the desirability of new development making a positive contribution to local character and distinctiveness'. Whilst the solar farm is not physically encroaching or enclosing the canal and CA, it will visibly occupy</p>

		<p>existing open views and land in wider views in and out of the conservation area.</p> <p>Although, the panels would be set further back into the site, away from the redline boundary, there is little in terms of vegetation to screen them. The proposed would not preserve the ongoing use of open agricultural land since the Middle Ages (the setting), and neither would the wider area be enhanced with the proposed installation.</p> <p>The applicant deems the proposal as 'no harm' (HS, p.30, para 6.20 and in their conclusion para 8.4), but there will be obvious deleterious change. Whilst there is a presumption in favour of development, the harm to the conservation area should be properly acknowledged.</p> <p>We ask that the Council Conservation Officer considers whether the Heritage Assessment suitably considers the impact of the proposal on the canal corridor.</p> <p>LVIA</p> <p>The LVIA mostly deals with the canal corridor through view one, identifying the oxford canal walk sensitivity as high as base line. The LVIA does not adequately consider views from the canal corridor as just this single viewpoint, is insufficient to quantify the effect of the proposal on the canal conservation area. The viewpoint is very narrow and the closest to the canal. Due to the current openness, as seen in view 1, the Trust do not agree that the magnitude of change would be low, or that the scale of visual effect would be moderate adverse, lowering to moderate negligible. The solar farm is large scale, each panel nearly 3m high, which will have a harsh cumulative visual impact alien in character to the base line views of open rural countryside.</p> <p>Boats using the canal, as well as towpath users will see the site in much wider views elsewhere, due to the nature of the open, flat, countryside, particularly as the site rises away from the canal. Due to the slow-moving nature of these users the effect will last a relatively long time. The existing hedging and vegetation is not particularly dense along the towpath north of Thornfield Bridge.</p> <p>Additional viewpoints should be taken from the accommodation bridge (Bridge No.75, Thornfield</p>
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		<p>Bridge) as in that location the canal views open towards the site. This will allow a more accurate understanding of the impact of the proposal on the canal corridor, its users, and the CA.</p> <p>Although the existing boundary hedgerows are to be retained, and some new trees are proposed, the landscape plan does not go far enough. Additional screening in the form of a wider planted belt of native hedgerow trees is necessary to mitigate the visual harm of the proposal on the setting of the Conservation Area.</p> <p>An additional viewpoint should be taken from the accommodation bridge (Bridge No.75, Thornfield Bridge) as in that location the canal views open towards the site. This will allow a more accurate understanding of the impact of the proposal on the canal corridor, its users, and the CA.</p> <p>The Trust requests that more landscaping be provided as well as additional canal viewpoints as outlined above.</p>
WNC Archaeology	No objection	<p>The geophysical survey shows primarily agricultural activity of relatively recent date within the site. There is limited potential for features which have not been detected by the geophysics to be present, but I am now satisfied that this can be addressed by use of a suitable condition for archaeological work. The work should comprise trial trenching in the first instance, concentrating on the areas of greatest impact (compounds, tracks, cable runs and transformers), followed by further investigation if needed. I will of course be happy to provide a brief for the trenching and for any further works.</p> <p>A condition for a programme of work should be used: No development shall take place until the applicant 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 by the Planning Authority.</p> <p>This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:</p>

		<p>(i) fieldwork in accordance with the agreed written scheme of investigation;</p> <p>(ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);</p> <p>(iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion 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.</p> <p>Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 205.</p>
Rugby Borough Council	No objection	As a neighbouring planning authority Rugby Borough Council has no objection to the principle of the proposal. However, impacts on the landscape and visual amenity of the area need to be carefully considered. It is noted that existing hedgerows are to be retained and reinforced and additional hedgerow planting and landscaping is to be provided. This should be secured by conditions to reduce the impact on visual amenity and support biodiversity.
Environment Agency	No objection	The findings of the FRA confirm that whilst the red line boundary of the site falls within Flood Zones 1, 2 and 3 at low, medium and high risk of flooding respectively. The proposed development area lies within Flood Zone 1 at low risk. We therefore have no fluvial flood risk objections to the proposal as submitted.
WNC Lead Local Flood Authority	No objection	<p>Sufficient information has been submitted and there are no objections to proposal subject to imposition of the following conditions:</p> <p>Before any above ground works commence full details of the ridge and furrow swales to be constructed across the site are to 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.</p> <p>Reason: To prevent the increased risk of flooding, both on and off site, by ensuring the</p>

		<p>satisfactory means of surface water attenuation and discharge from the site.</p> <p>Condition: 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.</p> <p>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.</p> <p>A site plan including access points, maintenance access easements and outfalls.</p> <p>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.</p> <p>Details of expected design life of all assets with a schedule of when replacement assets may be required.</p> <p>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.</p> <p>Condition: No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment, document reference: 20008/02 prepared by Clive Onions, on the 24th June 2021 has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority The details shall include:</p> <ul style="list-style-type: none"> a) Any departure from the agreed design is keeping with the approved principles b) Any As-Built Drawings and accompanying photos <p>Reason: To ensure the installed Surface Water Drainage System is satisfactory and in</p>
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		accordance with the approved reports for the development site.
Natural England	No objection	<p>We consider that without securing the mitigation measures there would be a negative impact on the protected species within the site. Conditions should be imposed as follows:</p> <p>Provision of Construction Environment Management Plan</p> <p>Prior to commencement of development appropriate licences for protected species shall be obtained and provided to the Local Planning Authority</p>
WNC Ecological Advisor	No objection	<p>Having reviewed the ecological survey the range of potentials warrants a full Construction Environment Management Plan. Please condition the following:</p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.</p> <ul style="list-style-type: none"> 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. <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>The proposed species mixes are fine and I would suggest conditioning the Landscape Strategy dwg P19-3186_08 rev C. The LEMP submitted with the application documents is robust and includes the details I would want to</p>

		<p>see anyway so I'd be happy for it to be conditioned for compliance:</p> <p>All ecological measures and/or works shall be carried out in accordance with the details contained in 'Landscape and Ecological Management Plan, Rainsbrook Solar Farm, Rugby, Northamptonshire' by Clarkson & Woods Ecological Consultants and dated March 2022 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.</p>
Crime Prevention Design Advisor	No objection	<p>I am pleased to note the inclusion of a Crime Impact Assessment in the accompanying paperwork and the CCTV proposed by the applicant to protect the site perimeter. The applicant cites the 'low level of recorded crime' in the location to justify the crime prevention measures proposed. As currently there is nothing other than fields in the location it is hardly likely to be a high crime area although the construction of a solar farm might well change that. Solar farms are attractive to thieves for both the panels and the cabling and therefore any 'deer fencing' should always be supplemented by a CCTV system as is proposed. CCTV by itself is no deterrent to crime and therefore please condition monitoring and activation response of the CCTV scheme.</p>

6. RESPONSE TO PUBLICITY

- 6.1 There have been no third party and neighbour responses received at the time of report writing.

7. APPRAISAL

MAIN ISSUES

- 7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case constitutes the Settlements and Countryside Local Plan part 2 (SCLP) and the West Northamptonshire Joint Core Strategy (JCS). Other material consideration has been listed above.
- 7.2 Renewable Energy Provision
JCS Policy S10, Sustainable Development Principles, sets out a number of criteria that all development should achieve, most of which relate to residential development, but criterion g) and i) are applicable to the current proposal.
- 7.3 JCS Policy S11, Low Carbon and Renewable Energy, sets out that proposals should be sensitively located and designed to minimise potential adverse impacts on people, the natural environment, biodiversity, historic assets and should mitigate pollution.

- 7.4 SCLP Policy ENV9, Renewable Energy, sets out specific support for renewable energy development where it can be demonstrated that, with mitigation, there will be no adverse impact on:
- i) Form, character and setting of an existing settlement
 - ii) Heritage assets, in particular views important to their setting
 - iii) Biodiversity and ecology
 - iv) The landscape, including cumulative impact with other renewable projects
 - v) Residential amenity and
 - vi) Enjoyment of the open countryside including public rights of way
- 7.5 As material consideration NPPF paragraph 158 advises when determining 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 green house gas emissions and;
 - b) Approve the development if its impacts are (or can be made) acceptable.
- 7.6 JCS policy R2 relates to the rural economy and at criterion (b) it allows for small scale farm diversification that contributes to the viability of farm holdings
- 7.7 The proposal would not entirely accord with this policy as the solar farm proposal cannot really be said to be small scale. However, this proposal can be regarded as a farm diversification scheme as it is being pursued to improve the ongoing viability of the farm holding.
- 7.8 The proposed development would help to maximise the generation of energy needs from renewable sources by virtue of its use as a solar park. There is an intention to continue agricultural use (sheep grazing) alongside the solar proposal, and the site would be fully restored to agricultural use after 35 years.
- 7.9 Having regard to the above Development Plan policies and material consideration, the principle of such development is deemed acceptable. However, the necessity to address the impacts of the proposal is not obviated and the remainder of this report seeks to discuss whether this specific scheme may be supported having regard to the impacts and proposed mitigation measures.
- 7.10 Landscape Impacts
SCLP policy ENV1 looks more specifically at Landscape and sets out the need for larger applications to be supported by a Landscape Visual Impact Assessment (LVIA) to demonstrate impacts on the landscape.
- 7.11 The policy advises that the cumulative impact of development proposals on the quality of the landscape should be considered and where appropriate, applicants will be expected to demonstrate that their proposal:
- i. Respects the local distinctiveness and historic character of the particular landscape character area in which it is located; and
 - ii. Respects existing patterns of development and distinctive features that make a positive contribution to the character, history or setting of a settlement or area such as key buildings, village skylines and ridgelines; and
 - iii. Avoids creating hard developed edges to the open countryside; and
 - iv. Avoids physical and visual coalescence between settlements; and
 - v. Enhances and restores landscape features where the opportunity arises; and

- vi. Incorporates mitigation measures to integrate development into its surroundings and enhance or restore the local landscape.
- 7.12 Proposals that would cause landscape harm will be required to demonstrate that the harm can be successfully mitigated through an appropriate landscape treatment in keeping with the landscape character area.
- 7.13 Provision should also be made for the long term management and maintenance (minimum of five years) of new landscape proposals to ensure their establishment.
- 7.14 These objectives are reinforced by NPPF paragraph 174 which advises that planning decisions should protect and enhance valued landscapes alongside recognising the intrinsic character and beauty of the countryside and the benefits of trees and woodland.
- 7.15 A Landscape Visual Impact Assessment (LVIA) has been submitted in support of the application and sought to:
- Identify, evaluate and describe the current landscape character of the area and its surroundings, and also notable landscape elements and features within the site
 - Determine the sensitivity of the landscape to the type of development proposed
 - Identify potential visual receptors and evaluate their sensitivity to the type of changes proposed
 - Identify and describe any effects of the development in so far as they affect the landscape and/ or views of it and to evaluate the magnitude of the change due to these effects and
 - Determine the degree of both landscape and visual effects.
- 7.16 Whilst the site lies within the open countryside there are no statutory or non statutory landscape designations which fall within the site or immediately adjoin the site. The LVIA correctly identifies the site as being within LCA 19b Vale of Rugby which is part of the LCT 19 Broad Unwooded Vale character type.
- 7.17 The key character features of these areas are described as:
- Extensive landscape defining the western boundary of the county
 - Expansive long distance, panoramic views across open vale landscapes
 - Landscape drained by numerous small watercourses that flow within shallow undulations to rivers and streams on the county boundary
 - Minor undulations that occur gain prominence in an otherwise broad, flat landscape
 - Woodland cover extremely limited with tree cover confined mainly to hedgerow trees and overgrown hedgerows that line field boundaries, watercourse, canals, railways and major roads. These provide localised enclosure.
 - Productive arable and pastoral farmland in generally equal proportions in fields of varying size.
 - Hedgerows low level and generally well maintained.
 - Sparsely settled within small villages and isolated farms and dwellings prevalent
 - Large urban areas evident in distant views
 - Significant communication routes evident including motorways and major A roads.
 - The overriding character is that of broad, expansive flat or gently sloping agrarian landscape with limited settlement and generally quiet rural punctuated by warehouse

development (DIRFT) and the main road network.

- 7.18 The landscape strategy for these character areas specifies that although woodland cover across the landscape type is low, the pattern of tree lines along watercourse, canal and roads are important local features. This pattern of tree cover should be conserved and enhanced where possible. The hedgerow network should also be retained and enhanced to strengthen their visual contribution to the landscape and biodiversity value. The strategy advises that landscape mitigation should avoid largescale woodland blocks as a means of screening development but should utilise small scale copses, hedgerows, and trees to break up and filter scale and mass of developments.
- 7.19 The proposed development would not require the significant loss of trees, groups or hedgerow. Hedgerow loss would be limited to facilitate construction works and would be infilled and reinforced post construction. Temporary construction compound and internal access routes have been located near the existing site access to minimise visual intrusion.
- 7.20 The internal access tracks have sought to utilise existing gateways and farm tracks where possible to minimise the need for localised hedgerow removal.
- 7.21 Opportunities to enhance the local landscape character has been set out within the Landscape Strategy and Landscape and Ecology Management Plan. These allow for infill planting of hedgerow with local native species and implementation of and management of existing hedgerows as well as grasslands beneath the proposed panels. All hedgerows are indicated to be reinforced and maintained at a height of no less than 3.0m from the ground level and no less than 3.0m from the highway level where the hedgerow adjoins or is adjacent the highway boundary.
- 7.22 To assist with the understanding the potential visibility of the development from the surrounding landscape, a Screened Zone of Theoretical Visibility (SZTV) model was created with worst case being considered. This being that all panel heights are 3.0 above ground levels and each site of land being fully occupied by the panels. The actual height is a maximum 2.7 above ground level and given the spacing between panel rows as well as site boundaries the actual land take for the solar panels would be proportionally smaller.
- 7.23 A series of publicly accessible views from the area surrounding the site have been assessed. Whilst this exercise does not and cannot cover every possible view, it does provide a range of range of receptor types at varying distances and orientations of the application site.
- 7.24 The LVIA identifies 9 viewpoints and in particular public view points from roads, public rights of way and other areas of open public access have been selected since they tend to have higher incidence of receptors.
- 7.25 The viewpoints considered are as follows:
Viewpoint 1: From the Oxford Canal Walk
The Oxford Canal (Conservation Area) and adjoining towpath (long distance footpath – Oxford Canal Walk) runs broadly southwest from Kilsby Lane to Barby Lane. The path runs along the northern edge of the Canal with occasional scrubby bushes visible on either side. This section of the footpath is relatively open; further south the vegetation becomes much higher and denser, preventing views south. Tarry's bridge carries Kilsby Lane/ Rugby Road over the Canal. A hedgerow runs along Rugby Road and the northeast edge of the Site. The road flattens out along the two north

eastern fields and begins to rise to the southeast; there is a partial view of this field to the left of the green agricultural building in the view. The south western field is obscured by the building and intervening hedgerows.

- 7.26 There would be some change in the view caused by development within the northern field, in the mid ground of the view. There may be a glimpsed, partial view of construction associated with the development within the northern field and most southern field which slopes up towards Nortoft Lane in the distance.
- 7.27 Viewpoint 2: From Rugby Road (B4038), looking south west
Rugby Road (B4038) runs broadly south east from Kilsby Lane to Kilsby itself. Rugby Road runs along the north eastern edge of the Site and sits at a higher elevation approximately 1m higher than the Site. As a result, the Sites boundary hedge is planted lower than the road allowing views into the Site where the hedge is managed at a lower height. Road users experience occasional, transient oblique views towards the Site. Croft Farm is the only property along this section of Road; the boundary vegetation of which is visible within the view. The house itself is set back from the road and has ground and first floor views across the Site.
- 7.28 Due to the direct nature of the views along the road there would be change in the view that has a defining influence on the overall view during construction. There would initially be a high magnitude of change during construction which would result in a major adverse effect for road users. However, with the reinforced planting at the highway level of no less than 3m, the change would be significantly reduced over time.
- 7.29 Viewpoint 3: Nortoft Lane, looking north west
Nortoft Lane runs broadly southwest from Crick Road (A428) to Barby. Views from the road towards the Site area limited to field entrances and other gaps in hedgerows. This view is close to the southeast corner of the Site from a field gateway. The most southern field which slopes up to Nortoft Road is obscured from view by intervening mature hedgerows. There is a partial view of most western field of the Site and southern boundary in the mid-ground. Beyond, the land rises towards Hillmorton.
- 7.30 There would be some change in the view caused by development within the western field, in the mid ground of the view. The change would be negligible owing to maturing existing planting managed up to 3m along the southern edge of the proposed solar development.
- 7.31 Viewpoint 4: From Nortoft Lane, looking north west
Nortoft Lane runs broadly southwest from Crick Road (A428) to Barby. Views from the road towards the Site area limited to field entrances and other gaps in hedgerows. This view is from a field gateway, north of the crossroad of Nortoft Road and Rugby Road. Looking west there is a partial view of the most southern field which slopes up to Nortoft Road. Beyond the land rises towards Hillmorton.
- 7.32 There would be some change in the view caused by development within the southern field, in the mid ground of the view. The change would be negligible at year 15 owing to maturing existing planting managed up to 3m along the eastern edge of the proposed solar development.
- 7.33 Viewpoint 5: From Barby Nortoft footpath NN/EW/8, looking west
PRoW NN/EW/8 runs broadly south east from Nortoft Lane, through Nortoft Farm to the A5. Views from this elevated position towards the Site are obscured by intervening topography around Rugby Road. However, trees along the boundary of

the southern field of the Site are visible but the Site itself is not. Hillmorton rises in the background of the view. The railway line is visible in the mid ground of the view. The view is predominantly rural in nature with few built features.

- 7.34 There may be a glimpsed temporary view of higher-level construction works. However, from this distance any change to the view would be negligible.
- 7.35 Viewpoint 6: From Kilsby footpath NN/EW/7, looking north. PRow NN/EW/7 runs broadly south west from Rugby Road at the edge of Kilsby to Rains Brook. Views from this elevated position towards the Site are obscured by intervening topography around Rugby Road and intervening mature trees. The Site is not visible; trees around the southern field may be present within the view however it is difficult to distinguish them. Hillmorton rises in the background of the view. The view is predominantly rural in nature with few built features.
- 7.36 There would be no obvious change to the view during construction, resulting in a negligible change over the lifetime of the development.
- 7.37 Viewpoint 7: From Barby Lane, looking north east
Barby Road runs broadly south east descending from Hillmorton and rising to Barby; the view is from the relatively flat area in between. The Site is not visible, obscured by the overlapping of trees and hedgerows across the flatter fields. Mature trees along the south eastern edge of the Site may be present within the view however it is difficult to distinguish them. Kilsby rises in the background of the view. The view is predominantly rural in nature with few built features
- 7.38 There would be no obvious change to the view during construction, resulting negligible magnitude of change over the lifetime of the development.
- 7.39 Viewpoint 8: From Hillmorton bridleway RB28, looking south east.
Bridleway RB28 descends south from the edge of Hillmorton to Rains Brook. Shrubs line the northern part of the route with views of the Site available from gaps in vegetation. From this elevation the three eastern fields of the Site are visible, the most southern of which is clearly visible due to the sloping ground. Kilsby sits at the top of the hill beyond the Site. The view is also representative of views along the southern edge of Hillmorton which sits high on the valley edge, including residents, school users and visitors to the Crematorium and Cemetery which is visible from elevated views south of the Site.
- 7.40 During construction there would be some change in the view caused by development within the Site and predominantly the southern field, the extent of which is visible in the view, rising towards Nortoft Lane. The resulting magnitude of change would be reduced owing to management of hedgerow H6 (up to 5m) to help screen the lower slope.
- 7.41 Viewpoint 9: From Barby bridleway NN/EC/5 looking north east
Bridleway NN/EC/5 rises southeast from Onley Lane to the top of Barby Hill. Views from the lower part of the bridleway are open to the north east, towards the Site. Hedgerows line the southern part of the route at a higher elevation. The Site is not clearly visible due to intervening trees and hedgerows. Trees along the eastern edge of the Site may be present within the view however it is difficult to distinguish them. Hillmorton rises in the background of the view. The view illustrates the mix of rural and urban features including wind farms and industrial buildings at DIRFT.
- 7.42 There would be no obvious change to the view during construction, resulting in a

negligible magnitude of change over the lifetime of the development.

- 7.43 Overall, the site lies within an area of relatively flat, agricultural landscape, characterised by the Oxford Canal, within the broadly flat 'Broad Unwooded Vale' and 'Rugby Vale'.
- 7.44 Hedgerows are generally low and woodland scarce, with vegetation along the Oxford Canal and Rains Brook. The topography, as the 'vale' landscape would suggest, is broadly flat, sloping broadly to the southeast around Kilsby and northwest around Hillmorton. The development would not result in the permanent loss of agricultural land. Agricultural activities such as sheep grazing are expected to coincide with the operation of the solar farm and following cessation of use, the land will be returned to full agricultural use.
- 7.45 The effect of the proposed development on the 'vale' character would be minor. It is concluded that the proposed development would have limited harm on the existing positive landscape elements associated with the Application Site including, topography, land use/ground cover, trees, and hedgerows. The existing landform of the Application Site would remain largely unchanged except possibly at a localised level during the construction and decommissioning period.
- 7.46 The proposed development would not require the loss of significant trees, groups or hedgerow. Hedgerow loss would be limited to facilitate construction works which may cause adverse effects. Proposals include infill of boundary hedgerows, which would reinforce and enhance landscape elements.
- 7.47 Opportunities to enhance the local distinctiveness, character and biodiversity of the area have been introduced as part of the proposed mitigation measures and are outlined within the LEMP which accompanies the application. These will allow for the infill planting of hedgerow with local native species and implementation and management of existing hedgerows and grassland beneath the panels.
- 7.48 Whilst the panels would be visible in the immediate vicinity of the site, it is not considered that their introduction into this landscape would have unacceptable adverse landscape and visual impact to such a degree that would weigh significantly against the application.
- 7.49 The site and surrounding land is mostly flat which prevents far reaching views. The LVIA assessment demonstrated that the actual area that the proposed development would be visible from is considerably smaller than that identified by the SZTV.
- 7.50 The visual assessment shows that visibility would be restricted by a combination of the landform, distance from the Application Site and the enclosure provided by intervening vegetation.
- 7.51 The site is located away from any dense setting of residential properties, generally limiting significant visual impact locally on residential amenity. Residents of Croft Farm, along Rugby Road, may experience some visual effect due to the direct nature of views.
- 7.52 Potential mitigation of views from elevated areas northwest of the Site (edge of Hillmorton) may be less effective during winter months when vegetation is out of leaf increasing visibility due to the topography of the site and elevation of views resulting in a moderate effect on high sensitivity receptors, however over time with maturing proposed mitigation and management of hedgerow H6 up to 5m, this effect may be

reduced further.

- 7.53 Effects on users of footpaths in the wider area such as Barby Nortoft footpath NN/EW/8, looking west, Barby bridleway NN/EC/5 looking north east, and Kilsby footpath NN/EW/7, looking north would generally be negligible.
- 7.54 The Oxford Canal towpath (long distance footpath – Oxford Canal Walk) runs along the northern edge of the Canal with occasional scrubby bushes visible on either side. There is a partial view of the Site, however most of it is screened by intervening vegetation. Implementation of mitigation (management of hedgerows) would result in a moderate to negligible effect, dependent on where along the path the viewer is.
- 7.55 Due to the direct nature of views from Rugby Road there are predicted minor effects. However, this may be reduced by the implemented mitigation measures.
- 7.56 Views of the Site from elevated Nortoft Lane to the south of the Site would be limited to glimpsed views of minor to negligible effect.
- 7.57 It is accepted that some views will occur, but the benefits of the scheme must be weighed against any perceived negative impact. The assessment of viewpoints demonstrates that long-term effects would be predominantly limited to views from Croft Farm, Rugby Road, the Canal towpath, and the edge of Hillmorton.
- 7.58 Following an extensive walk of the site and surrounding area including consideration of the LVIA viewpoints, the Landscape Officer concluded that there are no landscape objections to the proposal having regard to these observations and the mitigation measures proposed.
- 7.59 Heritage Impacts
Development plan policies BN5 and ENV7 recognises the value of designated and undesignated heritage assets and seeks to ensure that their significance, setting and contribution to local distinctiveness are conserved or enhanced. Policy ENV7 advises that any harm to a designated heritage asset requires clear and convincing justification. Proposals that lead to substantial harm to or total loss of a designated heritage asset or less than substantial harm to a designated heritage asset will be judged against the tests in the NPPF.
- 7.60 The NPPF paragraphs 199-208 set out the tests for considering potential impacts of developments and advises that substantial harm to or loss of assets of the highest significance should be wholly exceptional. Where a proposed development would lead to substantial harm or total loss of significance, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that would outweigh that harm or loss or all the following would apply:
- a) The nature of the heritage asset prevents all reasonable uses of the site; and
 - b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) Conservation by grant- funding or some form of not profit, charitable or public ownership is demonstrably not possible; and
 - d) The harm or loss is outweighed by the benefit of bringing the site back into use.
- 7.61 Where a development would lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal including the where appropriate, securing its optimum viable use.

- 7.62 The application is supported by a Heritage Statement which seeks to identify heritage assets within the site and beyond, their significance and whether the development would result in harm to the setting and/ significance of these heritage assets. If harm is identified, the level of harm that would result to the significance of the asset.
- 7.63 The Heritage Statement advises that no potential archaeological remains dating to the earlier prehistoric have been identified within the site and there is limited evidence for any earlier prehistoric activity within the wider vicinity of the proposed development site. The potential for any significant pre-Iron Age archaeological remains within the site is therefore considered to be very low.
- 7.64 Development to the north of the proposed development site at the former site of the Rugby Radio Station identified possible Iron Age and Romano-British settlements. Whilst there is Iron Age and Roman activity within the site's 1km study area, settlement remains are unlikely to extend c.900m southwards into the proposed development site. The potential for significant remains dating to the Iron Age or Romano-British period is therefore low.
- 7.65 The site is located between three settlements which were established during the medieval period. Ridge and furrow earthworks within the site's vicinity indicate the area was subject to arable farming during the medieval period and it is considered likely the site held a similar agricultural usage during this period. Modern agricultural practice may have levelled any such remains within the site and any subsurface remains of ridge and furrow would be unlikely to be of heritage significance. The potential for significant early medieval or medieval remains within the site is considered to be low. The site is likely to have been in agricultural usage throughout the post-medieval and modern period. There is a low amount of potential for significant archaeological within the site dating to these periods.
- 7.66 In order to support the above a Geophysical Survey Report was submitted and subject of consultation with the Archaeological Advisor. The comments received from the Archaeological Advisor whilst raising no objections requests that appropriate conditions be imposed.
- 7.67 Development proposals may adversely impact heritage assets where they remove a feature that contributes to the significance of a heritage asset or where they interfere with an element of a heritage asset's setting that contributes to its significance, such as interrupting a key relationship or a designed view.
- 7.68 In this case the heritage assets that would be potentially affected is Wharf Farmhouse and the Grand Union Canal Conservation Area.
- 7.69 Wharf Farmhouse is a Grade II Listed Building located approximately 350m north of the proposed development site at the nearest point was excluded from a detailed assessment. This was due to no apparent historic or functional link between the site and former farmhouse, as well as limited visibility to the south of the farmhouse due to its low position in the landscape next to Canal Bridge number 74.
- 7.70 The Grand Union Canal Conservation Area is a linear Conservation Area which runs the majority of the length of the Grand Union Canal, the Oxford Canal and the Braunston Junction (which connects the two) within the Daventry District.
- 7.71 The Canal was constructed during the 18th century although some minor modern alterations are noted within the Conservation Area Appraisal Document. The Conservation Area covers the canal cutting, towpath and opposite embankment.

Other features included within the towpath include bridge crossings, wharfs, public houses and cottages. Naturally, given the length of the canal, the surrounds vary. The southernmost aspects of the canal are heavily influenced by modern railway and motorway links. As the canal heads further north and west its surrounds become largely agricultural in nature with occasional villages/towns and industrial areas.

- 7.72 There are very few public rights of way within the vicinity of the canal conservation area. Views towards the Conservation Area are limited due to the construction of the canal which is generally sited lower than its surrounding landscape. The heritage significance of the Grand Union Canal Conservation Area is primarily embodied within its own physical form and fabric. Elements of the canal wall, access and functional features including bridges, wharfs and tunnels date to the 18th century when the canal was constructed. These features contribute towards the historic and architectural interest of the conservation area. The conservation also expresses significance through the historic interest of the canal, the evidence it provides for the rise of industry in this area and the need for faster and more connected transport networks, later superseded by the arrival of the railway.
- 7.73 The asset provides evidence of the history of the canal network and its development as well as the economic and social aspects that are embedded within its creation and construction. Setting is also considered to contribute towards the heritage significance of the conservation area although this contribution is considerably less than that of the features which constitute the conservation area. Parts of the setting of the conservation area which contribute towards its heritage significance comprise the remainder of the canal, both within Daventry District and beyond. There are two lengths of the canal within the district but not included within the conservation area to the north and east of the Braunston (approximately 3km south of the site). These areas were likely excluded from the conservation area because of later rerouting of the canals or due to the construction of modern marinas along the canal route.
- 7.74 Nevertheless, these portions of the canal help to depict the historic development of the canal and therefore contribute a minor amount of historic interest to the conservation area through setting. Features excluded from the conservation area but associated with it, including the roads which cross the canal bridges, are considered to contribute a very minor amount to the historic interest of the conservation area through setting as their presence warranted the construction of canal bridges. Similarly, Wharf Farmhouse a Grade II Listed building located c.30m from the conservation area was originally the 'Fox Inn' which would have served both canal and road traffic. This building and any similar outside of the Conservation Area's bounds are considered to contribute towards the historic significance of the conservation area through setting.
- 7.75 The proposed development site is an area of agricultural land which abuts a short portion of the conservation area although the nearest proposed built-form is located approximately 100m to the southeast. The site is located a short distance away from the canal's entrance/exit to Rugby in largely undeveloped agricultural land. Intervisibility between the between the conservation area and areas proposed for development within the site are largely screened barring some limited visibility to the site along an approximately 500m stretch of the canal's towpath. These views are not identified as important in the conservation area appraisal. The current agricultural nature of the proposed development site is not considered to form part of the Grand Union Canal Conservation Area's setting which contributes towards its heritage significance. The proposed development would introduce low elevation built form to the development site. It is likely that small portions of the proposed development would be visible albeit largely screened.

- 7.76 Development within the proposed development site may result in a very minor change to views looking towards the site from a short portion of Grand Union Canal Conservation Area. These views are not considered important to the conservation area's heritage significance. Therefore, the proposed development would not result in any harm to the heritage significance of the Grand Union Canal Conservation Area through changes to setting.
- 7.77 An extensive site visit was carried out by the Listed Building and Conservation Officer (accompanied by the Planning Officer) including walks along a significant length of the Canal Towpath to north of Thornfeld Bridge. The comments of the Listed Building and Conservation Officer conclude that no material harm would result to the significance of heritage assets from the development proposed.
- 7.78 Thornfield Bridge (an accommodation bridge) is located south west of the application site and it is noted that concerns have been raised by the Canal and Rivers Trust regarding the potential for views of development from this area of the Canal Conservation Area. However, it should be noted the concerns do not have the benefit of an extensive site visit.
- 7.79 Having regard to the above, it is considered that the development would not result in harm to the significance of heritage assets and the prescribed tests as set out within the NPPF are not required to be undertaken due to the lack of identified harm.

Thornfield Bridge





7.80 Ecology and Biodiversity

Policy BN2 of the WNJCS sets out the objective of ensuring that development will maintain and enhance sites of ecological importance. The policy requires that developments that have the potential to harm sites of ecological importance to be subject of an ecological assessment to demonstrate:

- The methods used conserve biodiversity in its design, construction and operation
- How habitat conservation, enhancement and creation can be achieved through linking habitats
- How designated sites, protected species and priority habitats will be safeguarded.

7.81 SCLP policy ENV5 looks specifically at Biodiversity and advises that the Council will support proposals that conserve and enhance designated and undesignated sites and species of national and local importance for biodiversity and geodiversity and contribute towards a resilient ecological network. As with Policy BN2 of the WNJCS, this policy also requires proposals likely to affect biodiversity to assess their impact through an ecological assessment and include details of mitigation or compensation, where harm will be caused. These policies are supported by NPPF paragraph 174 which requires decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity or geological value.

7.82 In support of the application an Ecological Impact Assessment report was submitted and identified the following as of ecological importance:

- Oxford Canal (North) Local Wildlife Site
- Hedgerows
- River
- Bats
- Otter
- Water vole

- Great Crested Newts
- Skylark
- Reed Bunting
- Yellowhammer
- Small Heath Butterfly
- Hedgehog

- 7.83 The submitted report sets out in detail of the potential impacts on each of the above and provides mitigation, compensation and monitoring measures relating to each matter.
- 7.84 A Landscape and Ecological Management Plan was also submitted to support and secure the recommended measures and long term monitoring and management of the proposals.
- 7.85 Both documents have been subject to consultation with statutory consultees advising that whilst no objections are raised conditions should be imposed to ensure the submission and implementation of the proposed mitigation measures, a Construction Environment Management Plan the requisite licences from Natura England.
- 7.86 Having regard the information contained within the supporting documents and the responses of statutory consultees, it is considered that the proposal (subject to the conditions requested) would accord with the Development Plan policies relating to ecology and biodiversity.
- 7.87 Flooding
NPPF paragraphs 159 and 167 highlight the importance of ensuring flood risk is not increased elsewhere and the use of sustainable drainage systems. These objectives are reiterated within policy BN7 of the WNJCS with the requirement to submit a flood risk assessment for developments of 1ha or above in flood zone 1 and all developments in flood zones 2, 3A or 3B.
- 7.88 The Environment Agency Flood Map for Planning identifies the development area of the site to be within Flood Zone 1 and at low risk of flooding. In accordance with the above policies and material consideration a Flood Risk Assessment has been submitted with the application. The assessment sought to identify the impacts of the development on flooding and the introduction of any necessary measures including management and maintenance.
- 7.89 The assessment was subject to consultation with the Environment Agency to consider fluvial flood risks and the Lead Local Flood Authority with regards surface water flood risk.
- 7.90 The consultation responses received indicate that there are no objections to the proposed development subject to the imposition of conditions.
- 7.91 Having regard to the above, it is considered that the matters of potential flooding have been satisfactorily addressed by the application subject to the imposition of conditions as requested by the relevant statutory consultee.
- 7.92 Residential Amenity
The planning system is designed to act in the public interest and not to protect the interests of an individual. However, residential amenity is a material consideration and multiple potential effects of a development on residents at a residential property

including: effects of noise; dust; access to daylight; vibration; glare, outlook and visual amenity may lead to a refusal of planning permission.

- 7.93 Development Plan policies WNJCS S11, SCLP ENV9 and ENV10 seeks to safeguard and protect the residential amenity of existing properties.
- 7.94 With respect to visual impacts of proposed developments no one has 'a right to a view' even when a resident's outlook is 'significantly affected' by a proposed development. "There is no right to a view per se, and any assessment of visual intrusion leading to a finding of material harm must therefore involve extra factors such as undue obtrusiveness, or an overbearing impact, leading to a adverse conditions at the relevant property to an unacceptable degree. There are, however, potential situations where the effect on outlook/visual amenity is so great that it is not in the public interest to permit such conditions occurring.
- 7.95 More recently, renewable energy schemes have sought to apply the "Lavender" test where it was stated that "The planning system is designed to protect the public rather than private interests, but both interests may coincide where, for example, visual intrusion is of such magnitude as to render a property an unattractive place in which to live. This is because it is not in the public interest to create such living conditions where they did not exist before. I do not consider that simply being able to see a turbine or turbines from a particular window or part of the garden of a house is sufficient reason to find the visual impact unacceptable (even though a particular occupier might find it objectionable)." The Planning Inspector went on to conclude that however, where numbers, size and proximity of a scheme could "represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live."
- 7.96 The residential property closest to the application site is Croft Farm which is located directly opposite the site on the north side of Rugby Road. The front elevation would face towards the proposed development and it is accepted that the proposal would be highly visible from the first floor windows of the front elevation. The ground floor windows would allow glimpsed view of the proposal where the vehicular access and drive into the property provides a break in an otherwise well maintained hedgerow on this side of the carriageway. In all other views from the dwelling, the visual impact of the proposed development on residential amenity would be negligible due to orientation, distance and intervening vegetation.
- 7.97 Having regard to the "Lavender" test, it is considered that the development would not represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden" such that "there is every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live". The proposal would therefore accord with the above Development Plan policies which seek to safeguard residential amenity.
- 7.98 Highway Impacts
WNJCS R2 and SCLP ENV10 seeks to ensure to ensure that the developments are accessible and will not have an unacceptable adverse impact on the highway network. This objective is supported by NPPF paragraph 110 which requires that safe and suitable access to the site be achieved for all users. Paragraph 111 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual

cumulative impacts on the road network would be severe.

- 7.99 The application proposes to use an existing entrance point from Rugby Road into the development area. The proposed access would be upgraded to accommodate vehicles attracted to the site. This inevitably would require some removal of hedgerow which would be replanted as per the proposed landscape strategy.
- 7.100 A transport assessment and construction management plan have been submitted in support of the application. These documents together with the access details have been subject to consultation with both Warwickshire County Council and WNC Local Highway Authority. The responses received indicate that there are no highway objections to the proposal subject to the imposition of conditions.
- 7.101 Crime Prevention
Paragraph 97 of the NPPF advises that planning policies and decisions should promote public safety and take into account wider security and defence requirements by:
- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
 - b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area
- 7.102 The application proposes the installation of a CCTV scheme to be mounted on poles of 3.0m around the perimeter of the development area.
- 7.103 The Crime Prevention Design advises is supportive of the proposed CCTV scheme but requires the imposition of details relating response actions.
- 7.104 Having regard to the comments received, it is considered that the matters is security in design has been satisfactorily addressed.
- 7.105 Local Finance Considerations
Section 70(2) of the Town & Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 7.106 Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.
- 7.107 In deciding an application for planning permission or appeal where a local financial consideration is material, decision takers need to ensure that the reasons supporting

the decision clearly state how the consideration has been taken into account and its connection to the development.

- 7.108 The proposed development within the application does not attract CIL payments or any financial contributions. As such there are no financial considerations to weigh in the balance in determining this application.

8. PLANNING BALANCE AND CONCLUSION

- 8.1 Section 38(6) of the Planning Act 2004 requires authorities to determine applications in accordance with the development plan unless material considerations indicate otherwise. Such “other material considerations” will include government policy (NPPF and NPPG) as well as WNCs own corporate commitment to reducing carbon emissions across the district.
- 8.2 The Development Plan policies cited above and the NPPF is generally supportive of renewable energy, and sets out a presumption in favour of such proposals advising that local planning authorities should approve applications for energy development (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.
- 8.3 National Planning Practice Guidance (NPPG) for renewable and low carbon energy is clear that the need to support increased renewable energy generation does not automatically override environmental protections and the planning concerns of local communities, so these issues remain relevant to be weighed in the planning balance.
- 8.4 The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a wellplanned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. In this case, it has been demonstrated that whilst the proposal would result in some change to the landscape, the magnitude of change would no be harmful to the character of the landscape. This change would need to be weighed against the benefits of the proposal in delivering renewable energy.
- 8.5 This report has set out the impacts of the proposal on heritage, ecology and biodiversity, flooding, residential amenity, highways and crime prevention and concludes that the impacts are (or can be made through the imposition of conditions) acceptable.
- 8.6 Overall, it is considered that the magnitude of change to the landscape that would result from the proposal would be outweighed by the provision of a renewable energy scheme which is acceptable having regard to all other planning considerations.

9. RECOMMENDATION / CONDITIONS AND REASONS

- 9.1. THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO GRANT PLANNNG PERMISSION FOR THE DEVELOPMENT SUBJECT TO PLANNING 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 development shall be carried out strictly in accordance with drawings Site

location plan P19-3186-05, General Layout DV-LV-101-02-05, Fence and Gate Details DV-CS-102-02-00, Landscape Strategy dwg P19-3186_08 rev C, DNO detail, Control House Details, Transformer Details and Security System Pole Layout (27.02.23) registered valid under application WND/2022/2043.

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.

3)Details of the inverter equipment that will be installed at the site shall be submitted to, and for, the prior approved by the Local Planning Authority before any development commences. Details shall include the full inverter equipment acoustic specifications, locations where these will be installed and evidence to demonstrate that the units will achieve the noise limit as specified in condition. Only the approved inverter models shall be installed and retained on site and these will be serviced and maintained in accordance with the manufacturers instruction in order to ensure that they operate at the operate sound power output level.

Reason : To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policy B9

4)The rating level of noise emitted from inverter equipment installed at the site in accordance with [condition1] shall not exceed an $L_{Aeq(T)}$ 35 dB(A). The noise levels shall be determined at the nearest noise sensitive properties. The measurements and assessment shall be made according to BS 4142:2014+A1:2019 Method for Rating Industrial Noise Affecting Mixed Industrial and Residential Areas.

Reason : To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policy BN9.

5)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.

6)Before the first use of the development a scheme for the prevention and treatment of rodent infestations shall be submitted to the Planning Authority for approval. Once approved, the scheme shall be implemented and maintained in the approved state.

Reason: to reduce the likelihood of rodent infestation that may affect amenity and public health.

7)Vehicles, including delivery vehicles, must not park outside the development site at any time of the day or night unless specifically agreed in writing with the Local Planning Authority. Vehicles must enter the site immediately and must leave the site in a safe and controlled manner. The public highway shall not be used as a holding area for deliveries. There shall be no contractor parking on the public highway at any time.

Reason: In the interests of safeguarding highway safety, safeguarding residential amenity and reducing pollution in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy 2014.

8)Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc. deposited on the road as a result of the development must be removed immediately by the operator/contractor.

Reason: In the interests of safeguarding highway safety, safeguarding residential amenity and reducing pollution in accordance with Policy BN9 and S10 of the West Northamptonshire Joint Core Strategy 2014.

9)No demolition or construction work (including deliveries to or from the site and sub-contractors) shall take place on the site outside the hours of 0730 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays, Bank Holidays or Public Holidays unless otherwise agreed with the local planning authority.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 and S10 of the West Northamptonshire Joint Core Strategy 2014.

10)There shall be no burning of any material during construction, demolition or site preparation works.

Reason: In the interests of safeguarding highway safety, safeguarding residential amenity and reducing pollution in accordance with Policy BN9 and S10 of the West Northamptonshire Joint Core Strategy 2014.

11)Prior to any construction works a plan illustrating the upgrade of the site access to a heavy duty commercial type crossover and hard bound surfacing into the site for the length of 15.4m shall be submitted and approved by the LPA. Any gates across the access must similarly be set back to allow vehicles to pull fully off the carriageway. The access must be fully constructed prior to the commencement of construction works

Reason: In the interests of highway safety

12)Notwithstanding the approved documents, no construction shall be undertaken until a CTMP which should contain an HGV routing plan is submitted and approved by the LPA and LHA and implemented as approved.

In the interests of highway safety and to safeguard residential amenity.

13)No development shall take place until the applicant 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 by the Planning Authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

(i) fieldwork in accordance with the agreed written scheme of investigation;

(ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);

(iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion 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 205.

14) Prior to any development above ground commences full details of the ridge and furrow swales to be constructed across the site shall 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.

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.

15) 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.

16) No operation of the approved works shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment, document reference: 20008/02 prepared by Clive Onions, on the 24th June 2021 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

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

17) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- 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.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

18) All ecological measures and/or works shall be carried out in accordance with the details contained in 'Landscape and Ecological Management Plan, Rainsbrook Solar Farm, Rugby, Northamptonshire' by Clarkson & Woods Ecological Consultants and dated March 2022 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

19) Prior to commencement of development appropriate licences for protected species shall be obtained and provided to the Local Planning Authority

Reason: Top

20) Prior to works above ground level details of the monitoring and activation response of the CCTV scheme shall be submitted and approved by the Local Planning Authority and implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

21) No equipment, machinery or materials shall be brought onto the site for the purposes of the development until details of the proposed type and a plan of the proposed position of fencing for the protection of trees or hedges that are to be retained on the site, have been submitted to and approved in writing by the Local Planning Authority. The fencing shall be implemented in accordance with these details and shall remain in place until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored, disposed of, or placed, nor fires lit, in any area fenced in accordance with this condition and the ground levels within these areas shall not be driven across by vehicles, altered, nor any excavation made (including addition/removal of topsoil/subsoil) without the written consent of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area.

22) The landscape strategy as set within drawing P19-3186-08 Rev C and all landscape management measures and/or works shall be carried out in accordance with the details contained in 'Landscape and Ecological Management Plan, Rainsbrook Solar Farm, Rugby, Northamptonshire' by Clarkson & Woods Ecological Consultants and dated March 2022 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination unless otherwise agreed in writing.

Reason: In the interest of the visual amenity of the area.