



# Planning Committee Report

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

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

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

---

**Applicant:** RPS Elgin Energy EsCo

**Agent:** RPS National Planning & Infrastructure

**Case Officer:** Chris Burton

---

**Ward:** Woodford and Weedon Ward

---

**Reason for Referral:** Major application

**Committee Date:** 11 December 2023

---

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

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

### **Proposal**

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

### **Consultations**

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

- LLFA, Ecology, CPRE,

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

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

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

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

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

## **Conclusion**

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

The key issues arising from the application details are:

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

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

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

## **MAIN REPORT**

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

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

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

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

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

## 2 DESCRIPTION OF PROPOSED DEVELOPMENT

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

2.2 As part of the development the following is proposed:

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

## 3 RELEVANT PLANNING HISTORY

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

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

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

#### 4 RELEVANT PLANNING POLICY AND GUIDANCE

##### Statutory Duty

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

Relevant Planning Policies:

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

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

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

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

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

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

### Other Material Considerations

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

## 5 RESPONSE TO CONSULTATION

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

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

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

		<p>the day when the footpath is likely to be used). Based on this information, it is unlikely that the proposed development will be audible on the footpath to the east and as such is likely to be close to the no observed effect level (NOEL ref. the NPSE). In addition, this only relates to the portion of the footpath closest to the site and for the majority of the path noise levels will be reduced. Based on this analysis, it is considered that the 'tranquil' nature of the publicly accessible footpath to the east of site has been protected.</p> <p>The report is accepted, however should any amendments be made either to the plant or layout, then the noise report would need to be revisited and models re-run etc. Therefore, the noise report should form part of the approved plans.</p> <p><u>Land Quality</u></p> <p>As ground works are proposed, the full contaminated land condition is necessary.</p> <p><u>Light</u></p> <p>It is not clear if any additional external lighting is proposed, and if so a condition for a scheme to be submitted and approved is recommended.</p> <p><i>Prior to occupation, a scheme showing the provisions to be made for external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting is to be designed, installed and maintained so as to fully comply with the ILP Guidance for the Reduction of Obtrusive Light. The design shall satisfy criteria to limit obtrusive light presented in Table 2, page 8 of the guide, relating to Environmental Zone E2 Low district brightness areas-Rural, small village or relatively dark urban locations. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.</i></p>
--	--	---

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

CEMP

I have reviewed the submitted Construction Traffic Management Plan prepared by RPS dated 27 September 2022. Whilst this covers most of the traffic requirements (Highways may wish to comment further), some aspects have not been adequately addressed and therefore the following condition is recommended:

*Prior to the commencement a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction*

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

Informative:

The Statement required to discharge the Construction Management Plan of this consent is expected to cover the following matters:

- the parking and turning of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- details of measures to prevent mud and other such material



		<p>migrating onto the highway from construction vehicles;</p> <ul style="list-style-type: none"> <li>• wheel washing facilities;</li> <li>• measures to control the emission of dust and dirt during construction;</li> <li>• a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.</li> <li>• design of construction access</li> <li>• hours of construction work</li> <li>• measures to control overspill of light from security lighting</li> <li>• a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.</li> </ul> <p>Informative: Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p><u>Pests</u></p> <p>Structures of this type have the potential to harbour vermin and the applicant should detail management techniques to prevent this.</p>
CPRE	Objection	<p>It is a major energy generating station in attractive countryside</p> <p>There is an energy crisis but a balanced approach must be taken to protect food production and grazing</p>

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

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

	<p>information with regards to crime prevention</p>	<p>From a crime prevention perspective I would comment as follows:</p> <p>Large scale thefts of cable from solar farms have occurred in this county in the past and recently a number of crimes have taken place across the county border. Solar farms have been advised to review their security measures as thefts from solar farms are increasing sharply compared to last year.</p> <p>Crimes on solar farms often occur during construction when drums of cable are the target and once operational the strings of cables between panels are cut and removed. Solar farms are regularly targeted for crime both during the construction phase and once operational as they are easy targets due to being in isolated places with minimal 'capable guardianship' from adjacent development, vehicles or pedestrians. The applicant acknowledges the need for security and details measures to be taken to reduce opportunities for crime such as the provision of deer fencing to 2.450metres plus gates and the installation of CCTV to be installed around the perimeter. This is all fine as far as it goes but there are aspects of this security strategy which need clarification:</p> <p>CCTV cameras are no deterrent on their own and will need to be monitored and be capable of seeing in the dark. The language in the section on site security is somewhat ambiguous and requires clarification.</p> <p>What are the spaces between the CCTV cameras. Please provide a detailed drawing showing positions, spacings and arcs of coverage.</p> <p>Are they all infra red enabled?</p> <p>Are they monitored and if so from where and who responds to any activation observed?</p>
--	---	---

		<p>Deer fencing is purely site demarcation and provides little deterrent to a person with criminal intent as it is easily cut through. The benefit of monitored CCTV is that it can provide real time evidence of a crime in progress but only if monitored by a 3<sup>rd</sup> party who can respond to an activation.</p> <p>Please ask the applicant to provide a more detailed crime prevention security statement so that I can assess whether the potential for crime has been fully addressed.</p> <p>The a condition will be attached for the submission of the crime prevention information.</p>
Nature Space	No Objection, subject to condition	<p>In summary, from the report I can see enough information has been provided and I agree with the ecologist conclusions that there will certainly be a need for the licence and they are welcome to chose the option of enquiring into Nature space's district licensing scheme.</p>
Local Highways Authority	No objection, subject to condition	<p>In respect of the above planning application, the local highway authority (LHA) has the following observations, comments and recommendations: -</p> <p><b>Site Access</b></p> <p>The site access will require a heavy duty commercial standard access as set out in the attached guidance document. As stated in the notes, the kerb radius can be adjusted to suit tracking as demonstrated on drawing JNY11276-01. This access must be fully constructed prior to construction works starting on site and a planning condition to this effect is requested. Work to install the crossover of the highway verge will require the appropriate highway agreement being in place and this work can only be undertaken by a WNC approved contractor.</p> <p><b>Trip Generation</b></p> <p>As with most renewable energy</p>

		<p>developments, traffic generated by the site is largely limited to construction and decommissioning. This is obviously a temporary situation but must be adequately addressed. The applicant has set out the suggested construction traffic routes alongside anticipated numbers and types of vehicles required.</p> <p>Given the modest amount of traffic per day, there would not be a severe impact on the road network and the development should be seen as acceptable in these terms. The CTMP sets out the 2 routes for construction traffic (north and south) which approach the site via the A361 only. No construction traffic should need to approach from the east (Preston Capes) and the CTMP, if approved, would secure this.</p> <p><b>Highway Safety</b></p> <p>The applicant has demonstrated acceptable visibility at the site access and the A361 junction similarly provides adequate access for the 30mph speed limit. A review of injury collisions in the vicinity of the site does not show a pattern of incidents that would be of concern.</p> <p><b>Public Right of Way</b></p> <p>The applicant has addressed the presence of Public Bridleway ET4 which crosses the access track and then runs along the western boundary of the site. The LHA are content that the arrangements in place contained within the CTMP are satisfactory to safeguard the route and its users. However, please ensure that the applicant is made fully aware of their responsibilities in respect of Bridleway</p> <p>No.ET4 as follows:</p> <p>With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements: -</p>
--	--	---

		<p>The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times, it is an offence to obstruct the highway under Section 137 HA 1980.</p> <p>There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by the Area Rights of Way Officer, (as per Section 131 HA1980).</p> <p>If as a result of the development, i.e. the safety of the public cannot be guaranteed, the Right of Way needs to be closed, and a Temporary Traffic Regulation Order would become necessary. An Application form for such an order is available from West Northamptonshire Council's website, a fee is payable for this service and a period of six weeks' notice period is required.</p> <p>Any new path furniture such as a gate can only be authorised if needed for the ingress or egress of livestock (Section 147 Highways Act 1980) and needs to be approved in advance with the Area Rights of Way Officer, standard examples can be provided.</p>
Historic England	No objection,	<p>Thank you for your letter of 15 November 2022 regarding the above application for planning permission. We refer you to the following published advice which you may find helpful in determining the application.</p> <p>The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (2nd Edition).</p> <p>Available to download at:  <a href="https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/">https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/</a></p> <p>Commercial Renewable Energy Development and the Historic</p>

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



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

## 6 RESPONSE TO PUBLICITY

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

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

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

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

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

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

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

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

## 7 APPRAISAL

### Principle of Development

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

7.2 Within the NPPF 2023 the following is set out:

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

(officer emphasis added)

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

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

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

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

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

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

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

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

Form, character and setting of an existing settlement

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

Heritage assets and in particular on views important to their setting

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

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

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

#### Biodiversity and ecology

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

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

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

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

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

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

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

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

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

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

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

#### Residential amenity

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

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

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

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

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

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

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

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

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

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

### **Other Considerations**

#### Flood Risk

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

#### Loss of Farmland

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

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

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

#### Decommissioning

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

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

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

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

#### Highways

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



### Designing out Crime

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

### Public Comment and Objection

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

## **8 FINANCIAL CONSIDERATIONS**

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

## **9 PLANNING BALANCE AND CONCLUSION**

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

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

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

## **10 CONDITIONS**

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

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

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

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

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

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

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

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

### Approved Plans

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

Reason: To ensure the safe operation of the site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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