

<b><u>Application Number:</u></b>	WNS/2021/0498/EIA
<b>Location:</b>	Land north and South of Welsh Lane Greatworth Banbury OX17 2DJ
<b>Proposal:</b>	Construction and operation of a solar farm together with all associated works, equipment and necessary infrastructure. Application accompanied by an Environmental Statement
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<b>Applicant:</b>	Drover's Lane Solar Farm Limited
<b>Agent:</b>	AECOM
<b>Case Officer:</b>	Samuel Dix
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<b>Ward:</b>	Middleton Cheney
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<b>Reason for Referral:</b>	Major development
<b>Committee Date:</b>	18 <sup>th</sup> October 2021
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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

#### **Proposal**

The proposed development is the creation of a solar farm through the installation of rows of photo-voltaic panels alongside other ancillary development such as access tracks, containerised inverters, a substation compound, fencing, and new landscaping. The estimated total output of the project would be around 30Mw, which would be sufficient to power just under 10,000 homes and displace 6,740 tonnes of CO2 annually once connected to the national grid.

#### **Consultations**

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

- Helmdon Parish Council;
- Greatworth & Halse Parish Council;
- Historic England.

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

- Lead Local Flood Authority;
- Local Highway Authority;
- WNC Ecology;
- Environment Agency;
- Environmental Health;
- Natural England;
- HS2 Ltd.

The following consultees have **commented** on the application:

- Police Crime Prevention & Design Advisor;
- Sulgrave Parish Council;
- WNC Archaeology;
- Northants Wildlife Trust.

2 letters of objection have been received and 1 letter of support has been received.

### **Conclusion**

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

The key issues arising from the application details are:

- Principle of development;
- Landscape and visual impact;
- Highway safety;
- Archaeology;
- Ecology.

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 comprises just over 60Ha of land that is currently in arable agricultural use. It is located in open countryside roughly equidistant between Helmdon to the east and Greatworth the west with both villages being around 1.5km from the site. It is split over two separate parcels either side of the B4525 (Welsh Lane) with the northern element being larger and accommodating four of the seven 'development zones' shown on the submitted drawings. The development zones broadly follow existing field boundaries with the areas between different zones allowing access for construction and maintenance purposes.

1.2 The landscape and visual context of the site differs considerably between the northern and southern parcels. The southern development zones are screened from the surrounding area by two areas of existing woodland and are also highly influenced by ongoing construction work associated with HS2, with part of the development actually being within the formal safeguarding area for the railway (a matter assessed below). The northern parcel is more open and presently entirely free of development. It undulates as a result of both the shallow valley in which the site sits and also as a result of a former railway cutting that runs through the site at its extreme north. A loosely surfaced byway (known as Drovers Lane) runs directly through the site before continuing northwards to the hamlet of Stuchbury. A total of three other rights of way (footpaths) bisect the site for shorter lengths across both the northern and southern parcels. Neither parcel has any

other features of note other than the existing trees and hedgerows that form the field boundaries within the site.

## **2. CONSTRAINTS**

2.1. The application site is within open countryside. It is also affected by the following constraints:

- A total of 4no. rights of way run through the site as outlined above;
- Part of the site at its southern end lies within the formal safeguarding area for the HS2 rail project;
- The southern parcels adjoin (but do not include) the Halse Copse and Halse Meadow Local Wildlife Sites, which are also designated as Ancient Woodland;
- The site is within 2km of six other Local Wildlife Sites;
- To the north of the site is a Scheduled Ancient Monument associated with the deserted medieval village of Stuchbury;
- The former railway cutting running through the site is also an area of archaeological interest.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. The proposed development comprises the creation of a solar farm and associated infrastructure including containerised inverters, substation compound, access tracks, fencing, and landscaping. The development would not be temporary in a conventional planning sense but would have a finite lifespan of 40 years, after which the development would be decommissioned and the site returned to its current use and condition.

3.2. The most significant element of the development is the installation of PV panels themselves, which would be arranged in south-facing rows within the various development parcels with each row being around 3.2m apart. The panel structures themselves would be angled at 29.5 degrees with the lowest edge around 90cm from ground level and the highest edge between 2.5 and 3m in height.

3.3. A total of 14 inverters are shown on the submitted drawings in 7 different locations across the site. The inverters are to be containerised within rectangular units measuring 12.2m by 2.5m with a total height of 2.5m. They are indicatively to be green-coloured steel structures akin to shipping containers. Their exact finish may be secured by condition. In addition to the inverters, a substation compound and additional plant unit is proposed in the south-east corner of the site. This will measure 10m by 4m and be 3m tall and be a flat-roofed structure of functional appearance. The development also seeks permission for 2m tall stock-fencing around the edge of the development and infrared CCTV cameras roughly every 50m along its perimeter, which are to be mounted on 2.3m wooden stakes.

3.4. The site will be accessed during construction and maintenance through two existing accesses from Welsh Lane. The first access to the northern parcel is an existing field entrance that will be upgraded to the necessary standard for HGVs. The second access to the southern parcel lies to the east of the site and is currently in use for a waste processing centre and therefore already suitable for HGVs. Construction is expected to take 14 weeks with trips to the site thereafter not likely to exceed four per week and to be conducted with smaller cars/vans rather than HGVs.

#### 4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
S/2020/1433/SCR	Screening opinion for proposed solar farm and associated infrastructure	EIA required
S/2010/1437/MAF	Wind farm comprising the erection of five wind turbines plus underground cabling, meteorological mast, access tracks, control building, temporary site compound and ancillary development (Includes Environmental Statement)	Refused  Appeal recovered and dismissed by Secretary of State (against Inspector's recommendation)  High Court challenge refused.

4.2 The above planning history includes a formal screening request by the applicant to establish whether the current proposal required an Environmental Impact Assessment. An opinion stating that this was required was issued under delegated authority. This matter is considered in detail under the principle of development assessment below.

4.3 Part of the northern part of the site was included in an alternative renewable energy proposal in 2010 for the erection of five wind turbines. That application was complex and protracted with the Secretary of State disagreeing with his appointed Inspector in 2014 and dismissing an appeal that had been made against the Council's decision to refuse the application. A claim for Judicial Review in the High Court by the applicant was then subsequently refused in 2015. Notwithstanding the unusually high-profile nature of that application, it is considered of only limited relevance to the current application for several reasons. Firstly, the impacts of solar farms are clearly very different to those associated with wind turbines. Secondly, only part of the current site overlapped with the 2010 application. Thirdly, the local and national policy context for renewable energy and development more generally has evolved considerably since the 2010 development was refused. Finally, the context to the site itself will also have evolved with the result that the impacts of the development currently proposed should be assessed afresh rather than with reference to circumstances that are over 10 years old. For these reasons the 2010 application is recorded here for completeness but is not a material consideration that has any weight in the below report and recommendation.

#### 5. RELEVANT PLANNING POLICY AND GUIDANCE

##### Statutory Duty

5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

##### Development Plan

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted South Northamptonshire Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

WEST NORTHAMPTONSHIRE JOINT CORE STRATEGY 2014 (JCS 2014)

- SA Presumption in Favour of Sustainable Development
- S1 Distribution of Development
- S10 Sustainable Development Principles
- S11 Low Carbon and Renewable Energy
- BN1 Green Infrastructure Connections
- BN3 Woodland Enhancement and Creation
- BN9 Planning for Pollution Control
- INF2 Contributions to Infrastructure Requirements
- R2 Rural Economy.

SOUTH NORTHAMPTONSHIRE PART 2 LOCAL PLAN (Part 2 LP)

- SS1 The Settlement Hierarchy
- SS2 General Development and Design Principles
- HE1 Significance of Heritage Assets
- HE2 Scheduled Ancient Monuments and Archaeology
- NE4 Trees, Woodlands and Hedgerows
- NE5 Biodiversity and Geodiversity
- NE6 Sites of Special Scientific Interest and Protected Species

**Material Considerations**

- 5.3. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Supplementary Planning Guidance, including Energy Efficiency (Part 1) and Low Carbon and Renewable Energy (Part 2) Supplementary Planning Document adopted in July 2013. Part 2 of this SPD provides specific guidance on different types of renewable energy including Solar Farms.

**6. RESPONSE TO CONSULTATION**

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, via the online Planning Register.

Consultee Name	Position	Comment
Environment Agency	No objection	No objection
WNC Local	No objection	Comments regarding use of banksmen not

Highway Authority		being condoned; the proposed access/swept path drawings being acceptable; need to adhere to Construction Traffic Management Plan.
Police Crime Prevention & Design Advisor	Comment	Further detail required on CCTV operation and management as well as fencing specification. ( <i>Officer comment: further information has subsequently been provided informally with agreement that this can be dealt with by condition as necessary</i> )
WNC Lead Local Flood Authority	No objection subject to conditions	We would advise that if the following planning conditions are included as set out below, the impacts of surface water drainage will have been adequately addressed at this stage. Without these conditions, the proposed development on this site may pose an unacceptable risk of surface water flooding ( <i>Officer comment: the recommended conditions are specified in the recommendation below</i> ).
WNC Environmental Health	No objection subject to conditions	No adverse comment subject to safeguarding conditions concerning unexpected contamination and dust/noise.
Sulgrave Parish Council	Comment	LVIA should consider additional views from Sulgrave-to-Helmdon Road
WNC Archaeology	Comment	Application should be supported by trial trenching pre-determination before it can be established whether there will be significant impacts on archaeological assets ( <i>Officer comment: the trial trenching is being carried out in accordance with a Written Scheme of Investigation agreed by the County Archaeologist and the recommendation below is subject to a satisfactory resolution of this matter</i> ).
WNC Ecology	No objection subject to conditions	I confirm the report is appropriate and on the whole fit for purpose. It follows the appropriate industry guidelines and best practice, there are however some limitations to the survey results which I have detailed in my comments ( <i>Officer comment: these are assessed in the relevant section below and are capable of being dealt with by the recommended conditions</i> ).
Natural England	No objection	Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
Northamptonshire Wildlife Trust	Comment	Conditions should be used to retain wildlife connectivity and the protection of adjoining wildlife sites during construction.
Historic England	Object	Historic England considers that the scheme

		in its current form would harm the significance that the scheduled Monument derives from its setting. We have strong concerns about the proposal on heritage grounds and recommend amendment to the scheme prior to determination to reduce the level of harm. ( <i>Officer comment: the scheme has been amended in a manner that reflects Historic England's concerns. No further comment has been received. HE did however clarify that the level of harm identified is less than substantial in their opinion</i> ).
HS2 Ltd	No objection subject to condition	No objection subject condition requiring further details regarding southern parcel of land within HS2 safeguarding area.
Marston St Lawrence Parish Council	No comment	No comment
Greatworth & Halse Parish Council	Object	Object on the grounds of further disruption in addition to HS2, visual impacts, and inefficiency of solar technology.
Helmdon Parish Council	Objection	The planning committee for Helmdon Parish Council have reviewed and considered the application as above and wish to object to the proposal. We believe the establishment of a solar farm near Greatworth will further blight the landscape which is already being affected by the building of HS2. The proposal will have a major visual impact on the surrounding countryside not just from local roads but also a number of footpaths. We believe there are alternative ways to create renewable/ sustainable energy without impacting such large swathes of the countryside.

## 7. RESPONSE TO PUBLICITY

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

7.1. There have two letters of objection and one letter of support. The following matters have been raised:

- Visual impacts (both positively and negatively);
- Construction traffic;
- Comments regarding the company details of the applicant (*Officer comment: NB. this is not material to the planning application*).

## 8. APPRAISAL

Principle of Development

## *Policy context*

- 8.1. National Planning Policy on renewable energy projects is encapsulated in one paragraph of the NPPF. Paragraph 158 explains that applicants should not be expected to demonstrate an overall need for renewable energy and that applications should be approved if their impacts can be made acceptable (other than in the case of wind turbines). This builds upon paragraph 152 (which is itself the opening paragraph in Chapter 14 concerning climate change more generally) that explicitly states “*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.*”
- 8.2. The NPPF is consistent in this respect with various other national and international policies and legislation concerning decarbonisation. For example, the 2008 Climate Change Act sought to reduce greenhouse gas emissions by 80% of 1990 levels by 2050. Secondary legislation has been passed where the government exceeded their target to bring the greenhouse gas emissions to net zero by 2050.
- 8.3. Locally, Spatial Objective 1 (Climate Change) of the West Northants Joint Core Strategy, encourages renewable energy production in appropriate locations. Policies SA, S10 and S11 set out a presumption in favour of sustainable development and principles for sustainable development to facilitate assessment of development proposals.
- 8.4. Policy S11 refers to Low Carbon and Renewable Energy, this inter alia requires that proposals should be sensitively located and designed to minimise adverse effects on people, the natural environment, biodiversity, historic assets, and mitigate pollution. It specifically requires wind energy proposals (although it is generally applicable to solar proposals too) to have no significant adverse impact on amenity, landscape character and access; and to provide for the removal of the energy generation infrastructure and re-instatement of the land when the generation operation ceases.
- 8.5. The supporting text in ‘Climate Change and Sustainable Development Principles’ at paragraph 5.105 – 5.106 of the WNJCS 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.’*

- 8.6. The Council’s adopted Supplementary Planning Document (SPD) (Part 2) on Low Carbon and Renewable Energy recognises that renewable energy, combined with energy efficiency, offers an opportunity to counter the effects of global warming. This general support for renewable energy is qualified in seeking to ensure that such development does not have a significant adverse effect on the natural environment, landscape character, cultural heritage and residential amenity. The SPD also advocates

community consultation and ownership along with the necessary EIA processes being followed.

- 8.7. The South Northamptonshire Local Plan Part 2 contains no additional policies that are directly applicable to the principle of renewable energy projects, although it includes various policies on specific matters that are relevant to assessing the overall impacts of proposals. For example, Policy SS2(1h) requires development to not result in the loss of best and most versatile soils.

#### *Assessment*

- 8.8. It is evident from the above policy context that the acceptability in principle of solar farm development is wholly supportable as a means of reducing carbon emissions. Whether or not the proposal is acceptable in this particular location will instead rest upon a consideration of the detailed visual, archaeological, ecological and highway matters that are each assessed in detail below. The respective conclusions in each of these sections are that the development is or can be made acceptable and as such there is no policy basis for resisting the principle of development. The NPPF is clear that even small-scale renewable projects should benefit from a presumption in favour although in this instance the benefits of the development are sizeable; renewable energy to power just under 10,000 homes and an annual displacement of CO<sub>2</sub> of 6,740 tonnes (equating to over a quarter of a million tonnes of CO<sub>2</sub> saved over the lifetime of the development). This is to be given very significant weight in the planning balance.
- 8.9. The application is accompanied by an Environmental Statement (ES) following a screening opinion being issued by the Council stating this would be required under the relevant Environmental Impact Assessment (EIA) regulations. Where an ES is submitted with an application there is a legal duty for the Local Planning Authority to have regard to it.
- 8.10. The ES considers the proposal in detail against various environmental criteria. Its detailed findings are too lengthy to summarise here but the following matters were 'scoped in' for specific assessment in the chapters of the ES: Landscape and Visual Amenity, Cultural Heritage, and Cumulative and Combined Effects (which included reference to HS2, proposed residential and sports-pitch development at Brackley, and another larger solar farm proposed between Greatworth and Halse). Other matters were scoped out for the purposes of EIA but were nevertheless considered in their own specialist reports that have been assessed in the relevant section below.
- 8.11. The ES has not identified any significant adverse effects either individually or cumulatively from the proposed development. Having considered the relevant chapters of the ES, Officers have no reason to disagree with this finding and consider that the appropriate methodology and process outlined by the EIA Regulations has been followed. The term 'significant' is important. It does not mean that no effects whatsoever will occur as a result of the development; where impacts still need to be weighed in the planning balance these are noted in the relevant sections below. The absence of significant environmental effects in EIA terms does not necessarily imply that a development is acceptable in planning terms.
- 8.12. The acceptability in principle of development for the southern parcel should also be considered in the context of the delivery of HS2, as this area of the site lies within the statutory safeguarding area. HS2 Ltd were therefore consulted on the application and have confirmed they have no objection subject to a condition restricting work within the southern parcels until further details have been provided to demonstrate the works necessary to install solar panels in this area would not impede the delivery of HS2. It should be noted that the exact wording of HS2's requested condition required further

liaison with them over the submitted details as well confirmation that costs of the project would not be increased. These aspects of the condition are considered by Officers to fail the statutory tests of planning conditions in terms of being necessary and relevant to planning. The Council would consult HS2 by default on any such details whilst the increasing of costs is not planning consideration but would nevertheless be implicitly addressed in confirming HS2 work is not harmed or delayed. The requested condition has accordingly been amended slightly but is not fundamentally different in substance. Therefore, in light of there being no objection from HS2, it is considered that the above conclusions on the principle of development are not altered by the southern parcels' proximity to the forthcoming line.

- 8.13. The only other matter relevant to the principle of development that does not fall into any of the other key issues is agricultural land quality. This has been assessed by the applicant by way of a total of 78 sample points across the different parts of the site. The assessment concludes that the entirety of the site is subgrade 3b, which is not best and most versatile land. The proposal therefore complies with Policy SS2(1h) in this respect. It should also be noted that whilst presently mostly in arable use, the land will still be capable of being used for the purposes of grazing during the development and therefore will retain a degree of agricultural value.
- 8.14. The operational aspects of how the development will connect into the national grid are not strictly speaking a material planning consideration. National Grid and Western Power Distribution were nevertheless consulted on the application with no response being received. The applicant has, however, provided information demonstrating agreement with Western Power that there is capacity at the Radstone Road substation just outside of Brackley, 2.6km to the south of the site. The substation has been upgraded as a result of expansion in the town. The necessary cabling from the site to the substation will be underground and would either be delivered as a statutory undertaking (i.e. under permitted development rights afforded to regulated bodies) or would be sought via a separate planning application if necessary. This matter therefore does not prevent the determination of the current proposal and does not weigh against its acceptability in principle.

#### *Conclusion*

- 8.15. Having regard to the national and local policy context, the principle of development is acceptable subject to satisfactory impacts on the detailed matters assessed below. The application is also not considered to have significant environmental effects in EIA terms.

#### Landscape and visual impact

##### *Policy context*

- 8.16. In respect of visual impacts, the NPPF at paragraph 158(b) explains that in determining applications for renewable energy development Local Planning Authorities should approve applications if impacts are (or can be made) acceptable. The exception to this is for projects relating to wind energy, which does not apply here. Paragraph 174 concerns all developments and explains that decisions should recognise the intrinsic character and beauty of the countryside.
- 8.17. The Joint Core Strategy encourages renewable energy production in appropriate locations (Spatial Objective 1). Policies SA, S10 and S11 set out a presumption in favour of sustainable development with Policy S11 in particular referring to low carbon and renewable energy projects, requiring them to (inter alia) be sensitively located and designed to minimise adverse effects.

8.18. The South Northamptonshire Local Plan Part 2 does not include any specific policy on renewable energy projects but does include in Policy SS2 various criteria concerning visual impacts, most notably the first five criteria of the policy:

*a. maintains the individual identity of towns and villages and their distinct parts, does not result in physical coalescence that would harm this identity and does not result in the unacceptable loss of undeveloped land, open spaces and locally important views of particular significance to the form and character of a settlement; and*

*b. uses a design-led approach to demonstrate compatibility and integration with its surroundings and the distinctive local character of the area in terms of type, scale, massing, siting, form, design, materials and details; and*

*c. is designed to provide an accessible, safe and inclusive environment which maximises opportunities to increase personal safety and security through preventative or mitigation measures; and*

*d. incorporates suitable landscape treatment as an integral part of the planning of the development; and*

*e. incorporates sensitive lighting schemes that respects the surrounding area and reduce harmful impacts on wildlife and neighbours.*

8.19. It is also relevant to note that the application is not within a Special Landscape Area nor was it considered for inclusion as one in the Local Plan Part 2. Policy NE2 therefore does not apply. Policy EMP6 concerning farm diversification would, however, technically apply to the proposal although in respect of visual impacts largely reiterates the provisions of Policy SS2 above in terms of projects being of a character, scale and type that is compatible with the site's location and landscape setting.

8.20. Policy NE4 of the Part 2 Local Plan concerns trees and seeks (inter alia) to avoid the loss of high quality specimens, the integration of existing trees and hedgerows where possible, and replacement planting where necessary.

#### *Assessment*

8.21. The site is currently open countryside with an agricultural appearance that has no built form on it. The introduction of solar panels and associated infrastructure will therefore change the appearance of the land to a less natural and more developed state for the lifetime of the development (40 years).

8.22. The impacts of this have been considered by the applicant in an accompanying Landscape and Visual Impact Assessment that considered the sensitivity and views in and around the site from a number of different viewpoints including a theoretical zone of visibility based on prevailing topography (but ignoring intervening vegetation). The Council subsequently appointed an independent consultant (Askew Nelson) to review the LVIA and advise on its methodology and conclusions.

8.23. The independent review confirms that the LVIA was undertaken in accordance with the relevant guidance. It should however have considered how the development would affect the immediate vicinity of the site, particularly in terms of users of the adjoining byway that traverses the northern part of the site with the northernmost area being particularly sensitive due to the undulating topography making new planting less effective as visual screening. It was agreed that those parts of the proposal south of Welsh Lane are less susceptible to harmful impacts with ongoing work concerning HS2 already having a significant visual impact and wider views contained by the adjoining woodland.

- 8.24. As a result of the LVIA review the applicant has removed two of the northernmost parcels of proposed development and reconfigured the proposed new planting to retain glimpses and views from the byway in and around the former railway cutting into areas that are now to be left open. This has an additional benefit of reducing the proposal's proximity and effect on the setting of the Scheduled Ancient Monument to the north (assessed separately below).
- 8.25. No significant wider landscape impacts have been identified with the only significant/major impacts being within or immediately adjoining the site itself. The principal visual harm to be weighed in the planning balance is therefore localised impacts for users of the byway through the north of the site, users of footpaths through the south of the site, and, to a lesser extent given the more transitory and less direct nature of the experience, for vehicular traffic using Welsh Lane past the site.
- 8.26. In considering the impacts in each of these locations, Officers have had regard to the differing context of the site and the visual experience of different 'receptors' (e.g. walkers as opposed to drivers). For users of the byway (which does not appear to be restricted but is highly unlikely to be used by motorised vehicles), a material consideration is that the views across the wider landscape to the west (when travelling north) are entirely preserved along its length until reaching the northern part of the site (Development Zone 1). To the east, views of the solar panels and infrastructure in Development Zones 2 and 3 will be glimpsed through and slightly over the top of the hedgerow although as principal views of the wider landscape are to the west, this is not considered to undermine the recreational experience of the byway to an unacceptable extent.
- 8.27. If users of the byway then turn east onto footpath AN10 that bisects Development Zones 2 and 3 there will be unavoidable distance of approximately 100m where the development is prominently visible on either side of the footpath. This is nevertheless considered acceptable by Officers given its relatively short distance and the fact that the AN10 soon passes into a larger more open field. This field is in fact where Development Zone 4 will be located although it is unlikely to be appreciable due to it being located over the brow of the hill closest to the road. The rear of this Development Zone will also be supplemented by new planting.
- 8.28. Continuing on the byway towards the northernmost part of the site, the area around the former railway cutting is a unique visual experience with an interesting rolling topography and unusual field patterns. It is considered by Officers that this character has now been mostly preserved as a result of the removal of two Development Zones. However, there is still a degree of visual harm from what is now Development Zone 1, which will be prominently visible to the west from the byway despite having also been set further back. It is considered by Officers that this remains the most harmful aspect of the proposal. However, given its isolation and the preservation of the wider character in and around this site (including on the setting of the Scheduled Ancient Monument to the north), this is not a level of harm that would warrant refusal in its own right, especially when weighed against the wider benefits of the development in the planning balance section below.
- 8.29. As outlined above, the southern part of the site (Development Zones 5-7) has a fundamentally different character to the north. Two footpaths (AN19 and AN20) bisect this part of the site with the junction between them lying between all three of the development zones. Therefore, similar to the footpath through the northern parcel, there will be an unavoidable and immediate visual effect for walkers along the footpath between these development zones. However, the fields in question are relatively small, flat and generally unremarkable. They are also contained by surrounding woodland and already adversely affected by work associated with HS2. It is therefore again considered that the harm to recreational amenity of users of the footpath is not sufficient to justify refusal.

- 8.30. There are two further material considerations supporting the above assessment that the localised visual harm from the development is not sufficient to warrant refusal. Firstly, the site is part of an area that was not even considered for Special Landscape Area designation when the Local Plan Part 2 was prepared in recent years. Therefore whilst its overall size means its contribution to the local character of the countryside is important, there is nothing to indicate it is especially valued or that moderate localised effects would be particularly damaging. Secondly, it is notable that the application has generated very few public objections on visual grounds despite having been publicised twice and supported by 8no. site notices erected on rights of way through/around the site during the summer months when recreational walkers would be most likely to use them. Just one individual objection on visual grounds has been received (with one in support on these grounds) although it should be noted that surrounding Parish Councils do consider the development to represent further blight to the area over and above HS2.
- 8.31. The infrastructure associated with the development is shown on the submitted drawings. The most significant structures (i.e. the DNO substation buildings) are located to the extreme south-east of the site, which is by far the least prominent part of the whole site. Throughout the rest of the site there are a number of containerised inverters. These are generally located within the arrays of panels themselves and, given they will be of similar height, are not considered to be of specific visual concern. There are three exceptions that are located along the edge of Development Zone 3 in close proximity to the byway. However, these will be located behind hedgerows and subject to further conditions regarding their elevational treatment are also not considered to be harmful to visual amenity to any greater extent than the panels themselves. Other fencing/access tracks are to be of an appearance that are functional in appearance and not out of keeping in a rural context (i.e. they appear agricultural in nature). The interspersing of 2.3m tall CCTV poles every 50m around the perimeter of the site would be somewhat more conspicuous within a rural setting but is a necessary part of the development and is preferable in visual terms to taller more fortified fencing or actual security compounds within the site.
- 8.32. New planting is shown on the proposed drawings and the recommendation is subject to a condition that requires further details of the heights, species etc. of this, as recommended by the independent landscape review and the Council's ecologist. In respect of existing trees, only four individual specimens are proposed to be removed to facilitate the development, all of which are Category C or U (i.e. the least quality). A total of twelve category A and B trees will require specific protection during construction, which is again to be secured by condition. In summary the proposal is considered to comply with Policy NE4 of the Local Plan regarding the integration of existing trees, the loss of trees, and replacement planting.

#### *Conclusion*

- 8.33. Officers are of the view that the localised impacts identified above do not prejudice the intrinsic beauty of the countryside under the terms of Paragraph 174 of the NPPF and, as such, the impacts are acceptable and the application should be approved in accordance with Paragraph 158(b).
- 8.34. The committee will have the advantage of being able to consider first-hand the level of visual harm in these respects during its pre-meeting site visit. Having viewed the site already and considered the LVIA, independent review, and amended plans, Officers consider that the level of visual harm does not represent a departure from Policies SS2 EMP6 and NE4 of the Local Plan, nor Policy S11 of the JCS. The proposals have been adequately amended to represent a more sensitive development (Policy S11) and whilst the development will be glimpsed through hedgerows or potentially be more prominent in places (e.g. from Welsh Lane, the byway in the one remaining location it bisects the site, and on the footpaths through the southern parcels), it is still generally compatible

with its surroundings (Policies SS2 and EMP6) by virtue of its limited scale and absence of any impacts on the wider landscape character. Officers are also satisfied that existing and proposed planting will be adequate, with this matter being further controlled by condition.

- 8.35. This conclusion notwithstanding, the residual visual impacts of the development should be weighed in the overall planning balance in the conclusion below.

#### Highway safety

##### *Policy context*

- 8.36. Paragraph 111 of the NPPF explains that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.37. Policy SS2 of the Part 2 Local Plan requires development to include a safe and suitable means of access for all people.

##### *Assessment*

- 8.38. The proposed development includes two points of access from the B4525 (Welsh Lane). The northern development zones will be accessed via an existing field access that will be upgraded to allow HGVs to enter the site during construction. Thereafter, a number of internal tracks through the various development zones will be constructed, which will be retained after construction for servicing purposes. The southern development parcels will be accessed via an existing waste facility that already accommodates HGVs. Thereafter existing farm tracks will be followed for a distance of around 1km to the west.
- 8.39. The Local Highway Authority have reviewed the access arrangements and have confirmed they are acceptable. Construction is expected to take 14 weeks and therefore it is considered that any disruption from additional HGVs using Welsh Lane cannot be regarded as 'severe' in terms of paragraph 111 of the NPPF. It is expected that up to four visits a week in vans/cars will be necessary to service the development after it is in operation. This is a negligible number of trips that will have no significant impact on existing highway conditions.
- 8.40. Having reviewed the submitted outline construction management plan, the Local Highway Authority have indicated to the applicant that they do not condone the use of banksmen as they have no statutory authority on the highway. The applicant has responded saying the reference to banksmen in the construction management plan is not strictly necessary and is simply an added measure to ensure the safety of HGVs entering and exiting the site during construction. Swept-path drawings have been provided demonstrating that vehicles can enter and exit in a forward gear.
- 8.41. Concerns have been expressed at the added disruption the development will produce given that HS2 works are also occurring close by. This is acknowledged but is unavoidable and the application could not be reasonably refused or delayed on the basis its 14-week construction period should not be allowed to overlap with the multi-year construction period of HS2. This matter is therefore given no weight in the planning balance and it remains the case that the development is considered acceptable in highway safety terms, subject to conditions requiring the implementation of a detailed construction management plan. This will specify the routing of vehicles (which in the outline version submitted indicates this will be from the A43 and A422 at either end of Welsh Lane), wheel-washing facilities, signage, and the detailed specification of the access.

- 8.42. For the avoidance of doubt, the proposed development does not require the diversion or stopping up of any right of way running through the site. All footpaths and byways will remain open and retained on their current alignment. An informative reminding the applicant of their statutory duties in this respect will be attached to the decision.

#### *Conclusion*

- 8.43. The development is acceptable in highway safety terms and complies with Policy SS2 of the Part 2 Local Plan.

#### Archaeology

##### *Legislative and policy context*

- 8.44. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.45. Likewise Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local *planning authority...shall 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.*
- 8.46. The site does not affect either listed buildings or conservation areas but does lie to the immediate south of a Scheduled Ancient Monument (Stuchbury Deserted Medieval Village), which enjoy similar statutory protection and are deemed by the Secretary of State to be of national importance.
- 8.47. Scheduled Ancient Monuments are designated heritage assets, and Paragraph 199 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy BN5 of the JCS 2014 echoes this guidance.
- 8.48. Policies HE1, HE5 and HE6 of the Part 2 Local Plan guide development affecting designated and non-designated heritage assets and their settings including conservation areas and listed buildings. Policy HE2 covers Scheduled Ancient Monuments and Archaeology. Policy BN5 of the West Northants Joint Core Strategy also explains that designated heritage assets and their settings and landscapes will be conserved and enhanced.

#### *Assessment*

- 8.49. Despite its size and extent, the site does not affect any designated conservation areas or listed buildings and their settings. The Scheduled Ancient Monument to the north of the site has however been identified by Historic England as having a setting that extends over part of the application site, with Drovers Lane itself (i.e. the byway running through the site) having been the historic route to and from the former medieval village. The significance of the village is outlined in a detailed description prepared when first scheduled by Historic England in 2015 for the following reasons:

*\* Survival: for the exceptional earthworks and waterlogged deposits depicting the form and plan of the settlement and the fish ponds to the south of it; \**

*Potential: for the stratified archaeological deposits which retain considerable potential to increase our understanding of the physical characteristics of the buildings and settlement. Buried artefacts will also have the potential to increase our knowledge and understanding of the social and economic functioning of the settlement within the wider medieval landscape; \* Documentation: for the high level of historical and archaeological documentation pertaining to the settlement's evolution; \* Diversity: for the range and complexity of features such as building platforms, crofts, trackways, evidence for the parish church and the fish ponds which, taken as a whole, provide a clear plan of the settlement and retain significant stratified deposits which serve to provide details of the continuity and change in the evolution of the settlement and status of its inhabitants.*

- 8.50. For the avoidance of doubt, the proposed development does not include any works within the Monument itself although by reasons of proximity to it, as well as the former railway cutting running through the site (itself an area of archaeological interest), is recognised to have high potential to contain non-designated archaeological remains. For this reason the Council's archaeologist has insisted that trial-trenching is carried out prior to permission being granted. The trial-trenching is underway with a Written Scheme of Investigation having been agreed between the applicant and the Council's archaeologist. The recommendation below is therefore subject to the resolution of this matter; a decision will not be issued until the Council's archaeologist is satisfied that archaeological remains have been properly investigated and recorded. Conditions may be added thereafter to further control this.
- 8.51. Returning to Scheduled Ancient Monument itself and Historic England's objection, this does not concern the physical disturbance of archaeological remains but relates to concerns about how the proposed solar development would encroach into the rural setting of the Deserted Medieval Village, dominating its approach along Drovers Lane and adversely affecting how the Monument has been historically appreciated. Historic England have confirmed that they regard this harm to the setting of the Monument as 'less than substantial'. They further recommended the removal of the two northernmost development parcels closest to the Scheduled Ancient Monument although note there would still be impacts from other development zones lining the route to/from the Monument.
- 8.52. Officers regard the application as having an acceptable impact on the setting of the Scheduled Ancient Monument for two reasons. Firstly, the two northernmost development parcels have indeed been removed from the development resulting in less immediate impacts on the setting of the Monument in line with Historic England's advice. Secondly, paragraph 202 of the NPPF is clear that less than substantial harm to designated heritage assets or their setting should be weighed against the public benefits of the proposal. The removal of the two northernmost development parcels means that the identified harm is now potentially beneath even 'less than substantial' but, nevertheless, the public benefits of a large renewable energy project that will provide enough power for nearly 10,000 homes and reduce carbon emissions are considered by Officers to outweigh less than substantial harm in this instance.
- 8.53. Policy HE2 of the Part 2 Local Plan is stricter than paragraph 202 and states that harm to Scheduled Ancient Monuments or their setting will only be permitted in wholly exceptional circumstances where a clear and convincing justification can be demonstrated. In this instance, it is considered that the removal of the two northernmost development parcels is such that the harm the setting of the Monument is sufficiently diminished for the exceptional threshold in Policy HE2 to not be applicable, i.e. the level of harm does not warrant exceptional circumstances. The public benefits required by

paragraph 202 are demonstrated and therefore the development is considered acceptable in archaeological terms.

### *Conclusion*

- 8.54. The proposal is considered to comply in principle with paragraph 202 of the NPPF, Policy HE2 of the Part 2 Local Plan, and Policy BN5 of the Joint Core Strategy. Matters concerning archaeological remains are the subject of an agreed Written Scheme of Investigation and the recommendation is therefore subject to the final resolution of this with the Council's archaeologist.

### Ecology Impact

#### *Legislative context*

- 8.55. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.
- 8.56. In terms of EPS, the Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in the Regulations, or pick, collect, cut, uproot, destroy, or trade in the plants listed therein. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of 3 strict legal derogation tests:
- a. Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
  - b. That there is no satisfactory alternative.
  - c. That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

#### *Policy Context*

- 8.57. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. Paragraph 180 states that planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for and should support development whose primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 8.58. Paragraph 185 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on nature conservation.

- 8.59. National Planning Practice Guidance (PPG) states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 8.60. Policy NE3 of the Part 2 LP seeks to conserve and wherever possible enhance green infrastructure . Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. Policy NE5 requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.
- 8.61. Policy BN2 of the JCS 2014 states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported. Development that has the potential to harm sites of ecological importance will be subject to an ecological assessment and required to demonstrate: 1) the methods used to conserve biodiversity in its design and construction and operation 2) how habitat conservation, enhancement and creation can be achieved through linking habitats 3) how designated sites, protected species and priority habitats will be safeguarded. In cases where it can be shown that there is no reasonable alternative to development that is likely to prejudice the integrity of an existing wildlife site or protected habitat appropriate mitigation measures including compensation will be expected in proportion to the asset that will be lost. Where mitigation or compensation cannot be agreed with the relevant authority development will not be permitted.

#### *Assessment*

- 8.62. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is a sizeable tract of open countryside with a variety of habitats and a number of mature trees and hedgerows within and adjacent. It therefore has the potential to be suitable habitat for a variety of species including EPS; such as bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 8.63. In order to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 the LPA must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 8.64. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 8.65. The application is supported by a detailed protected species survey which concluded that the habitats affected on site will be largely arable fields (84%) with limited ecological value. The majority of boundary features including hedgerows, woodland and watercourses will be retained and protected throughout. The documents also detail that

the boundary features will have appropriate buffers/standoffs between them and the solar farm infrastructure e.g. fencing. There is anticipated to be some minor losses of hedgerow (e.g. for access routes), but this is not considered to be significant. In respect of protected species, a large active badger sett was identified near the southern section of the site and as such mitigation measures in the form of protecting foraging and commuting routes are also recommended.

- 8.66. The Council's ecologist has reviewed the application and confirmed the ecological reports are appropriate and fit for purpose. Some limitations to the survey results were identified, mostly due to access constraints over what is an exceptionally large site. However, they are satisfied that these limitations are capable of being overcome by way of conditions, including those covering construction environmental management and landscape and ecology management. There will be no permanent lighting associated with the proposal and therefore no impacts in this regard.

#### *Conclusion*

- 8.67. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any EPS found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

## **9. FINANCIAL CONSIDERATIONS**

- 9.1. The development is not liable for CIL as no residential or retail floorspace is proposed.
- 9.2. 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 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.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. Matters weighing in favour of the proposed development may be summarised as:

- National and local policy (most notably paragraph 158 of the NPPF and Policy S11 of the West Northants Joint Core Strategy) both emphasise a presumption in favour of sustainable development, including renewable energy projects that reduce carbon emissions. The proposed development will make a significant contribution to this, producing enough renewable power for 10,000 homes annually and reducing the area's carbon footprint by 6,740 tonnes per year. This is to be given very significant weight.
- The proposal has been amended to omit those areas of the site that contribute most significantly to landscape and archaeological value and is therefore now

more sensitive to its context. The wider site is also not identified as being for any particular landscape value.

- No other significant environmental effects or technical issues have been identified (it should be noted though that the recommendation is subject to resolution of archaeological matters).

10.2. Matters weighing against the proposed development may be summarised as:

- It is not possible to completely mitigate the localised visual impacts of the proposed development. In particular, the development will be immediately apparent and prominent on certain stretches of rights of way that run through the site.
- Similarly, there remains a degree of harm to the setting of the Scheduled Ancient Monument to the north of the site, as Drovers Lane itself was the historic route to and from the Deserted Medieval Village and will in places be in close proximity to remaining Development Zones.

10.3. In conclusion, Officers consider that the planning balance lies in favour of granting permission. The benefits of the proposed development are very significant and are considered to outweigh the harm that has been identified, particularly taking into account that harm can be further mitigated by conditions relating to landscape management and the visual details of equipment associated with the development.

## **11. RECOMMENDATION / CONDITIONS AND REASONS**

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION SUBJECT TO:**

- 1. NO OBJECTIONS BEING RECEIVED BY THE COUNTY ARCHAEOLOGIST FOLLOWING THE COMPLETION OF TRIAL-TRENCHING**
- 2. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

### CONDITIONS

#### **Time limits**

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

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

2. The planning 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: This is a time limited permission only given the nature and lifespan of the development proposed and to ensure the long term protection of the character and

appearance of the countryside in accordance with Policy SA of the West Northamptonshire Joint Core strategy and Policies SS1 and SS2 of the South Northamptonshire Local Plan (Part 2).

### **Restoration**

3. Within 12 months of the date of expiry of the permission hereby granted 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. 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 ensure the removal of unnecessary panels that are no longer generating electricity and the satisfactory restoration of the land to preserve the character and appearance of the countryside in accordance with Policies SS1 and SS2 of the South Northamptonshire Local Plan

### **Approved details**

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

- LCS018-SP-01\_rev03 Site Location Plan
- LCS-SD-17\_rev01 Panel Cross Section
- LCS-SD-01\_rev02 DNO Substation Elevations and Dimensions Plan
- LCS-SD-02\_rev-2 Customer Substation Elevations and Dimensions Plan
- LCS-SD-03\_rev01 CCTV and Light Post Detail
- LCS-SD-04\_rev01 Stock Fence and CCTV Elevation
- LCS-SD-08\_rev02 Inverter Elevations and Dimensions Plan
- LCS-SD-14\_rev01 DNO Substation Floor Plan
- LCS-SD-15\_rev01 Customer Substation Floor Plan
- LCS-SD-16\_rev01 Inverter Floor Plan
- Figures DLSF\_SPA1R, DLSF\_SPA1ER, DLSF\_SPA1, DLSF\_SPA1E, DLSF\_SPA2R, DLSF\_SPA2ER, DLSF\_SPA2, and DLSF\_SPA2E, all contained within Appendix G of the Transport Statement prepared by AECOM

All received by the Local Planning Authority on 30th April 2021

- LCS018-PLE-01\_rev15 Indicative Site Layout Plan
- LCS018-DZ-01\_rev17 Zoning Layout Plan

Both received by the Local Planning Authority on 7th September 2021

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

### **Ecology**

5. The development hereby permitted shall be carried out in accordance with the recommendations, mitigation measures and enhancements set out in Preliminary Ecological Appraisal, by AECOM, dated 23rd April 2021 and section 3 & 6 of the Environmental Statement Volume 1: Main Text, by AECOM, dated April 2021, unless otherwise agreed in writing by the Local Planning Authority.

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

## **HS2**

6. None of the development hereby permitted within the area subject to formal HS2 Safeguarding Directions shall be commenced until details of that part of the scheme to be constructed within that area together with a construction method statement for that part of the scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall not be implemented other than in accordance with the approved details. Attention is also drawn to the informative below concerning HS2.

Reason: To safeguard the HS2 Phase One programme.

## **Ecology**

7. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to establish any changes in the presence, abundance and impact on protected species. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing by 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.

8. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats and great crested newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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.

## **Construction management**

9. No development shall take place including any site preparation or clearance until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the Local Planning Authority. The statement shall be based upon

the template provided in Appendix 3B of the submitted Environmental Statement and the submitted Transport Statement and 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;
- j) The mitigation measures recommended in chapters 6, 7 and 8 of the submitted Environmental Statement

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

Reason : To ensure the environment is protected during construction in accordance with Policy SS2 of the South Northamptonshire 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.

10. 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 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

The approved CEMP: Biodiversity 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.

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.

## **Landscaping**

11. Prior to commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be 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 the visual amenities of the area and 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.

12. Notwithstanding the approved drawings, a detailed scheme for landscaping the site shall be 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),

(b) further details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of 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 Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

## **Drainage**

13. Before construction commences a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to the local planning authority for approval in writing. The scheme shall subsequently be implemented in accordance with the approved details. These shall include:

- a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets swales and attenuation basins.
- b) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations that demonstrate the discharge to watercourses from the individual drainage catchments is at  $Q_{bar}$  for all events.

- c) Infiltration test results to BRE 365
- d) Demonstration that any flooding for the 1 in 100yr plus 40% climate change storm event remains on site.

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.

14. 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.

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.

### **Tree protection**

15. No development within each of the Development Zones shown on the approved drawings shall take place until the existing trees to be retained in and around that Development Zone have been protected in accordance with the Tree Protection Plan and Protection Measures contained within Appendices E, F & G of the Arboricultural Impact Assessment prepared by AECOM and received 30th April 2021. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development within each Development Zone and shall be maintained until all construction equipment, machinery and surplus material have been removed from the site. 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 Policies SS2 and NE5 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Materials**

16. Prior to the erection of any substations, inverters, or other plant structures, further details of the colour and finish of the buildings' external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

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

### **CCTV**

17. Prior to being brought into operation, further details shall be submitted to and approved in writing by the Local Planning Authority regarding the operation of the proposed CCTV system. This shall include as a minimum:

- Details of the proposed camera specification;
- Details of the local contractor 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 SS2 of the South Northamptonshire Local Plan (Part 2).

### **Drainage monitoring**

18. The development shall not be brought into operation until a Verification Report for the installed surface water drainage system for the site based on the Flood Risk Assessment and Drainage Strategy Drover's Lane Solar Farm ver 2 dated 13th April 2021 prepared by Aecom 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) As-Built Drawings and accompanying photos
- c) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

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

### **Landscape maintenance**

19. 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 ten 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 SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

20. All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason : To conserve and enhance biodiversity and prevent the spread of non-native species 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.

### **Permitted development**

21. 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 SS2 of the South Northamptonshire Local Plan.

### **Contamination**

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

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

### **Lighting**

23. No external lights/floodlights shall be erected on the land without the prior express planning permission of the Local Planning Authority.

Reason : In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan and Government advice in The National Planning Policy Framework.

### **INFORMATIVES:-**

1. The applicant is advised that part of the application site falls within land that may be required to construct and/or operate the high speed rail line between London and the West Midlands, known as High Speed Two'. Powers to construct and operate High Speed Two were secured on 23 February 2017 when Royal Assent was granted for the 'London to West Midlands High Speed Railway Act 2017'.

For the avoidance of doubt the details and construction method statement require by Condition (6) should demonstrate the scheme to be constructed within the safeguarded area will not impede, delay, or otherwise cause harm to works to construct the London to West Midlands High Speed Railway.

2. It is understood that no stopping up or diversion of rights of way through the site will be necessary to deliver the development. Nevertheless, no works affecting any existing public right of way may commence without the express written permission of the local highway authority's Rights of Way or Definitive Map Teams. An application should be made under Section 257 of the Town and Country Planning act 1990 if a diversion is in fact required to facilitate this development. The alternative route for such a diversion must be agreed with the local highway authority's Area Rights of Way Officer and be available for public use prior to the closure of any existing route.