

Application Number: WNS/2022/0557/EIA

Location: Land at Halse Road, south of Greatworth, Northamptonshire

Proposal: Construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure.

Applicant: Conor Mcallister (JBM Solar)

Agent: Pegasus Group

Case Officer: Sangeeta Ratna

Ward: Middleton Cheney

Reason for Referral: Major development

Committee Date: 17 October 2022

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION and SHOULD THE LEAD LOCAL FLOOD AUTHORITY SUBSEQUENTLY CONFIRM IT HAS NO OBJECTIONS TO A REVISED DRAINAGE STRATEGY, THEN AUTHORITY SHALL BE DELEGATED TO THE ASSISTANT DIRECTOR FOR GROWTH, CLIMATE & REGENERATION TO OMIT THE SECOND REASON FOR REFUSAL FROM THE DECISION NOTICE OR NOT PURSUE THIS REASON FOR REFUSAL SHOULD AN APPEAL AGAINST THE DECISION BE MADE.

Proposal

The application seeks full planning permission for a solar farm through the installation of ground mounted static photo-voltaic (PV) panels and associated infrastructure across a total area of approximately 79Ha of agricultural land. The total electricity export capacity of the development would be around 49.9 megawatts, together with a storage facility of up to 49.9MW.

Consultations

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

- Greatworth and Halse Parish Council, Farthinghoe Parish Council, Ramblers Association, CPRE

The following consultees have **commented and/or raised no objection** to the application:

- Planning Policy, Archaeology, Network Rail, Environment Agency, Conservation, Northants Police, Northants Fire & Rescue, Environmental Health, Natural England, Building Control, Local Highway Authority including Rights of Way

The following consultees provided no comments:

- Lead Local Flood Authority, British Horse Society, Marston St Lawrence Parish Council, Western Power, CAA Aerodrome

A total of 139 letters concerning the application have been received. These are difficult to accurately categorise as some are duplicative, submitted in both an individual and collective capacity, or from multiple members of the same household including those from across the country claiming to write on behalf of relatives. The vast majority of letters (roughly 97%) are in objection to the development with 14 specifically raising no objection or supporting the development. The matters raised are summarised below.

- Impact of additional traffic would exacerbate that caused by HS2 ongoing works affecting the road network for residents of Halse and Greatworth
- Loss of agricultural land
- Impact of solar farm development is suitable to be located closer to existing motorway and other infrastructure projects to ensure the countryside is protected
- The proposal would affect the tranquillity for 40 years
- Visual impact on residents who walk the routes on a daily basis.
- Change in the annual displacement of CO2 from 18000 tonnes to 22500 tonnes is not explained.
- Although renewable energy projects are required this site is not suitable due to its valley location and loss of agricultural land.

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 and access;
- Impact on designated heritage assets;
- Archaeology;
- Ecology;
- Noise and amenity;
- Flood risk.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reason:

- The proposed development would harm the landscape and visual character of the area.

Members are advised that the above is a summary of the proposals of key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations. 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 around 79Ha of land located between the villages of Halse, Greatworth, Farthinghoe, and Marston St Lawrence, around 3.5km to the north-west of Brackley. There exist small farmsteads at Copse Lodge, Halsecopse

Farm, Halse Grange, Lower Farm, Abbey Lodge Farm and Cockleyhill Farm in the surrounding area. The site is currently almost entirely in agricultural use (a mix of arable and grazing land). It is bisected by Halse Road, which is a rural road connecting the aforementioned settlements, and the former London & Northwestern Railway Line, which is a generally planted embankment/cutting with no formalised use.

- 1.2 comprises of a number of existing fields of varying sizes and shapes either side of Halse Road, with the majority of the total area located to the south west. The topography of the site is a notable feature with the proposal covering part of the sides of a shallow valley with the Hinton Brook watercourse running through its lowest part. Public Right of Way AN11, AM14 runs through the site in a north/south direction; it has its almost entire length either adjoining or through the site, from Greatworth in the north before terminating at the AN23 bridleway a short way to the south of the site. AN23 itself runs along the southeastern edge of the site to/from Halse. The site is also visible from Prow AN17 and AN18 are located towards the north of the site and AN15, AN16 located towards the south, south-west of the site. There are a number of other rights of way around the site in all directions that by virtue of proximity and/or topography also allow views of the site.
- 1.3 The site is not constrained by any statutory designation. The extremely large site has a range of other visual characteristics and natural features that are not fully summarised here. This matter is nevertheless given close consideration in the landscape and visual character section of this report and the site was subject to a previous Member site visit in December 2021 under application WNS/2021/0935/EIA.

2. CONSTRAINTS

- 2.1. The following constraints affect the application site:
 - The site is wholly within open countryside;
 - 2no. rights of way (footpath no.AN11, AM14 and bridleway no.AN23) run through/next to the site.
 - 1no. ancient tree (sweet chestnut) is located within the site;
 - A total of 9no. areas of archaeological interests are located in/around the site;
 - Parts of the site immediately adjoining watercourses that run through the site are in Flood Zones 2 and 3;
 - The site is within 2km of 7no. Local Wildlife Sites with additional potential Local Wildlife Sites contained within the site (including the former railway).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The development is the creation of a solar farm and associated infrastructure. It involves installing rows of static photo-voltaic (PV) arrays that will be up to 3m tall and laid southwards on metal frames at an angle between 15 and 25 degrees. The rows will be spaced between 4m and 10m apart.
- 3.2. The supporting infrastructure includes inverter stations positioned around the site, battery stations, perimeter fencing with CCTV, access tracks (to be 4m wide and constructed from crushed aggregate). The proposal also incorporates a new substation to the north of the site with two new pylons located next to existing towers in order to provide a direct connection into overhead lines that traverse the site. Cabling from the rest of the site to the substation will be underground.

- 3.3. The proposal will also include large amounts of landscaping, planting and ecological enhancement that would not require permission in its own right but is associated with the development and would be secured by condition in the event that permission was granted. This includes wildflower, hedgerows and tree planting, a community orchard, outdoor classroom area, and the creation of a permissive footpath along the former railway line that bisects the site.

4. RELEVANT PLANNING HISTORY

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

Application reference	Description	Decision
WNS/2021/0935/EIA	Construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure.	Withdrawn
S/2020/1529/SCO	Scoping Opinion for the proposed development comprising of construction of a solar farm and battery storage facilities together with associated equipment and infrastructure	EIA Scoping Opinion Given
S/2020/1172/SCR	Screening Opinion for the proposed development of a solar farm, battery stations and associated equipment.	Environmental Impact Assessment required
S/2018/2870/HRN	Removal of 13 metres (total) of hedgerow at 3 locations	No Objections
S/1980/0196/P	Outline - site for the erection of shooting school clubhouse and use of land as shooting ground.	Refusal

- 4.2. Of the above planning history, the most recent applications included WNS/2021/0935/EIA which was development on a larger area of land extending to 103Ha along with the screening and scoping applications for Environmental Impact Assessment (EIA) purposes respectively. This process is intended to establish firstly whether EIA is necessary and secondly, if it is, to establish what assessment matters need to be included in the Environmental Statement. This screening process for this proposal revealed that an EIA would be required. The scoping process set out the matters which were identified as relevant and needed to be addressed.

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 15th 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 (LPP1)

- 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
- BN2 Biodiversity
- BN3 Woodland Enhancement and Creation
- BN7 Flood Risk
- BN9 Planning for Pollution Control
- INF2 Contributions to Infrastructure Requirements
- R2 Rural Economy.

SOUTH NORTHAMPTONSHIRE PART 2 LOCAL PLAN (LPP2)

- SS1 The Settlement Hierarchy
- SS2 General Development and Design Principles
- EMP6 Farm Diversification
- 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
Crime Prevention Advisor	Comments	Northants Police has made comments previously on the various iterations of this planning proposal and in all cases have highlighted the lack of information regarding the potential for crime which is likely to occur as a result of this development. A

		<p>request for a comprehensive security statement detailing the mitigation to reduce opportunities for crime was made in 2020 as well as a requirement for these measures to be conditioned. This application contains nothing which could begin to be said to address any crime issues. Very disappointing. The last two responses are shown below for the avoidance of any doubt about our consistent response to this. Response to WNS/2021/0935/EIA It is disappointing that the likelihood of crime which may arise as a result of this development has not been referenced in the ES and security gets a very scant mention in point 3.16 of the DAS. Solar Farms are often targeted by OCG's (Organised Crime Gangs) especially when the price of raw metals is high as they are easy targets being 'secured' with nothing more than deer fencing. Such a perimeter treatment does nothing to secure the equipment being very easily breached with the minimum of effort. I note a mention of CCTV but there is no detail on which to base an opinion as to how effective or otherwise this may be. CCTV on its own is no deterrent especially in the middle of a field where any response to what is being observed can take a long time by which time the crime has been perpetrated. Please ask the applicant for more details about the CCTV proposed, is it monitored, does it have an infra red capability, who responds to what is being observed and where are the cameras and how many are there? I am not convinced that the potential for crime on this site has been adequately addressed.</p> <p>Screening Opinion for Proposed Solar Farm and battery stations S/2020/1172/SCR Land West of Halse Road Halse Solar farms are routinely targeted by determined thieves often in the form of organised crime gangs as the installations are usually remote, not under the surveillance of passing traffic or pedestrians and have minimal levels of security. In the screening opinion request the applicant includes a reference to a security system in the form of CCTV and deer fencing to prevent unauthorised access to the site. The use of the suggested deer fencing is normal for such installations but this fencing does not provide a secure boundary treatment and is very easily breached. The use of CCTV cameras as suggested is acceptable but only if they cover the whole site and not just the entrance gates, are mounted on poles in excess of 2.4m high, have infra red capability and are monitored. CCTV cameras per se do not offer any deterrent to a determined thief and</p>
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		<p>experience of thefts and crime on solar farms would suggest the thieves rarely arrive by the front gates but instead cut through the deer fencing to access the panels and cabling. Organised criminal gangs target such installations and remove many thousands of pounds worth of cabling and panels so the security associated with the development of such an enterprise needs to be risk commensurate. The fact that a quiet country lane runs through the site will provide further opportunities for crime and provide legitimacy for anyone with criminal intent to be in the area. Any forthcoming application should therefore include a comprehensive security statement giving details of the CCTV system and other measures to be implemented to reduce the potential for crime.</p>
Ramblers Association	Comment	<p><i>Concerns raised regards the destruction of rural aspect, especially views south from Greatworth. However, the need for solar energy is acknowledged. Suggested designation of path from Bridleway AN23 along be made definitive along with an extension of the same to connect to footpath AN33.</i></p>
Anglian Water	Comment	No comments received.
Building Control	No objections	No objections provided all surface water is directed to a soakaway.
Northants Police	Comment	The proposal does not address concerns raised in previous application. The proposed fencing and CCTV details provided are insufficient to assess the potential occurrence of crime. Further details requested of CCTV provision.
Natural England	No objections	<i>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.</i>
Planning Policy	Comment	<p><i>... 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</i></p>

		<p><i>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.</i></p> <p><i>That said, the Council's planning policies seek to strictly control new development in the open countryside to protect its rural character and beauty and in the interests of sustainable development. Therefore, detailed proposals would need to be weighed against the wider policy considerations contained within national and local policy.</i></p>
Local Highway Authority		<i>Following receipt of amended plans and information have no objections</i>
Lead Local Flood Authority		<i>Comments awaited</i>
Northants Fire & Rescue	Comment	<i>No comments received.</i>
Environment Agency	No objections	No objections. The solar panels and associated infrastructure will be located in flood zone 1. An Ordinary Watercourse Consent will need to be sought from the LLFA for any access crossings and swales proposed over and adjacent to Ordinary Watercourses.
County Archaeologist	No objections	No objections subject to pre-commencement conditions.
Conservation	Comment	No comments received.
Greatworth & Halse Parish Council	Object	Development would be disruptive when considered alongside HS2. There would be large solar farms on two sides of Halse given the one which has already been approved and located to the northeast of Halse. Topography makes the development impossible to visually screen. There will be adverse impacts on the setting of the Conservation Area. There are other less sensitive areas for development.
Campaign to Protect Rural England		<i>No comments received.</i>
Farthinghoe Parish Council	Object	Object on the grounds of loss of agriculturally yielding land, adverse impact on visual appearance of the countryside, environmental effects, soil quality, adverse effects on users of rights of way, impact of construction vehicles on existing country roads, loss of agricultural jobs.
Health & Environmental Protection	Comment	The noise impact assessment indicates that for two of the noise sensitive receptors, at Copse Lodge and Abbey Lodge Farm, an "adverse" impact is predicted during the night-time period from operation of a battery unit. Whilst it is acknowledged that the absolute criteria will not be an adverse impact may arise from the proposed

		development due to the character of the specific noise source. On that basis, additional mitigation should be provided for those receptors in order to reduce the impact at night time.
Ecology		<i>No objection subject to conditions</i>

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 been a substantial number of objections raising the following issues:

- Visual impacts;
- Disruption from construction;
- Adverse impacts on ecology;
- Adverse impacts on archaeology;
- Adverse impacts on Conservation Areas and listed buildings;
- Solar panels are inefficient;
- Loss of agricultural land for food produce;
- Urban areas should be used for renewable energy;
- Loss of amenity for rights of way users;
- Harm to private business interests (*Officer comment: this is not a material planning consideration*).
- Climate emergency means development should be supported.

8. APPRAISAL

Principle of development

Policy context

- 8.1. National Planning Policy states that the planning system should support the transition to a low carbon future by supporting development of renewable and low carbon energy and associated infrastructure. The NPPF encourages the principle of solar farm development where impacts are, or can be made, acceptable.
- 8.2. Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should approve the application if its impacts are or can be made acceptable.
- 8.3. 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.
- 8.4. [Department for Levelling Up, Housing and Communities](#) and [Ministry of Housing, Communities & Local Government](#) Guidance on Renewable and Low Carbon Energy (June 2015) encourages the increase of energy from renewable and low carbon technologies in the interest of climate change in locations where the local environmental impact is acceptable. It clearly states that although the NPPF acknowledges that all communities have a responsibility to help increase the use and supply of green energy it does not mean that the need for renewable energy

automatically overrides environmental protections and planning concerns of local communities including protection of local amenity.

- 8.5. Locally, Spatial Objective 1 (Climate Change) of the West Northants Joint Core Strategy (LPP1), 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 provided they are sensitively located and designed to minimise potential adverse impacts on people, the natural environment, biodiversity, historic assets and should mitigate pollution.
- 8.6. 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.'

- 8.7. The Council's adopted (Part 2) Low Carbon and Renewable Energy Supplementary Planning Document (SPD) recognises that renewable energy, combined with energy efficiency, offers an opportunity to counter the effects of global warming. There is general support for renewable energy provided 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.
- 8.8. The South Northamptonshire Local Plan Part 2 (LPP2) 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

- 8.9. It is evident from the above policy context that the proposed solar farm would be supported in principle. Whether or not the proposal is acceptable in this particular location with regard to visual, heritage, archaeological, ecological, noise, flooding, and highway matters is assessed individually in this report. The conclusion of these sections varies. However, the proposal has been assessed as unacceptable in terms of visual impact and the proposed mitigation measures.
- 8.10. The implications of this on the overall planning balance are considered in the conclusions at the end of this report. There are also other material considerations considered in this balance that relate to the principle of development.

- 8.11. Firstly, the NPPF is clear that even small-scale renewable projects should benefit from a presumption in favour. In this instance the benefits of the development are sizeable; renewable energy to power 12,000 homes resulting in an annual reduction of 22,500 tonnes of CO₂ (equating to 900,000 tonnes of CO₂ reduced over the lifetime of the development). This is to be given very significant weight.
- 8.12. Additionally, the proposal would create inward commercial investment and creation of temporary jobs during the construction phase. The proposal includes the creation of a permissive path along the former London & Northwestern Railway that bisects the site as well as other elements that ostensibly would enhance countryside access or environmental value such as a community orchard/picnic area and areas of biodiversity enhancement. These are given limited and moderate weight respectively due to the fact they mitigate (to a greater or lesser extent) the wider impacts of the development. The permissive path along the railway and community orchard/picnic area would offer new opportunities for leisure but would not wholly replace the experience for users of existing rights of way that will be subject to the urbanising influence of the development, as discussed below. Biodiversity enhancements are a standard requirement of any development and there is no evidence that they would be so great in this instance as to only be achievable by granting permission for the proposed development.

EIA

- 8.13. The development has been subject to both a screening and scoping opinion, required under the relevant Environmental Impact Assessment (EIA) regulations. The screening opinion provided by the Council advised that an Environmental Statement (ES) would be required, and the subsequent scoping opinion advised on the matters that should be addressed in the ES.
- 8.14. Where an ES is submitted with an application there is a legal duty for the Local Planning Authority to have regard to it. This means examining the environmental information, reaching a reasoned conclusion on the significant effects, integrating that conclusion into the planning decision and, if granting permission, considering whether to impose monitoring measures.
- 8.15. An ES which has been submitted in support of this application considers the proposal in detail against the matters identified within the scoping opinion which include Landscape Character and Visual impact, Biodiversity / Ecology, Land - Agricultural land and Agriculture impact, Cultural Heritage, Noise, Transport and Access, and Cumulative and Interactive impacts, with other ES factors, including nearby similar developments and the HS2 railway. These matters are regarded as scoped in within the ES. 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.
- 8.16. The ES does not identify any significant adverse effects either individually or cumulatively from the proposed development. The term 'significant' is important. It does not mean that no effects whatsoever will occur as a result of the development; where impacts still need to be weighed in the planning balance these are noted in the relevant sections below. The absence of significant environmental effects in EIA terms does not necessarily imply that a development is acceptable in planning terms, or indeed vice versa if adequate mitigation and monitoring is put in place. However, having assessed the information provided, Officers disagree with the findings of the ES in terms of landscape and visual impacts. This conclusion is integrated into the planning decision in the relevant section and conclusion below, as per the EIA regulations.

- 8.17. The other 'scoped in' matters have been considered and Officers agree that they will not result in significant environmental effects, having regard to the criteria established by the EIA regulations. In particular, those projects that have been assessed for cumulative or combined impacts are each sufficiently far away from the proposed development for direct cumulative/combined effects to be negligible.

Other matters

- 8.18. 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 134 sample points across the different parts of the site. The assessment concludes that 72,3 ha (91.2%) of the site is of Grade 3b quality and therefore not best and most versatile land. An area of 3Ha (3.8%) has been classed as being of Grade 3a quality, which would be best and most versatile. 5 Ha (5.0%) has been classified as non-agricultural (woodland) land. The loss of 3.8% of the site area which is Grade 3a land, is not of a size which can be considered significant to result in an adverse environmental effect to justify refusal of this application in terms of Policy SS2(1h). It should also be noted that the land will still be capable of being used for the purposes of grazing during the development and therefore will retain some degree of agricultural value.
- 8.19. The operational aspects of how the development will connect into the national grid are not a material planning consideration. National Grid and Western Power Distribution were nevertheless consulted on the application with no response being received. The development includes the provision of a new substation to connect to existing overhead powerlines that run over the site as well as underground cables from the rest of the arrays to the substation. The technical specification and suitability of this connection is a matter that is entirely the responsibility of the relevant statutory undertaker rather than something they rely upon the Local Planning Authority to determine. Therefore the risk of the proposed infrastructure being unsuitable rests with the applicant and does not weigh for or against the proposed development in planning terms.
- 8.20. On the basis of the above discussion, the proposal is considered to result in a detrimental impact on the landscape and visual aspect. The planning balance at the end of this report provides a summation of the overall benefits and harm of the proposal, as the acceptability in principle of solar development is dependent upon these site-specific matters.

Landscape and visual impact

Policy context

- 8.21. 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.
- 8.22. National guidance on planning considerations for delivery of renewable and low carbon energy development can be found in the Planning Practice Guidance: Paragraph: 013 Reference ID: 5-013-20150327. (<https://www.gov.uk/guidance/renewable-and-low-carbonenergy>). In respect of local guidance, Part 2 of the Councils SPD Low Carbon and Renewable Energy (Section

7), additionally provides specific guidance on different types of renewable energy, and Paragraphs 7.15 to 7.30 (Pages 71 - 80) for Solar Farms PV on a large scale.

- 8.23. The LPP1 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 on people and the natural environment.
- 8.24. The LPP2 Policy SS2 sets out 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.*
- 8.25. It is also relevant to note that the application is not within a Special Landscape Area despite being partially considered for inclusion as one in the LPP2 yet being ultimately discounted. 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.
- 8.26. Policy NE4 of the LPP2 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.
- 8.27. The Northamptonshire Landscape Character Assessment (NLCA) commissioned by the Northamptonshire County Council provides a detailed review and description of the current character of the Northamptonshire landscape. This informs the Northamptonshire Landscape Character Assessment: Landscape Strategy and Guidelines which inform, develop and enhance the sustainable planning and management of the landscape.
- 8.28. According to the NLCA majority of the application site lies within LCA13a Middleton Cheney and Woodford Halse, with two fields of solar panels falling into LCA 6a Tove Catchment in the south east of the site.

- 8.29. The strategy and guidelines for LCA13 states “... to conserve and enhance the balance of the rural elements that contribute to the intrinsic character of this productive agricultural landscape”. Within LCT13 “large scale development should be resisted within this rural landscape and particularly in open and remote areas...there may be opportunities for limited development within the lower and more secluded locations...”.
- 8.30. The guidelines for LCT 13 are - *Conserve and enhance the cohesive character...and ensure this quintessential rural agricultural landscape is not diminished*; *Conserve and enhance the changing patterns of local distinctiveness that relate to the subtle variations in landform and land use and patterns...; Conserve field patterns, the existing small woodlands, hedgerow patterns, character of rural lanes; seek to limit the effects of infrastructure and urban influences on the wider rural landscape.*
- 8.31. For LCT6 the Strategy is to conserve the simplicity and the limited palette of characteristics that define this generally quiet and settled rural landscape.
- 8.32. The guidelines for LCT6 are - *Conserve wide panoramic views; enhance contrast between open elevated areas and more intimate and visually contained areas; Conserve and enhance characteristic patterns and distribution of agricultural land use to further enhance the relationship between land use and landform; Conserve and enhance hedgerows, the predominantly un-wooded character, the smaller scale woodland and copses, field patterns, avoid new development that compromises the intact rural and historic character of the rural landscape and conserve the network of recreational opportunities.*

Assessment

- 8.33. The location of the site is in a valley with gently undulating land surrounding the area. Fig 2.2 Topography Plan submitted in support of the application shows land level rises to the north, east, south-east and south west of the site. It is therefore visible from a number of public rights of way, notably the paths which cross the site, also those on higher ground nearby. It is acknowledged that the site area has been reduced by 24Ha as compared to that proposed within the previously withdrawn application under ref: WNS/2021/0935/EIA. The reduction has been achieved by partly omitting land north of Halse Road and a small parcel just south of Halse Road. The majority of the site now extends south west of Halse Road with the exception of the substation which is located to the north together with its access track off Halse Road.
- 8.34. It should be noted that the site is not part of a ‘valued landscape’ for the purposes of paragraph 174 of the NPPF as it is not subject to any local or national designation that indicates specific protection. Part of the site to the south was within an area that was considered during the LPP2 for a Special Landscape Area (SLA) designation but was ultimately deemed not to meet the relevant threshold criteria. The development management process should not be used to revisit that assessment but nevertheless it does provide an indication that the landscape and visual implications of the development should be carefully considered in this instance; it is not the case that the absence of a specific landscape designation means any proposal will be acceptable in visual terms. This approach is consistent with the second limb of paragraph 174 that the intrinsic beauty of the countryside should be recognised (i.e. even where it is not part of a ‘valued landscape’) and LPP1 Policy S11’s direction that proposals should be sensitively located together with the Government guidance on Renewable and Low Carbon Energy (June 2015).

- 8.35. The application is supported by a Landscape and Visual Impact Assessment (LVIA) which provides an assessment of impact on landscape and visual aspects and mitigation measures to alleviate the same. 22 viewpoints have been used to assess the visual impact of the proposal from vantage points around and within the site.
- 8.36. Viewpoint 1 is located on the higher ground towards the north of the site looking in the south direction to the site. Halse Road would be mid distance from viewpoint 1 to the southern edge of the site. The Applicants state that the solar panels are proposed to be tilted towards south. Therefore, the view from viewpoint 1 would be of dark voids. Although Officers agree that the orientation means the solar panels would not be visible face on, it must be considered that the frames across the area of the site would be visible to a varying extent from various locations in the north of the site including viewpoint 1. This change would inject a sense of development uncharacteristic within the open countryside and therefore, contrary to Appendix 2.2 Landscape and Visuals, Officers do not consider that the impact would be negligible.
- 8.37. Viewpoint 2 is located on AN11 half distance between Greatworth and the site. The existing electricity pylons closest to the proposed substation (part of this application) are on the left. The site is towards the south east from this point. The Applicants state that the solar panels would be visible face on from this point. However, based on the proposed site lay out plan and the orientation of the panels Officers are of the view that the view from viewpoint 2 would be of the void beneath the panels and the supporting frame and from a closer distance as compared to that from viewpoint 1. It is acknowledged that the solar panels are proposed to be set away from Halse Road by a distance of 100-250m. However, the expanse and depth of the site visible from this viewpoint together with the falling ground levels means that even at the stage when the proposed planting has reached maturity the frame structures of panels would be in direct view and the resulting view would be detrimental to the existing visual amenity as enjoyed from this viewpoint.
- 8.38. Viewpoint 3 is located opposite the north boundary of the site which abuts Halse Road, on AN11 and towards west of the junction of Brackley Road and Halse Road. Viewpoint 3 looks north (in the opposite direction of the site) and Viewpoint 21 looks south onto the site along AN11. For Viewpoint 21 the land containing the site falls and that beyond the site rises giving a panoramic view of the countryside. The LVIA argues that this view of the site along Halse Road is a glimpsed, transient and oblique view of the site as experienced by road users. It is evident from a site visit that the section of this road has a few curves and there are a number of breaks within the existing hedgerows which provide views across the depth of the site and beyond as the land in the immediate foreground drops and that further beyond the site rises. The proposed mitigation measures set the panels away from the boundary along Halse Road and landscape the area between the panels and Halse Road. Road users would be able to notice the panels further within the site and this would affect the panoramic view of the wider landscape as land rises beyond the south of the site.
- 8.39. The proposed landscaping includes new tree planting and a 10m wide wild meadow along the length of AN11 within the site as one walks south. Panels would flank both sides of this section of the footpath. The new tree planting would create a corridor which would screen the panels. Nonetheless it would also screen the panoramic view along AN11. The panoramic views from and beyond the site constitute the existing visual amenity which is enjoyed along this walk. It would be affected by new planned landscaping which will until maturity allow views of the panels and on maturity they would screen the panels, however, they would also obstruct the panoramic views further afield.

- 8.40. Viewpoint 6 is located along Halse Road looking in the north west direction towards the site. The main receptors would be road users and it is agreed the impact would be transient, especially with the proposed set back of panels from the boundary abutting Halse Road.
- 8.41. Viewpoint 7 is located on higher ground compared to the site with PRow users as receptors. It looks west towards the site beyond Halse Road. Due to the drop in ground level it is agreed that with the proposed mitigation measures which include enhancement tree planting to screen the substation there would be glimpses of the panels in view.
- 8.42. Viewpoint 8 would be along Halse Road looking west at the site. For road users the view would be similar to that at Viewpoint 7 – glimpses of the panels as the tree planting would screen a majority of it.
- 8.43. Viewpoint 9A, 10 and 11 are located along AN23 with PRow users as receptors. The ground level would fall in the foreground and rise towards the west boundary of the site. Ground level also rises from Viewpoint 9A to 10 and 11. Viewpoint 10 would be closest to part of site identified to be archaeologically sensitive. Viewpoint 11 would specifically face the panels tilted south. Mitigation measures include retention and strengthening of existing hedgerows and new hedgerow planting. However, owing to the proximity of the PRow to the panels, the extent of the site and ground levels rising towards the north and west the visual impact of the proposal would not be adequately mitigated.
- 8.44. Viewpoint 12 is also located on elevated ground level away from the south-west boundary. It looks east towards the site. The topography and hedgerows together with those along the disused railway line would screen the panels.
- 8.45. Viewpoint 13 is located further away to the south east of the site. It is agreed that the ground topography does not allow the site to be in view from this part of the bridleway. Viewpoint 14 it is agreed that the ground topography does not allow the site to be in view from this part of the bridleway.
- 8.46. Viewpoint 15, 16 would be located on higher ground level and look north towards the site. The south facing panels would be in vision as ground level rise towards the west boundary of the site. The proposed hedgerow and tree planting together with retention of those existing is not considered to provide screening from this viewpoint due to the topography. The existing character of a scenic view of undulating open countryside would substantially change resulting in an adverse effect.
- 8.47. Viewpoint 17 would look north east towards the site. The ground levels would drop further away from the west boundary of the site towards east. Therefore, the panels would be seen sideways from this viewpoint across a substantial area of the site even at year 15 when the proposed landscaping would have reached maturity.
- 8.48. Viewpoint 18 would look east towards the site and would have similar ground levels as at viewpoint 17. The impact of the panels is also considered to be similar to that at viewpoint 17.
- 8.49. Viewpoint 19 located to the north of the site nearer to the built form at Greatworth would not experience a substantial impact of the proposal due to the topography and the existing woodlands which would provide screening.

- 8.50. Viewpoint 20 would look south towards the site. The viewpoint would be further away from the site boundary. The lands in the foreground of this view would rise with the site beyond falling in ground level resulting in no adverse impact from this viewpoint.
- 8.51. The mitigation measures proposed include a wide strip of land ranging from 100-250m in width to be retained in the current agriculture use with no panels on this land and retention of the existing hedgerow along Halse Road. A new 2m high deer fence would be located off the said distance from Halse Road. The mitigation measure across the site include retention of existing field boundaries within the site; their enhancement with additional native hedgerow and tree planting; new lengths of hedgerow proposed along one side of footpath AN11 and accommodating the route within a 10m wide Green Infrastructure Enhancement Corridor which includes wildflower buffers/margins; creating a permissive access along the existing disused railway track and managing the belt of vegetation along this to ensure that users can move safely along it, whilst respecting the existing wildlife; plantation of a new orchard in the north corner of the site which would be accessible to the public via pedestrian access through the existing footpath only. The ground underneath and around the proposed solar panels would be planted with species rich grass together with wildflower planting between the fences and boundaries.
- 8.52. This LPA commissioned a Review of the LVIA provided in support of the proposal from Askew Nelson (a registered practice with The Landscape Institute).
- 8.53. The LVIA Review by Askew Nelson observes that all fields where solar panels are proposed – in both LCT13 and LCT6 - display similar landscape characteristics attributed to LCT 13. The majority of the site is therefore High Value landscape with High Sensitivity despite the site not being a designated landscape.
- 8.54. The Review observes that the site is highly visible, especially when walking along footpaths AN11 and AN23 (bridleway) and along AN16, AN15, AN17 and AN18. There are particularly fine views over the application site and the wider rural landscape when walking along these public footpaths. Conversely, the LVIA gives a comparatively unrealistic impression of the openness of the site and the extent of potential visual impact of the proposed development (It is acknowledged though that Figure 2.5 Screened Zone of Theoretical Visibility does provide a potentially wide visibility of the site).
- 8.55. The review provided by Askew Nelson of the LVIA is summarised as follows –
- The site is considerably more open and the development potentially more visible in the wider landscape than is apparent from the LVIA. A substantial part of the site is overlooked from the public domain, notably public footpaths AN11, AN23 (bridleway), AN17, AN16 and AN15, and the Halse Road.
 - 22 views have been used to represent the visual context of the site. In some cases they do not give a sufficiently realistic impression of the openness of the site and the extent of potential visual impact of the proposed development. This is apparent when one visits the site and compares the views in the LVIA with what one actually sees. For example, I found the site to be more open and more visible than the LVIA suggests: especially when walking along footpaths AN11 and AN23 (bridleway) but also AN16, AN15, AN17 and AN18. There are particularly fine views over the application site and the wider rural landscape when walking along these public footpaths. The potentially wider visibility of the site is represented on Figure 2.5 Screened Zone of Theoretical Visibility.

- On the fields where the panels and associated infrastructure will be constructed, the proposal would result in major adverse landscape effect due to the fundamental change in character and openness.
- The proposal would result in a significant adverse effect for receptors at Viewpoint 11 where no planting appears to be proposed to mitigate the impact. Between Viewpoints 10 and 11 the bridleway is raised as the ground rises (due to the existing topography). Therefore, the proposal would be clearly visible. The topography would not allow the ability of planting, even at year 15 when it would be sufficiently established, to mitigate the Major Adverse visual effects for receptors walking along AN23 to the east of Viewpoint 10.
- Visual effects for receptors at Viewpoints 2, 5, 6, 17, 18, 21 and 22 would be significantly adverse as against the LVIA which suggests these would be moderately adverse.
- The proposed new hedge planting on one side of public footpath AN11 (as opposed to that on both sides as in the previously withdrawn application) as it passes through the site. This is presumably to avoid the 'tunnel effect' of creating an enclosed narrow corridor between two parallel hedgerows. It does mean that the solar panels will be visible in the long term on one side of the footpath. In the case of the field north of the dismantled railway the proposed hedgerow on the east side of the footpath will eventually hide the solar panels but it will close off the fine long views to the east and south towards Halse. I would expect significant adverse visual effects for receptors walking along AN11. The long views available from footpath AN11 where it crosses the site (and which appears to be well used) are locally distinctive: "wide vistas across this productive landscape" are noted in the description of LCT13 (Current Landscape Character Strategy and Guidelines). The closing in of views will restrict these 'wide vistas' and harm the visual amenity of highly sensitive receptors.
- Following the LVIA's own methodology and conclusions this will lead to Major and Moderate adverse landscape and visual effects for the 40 year duration of the development. In spite of the proposed mitigation, there would be a number of significant adverse landscape and visual effects on the site and in the local context. Landscape harm includes loss of openness and detrimental change to the locally distinctive rural character which has few detracting influences. Visual harm includes substantial changes to rural, open views. These should be considered significant in determining this application.

8.56. The Agents have provided a response to the Askew Nelson review of their LVIA - Copse Lodge Solar Farm Landscape and Visual Response August 16th 2022. They argue that the Council's Consultant Askew Nelson have not provided their own LVIA. It must be noted that Askew Nelson have been commissioned to review the LVIA submitted by the Agent in order to assist this LPA in the determination of this application similar to other consultees who have been consulted on various other matters discussed within this report. The variation in effects considered to be major adverse vs moderate adverse and significant vs non-significant as viewed by the Agents against those of Askew Nelson are noted. Nevertheless, Officer's have assessed the impacts on the basis of both - the LVIA provided and its review by Askew Nelson and have arrived at an agreement with the views provided by their consultant.

8.57. The proposed development would result in significant loss of openness and detrimental change to the locally distinctive rural character of the site and surrounding

area from the perspective of multiple receptors. The location of the site set within a valley with land rising higher in multiple directions means that the site is highly visible from quite a distance. Therefore proposed mitigation measures would not be adequate to make acceptable the resulting adverse impact on the intrinsic beauty and character of the countryside. The proposal is therefore contrary to paragraph 174(b) of the NPPF, Policies S10(i) and S11 of the LPP1 and Policies SS2 (1b and 1d) and EMP6(1b) of the LPP2.

Highway safety and access

Policy context

- 8.58. 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.
- 8.59. Policy SS2(1j) of the LPP2 requires development to include a safe and suitable means of access for all people.

Assessment

- 8.60. The proposed development includes two points of access from Halse Road, which is a 60mph road albeit one with rural characteristics that realistically mean speeds are typically lower than this.
- 8.61. The vehicular access to those parts of the site south of Halse Road will be via an existing field access that has an achievable visibility splay of 215m in each direction (i.e. consistent with the standard for 60mph roads). The access into the northern part of the site will be from a new access positioned to achieve the same standards. However, this will be removed once the site is operational with maintenance access thereafter being taken from an existing field gate, which has less visibility. During construction and maintenance all vehicles will be able to enter and exit in a forward gear.
- 8.62. The Local Highway Authority raised no objection to these access arrangements. In particular, the future maintenance access for the northern parcel is considered acceptable notwithstanding its deficient visibility due to the fact it is already in use for up to 15 agricultural movements today (with maintenance visits being far less than this) and there being no accidents recorded within the previous 5-year period.
- 8.63. The proposed picnic area and community orchard would be accessed via PRow AN11 and internally from the site. Although the LHA objected to this approach to provide access to this area without a vehicular access off Halse Road Officers consider that given the modest size of the picnic area and the orchard it would be onerous to expect the provision of an independent vehicular access and pertaining parking area for this purpose. The proposed non-vehicular access approach is therefore considered acceptable.
- 8.64. Turning to routing of construction traffic, the applicants propose this to be from the A43 on to the B4525 going west, turning south on an un-named road before joining Cockley Road going south east and turning onto Halse Road going east to the said access points along Halse Road. The Local Highway Authority agree that A42 and B4525 are suitable for construction traffic vehicles.
- 8.65. Cockley Road is approximately 5.5 metres wide, subject to the National Speed Limit with verge on both sides of the carriageway. The road has straight sections, allowing

for forward visibility, with three bends in the carriageway whilst routing south towards Halse Road, which will act as a natural traffic calming and lower speeds. Halse Road, approaching from the west of the site is generally 4.8 – 5.5 metres wide, subject to the National Speed Limit with verge on both sides of the carriageway. The LHA have suggested Cockley Road and Halse Road would be required to be manned by banksmen to ensure safe flow of traffic. This would be secured via a planning condition.

- 8.66. A Swept Path Assessment for a 15.4m HGV routing to and from the Unnamed Road via the B4525 has been provided with mitigation measures at the junction. This includes increasing the kerbing radii on the eastern side of the Unnamed Road's bellmouth to 10 metres, stop/go banksmen.
- 8.67. The LHA have suggested conditions which require the applicant to submit a preconstruction video survey of the construction route to the LHA to prove the current condition. Post construction another survey would be required and the two would then be compared for the damage done by the construction traffic, which the developer then has to rectify under a Section 59 Agreement with WNC Regulations.
- 8.68. Conditions suggested by the LHA would further ensure that the junctions of the construction traffic route with PRoW s is notified to construction traffic drivers so as to expect pedestrians near these junctions and to ensure to avoid any conflict with works to implement HS2 which are scheduled to run until at least the end of 2022 in addition to Section 278 agreement with the LHA in relation to making good of any damage caused to the existing roads.
- 8.69. Subject to conditions requiring the implementation of the proposed access and construction management methods, the development is not considered to have a 'severe' impact on traffic or highway safety and will provide a safe and appropriate access. It would therefore comply with Paragraph 111 of the NPPF and Policy SS2(1j) of the LPP2.

Impact on designated heritage assets

Legislative and policy context

- 8.70. The site covers a very large area but does not include any listed buildings or Conservation Areas. However, due its scale, its effects on the setting of Farthinghoe Conservation Area, Marston St Lawrence Conservation Area, and Greatworth Conservation Area should be considered. There are also a number of listed buildings within those settlements, the most significant of which (in terms of proximity to the site) is the Grade II listed Greatworth Manor.
- 8.71. 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.
- 8.72. 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*. Therefore significant weight must be given to these matters in the assessment of this planning application.

- 8.73. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 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.
- 8.74. Policies HE1, HE5 and HE6 of the LPP2 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 HE3 Historic Parks and Gardens, and Policy HE7 Non-Designated Heritage Assets.

Assessment

- 8.75. The Council's Conservation Officer was consulted on the withdrawn application. The current application is on the same site with a same proposal but the fact that the site area have been reduced to 79 Ha. Therefore, it is not considered that the Council's Conservation Officer's comments would be any different. Their comments indicated that the intervening distance and topography means that the development will not harm the significance of designated heritage assets in Farthinghoe or Marston St Lawrence. However, they have identified harm to both the setting of Greatworth Conservation Area and the setting of Greatworth Manor.
- 8.76. Taking the Conservation Area first, the identified harm is a change in character of the valley to the south of the village, of which there are extensive views from the southern part of the Conservation Area. Presently this is considered by Officers to form an attractive rural setting to the village and, in terms of significance, will have historically always been of an agrarian character.
- 8.77. The proposed development will alter this by introducing new infrastructure that will be visible from within the Conservation Area and detract from its otherwise rural setting. The harm, in heritage terms, that will result is assessed by Officers as being less than substantial due to the indirectness of the impact on the Conservation Area, the fact that it can be at least partially mitigated by landscaping, and the fact that the site does not represent the entirety of Greatworth's rural setting.
- 8.78. In accordance with Policy HE6 of the LPP2 and paragraph 202 of the NPPF, this harm should be weighed against the public benefits of the proposal. It is the view of Officers that the less than substantial harm to the setting of Greatworth Conservation Area is outweighed by the public benefits of the development in terms of the significant carbon reduction it will contribute towards. This is a wider-than-local benefit that is public (not private) and when weighed against the indirect nature of the harm and its scale is considered to comply with Policy HE6 and paragraph 202 of the NPPF.
- 8.79. Turning to the setting of Greatworth Manor, the harm identified is similar to the Conservation Area. The listed building is in a prominent position overlooking the valley and has extensive views over the valley to the south, which in turn provide it with an attractive rural setting. In this instance the high status of the manor and its prominent location suggests there could be a deliberateness to the position which means the setting does make a positive contribution towards its overall significance.
- 8.80. The proposed development will alter this in the same way as it does the setting of the Conservation Area; by introducing new visible infrastructure that will detract from the

otherwise agrarian and rural setting. The harm to the setting of Greatworth Manor is also considered to be less than substantial as there is no certainty that the position it occupies forms part of its significance. Furthermore, the proposed development will still be located some distance from the listed building and does not, for example, encroach within its actual curtilage.

- 8.81. Again, this harm should be weighed against the LPP2 (Policy HE5 relates to listed buildings) and paragraph 202 of the NPPF. Officers consider that the aforementioned public benefits of the development also outweigh the identified harm to the setting of Greatworth Manor for the same reasons they outweigh harm to the setting of the Conservation Area.
- 8.82. For the avoidance of doubt, the assessment of Officers is that the public benefits of the development outweigh heritage harm even when this is considered cumulatively. There is no basis for aggregating the harm to Greatworth Conservation Area and the harm to Greatworth Manor such that the overall level of harm is increased beyond less than substantial. The public benefits of the proposal are nevertheless significant and are considered by Officers to outweigh the identified harm regardless of how it is totalled.
- 8.83. For the further avoidance of doubt, the above assessment in respect of visual harm and public benefits is carried out purely in respect of designated heritage assets and the policy requirement to weigh these against one another. The more general landscape/visual harm of the development is different in its character and extent and thus is assessed separately in the relevant section of this report. The overall planning balance in the conclusion of this report also carries out a separate and holistic assessment of the weight to be given to benefits.
- 8.84. The proposed development will result in less than substantial harm to the setting of Greatworth Conservation Area and Greatworth Manor. In accordance with paragraph 202 of the NPPF and the relevant development plan policies, this should be weighed against the public benefits of the proposal. Officers consider that in this instance the public benefits of the development in terms of its significant carbon reduction are sufficient to outweigh the harm that has been identified.

Archaeology

Policy context

- 8.85. Policy HE2 of the LPP2 explains that when considering proposals that may affect sites that potentially have remains of archaeological importance, they will not be assessed until an appropriate desk-based assessment and where necessary a field assessment has been undertaken. Where remains are found there is a presumption that these should be preserved in situ.

Assessment

- 8.86. The comments received from Archaeology are in support and state –

Geophysical survey indicated a number of possible sites, and the site area was reduced to exclude what may be part of the medieval settlement of Halse, to the south east of the application site. Trial trenching of the site has identified a burial, probably of Roman date, in the south eastern part of the site; the area of the burial is to be excluded from the development. Also identified was a pit containing burnt clay thought to derive from an oven which may be very nearby; this area, in the north western part of the site, is to be

subject to a strip, map and sample excavation ahead of commencement of development.

- 8.87. Should the application be granted then they suggest a pre-commencement condition which has been included in an Appendix 1 – List of suggested conditions to this report.
- 8.88. The County archaeologist raises no objection to the methodology of the archaeological evaluation or the proposed mitigation for conserving and managing the remains that were found. Subject to conditions to secure this, the development would be acceptable and comply with Policy HE2 of the LPP2.

Ecology

Legislative context

- 8.89. 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.
- 8.90. 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:
- i. 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?
 - ii. That there is no satisfactory alternative.
 - iii. 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

- 8.91. 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 175 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.
- 8.92. 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.

- 8.93. 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.
- 8.94. Policy NE3 of the LPP2 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.
- 8.95. Policy BN2 of the LPP1 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

- 8.96. 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 covers a very large area that contains a variety of woodland, vegetation, and watercourses and 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.
- 8.97. 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.
- 8.98. 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.

- 8.99. The application is supported by a detailed protected species survey which concluded that there is no evidence badger setts within or directly adjoining the site, no evidence of barn owls, and that there is unlikely to be any impact on other protected species (e.g. bats, birds, reptiles), due to the nature of the habitats being affected and the retention and enhancement of the key habitats these species would use. It also specifies various measures such as buffer zones, gaps in fencing, and restrictions on lighting to ensure any undetected species or species commuting or foraging across the site will not be impacted by the development.
- 8.100. The proposal incorporates a number of measures that collectively will achieve a net gain in habitat units of 32.68%, which is well in excess of the 10% requirement recently enshrined into law by the Environment Act. These measures include approximately 1.9ha native species shrub planting, 1.9km of hedgerow planting page 2 of 6, approximately 0.73ha of native tree planting, 57ha of grazing/meadow grassland under, and around the proposed solar panels, 11ha of wildflower grassland and margins, 0.08ha of orchard tree planting, a new pond/scrape, provision of log piles and hibernaculum, over 0.2ha of native tree planting, provision of ten bird boxes, provision of ten bat boxes, provision of ten hedgehog boxes, provision of an otter holt, provision of twelve insect hotels and provision of four bee hives.
- 8.101. The Council's ecologist's comments summarised below –

Despite the limitations of the surveys identified above in general the outlined mitigation for protected species and habitats proposed within the Environmental Statement and Appendices is appropriate. The Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) proposed in the Environmental Statement will give an opportunity pre-commencement to ensure surveys are updated where necessary and mitigation measures detailed appropriately. If these mitigation measures are carried out fully and successfully then the development proposals are not thought to have a significant impact on protected species or habitats. If permission is granted for this development, in order to ensure impacts are minimised then the mitigation and biodiversity enhancement measures included in the Environmental Statement and Appendices should be included in a suitably worded condition.

- 8.102. Officers are satisfied that in the absence of any objection from Natural England and on the basis of the advice from the Council's Ecologist and subject to conditions, 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.

Noise and amenity

Policy context

- 8.103. Policy SS2(1f) of the LPP2 requires developments to not unacceptably harm the amenity of occupiers and users of neighbouring properties and the area through noise, odour, vibration, overshadowing or result in loss of privacy, sunlight/daylight or outlook unless adequate mitigation measures are proposed and secured.

Assessment

- 8.104. The application is supported by a noise assessment as a chapter in the Environmental Statement that seeks to model the noise impact from the proposed inverters, battery stations, and substation infrastructure. It concludes that there will be a negligible impact above existing background noise levels for occupiers in surrounding properties. Officers have no reason to disagree with this conclusion in the absence of any objection from Environmental Health.
- 8.105. The noise assessment does indicate elevated noise levels for users of certain rights of way through the site where infrastructure is to be placed near to paths and bridleways. However, this is isolated to the immediate area and is not considered by Officers to represent a departure from Policy SS2(1f) as users will be passing through the site and thus have limited exposure to noise from the development. This is in contrast to the site's visual effects, which will be more keenly felt on a wider and more persistent basis for those moving in and around the site. There is nevertheless a risk to the wider tranquillity of the area, which should be weighed as a harm in the planning balance.
- 8.106. The application is also supported by a glint and glare assessment. This concludes that the development will not have adverse impacts, with existing and proposed vegetation preventing the likelihood of glint and glare from the PV panels. Officers have no reason to disagree with this conclusion.
- 8.107. The Council's Environmental Health Officer comments that their assessment of the proposal indicates that for two of the noise sensitive receptors, at Copse Lodge and Abbey Lodge Farm, an "adverse" impact is predicted during the night-time period from operation of a battery unit. Whilst it is acknowledged that the absolute criteria will not be exceeded an adverse impact may arise from the proposed development due to the character of the specific noise source. In accordance with the Planning Practice Guidance an "Adverse impact" needs to be mitigated and reduced to a minimum. On that basis, additional mitigation should be secured for those receptors in order to reduce the impact at night time via a suitably worded planning condition.
- 8.108. The development would not result in any adverse effects on surrounding properties in terms of glint and glare. It would likely result in some adverse impact due to noise for which mitigation can be secured via a planning condition. It is therefore considered to accord with Policy SS2(1f) of the Part 2 Local Plan.

Flood risk

Policy context

- 8.109. 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.
- 8.110. Policy BN7 of the Joint Core Strategy and Policy SS2(11) of the LPP2 requires development to provide satisfactory surface water drainage and incorporate mitigation identified through an assessment of flood risk.

Assessment

- 8.111. The application as submitted includes a drainage strategy based on the assumption that the proposed PV arrays would not increase surface water runoff and therefore only the proposed plant buildings needed to be positively drained.
- 8.112. The Lead Local Flood Authority (LLFA) are consulted on all major applications. They have stated in their response that site being 79ha, little account has been taken of soil type, the site proposed gradient and the accumulative effect of the solar arrays which will increase runoff and flood risk from water courses within the site boundary. They have made suggestions including the inclusion of additional on-site storages and flow control, in order to reduce the peak runoff during storms and swales to encourage further infiltration and evapotranspiration, reducing the volume of runoff from the site and flood risk downstream.
- 8.113. The Agents have argued that their Drainage Consultant has an indication from the LLFA that their approach would be acceptable. Regardless at the time of report writing the LLFA have not confirmed this. Nor have the Agents provided the above mentioned information in order to address the concerns expressed by the LLFA.
- 8.114. On this basis the proposal is not considered to accord with Policy BN7 of the JCS and Policy SS2 of LPP2.

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 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.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Matters weighing in favour of the proposed development may be summarised as:
- National and local policy 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 12,000 homes annually and reducing carbon footprint by 22,000 tonnes per year. This is to be given very significant weight.
 - The development will include a biodiversity net gain of 32.68%. This is to be given moderate weight as all developments should achieve a biodiversity net gain and the development is not the only means of achieving it in this instance;
 - The development includes the creation of a permissive path along the former railway line through the site as well as other community assets such as an orchard, picnic area, and outdoor classroom. This is to be given limited weight as

these matters do not fully mitigate the effects of the development on existing rights of way through the site.

- The site is not subject to any statutorily protected landscape or environmental designations. This is to be given limited weight as it represents the absence of the weight of a specific policy or designation rather than an outright benefit of this proposal;

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

- Owing to the location of the site in a valley it is highly visible from a number of vantage points across the wider surrounding countryside. The development would result in harm to the landscape and visual character of the area. Mitigation measures would not appropriately overcome this harm, again especially due to the highly visible location of the site. Mitigation measures themselves would result in undesirable screening of existing panoramic views. Due to the scale of the development and its adverse effects on multiple receptors especially PRoW users, this is to be given very significant weight in the planning balance.
- The development would result in harm to the settings of Greatworth Conservation Area and Greatworth Manor. This is less than substantial harm that must be weighed against the public benefits of the proposal in its own right (i.e. separate to the overall planning balance) and therefore is to be given limited weight in the overall planning balance.
- The development would result in the loss of around 3.5Ha of Grade 3a agricultural land, which is classified as best and most versatile. This is to be given moderate weight in the planning balance due to the small proportion of the site it represents, and the absence of any objection from Natural England on these grounds.
- The development would result in some local disruption during its construction. This is to be given very limited weight due to proposed mitigation and limited duration.

10.3. The agent has provided reference to applications where planning permission has been granted. It must be considered that each site must be assessed on its merits. Due to their own individual settings sites are not considered comparable on the basis of planning permission being granted and refused on its own. In conclusion, Officers consider that the planning balance weighs in refusal of planning permission. The benefits of the development are very significant but are considered by Officers to be outweighed in this instance by the harm to landscape and visual character that has been identified and for which mitigation measures are not considered to be adequate to overcome the resulting harm.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

1. The proposed development would not be sensitively located and would harm the intrinsic character and beauty of the countryside. Its scale and siting would be incompatible with its surroundings, landscaping setting, and distinctive local character. The proposed landscape treatment is not suitable to mitigate this and so the proposed development would have a significant adverse effect on the

landscape and visual character of the area. The application is therefore contrary to Paragraph 174(b) of the NPPF, Policies S10(i) and S11 of the West Northamptonshire Joint Core Strategy (LPP1), and Policies SS2(1b & 1d) and EMP6(1b) of the South Northamptonshire Local Plan (LPP2).

2. It has not been demonstrated to the satisfaction of the Lead Local Flood Authority that the proposed development would have an acceptable impact on flood risk through the incorporation of appropriate sustainable drainage measures. The application is therefore contrary to Policy BN7 of the West Northamptonshire Joint Core Strategy (LPP1) and Policy SS2(1i) of the South Northamptonshire Local Plan (LPP2).

FURTHER RECOMMENDATION:

SHOULD THE LEAD LOCAL FLOOD AUTHORITY SUBSEQUENTLY CONFIRM IT HAS NO OBJECTIONS TO A REVISED DRAINAGE STRATEGY, THEN AUTHORITY SHALL BE DELEGATED TO THE ASSISTANT DIRECTOR FOR GROWTH, CLIMATE & REGENERATION TO OMIT THE SECOND REASON FOR REFUSAL FROM THE DECISION NOTICE OR NOT PURSUE THIS REASON FOR REFUSAL SHOULD AN APPEAL AGAINST THE DECISION BE MADE.