

<b><u>Application Number:</u></b>	WNS/2021/1858/EIA
<b>Location:</b>	Land at Milton Road, Gayton, Northamptonshire
<b>Proposal:</b>	Construction of a temporary 49.72MW Solar Farm, to include the installation of Solar Panels with transformers, a substation, a DNO control room, a customer substation, GRP comms cabin, security fencing, landscaping and other associated infrastructure.
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<b>Applicant:</b>	Anesco Ltd
<b>Agent:</b>	Barton Willmore
<b>Case Officer:</b>	Sangeeta Ratna
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<b>Ward:</b>	Bugbrooke
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<b>Reason for Referral:</b>	Major development
<b>Committee Date:</b>	12/09/22
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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: REFUSE for the reasons set out below**

#### **Proposal**

The application seeks full planning permission for the construction of a temporary 49.72MW Solar Farm, to include the installation of Solar Panels with transformers, a substation, a DNO control room, a customer substation, GRP comms cabin, security fencing, landscaping and other associated infrastructure.

#### **Consultations**

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

- Gayton Parish Council, Blisworth Parish Council, Rothershorpe Parish Council CPRE, Canal and River Trust,

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

- Ramblers Association, National Highways, Inland Waters, Health and Environment Protection, Environment Agency, Conservation, Anglian Water, Local Highways Authority (LHA)

A total of 44 letters of objection have been received. The matters raised are summarised below

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- Loss of arable land
- Adverse impact on landscape
- Impact on ecology
- Impact on the Conservation Area
- Impact on local economy
- Impact on highways

- Noise
- Impact on local tenant farm businesses & jobs
- Contrary to policy
- Carbon impact at decommissioning
- Unjustified scale

One letter has been received in support of the proposal on grounds that the proposal would not use Grade 1 – excellent quality agricultural land but that of low agricultural quality, impact on landscape and conservations areas would not be adverse, the proposal would provide higher biodiversity value compared to an agricultural field, impact of construction traffic would be for a limited amount of time, noise nuisance would not affect residential properties and would be less as compared to the use of the site as agricultural field. They include benefits of the proposal in relation to contribution to overcoming the current energy crisis.

### **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 reasons:

- The proposed development would harm the landscape and visual character of the area.
- The proposed development would not accord with the requirements of the Local Highways Authority due to uncertainty of the capacity of the Brickworks Canal Bridge to support the Construction Vehicular Traffic, lack of information in relation to the delivery, storage area, dust management, wheel washing etc for the North East parcel of the site, lack of information in relation to provision of a safe waiting area for delivery traffic control without causing an obstruction/conflict to other highway users.
- The proposal would not provide adequate mitigation to address risk of surface water flooding.

**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 of two parcels of land located between Rothersthorpe and Gayton. The northern parcel has an area of 44ha and the southern parcel measures

26ha resulting in a total of 70ha. The National Railway runs between the two parcels and the Grand Union Canal runs close to the south boundary of the northern parcel of the site. The site is not contained within the Grand Union Canal Conservation Area.

- 1.2 Public Rights of Way (RL3 & RL4) run through the northern parcel of the site and RL18 runs along its south boundary. Milton Road abuts the east boundary of the northern parcel and the north boundary of the southern parcel.
- 1.3 The site has not constraints in terms of designation or allocation. It is used as agricultural land with 5 fields in the north parcel and a single field in the south parcel. The fields are used for agriculture and are lined with hedgerows and trees. Together with the surrounding established woodlands the site and its surrounding have an open countryside character.
- 1.4 The land within the north parcel slopes from south to north and has some gentle undulations. Within the southern parcel the land slopes from north-west to south-east and has valleys towards its south and west.
- 1.5 The surrounding villages include Gayton located to the south-west, Rothersthorpe to the north and Milton Malsor to the north-east.
- 1.6 Both parcels of land comprising the site are accessible via Milton Road.

## **2. CONSTRAINTS**

- 2.1. The following constraints affect the application site:
  - There are archaeological features in several locations around the southern field there is only one area of real concern, which is in the south western corner. In this corner there is evidence for occupation.
  - Public Footpaths RL003 and RL004
  - The Grand Union Canal Northampton Arm located within 500m
  - The southern parcel is at a High Risk of Surface Water Flooding
  - Within 2km of Local Wildlife Sites at Gayton Reserve Lake, Tiffield Disused Railway and the Grand Union Canal.
  - Assets owned by British Pipeline Association.

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

- 3.1. The development is the creation of a solar farm and associated infrastructure. It involves installing rows of photo-voltaic (PV) arrays spaced 4.8m apart in a east-west direction. The frame on which the arrays would be stood would be 2.3m tall. The arrays would comprise of 92,070 solar panels, be laid at a fixed site specific angle of 15 degrees due south.
- 3.2. The supporting infrastructure includes a Customer sub-stations, a Distribution Network Owner's sub-station (DNO), transformers and feeder pillars. A 2m high Deer fence would be erected on all boundaries.

- 3.3. The existing access points off Milton Road would be retained and used during construction and through the operational period. The proposal also includes 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.
- 3.4. The point of connection and any pertaining cable routing of solar power from the proposed farm into the national grid has not been identified within this proposal.

#### 4. RELEVANT PLANNING HISTORY

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

Application reference	Description	Decision
WNS/2021/0004/SCR	Screening Opinion for proposed Solar Farm	Environmental Impact Assessment required

- 4.2. An application for a Screening Opinion for the proposal was made to this LPA. The outcome of the application was that the proposal was an EIA development. The development would have the potential for significant environmental effects on landscape and visual impact.
- 4.3. The Department for Levelling Up, Housing and Communities (DLUHC), in response to the Agent's request, re-assessed the same and advised that the proposal would have potential impacts in terms of land take, ecology, landscape, heritage assets and visual impact and would be of a magnitude to suggest that a full environmental statement is required.

#### 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 Local Plan (Part 1) (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
- BN5 – The historic environment and landscape
- BN9 Planning for Pollution Control
- INF2 Contributions to Infrastructure Requirements
- R2 Rural Economy.

#### South Northamptonshire Local Plan (Part 2)(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.

<b>Consultee Name</b>	<b>Position</b>	<b>Comment</b>
Anglian Water	Comments	Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.
Archaeology	No objection	No objection subject to conditions
Building Control		
British Pipeline Agency	Comments	No objection subject to pre-commencement condition ensuring existing pipes will be protected in accordance with details agreed by BPA.
Blisworth Parish Council	Object	The scale & extent of the proposed development is such that the existing landscape & topography is considered unlikely to have the ability to appropriately accommodate the development or restrict views of the

		development, or incorporate mitigation to enable this.
Crime Prevention Design Advisor	Comments	Security plan details to be exchanged between Applicant and Advisor. No objection subject to conditions
Conservation	Comments	<p>There would be no direct impact on designated assets as a result of proposed development on either site. In terms of indirect impact of the proposed development is not considered to harm the setting of any heritage assets in the vicinity. The Grand Union Canal Conservation Area lies to the immediate south of the site and will be affected by this development. The historic character and form of the settlement at the Gayton Conservation Area are main contributors to the significance of the area although elevated position and extensive views across the valley to the north are noted as being some of the best panoramic views within the former South Northants area. The proposed development may lie within some of these views of the hilltop settlement which would change the rural setting of the area.</p> <p>Where there are landscape views from the north to this site the presence of the solar farm in the immediate foreground / setting of the canal will alter the setting through the loss of rural agrarian setting which is considered to harm the rural setting of the canal contrary to Policy H6(3) of the Local Plan Part 2.</p>
Campaign to Protect Rural England	Objection	<p>On number of grounds including industrial appearance affecting the historic landscape features and landscape of high value, views from surrounding villages and rights of way, loss and degradation of arable land (Welsh Minister Case Law appeal ref: DNS/3245065 – land at Blackberry Lane, Nash, Pembrokeshire), lack of details in relation to decommissioning, impact on ecology.</p> <p>Considers that the EIA documentation is inadequate to fully assess the proposal. In particular we would expect an application to include:</p> <ul style="list-style-type: none"> <li>• Noise assessment</li> <li>• Cumulative Impact Assessment</li> <li>• Decommissioning report</li> <li>• Overwintering bird survey</li> </ul> <p>Consider there to be significant harms in this sensitive location and the relatively modest amounts of renewable energy that it would produce are insufficient to outweigh the harms that it would cause in this location.</p>
Canal and River Trust	Objection	a) The impact on the character, appearance, and heritage of the waterway.

		<p>b) The impact on existing canal bridges.</p> <p>c) The impact on biodiversity and users of the waterway.</p> <p>d) The impact on the structural integrity of the waterway due to the proximity of the proposed works. further detail on the traffic routes and management, with particular regard to the potential impact on existing canal bridges is required prior to determination. This should also include an assessment of alternative routes, existing or proposed, which would avoid any canal crossings.</p>
Environment Agency	Comments	The Environment Agency does not wish to make any comments on this application.
Ecology		Comments awaited
Environmental Protection	Comments	No objection subject to pre-commencement conditions
Gayton Parish Council	Object	On number of grounds which include loss of productive arable land, landscape, wildlife habitats and ecology, impact on Gayton CA, Grand Union Canal CA, impact on local tenant farm businesses and employment, noise nuisance, traffic and temporary nature of the development with undefined plan of decommissioning. Issues with construction traffic and deliveries
Inland Waterways	Comments	No objection provided hedgerow planting and preservation, wildflower planting, new planting is secured via a planning condition. Further comments include agreement on concerns raised by CPRE and Gayton Parish Council in terms of impact on existing bridges on Grand Union Canal and noise nuisance.
Local Highway Authority	No objection	<p>Initial response - Visibility splays adequate. All other comments in initial consultation remain outstanding. Re-consultation response awaited</p> <p>Response to re-consultation – i) The LHA is satisfied that a detailed CTMP can be controlled by a pre-commencement condition to ensure small delivery vehicles are used to deliver material stored in the southern part of the site to the northern part of the site.</p> <p>ii) The LHA is satisfied that a pre-commencement Condition to ensure the CTMP provides details of vehicles which will accord with any forthcoming weight restrictions on the Brickworks Bridge and trip rates for the same to transport materials from the southern parcel to the northern parcel of the site are provided to and approved prior to commencement of the proposed works.</p> <p>iii) The LHA is satisfied that due to the low volume of deliveries during the construction phase vehicles can be parked at the Services on the M1 to ensure vehicles do not meet each other along the route in opposing directions. CTMP to be controlled via condition.</p> <p>iv) details in relation to any crane and its</p>

		transportation to the Northern parcel of the site including combined weight of both vehicles can be secured via a planning conditions.
Lead Local Flood Authority	No Objection	Initial response - Insufficient information.  Re-consultation: sufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development, subject to conditions
Natural England	No Objection	Re-consultation response: Subject to appropriate mitigation to overcome the previous concerns.  Original response : As submitted, the application could have potential significant effects on Upper Nene Valley Gravel Pits Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: <ul style="list-style-type: none"> <li>• Consideration of functionally linked land for Golden Plover and Lapwing associated with the designated site.</li> <li>• Without this information, Natural England may need to object to the proposal.</li> <li>• Please re-consult Natural England once this information has been obtained.</li> <li>• Natural England's further advice on designated sites/landscapes and advice on other issues is for the LPA to seek information from the applicant in order to determine whether or not a likelihood of significant effects on protected species can be ruled out.</li> </ul> <u>Re-consultation comments dated 04 March 2022</u> - As submitted, the application could have potential significant effects Upper Nene Valley Gravel <ul style="list-style-type: none"> <li>• Pits Special Protection Area and Ramsar. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</li> </ul> The following information is required: <ul style="list-style-type: none"> <li>• Additional winter bird survey required, including nocturnal survey.</li> <li>• Historic data required or justification as to why this is not included.</li> <li>• Habitat Regulations Assessment (HRA) as it is optimal Functionally Linked Land for protected species Lapwing and Golden Plover.</li> </ul> Without this information, Natural England may need to object to the proposal. RE-consultation comments dated 28 April 2022 - No



		objection subject to appropriate mitigation being secured
National Highways	Comments	The proposal is not expected to have a significant impact on the SRN. We therefore have no objection to this application.
Planning Policy	Comments	
Ramblers Association	Comments	A long distance footpath, the Midshires Way runs along the Blisworth Road where it is close to the site. The route of this footpath is not directly affected by the proposed development.
Rothersthope Parish Council	Object	<p>Strongly object to the above planning application for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed development would have significant environmental effects on landscape and visual Impact.</li> <li>2. The proposed development would have a negative landscape impact with the loss of Open Field Wildlife Habitats and Ecology systems and the loss of Productive Arable Land.</li> <li>3. There would be a negative impact on the Grand Union Canal Conservation Area.</li> <li>4. The traffic impact on the highway network would be immense with the roads leading to and surrounding Gayton and Rothersthope being narrow rural roads with a number of humpback bridges crossing the Grand Union Canal at several parts of the route.</li> <li>5. Solar Installations on such a massive scale generate continuous noise and its proximity to residents would be detrimental to the village.</li> <li>6. Cumulative Development impact.</li> <li>7. There is no defined Reinstatement Plan or Costings for the 'Temporary Use 'of this site.</li> </ol> <p>The Parish Council support these objections with reference to the explanatory notes, details and justifications set out in the documents supplied by Gayton Parish Council with their letter dated 25 November 2021. Rothersthope Parish Council have worked closely with Gayton as the proposed application impacts considerably with Rothersthope.</p> <p>The Parish Council support both Central Government's and West Northamptonshire Council's sustainability and renewable energy initiatives. However, the proposed location and scale for this industrial installation is inappropriate, covering large areas of productive land adjacent to the Gayton Village Boundary and in close proximity to two historic Conservation Areas.</p> <p>Rothersthope Parish Council ask that a site visit is held to put the size of the development in context with</p>

		<p>the rolling high ground topography of the area and the proximity to Gayton, the Grand Union Canal and Rothersthorpe.</p> <p>Further comments - We fully support these latest views stated by the Statutory Consultees, which are very much aligned with our own, and clearly demonstrate that the developer has not in any way justified the massive negative impact their proposals will have on local villages, residents and the local Northamptonshire environment.</p>
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## 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 44 letter of objections raising the following issues:

- Visual impacts on landscape;
- Disruption from construction;
- Adverse impacts on ecology;
- Adverse impacts on archaeology;
- Adverse impact on highways
- Adverse impacts on Conservation Areas and listed buildings;
- Noise;
- Contrary to policy;
- Solar panels are inefficient;
- Carbon impact at decommissioning
- Unjustified scale;
- 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. The Development Plan comprises the adopted West Northamptonshire Joint Core Strategy (LPP1) and the South Northants Local Plan Part 2 (LPP2). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 8.2. The West Northamptonshire Joint Strategic Planning Committee adopted the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1) on 15th December 2014. The adopted LPP1 incorporates the Modifications recommended by the Inspector and covers the administrative areas of South Northamptonshire District, Daventry District

and Northampton Borough. It sets out the long-term vision and objectives for the whole of the West Northamptonshire area for the plan period up to 2029 and includes strategic policies to steer and shape development.

- 8.3. The South Northants Local Plan Part 2 (LPP2) was adopted by the Council on 22 July 2020. The LPP2 builds upon the policies of the adopted JCS in providing specific development management policies for guiding planning decisions in South Northamptonshire over the plan period (2011-2029)
- 8.4. The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: Paragraph 8 states that achieving sustainable development is achieved through three overarching objectives an economic objective, a social objective and an environmental objective.
- 8.5. National Planning Policy at Paragraph 152 states that *“the planning system should support the transition to a low carbon future in a changing climate ... 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.
- 8.6. 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”*.
- 8.7. 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.
- 8.8. 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.
- 8.9. 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.
- 8.10. 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.'*

- 8.11. The Council's adopted 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.
- 8.12. 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*

- 8.13. It is evident from the above policy context that development of solar farms would be supported in principle. Whether or not the proposed development is acceptable in this particular location with regard to impacts on landscape, townscape, natural, historical and cultural features and areas and nature conservation interests in accordance with the policy context is assessed individually in this report. 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.
- 8.14. The proposal would produce 49.72MWp (p-peak production) of electricity on 70ha of land which is currently in use as agricultural land (classed as 10.46ha of 3a and the remainder as 3b). It would power approximately 13,250 homes and would result in an approximate saving of 11,750 tonnes of carbon dioxide emissions per annum.
- 8.15. The NPPF paragraph 158 acknowledged that even small-scale renewable projects provide a valuable contribution to cutting greenhouse gas emissions. In this context the scale of energy output from this proposal would carry substantial weight.

#### *EIA*

- 8.16. The development has been subject to a screening 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.
- 8.17. The Council's decision stated:

*.... the proposed development would be likely to have significant effects on the environment. Additionally, ...the proposed development would have the potential for significant environmental effects on landscape and visual impact. The scale and extent of the proposed development is such that the existing landscape, vegetation, landform and topography is considered unlikely to have the ability to appropriately accommodate*

*the development and to filter and restrict views of the proposed development or to incorporate mitigation to enable this.*

- 8.18. The Applicant sought a Screening Direction from the Secretary of State who also concurred with the Council's assessment of this proposal confirming that the proposal is likely to have potential impacts in terms of land take, ecology, landscape, heritage assets and visual impact and would be of a magnitude to suggest that a full environmental statement would be required.
- 8.19. 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.
- 8.20. An ES which has been submitted in support of this application considers the proposal in detail against land take, ecology, landscape, heritage assets and visual impact, which are all dealt with below. In respect ecology matters concluding that the proposal would not result in significant effects on any ecological features assessed, and a moderate beneficial effect will result from the proposed planting enhancement measures. Natural England and the Council's Ecologist have been consulted as statutory consultees in this matter. Natural England do not object subject to planning conditions securing adequate mitigation measures.

#### *Other matters*

- 8.21. The details of how the power generated at the proposal solar farm would be fed into the National Grid have not been provided. The Planning Statement supporting the application states that route will be confirmed by the statutory undertaker nearer after the necessary surveys have been undertaken and the optimum route identified. However, these operational matters are not a material planning consideration. 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.
- 8.22. On the basis of the above discussion, the proposal is considered to affect land take, ecology, heritage assets and landscape and visual amenity. The planning balance at the end of this report provides a summation of the overall benefits and harm of the proposal, as assessed in terms of each of the identified effects.

#### Land take

- 8.23. The application is supported by an Agricultural Quality of Land report by Land Research Associates Ltd Derby. It states that the site has been assessed using a method devised by the Ministry of Agriculture, Fisheries and Food (MAFF). The method assists in classifying agricultural land by grade according to the extent to which physical or chemical characteristics impose long-term limitations on agricultural use for food production in categories on the basis of what is considered Best and Most Versatile (BMV).
- 8.24. The agricultural land classification (ALC) grades land from 1-5, with a number of subsections. Grade 1 is considered excellent quality agricultural land, best for growing fruit and salad crops for example, whilst Grade 5 is very poor quality agricultural land, suitable mainly for just permanent pasture or rough grazing.

- 8.25. Subgrade 3a is good quality agricultural land capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of other crops and subgrade 3b is moderate quality agricultural land capable of producing moderate yields of a narrow range of crops.
- 8.26. The applicants Agricultural Quality of Land report finds that 10.64ha (16%) of the site is grade 3a whilst the remaining is grade 3b.
- 8.27. CPRE have provided case law against the use of grade 3a land involving the Welsh Minister and whilst there is political debate within central government about the use of grade 3b land, in that it should be conserved as BMV land, currently government advice is that it does not have a significant impact on food production or security in England. Therefore, it is considered that the amount of land which is 3a and 3b would carry substantial weight in the planning balance and in favour of the proposal.

#### Landscape and visual impact

##### *Policy context*

- 8.28. 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.
- 8.29. 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.
- 8.30. 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.*

- 8.31. The application is not within a Special Landscape Area. Guidance in the Northamptonshire Current Landscape Character Assessment (NCLCA) is applicable together with Policy SS2 and Policy EMP6.
- 8.32. 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.

#### *Assessment*

- 8.33. The application is supported by Gayton Solar Farm, Northamptonshire Landscape and Visual Impact Assessment (October 2021) and a subsequent Response To 'Review Of Applicant's Landscape And Visual Impact Assessment (March 2022).
- 8.34. The Council commissioned Askew Nelson Ltd as a Landscape Consultant to assess the impact of the proposal on landscape character and visual effects. Based on the assessment and guidance within the Northamptonshire County Landscape Character Assessment Strategy and Guidelines, the Northampton Landscape Sensitivity and Green Infrastructure Study (NLSGIS, 2009), the Gayton Conservation Area Appraisal and Management Plan, Northampton Landscape Sensitivity and Green Infrastructure Study (NLSGIS, 2009) together with the Northampton Urban Fringe Landscape Character and Sensitivity Study (NUFLCSS) Askew Nelson Ltd have provided a review of both the LVIA and the subsequent response to review submitted in support of this proposal.
- 8.35. The Askew Nelson review finds that the LVIA does not make reference to three key documents: the Northamptonshire County Landscape Character Assessment Strategy and Guidelines, the Northampton Landscape Sensitivity and Green Infrastructure Study (NLSGIS, 2009), also the Gayton Conservation Area Appraisal and Management Plan which notes 'Important Views' north east from Gayton.
- 8.36. The NLSGIS (2009) gives a High-Medium landscape and visual sensitivity for much of the site ("Significant constraints identified, although smaller scale development may be possible subject to further detailed investigation and appropriate mitigation"). The eastern part of the northern site is High Sensitivity as it is a Protected Area for Minerals Site. The Askew review finds that the detracting influences on the northern site (industry, buildings, road noise, power lines) are less evident than is maintained in LVIA. The sensitivity of the landscape along the Grand Union Canal should be high (designated Conservation Area) – and assessed as a separate local landscape character area which is not conducted by the submitted LVIA.
- 8.37. The northern site is also more overlooked from the closer surrounding landscape. Parts of the site are clearly visible from Milton Road – to the east & south east of the site, from PROW RL3 up to Gayton, and from the minor road running north from Gayton. The site is more evident in views from the north in winter.
- 8.38. Therefore, the magnitude of change would result in a large impact on the open fields & landscape character of the site and immediate environs and would become medium as one moves away producing significant adverse effects. There is potential for Minor Beneficial effects if the existing hedgerows and canopy trees are managed as per the proposals.
- 8.39. Sensitivity of landscape and visual receptors is high around the Grand Union Canal and in some places the proposed development will be clearly visible, especially in winter where gaps in the canal-side vegetation are more evident. The proposal would result in Moderate Adverse effects for these receptors.

- 8.40. The receptors on PROW RL1 and RL5 would experience minor adverse effects as a result of the proposal. The magnitude of change in Views 1, 2, 5, 6, 7 & 8 would be major to moderate adverse depending on location.
- 8.41. The existing trees and the boundary hedge limit visibility of the site from the dwelling at No 12 Milton Road. The development is set back from the boundary, pushing the panels down the hill which also further limits visibility. However, in 15 years if the screening vegetation succeeds in limiting visibility of the development it will also limit the longer views east thereby resulting in a moderate adverse effect on this dwelling. The residents at Sandlanding Wharf would experience a major adverse visual effect, assuming high sensitivity and the large magnitude of change. Travellers on Milton Road between Gayton and the NE corner of the northern site would experience moderate adverse visual effects.
- 8.42. The Gayton Conservation Area and receptors at the pumping station, depots and Gayton Marina would experience minor adverse effects as a result of the proposal.
- 8.43. Therefore, in conclusion, the magnitude of change would result in a number of the landscape and visual receptors experiencing major and moderate adverse, both on site and in the local context. The Askew review reckons that the proposed mitigation measures would not overcome the harmful landscape and visual effects for the landscape type at the site and its surrounding. They would not ensure that the integrity of this quintessential rural agricultural landscape set within undulating hills and valleys is not harmed as a result of the proposed development. This is therefore contrary to the Northamptonshire Current Landscape Character (NCLCA) Strategy and Guidelines.
- 8.44. The Askew Nelson review raises significant concerns in relation to the location, size of the proposed development and the mitigation measures as proposed.
- 8.45. The proposed development would significantly change the landscape and visual character of the site and surrounding area from the perspective of multiple receptors. As such, Officers consider that the site is not suitable for the proposed development. The proposed mitigation measures do not recognise the intrinsic beauty and character of the countryside and cannot overcome the detrimental impact resulting from the proposal. This is a significant adverse effect that makes the application 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.

#### Glint and Glare

- 8.46. Solar Photovoltaic Glint and Glare Study has been provided which assesses the impact of glint and glare on receptors in the surrounding area. The report states the definition of glint and glare as - Glint – a momentary flash of bright light typically received by moving receptors or from moving reflectors and Glare – a continuous source of bright light typically received by static receptors or from large reflective surfaces.

The report assesses the impact of glint and glare on upon surrounding road users, dwellings, and railway operations and infrastructure. It finds that reflections lasting for more than three months per year and less than 60 minutes per day are geometrically possible for 60 of the 90 assessed dwellings. However, no mitigation measures would be required due the existing tree and hedgerow screens, the effects would coincide with that of direct sunlight received by the receptors and they would not affect receptors on the ground floor. Solar reflections from the proposed development are geometrically possible towards road users along approximately 1.9km of the A43. Predicted solar reflections are screened by existing vegetation, therefore, no impact is predicted to be experienced by road users, and mitigation is not required. Existing screening and



variations in the terrain height will significantly screen any solar reflections on Railway Signals. Solar reflections are geometrically possible towards 13 of the assessed 17 train driver receptors along a 1.2km section of railway track. However, visibility of solar reflections would be screened by existing screening; therefore no impact is predicted to be experienced by train drivers, and mitigation is not required.

#### Highway safety and access

##### *Policy context*

- 8.47. 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.
- 8.48. Policy SS2(1j) of the LPP2 requires development to include a safe and suitable means of access for all people.

##### *Assessment*

- 8.49. Access is proposed from Milton Road at individual access points to both parcels of the site. The northern parcel would have an access point on its south boundary and the southern parcel would have an access point along its north west boundary. These access points would serve the construction and the operational phase of the proposed project.
- 8.50. The Local Highway initially raised concerns in relation to visibility splays and required additional information in relation to proposed access, vehicle parking and turning arrangements, Transport Statement and the Construction Traffic Management Plan (CTMP).
- 8.51. The required details have been submitted by the Applicants. The LHA expressed concerns in relation to the CTMP where it proposed access via the Brickworks Canal Bridge due to the Canal and River Trust intending to assess the requirement of a likely weight restriction, the proposed 'Just in Time' deliveries and lack of details in relation to parking, wheel washing provision for the northern parcel of the site.
- 8.52. The Applicants provided clarification on each of the matters raised by the LHA which have been further assessed by the LHA. The LHA have stated that the matters of concern can be addressed via pre-commencement conditions so as to ensure that materials are transported from off site locations to the southern parcel, stored there and then transported to the northern parcel using vehicles suitable to the weight carrying capacity of the Brickworks Bridge, that 'Just in Time' deliveries are achieved by using the Services at M1 to park and avoid any crossover on narrow roads, and that details of any crane to be transported to the northern parcel including the carrying vehicle would be provided to and approved by the LHA prior to works commencing. The Applicants would enter into an agreement with the LHA to reinstate all damage caused by the construction vehicles to narrow roads after they exit Station Road Blisworth at the end of the construction phase. The Applicant will also be required to enter into a S278 Agreement with the LHA for the purpose of installing the heavy duty commercial vehicle crossovers of publicly maintained highway land required in order to access the site by the HGVs and all other traffic likely to be attracted to the site
- 8.53. On the basis of the clarifications in the above paragraph (received on 07 September 2022) it is considered that the LHA do not raise any concerns in relation to impact of the proposal on the highways network subject to their suggested pre-commencement conditions. Therefore, the proposal would accord with Policy SS2 of the LPP2 and the NPPF.

## Impact on designated heritage assets

### *Legislative and policy context*

- 8.54. 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.
- 8.55. 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.
- 8.56. 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 LPP1 echoes this guidance.
- 8.57. 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 HE6 is applicable in this case and regards development outside designated Conservation Areas it states that *'Where harm would be caused, including through development proposals outside of a conservation area which have an adverse effect on the setting of the conservation area or any views into or out of the area such harm will need to be weighed against the public benefits of the proposals.'*

### *Assessment*

- 8.58. The response from the Council's Conservation Officer states that there exist several designated assets in the surrounding area of both parcels of land which comprises the site. However, owing to the setting of those assets within their surrounding with natural and built environment providing visual separation and distance it is not considered that the proposal would result in harm to any of the designated assets. However, the Union Canal Conservation Area lies to the immediate south of the northern parcel of the site. This area is identified as Character Area 1 in the Grand Union Canal Conservation Area Character Appraisal and Management Plan (2014). Along this length of the canal the character is predominately rural. This attractive rural agrarian setting to the canal has remained unchanged for many years. One of the mechanisms identified in the document for protecting the setting of the Conservation Area is that of carefully controlling new development.
- 8.59. Policy HE6 requires the rural character of the area surrounding the Union Canal Conservation Area to be protected. The proposal would rather change this existing rural character substantially. Mitigation measures comprising of landscaping schemes at this location would not overcome the impact due to the fact that screening will also block the views and the resulting visual amenity across this boundary of the site close to the Conservation Area. The public benefit of the proposal in terms of providing a sustainable source of energy sufficient for 10000 homes would not necessarily benefit the local communities in this area. On this basis the impact of the proposal and the mitigation

measures are not considered to overcome the adverse effect on the setting of the Conservation Area and in turn on the local communities in the surrounding villages.

## Archaeology

### *Policy context*

- 8.60. 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*

- 8.61. The application is supported by geophysical survey and trial trenching. This has revealed evidence that there are archaeological features in several locations around the field. Of particular importance is the south western corner where evidence of occupation is seen, while the rest of the field appears to contain various agricultural enclosures. The Council's Archaeologist suggests a condition to ensure that intrusive groundworks are avoided.
- 8.62. The northern parcel of the site requires further trenching in order to establish archaeological features of interest if any. The Archaeologist suggests a further condition to secure both the remainder of the trenching and any mitigation which may be required. Subject to the suggested conditions the proposed development is considered to comply with Policy HE2 of the LPP2.

## Ecology

### *Legislative context*

- 8.63. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) into English law, making it an offence to deliberately capture, kill or disturb<sup>1</sup> wild animals listed under Schedule 2 of the Regulations. It is also an offence to damage or destroy a breeding site or resting place of such an animal (even if the animal is not present at the time). From 1st January 2021, the 2017 Regulations are one of the pieces of domestic law that transposed the land and marine aspects of the Directive. Most of the changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales, all other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.
- 8.64. The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act (CRoW) 2000 and the Natural Environment and Rural Communities Act (NERC) 2006, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive), making it an offence to:
- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 to the Act, or its dependent young while it is nesting;
  - Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act;

- Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act;
- Intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection;
- Pick or uproot any wild plant listed under Schedule 8 of the Act; or
- Plant or cause to grow in the wild any plant species listed under Schedule 9 of the Act. Protection of Badgers Act 19).

8.65. Under the Regulations, competent authorities such as the Council have a general duty to have regard to these requirements. 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*

8.66. 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.

8.67. 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.

8.68. 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.

8.69. 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.

- 8.70. Policy BN2 of the JCS 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.
- 8.71. Policy BN4 deals with the Upper Nene Valley Gravel Pits Special Protection Area and requires that proposal protect sightlines for birds included within the special protection area and ramsar site designations and within a 250m zone of the special protection area.

#### *Assessment*

- 8.72. The application site lies in close proximity to the designated Upper Nene Valley Gravel Pits Special Protection Area. 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.
- 8.73. Comments received from Natural England state that the proposal would be acceptable subject to adequate mitigation measures to be approved via planning conditions.
- 8.74. The proposal incorporates a number of measures that include bat and barn owl boxes, retention of linear features for breeding birds and sensitive working methods adhered to during the construction phase.
- 8.75. The report concludes that there will be a Moderate Beneficial impact upon biodiversity net gain (195% increase), with positive impacts upon the local hedgerow and woodland resource, whilst beneficial impacts are also predicted upon foraging and roosting bats, the breeding bird assemblage and brown hare. The report also concludes that there will be no adverse impacts likely to arise upon other habitats of intrinsic ecological importance, or upon other protected or important species.
- 8.76. Comments from the Council's Ecologist are awaited.
- 8.77. On the basis that Natural England have no objection subject to suitable conditions to secure adequate mitigation measures Officers take the view that the proposal would accord with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), the NPPF, Policy BN2 of the JCS and subject to outstanding comments from the Council's Ecologist. Should these comments be received prior to the determination of this application then an update to this report is to be provided.

## Noise and amenity

### *Policy context*

- 8.78. The Environment Act (1995), gives local authorities' powers to control pollution, and address contaminated land including ways to deal with the cumulative impacts of development. 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*

- 8.79. A baseline noise survey has been undertaken to determine the prevailing background noise climate at locations considered representative of the closest Noise Sensitive Receptors (NSRs) to the Site. The Noise Impact Assessment 2107165-001 submitted in support of this application along with a subsequent the Noise Rebuttal RC/ENV/ACO/710716/L01 have been assessed and the Environmental Health Officer does not object on this ground subject to suggested condition to ensure that the noise does not affect the local amenity including on weekends.
- 8.80. 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 LPP2.

## Flood risk

### *Policy context*

- 8.81. 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.
- 8.82. Policy BN7 of the Joint Core Strategy and Policy SS2(1I) of the Part 2 Local Plan requires development to provide satisfactory surface water drainage and incorporate mitigation identified through an assessment of flood risk.

### *Assessment*

- 8.83. The site is located within an area of high risk of surface water flooding. The Lead Local Flood Authority (LLFA) has raised concerns in relation to the capacity of the proposed drainage pipe design, storage pond design and flow control and overland flow routes which may affect surrounding residential properties.
- 8.84. Revised Surface Water Drainage Details have been provided by the Applicants to address the concerns raised by the LLFA. The re-consultation response from LLFA (received on 09 September 2022) states that subject to pre-commencement planning conditions to ensure a detailed design of 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 has been approved the proposal would adequately address their concerns and that the proposal therefore accords with the requirements of Policy BN7 of the Joint Core Strategy, Policy SS2(1I) of the LPP2 and the NPPF.

## **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 (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 13,250 homes annually and reducing the area's carbon footprint by 11,750 tonnes per year. This is to be given very significant weight.
- 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 a specific policy harm rather than an outright benefit;
- The supporting documents state that the proposed development will include a biodiversity net gain of 195%. 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.

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

- The development would result in harm to the landscape and visual character of the area, which is not appropriately mitigated by the proposed landscaping. Due to the scale of the development and its adverse effects on multiple receptors including its proximity to the Grand Canal Conservation Area, this is to be given very significant weight in the planning balance.
- The development would result in the loss of around 10.46 ha (16%) 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 will diminish the tranquillity of the area for those using rights of way through the site with noise from infrastructure being apparent in the immediate proximity. This is to be given limited weight due to the transient and relatively isolated nature of the impact.

- 10.3. In conclusion, Officers consider that the planning balance weighs in refusing permission. The benefits of the development are acknowledged to be very significant. However, they would not 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. Owing to the location and size of the site the magnitude of change would result in major and moderate adverse effects on landscape and visual character, both on site and in the local context. The proposed mitigation measures would not overcome the harmful landscape and visual effects for the landscape type at the site and its surrounding quintessential rural agricultural character. This is a significant adverse effect that makes the application contrary to paragraph 174(b) of the NPPF, Policies S10(i) and S11 of the West Northants Joint Core Strategy Local Plan (LPP1) and Policies SS2(1b and 1d) and EMP6(1b) of the South Northamptonshire Local Plan Part 2 (LPP2)**

### **FURTHER RECOMMENDATION:**

- 2. NO OBJECTION BEING RAISED BY THE COUNCIL'S ECOLOGIST**