

**Item No: 5b****Application Reference Number:** P/23/0379/2**Application Type:** Full**Date Valid:** 27/02/2023**Applicant:** Endurance Energy Oakley Ltd**Proposal:** Solar Farm together with all associated works, equipment and necessary infrastructure**Location:** Land to the West of Hathern Road  
Long Whatton  
LE12 5LL**Parish:** Hathern**Ward:** Dishley, Hathern & Thorpe Acre**Case Officer:** Jim Worley**Tel No:** 07591 947043

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**1. Background**

- 1.1 This application is referred to Plans Committee in accordance with the scheme of delegation, being a major development raising issues of strategic interest.
- 1.2 Part of the application site is in North West Leicestershire (their reference: [23/00211/FULM](#)). This determination only applies to the part of the site which is in Charnwood Borough.

**2. Context and Description of the application site**

- 2.1 The site is located in the far west of the Borough on a farm adjoining the M1 south approximately 240m south west of Hathern Village, between it and the northern edge of Shepshed and to the west of Garendon Park (both the Registered Park and Gardens and the Sustainable Urban Extension under construction). Shepshed is located approximately 400m to the southwest of the Site and Loughborough is approximately 1.5km to the southeast.
- 2.2 At its north boundary the site abuts the south extremity of the settlement of Long Whatton and to the east it comes within approximately 200m from the western edge of Hathern. However, there are also a number of scattered residences in the area:
  - Shepshed Watermill a little to the south of the site;
  - Oakley Farm Cottage off the north-west side of Shepshed Rd, Hathern, approximately 800 m north-east of Shepshed;

- Oakley Grange Farm, due west of Hathern and which is entirely enveloped by the site; and
  - Mitchell Springs Farm, close to the west boundary of the site (within North West Leicestershire District).
- 2.3 The area of the application is 97.10 Ha. The west section of the site, west of Oakley Wood, part of the site (comprising approximately 20% of its total area) is in North West Leicestershire.
- 2.4 Historically the land fell within the Garendon Park estate and includes two estate farms and a former Gamekeepers cottage (Oakley Farm Cottage) (excluded from the red line area).
- 2.5 The topography of the Site is gently sloping in character, with shallow undulations in the northern extent of the site. The land rises as it extends southwards from Ashby Road for a short distance of approximately 200m before descending gradually to the southeast towards Shepshed Road. The site is currently used for a mix of arable and pasture farming on rotation. Oakley Grange Farm is located centrally, adjacent to the site but outside of the red line area. 132kV overhead cables cross the eastern most parts of the site on a northeast-southwest alignment.
- 2.6 The site contains a patchwork of arable fields which are typically divided by mature, well maintained hedgerow and 'wraps around' Oakley Wood, which is described below
- 2.7 The site is located broadly on an elevated plateau directly east of the M1 Motorway on the western edge of the valley between Black Brook, which in this location runs east to west and forms the south boundary of the application site and the Long Whatton Brook catchment which flows north of Long Whatton village to the north into the River Soar at (and is some distance from the site itself).
- 2.8 The red line area is situated adjacent to the Oakley Wood SSSI which is also classified as Ancient Woodland. The part of the site between this wood and the M1 is within North West Leicestershire. A proposed cable route to connect the western and eastern parts of the site, also within the red line area, follows an existing track through Oakley Wood, although the cable itself will be installed by directional drilling beneath the tree roots. The track is currently used to access the western fields, as part of the day to day operation of Oakley Grange Farm.
- 2.9 No Public Rights of Way cross the site. Right of Way L55/2 runs alongside the western boundary of the site from Ashby Road to where it meets and crosses the M1 Motorway to join Public Right of Way L55/1.
- 2.10 There are a number of heritage assets in the immediate and wider vicinity:
- Conservation Areas with both Hathern and Long Whatton;
  - Various listed buildings also within these settlements such as their churches;
  - Oakley Wood Cottage, between Oakley Wood and the southern part of the site;
  - Shepshed Mill and Farmhouse, c.150m south of the site;

- a milestone c.235m north-east of the northern boundary of the western half of the site; an
- Long Whatton Mill with Bridge and Mill House with Cottage and Stables, c.460m north of the site;
- Long Whatton House some 1.4kmTo the north; and
- The Registered Parks and Gardens of Garendon Park to the east and Long Whatton House to the north.

2.11 The site is within the Black Brook local wildlife site consultation area, consultation zone for overhead lines, within the M1 widening corridor consultation zone, in flood zones 2 and 3 and in an area of historic industry and historic ponds, and a mineral consultation area for sand and gravel.

### **3. Screening Opinion**

3.1 Screening Opinions have been issued separately by Charnwood Borough Council on 1st July 2022 and North-West Leicestershire District Council on 7th July 2022. These confirmed that the proposed development is considered to fall within the criteria and thresholds of Class 3a 'Industrial installations for the production of electricity' of Schedule 2 of the 2017 Town and Country Planning Environmental Impact Regulations.

3.2 Both screening opinions, confirmed that the Local Planning Authorities are of the opinion that the proposed development is not considered to be EIA development and that an Environmental Statement is therefore not required to support this proposal.

Figure 1: Site location plan



#### **4. Description of the Proposal**

4.1 The proposed development has an export capacity of 49.9MW, just below the 50mw threshold where the national development consent regime applies. For reference (according to the planning statement) this is enough electricity to power more than 16,580 homes (around twice the population of Shepshed) and could save the emission of 11,210 tonnes of carbon dioxide annually, or 448,400 tonnes of carbon dioxide over the operational lifetime of the solar farm. The application has been reduced in scale to omit the southern extremity close to Shepshed but its export capacities are not affected.

4.2 The application is for a temporary period of 40 years from the date of first exportation of electricity from the site.

4.3 The proposal comprises:

- Photovoltaic (PV) modules. Panels would be laid in west - east rows with spacing between each row to allow access for maintenance, sheep grazing and to avoid shading. The solar panels would be tilted at 25° to the horizontal and mounted on a metal framework supported in part by pile driven foundations, or concrete ballast foundations to minimise ground disturbance if required. Each array of panels within the field will be mounted on a fixed mounting structure, which will be a simple metal framework mounted on piles driven into the ground avoiding the need for substantive foundations. Such supporting systems are designed to avoid the use of concrete foundations and are reversible. Where features of archaeological potential are identified, ballast systems can be used to avoid below surface works in these areas. The panels will have a maximum height of 3.0 m above ground level with a front height of 0.8m across the Site as shown on the Site Layout Plan.
- Ancillary Electricity Generation Infrastructure (energy storage containers, inverters and transformers);
- DNO Sub-station; The DNO substation would be approximately 57m x 45m with busbars of c.6.0m high Above Ground Level (AGL) enclosed by a 2.4m high palisade fence set on a porous substrate. The associated DNO control room would be outside of the palisade fence; the DNO control room would be a masonry structure on a solid base measuring approximately 5.6 x 4.3m x 3.5m AGL.
- The client substation would be housed in a steel 'shipping' container on a compacted but permeable substrate at the southeast corner of the DNO substation. The client substation would be approximately 10.0m (l) x 3.5m (w) x 3.5m (h) with a height of c.3.95m AGL. 3.30. The client substation, storage containers, and other ancillary infrastructure would be proprietary elements with colours agreed with the borough and district councils.
- Groups of solar arrays will be connected to inverters distributed throughout the site, as shown on the proposed layout plan
- Perimeter fencing. c.2.5m high perimeter deer fencing and c.3.0m high pole-mounted CCTV system
- Use of and improvement of existing site accesses at Oakley Grange Farm on Shepshed Road and Ashby Road at the north west corner of the site, some distance west of Long Whatton;
- Installation of underground cabling within the Site; and

- Landscaping including biodiversity enhancements (including additional tree and hedge planting, creation of new ponds, wildflower meadow and woodland planting, as well as bat boxes and reptile hibernacula).

Figure 2: Original proposed site layout:

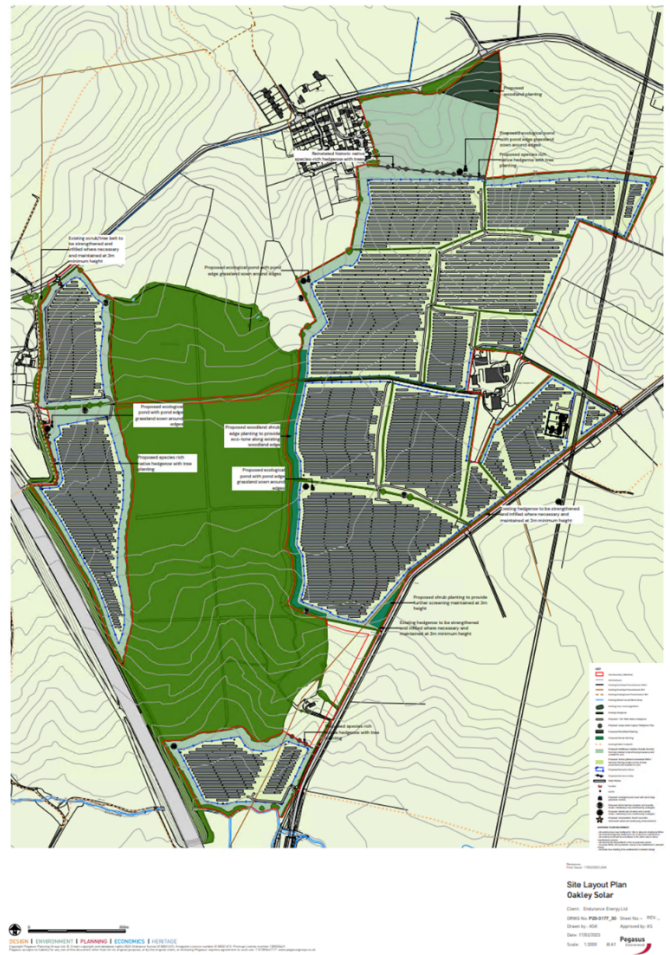
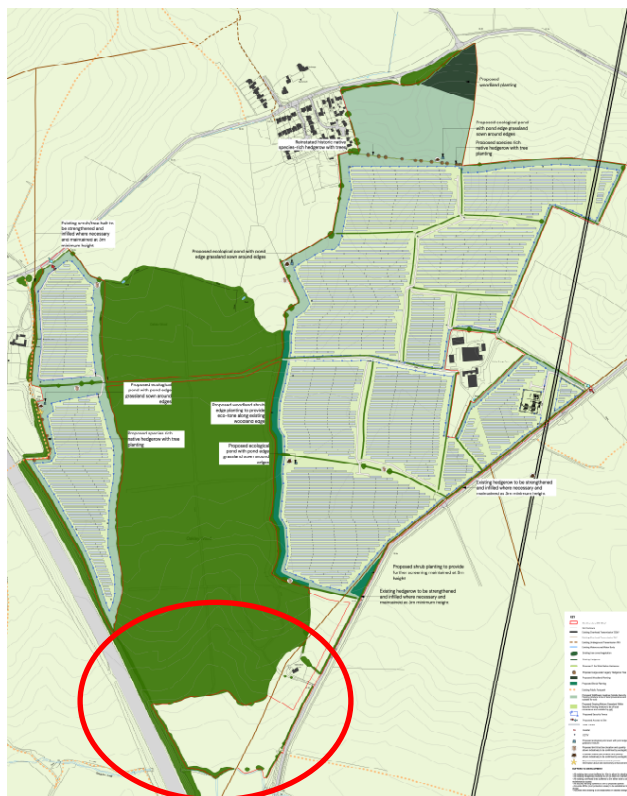


Figure 3: Amended proposed site layout (with area south of Oakley Wood removed):



#### 4.4 Energy

- 4.4.1 The development will also include equipment for a grid connection to a high voltage 132kV overhead cables cross the site cross the eastern most parts of the site on a northeast-southwest alignment on the way to the nearby Barrow-on-Soar Power Station.
- 4.4.2 The solar farm would consist of solar PV panels placed on steel and aluminum frames, arranged in rows to face south at angles of 10 to 20 degrees to maximise efficiency. The uppermost part of the solar arrays will be no more than 3m in height from ground level. The PV panels will be 'fixed' meaning that the orientation of the panels will not change during the day to track the course of the sun.
- 4.4.3 The PV panels are expected to be of 'bifacial' design which allows the underside of the panels to capture reflected light, making them more efficient than traditional panels and generate more renewable electricity from the same project footprint.
- 4.4.4 The proposal includes energy storage capacity which enables the electricity generated by the solar arrays to be delivered to the grid when it is needed. The main location for the energy storage units will be to the south east of the Oakley Grange Farm adjacent to the 132kV substation. The units will include containerised battery units, inverters, DC-AC converter boxes and ancillary equipment.

#### 4.5 Cabling and Grid Connection

4.5.1 Underground cabling will be placed around the site connecting the photovoltaic panels to the energy storage units and then on to the onsite 132kV sub-station for direct export to the grid.

#### 4.6 Means of Access

4.6.1 It is proposed that the main access for construction, operation and maintenance utilises the existing access to Oakley Grange Farm, off the Shepshed Road

4.6.2 Deliveries of equipment and construction materials will arrive at the site via HGV and will be delivered to the temporary construction compound adjacent to the Shepshed Road. The equipment and construction materials will then be loaded onto trailers and towed by tractor to where needed within the site.

4.6.3 A new access will also be created off Ashby Road to serve the land to the west of Oakley Wood (n.b. this is located within North West Leicestershire District). A third proposed point of access on Shepshed Rd, Hathern has been removed and shall not form part of the application.

#### 4.7 Landscaping

4.7.1 The landscape treatment for the proposed solar farm is intended to mitigate potential visual effects.

4.7.2 The application planning statement states that the proposed development has been designed to ensure that there will be minimal works to existing trees and hedgerows within the site.

4.7.3 Where required, gaps in hedgerows would be repaired with appropriate native hedgerow species supplemented with native tree planting to reflect the local landscape character.

4.7.4 The land in the immediate area of the solar arrays would be planted with species-rich grassland with the remaining field margins and areas beneath the panels planted with a suitable grazing grassland mixture.

#### 4.8 Construction and Operation

4.8.1 From experience of solar farm developments elsewhere in the UK, it is anticipated that the proposed development will take approximately three to six months to complete. This includes the preparation of the site, erection of security fencing, assembly and erection of the PV strings, installation of the inverters/transformers/batteries and grid connection.

4.8.2 Once installed, the solar farm would require infrequent visits for the purposes of equipment maintenance or cleaning and general site management. Such work typically requires around 20 visits per year. The largest vehicles that are likely to be used during the operational phase is expected to be no larger than a 7.5tonne van or 4x4 vehicles. The facility would be unmanned, being remotely operated and monitored.



## 4.9 Decommissioning

4.9.1 At the end of the 40-year operational lifespan of the solar farm, the site would be restored back to full agricultural use with all equipment and below ground connections removed. However, landscape enhancement measures would remain, providing long-term benefits to the local landscape character of the area. It is envisaged that the decommissioning of the solar park would take approximately three to six months.

## 4.10 Supporting Documents

4.10.1 The application was submitted with the following supporting documents:

- Planning Statement Jan 2023
- Design and Access Statement Jan 2023
- Ecological Appraisal Jan 2023
- Arboricultural Impact Assessment (dated January 2023)
- Geophysical Survey (dated October 2022)
- Landscape and Visual Impact Appraisal (February 2023) and update Addendum (November 2023).
- Glint Assessment (dated January 2023) (and updated 29 November 2023)
- Biodiversity Net Gain Assessment and update (July 2023)
- Agricultural Land Sequential Analysis Study (November 2022)
- Statement of Community Involvement
- Road Safety Audits (December 2023)

## 5. **National Policy Context**

5.1 The Government's Net Zero Strategy, October 2021, includes a commitment to updating the Energy National Policy Statements "to provide greater clarity on the need and urgency for low carbon infrastructure" (page 102).

5.2 The Government's Net Zero Strategy, October 2021, also includes a commitment to updating the Energy National Policy Statements "to provide greater clarity on the need and urgency for low carbon infrastructure" (page 102). Drafts of the updated National Planning Statements were published for consultation from 6th September 2021 to 29th November 2021.

### 5.3 National Planning Policy Statement for Energy

5.3.1 The Overarching National Planning Policy Statement for Energy (EN-1) NPS EN-1 was published in July 2011 to set out national policy for energy infrastructure in the UK. Its primary purpose is to be applied to decisions for Nationally Significant Infrastructure Projects (NSIPs), but this document can be a material consideration in the determination of planning applications: "In England and Wales this NPS may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Whether, and to what extent, this NPS is a material consideration will be judged on a case by case basis."

5.3.2 National Planning Policy Statement for Renewable Energy Infrastructure (EN-3), taken together with the overarching NPS for Energy (EN-1), provides the primary policy for decisions by the Secretary of State on applications they receive for

nationally significant renewable energy infrastructure. It is also confirmed in this document that NPS EN-3 may also be a material consideration on decision making by local planning authorities.

5.3.3 The updated Overarching National Policy Statement for Energy EN-1 took effect in January 2024 and includes a new section with the heading 'The urgency of need for new electricity infrastructure' and reiterates the imperative of bringing forward renewable energy schemes as soon as possible. This is particularly pertinent, given the clear and immediate need to reduce reliance on the importation and use of fossil fuels.

5.3.4 The National Policy Statement for renewable energy infrastructure EN-3 took effect on 17<sup>th</sup> January 2024 and includes a section on solar photovoltaic generation. Paragraphs 2.10.10 and 2.10.11 state:

*2.10.10 Solar also has an important role in delivering the government's goals for greater energy independence. The British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW). It sets out that government is supportive of solar that is "co-located<sup>80</sup> with other functions (for example, agriculture, onshore wind generation, or storage) to maximise the efficiency of land use".*

*2.10.11 The Powering Up Britain: Energy Security Plan<sup>81</sup> states that government seeks large scale ground-mount solar deployment across the UK, looking for development mainly on brownfield, industrial and low and medium grade agricultural land. It sets out that solar and farming can be complementary, supporting each other financially, environmentally and through shared use of land, and encourages deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement.*

5.3.5 This confirms that the Government continues to be committed to solar energy development for the foreseeable future.

#### 5.4 Sixth Carbon Budget (2021)

Commits government to fully decarbonize the electricity grid by 2035.

#### 5.5 National Legislation

On 12 June 2019 the Government laid the draft Climate Change Act 2008 (2050 Target Amendment) Order 2019 to amend the Climate Change Act 2008 by introducing a target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. This is otherwise known as a net zero target. The draft order would amend the 2050 greenhouse gas emissions reduction target in the Climate Change Act from at least 80% to at least 100%, thereby constituting a legally binding commitment to end the UK's contribution to climate change.

#### 5.6 Written Ministerial Statement on Solar Energy: Protecting the local and Global Environment (March 2015)

As above, this Written Ministerial Statement is referred to in the NPPG.

Eric Pickles (Secretary of State) in March 2015 made a statement on Solar Energy and protection of the global and local environments. In respect of the use of agricultural land, Mr Pickles stated that compelling evidence needed to be provided for solar on Best and Most Versatile Agricultural Land.

#### 5.7 Energy White Paper (December 2020)

The Government published the Energy White Paper in December 2020. The Energy White Paper provides further clarity on the Prime Minister's '10 Point Plan' and puts in place a strategy for the wider energy system which: - "Transforms energy, building a cleaner, greener future for our country, our people and our planet." - "Supports a green recovery, growing our economy, supporting thousands of green jobs across the country in new green industries and leveraging new green export opportunities." - "Creates a fair deal for consumers, protecting the fuel poor, providing opportunities to save money on bills, giving us warmer, more comfortable homes and balancing investment against bill impacts."

#### 5.8 National Planning Policy Framework 2023 (NPPF)

The National Planning Policy Framework (NPPF) updated in December 2023 sets out the Government's approach to planning and achieving sustainable development. Of particular relevance to the proposed solar array is Chapter 14: Meeting the challenge of climate change, flooding and coastal change.

5.8.1 Paragraph 157 of the NPPF states that the planning system should support transition to a low carbon future in a changing climate and should support renewable and low carbon energy and associated infrastructure.

5.8.2 Paragraph 163 details that: "When determining planning applications for renewable and low carbon development, Local Planning Authorities should:

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

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

5.8.3 NPPG section 'Renewable and Low Carbon Energy' contains guidance relevant to the consideration of the application. The introduction to this section of the NPPG highlights that: "Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable." (Paragraph 001 Reference ID: 5-001-20140306)

5.8.4 Reference ID: 5-013-20150327 is entitled 'What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic arrays?' and lists the specific considerations for this type of development. These include:

"where a proposal involves greenfield land, whether

- (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
- (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays".

## 6. Development Plan Policies

The Development Plan for this site comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies), and the Leicestershire Minerals Local Plan (2019).

The policies applicable to this application are as follows:

### 6.1 The Charnwood Local Plan 2011 to 2028 Core Strategy (adopted November 2015)

The Charnwood Local Plan 2011 to 2028 Core Strategy (CLPCS) was adopted on 9th November 2015 and is the primary document for the determination of planning applications in the area. The Charnwood Local Plan provides a strategy for delivering growth up to 2028. It will be replaced by the emerging local plan, once adopted.

Chapter 2 includes, in relation to the challenges facing the Borough, recognition that the local authority has a local role in the global issue of climate change. Chapter 3 includes the vision and objectives for the plan. The Vision for Charnwood includes the statement that: "Charnwood will be well prepared for the impacts of climate change and will be playing its part in reducing greenhouse gas emissions."

6.2 Under the Strategic Objectives for the 'Places and Environment Matter' heading, Strategic Objective SO7 seeks to: "reduce contributions to climate change and to promote prudent use of resources through patterns of development, design, transport measures, reducing the use of minerals, energy and water and minimising waste and encouraging recycling in support of achieving a carbon neutral Borough."

6.3 It is considered that the following key strategic policies within the Core Strategy are relevant to the development proposals:

- Policy CS2 – High Quality Design
- Policy CS11- Landscape and Countryside
- Policy CS13 – Biodiversity and Geodiversity
- Policy CS14 – Heritage
- Policy CS16 - Sustainable Construction and Energy
- Policy CS 24 - Delivering Infrastructure
- Policy CS25 - Presumption in favour of sustainable development

#### 6.4 [Borough of Charnwood Local Plan \(adopted 12 January 2004\) \(saved policies\)](#)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the Development Plan. In relation to this proposal the relevant ones are:

- Policy CT/1 - General Principles for areas of countryside
- Policy CT/2 – Development in the Countryside
- Policy EV/1 – Design

#### 6.5 [Minerals and Waste Local Plan \(2019\).](#)

- Policy M11 Minerals Safeguarding

It is estimated that the southernmost part of the site intersects an area identified in the Leicestershire Minerals and Waste Local Plan as a Sand and Gravel Minerals Safeguarding Area by, at most, approximately 5-10 metres. However, the proposal to include solar panels from this area was removed in the amended plans.

### 7. **Other material considerations**

#### 7.1 [Planning Practice Guidance](#)

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

#### 7.2 [National Design Guide](#)

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

#### 7.3 [The Planning \(Listed Buildings and Conservation Areas\) Act 1990.](#)

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 66 (1) of the Act refers to the desirability of preserving Listed Buildings, the setting of Listed Buildings and the features of special architectural and historic interest which it possesses whilst Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

#### 7.4 [Design Supplementary Planning Document \(January 2020\)](#)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

## 7.5 Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

## 7.6 [The Draft Charnwood Local Plan 2021-37](#)

7.6.1 This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2023. Further hearings are to be held in February 2024 on limited matters following on from the consultation on the post hearing submissions which closed on 8th November 2023. Following the further hearings, it is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in Autumn 2024.

7.6.2 In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

7.6.3 The following policies are considered applicable to this application, and the weight they can be assigned is addressed in the 'Planning Considerations' part of this report.

- Policy DS5: High Quality Design
- Policy EV1: Landscape
- Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity
- Policy EV7: Tree Planting
- Policy CC3: Renewable and Low Carbon Energy Installations

## 7.6 [Planning Guidance for Biodiversity June 2022](#)

This planning guidance seeks to provide further clarification to Core Strategy Policy CS13 insofar as ensuring development proposals secure biodiversity net gain on-site to contribute towards the overall sustainability of development proposals.

## 8 Relevant Planning History

8.1 There is no specific planning history for the fields in question.

## 9. Responses of Consultees & Other Comments Received

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

Consultee	Response
Leicestershire Lead Local Flood Authority – Llfa	<p>Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 99ha greenfield site is primarily located within Flood Zone 1 being at low risk of fluvial flooding with a small part of the site within Flood Zone 2 and 3 due to be being adjacent to the Black Brook main river.</p> <p>The Flood Risk Assessment explains that tracked paths will be formed from permeable mown grass paths, grass reinforcement and gravel and storage and substations are to be raised off ground level, effectively replicating the current existing greenfield scenario for surface water. However, the expansive site straddles the catchments for the Black Brook and Long Whatton Brook both of which are of interest to the LLFA due to existing flood risk concerns. No infrastructure is to be located in the area of the site in Flood Zones 2 &amp; 3.</p> <p>Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA and we advise the following [included] planning conditions be attached to any permission granted.</p>
Natural England	<p>No Objection.</p> <p>Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Oakley Wood Site of Special Scientific Interest (SSSI) and has no objection.</p> <p><u>Oakley Wood Site of Special Scientific Interest</u></p> <p>The site represents a unique example in Leicestershire of the transition from mixed oakwood, developed on free-draining acid soil, to ash-hazel</p>



	<p>woodland characteristic of the heavy clays of Eastern Central England. Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.</p> <p><u>Best and Most Versatile Agricultural Land</u></p> <p>Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of ‘best and most versatile’ (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system), where this is not in accordance with an approved plan. From the description of the development this application is likely to affect 27.8ha of BMV agricultural land. We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas of which 0ha is BMV agricultural land.</p> <p>However, during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.</p>
East Midlands Airport	<p>The Safeguarding Authority for East Midlands Airport originally submitted a holding objection and required technical amendments to the glint and glare report.</p> <p>A revised report was submitted (December 2023) and the Authority now advises:</p>

	<p><b>No Objection subject to conditions:</b></p> <ul style="list-style-type: none"> <li>Any future lighting installations at this site must be subject to prior approval with the LPA in consultation with the aerodrome safeguarding authority for East Midlands Airport.</li> </ul> <p>Notes: It is not anticipated that the proposed development will cause an ocular hazard to pilots through Glint and Glare, but in the interests of aviation safety, should we receive any reports of damaging glare, the Authority will expect the developer / site owner to take measures to mitigate the hazard.</p> <p>At this location dust and smoke may create a hazard to aviation. Care should be taken to ensure that dust and smoke emissions from the site are limited as to not impact aviation receptors.</p>
National Highways	No objection.
Environment Agency	No objection and propose a condition that measures in submitted flood risk assessment are implemented.
Leicestershire County Council – Highways (LHA)	<p><u>Site Access</u></p> <p>Following the carrying out of speed surveys and a Road Safety Audit the Local Highways Authority is satisfied with site access (at Oakley Grange Farm) and ‘Access A’ on Ashby Rd.</p> <p>Access C - Existing Field Access to the South of the Site- now removed.</p> <p><u>Highway Safety</u></p> <p>Having further reviewed all the collision details available for each of the above noted accidents. the Local Highways Authority consider the above accidents to be isolated incidents with no common causation factor recorded.</p> <p>The Local Highways Authority therefore do not believe the proposed development if permitted would increase the likelihood of further such incidents occurring.</p> <p><u>Trip Generation</u></p>

	<p>The LHA understand that the majority of trips to the site will be during the build-out phase. Post construction, the LHA understand that security and maintenance staff will undertake infrequent movements to the site. The submitted CTMP states that it is anticipated that once the site is operational, there will be 20 visits per year. The LHA do not consider that the post-construction trip generation of the solar field will therefore have a significant impact upon the highway.</p> <p><u>Public Right of Way (PROW)</u> The Local Highways Authority note that Public Footpath L55 has been clearly identified with the submitted site plan which runs along the north-western site boundary. The Local Highways Authority is satisfied that the use and enjoyment of the Public Footpath will not be significantly affected by the proposals.</p> <p><u>Construction</u> Further clarification is required from the Applicant as to whether a wheel wash facility would be provided at each access point.</p> <p><u>No objection subject to conditions:</u></p> <ul style="list-style-type: none"> <li>• Implementation of access details prior to construction</li> <li>• Access on to Ashby Rd to be locked until decommissioning stage</li> <li>• The development shall not be occupied until such time as off-street car and/or HGV parking provision (with turning facilities) has been provided</li> <li>• The development shall not be occupied until such time as details of the proposed boundary treatment of the site</li> <li>• Provision of a revised construction traffic management plan, including as a minimum: details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, condition survey, banksmen and a timetable for their provision</li> </ul>
<p>Leicestershire County Council - Minerals and Waste</p>	<p>The County Council has considered the application, having regard to the Development Plan, National Planning Policy Guidance and other relevant material considerations. In this particular instance, the County Council, as Minerals and Waste Planning Authority, comments as follows;</p>

	<p>A modest section of the southern end of the development site is located within a minerals safeguarding area for sand and gravel. However, given the nature, scale and location of the proposal it does not raise significant mineral safeguarding concern. Thus, the MPA does not require a Minerals Assessment for this application and has <u>no objections</u>.</p>
<p>Morph Ecological Consultants (acting on behalf of Leicestershire County Council Ecology)</p>	<p>Raised various technical questions re surveys (to NW Leicestershire not Charnwood) following submission of further information no objection and recommended conditions.</p>
<p>Charnwood Borough Council Environmental Health</p>	<p>No Objection.</p>
<p>Charnwood Landscape</p>	<p>The principle of development is not in question, but comments made regarding landscape character, landscape features and landscape sensitivity</p> <p>Landscape character</p> <p>It is noted that NWLDC does not have its own local level landscape character assessment. Borough of Charnwood Landscape Character Assessment: The majority of the site falls within the Langley Lowlands landscape type. Within the assessment It is noted that the 'varied and distinct landscape character' within the area is diminished by large settlements and communications infrastructure that are of direct relevance to the Site. Therefore, the introduction of the proposed solar farm can be said to be in keeping with the existing character of the site. The proposed solar farm would deliver several new landscape elements and biodiversity mitigation and enhancements, including:</p> <ul style="list-style-type: none"> <li>• A new 20m buffer between the solar development and Oakley Wood SSSI, and 15m buffers adjoining the LWS and Black Brook. Elsewhere, 10m buffer strips will be retained to existing and proposed hedgerows east of Paddock Close and to the north and south of Oakley Cottage.</li> <li>• Four new ponds will be created around the Site, which will respond to the historical character of the</li> </ul>

site

- Species rich wildflower mix will be planted extending to c.22.53ha within the parcels excluded from solar development, and the periphery of the Site outside of the security fencing.
- A grazing grassland mix is proposed for the areas under the panels (c.72.32ha.)
- A new woodland extending to c.1.14ha (c.2,850 native trees) would be planted within the northern parts of the site to enhance biodiversity.
- A new hedgerow with trees would be planted along the northern edge of the Eastern Area to screen and soften views from Paddock Close and Cawdell Drive properties. Secondly, a new hedgerow would also be established to the south of Oakley Cottage to enhance screening of potential southward views. Thirdly, a new hedgerow would be planted between PROW L55/2 and the Western Area southern parcel. Overall c.650m of new hedgerows with 14no. 'legacy' trees.

These are all positive landscape elements which enhance the landscape and biodiversity of the site.

Water features:

Historic mapping indicates ponds formerly occurring within the Site that have subsequently been lost. The proposed development includes the creation of four new ponds broadly within the vicinity of some of the former pond locations.

The value of ponds as a landscape element is considered high. The creation of four new ponds would represent a positive landscape impact of the introduction of the proposed solar farm.

Trees, scrub and hedgerows:

The loss of localised short sections of hedgerow would therefore be more than offset by proposed woodland, proposed hedgerows and tree planting, gapping-up, and hedgerow management across the site as a whole.

Overall, this would lead to a positive change in the landscape, once the vegetation is established.

Wind and Solar PV Energy Landscape Sensitivity Assessment:

The Wind and Solar PV Energy Landscape Sensitivity Assessment (the 'Landscape Sensitivity Assessment') was prepared by LUC for Charnwood Borough Council in March 2019.

This document generally supports the introduction of a solar farm to the proposed site.

The report states criteria for landform: "A flat or gently undulating lowland landscape or extensive plateau is likely to be less sensitive to solar PV development than a landscape with prominent landforms and visible slopes, including coastal headlands. This is because arrays of solar PV panels will be less easily perceived in a flat landscape than on a slope, especially higher slopes." The proposed site gently undulates and is therefore deemed suitable for solar panels.

In conclusion, whilst the Site does not fall within an area identified at the macro-level by Wind and Solar PV Energy Landscape Sensitivity Assessment as being suitable for this type of land use (save for areas of the Eastern Area included within the thumbnail plans within the CBC Solar assessment...), the Oakley Solar farm as proposed has been assessed at a micro-level on its individual merits against the same Landscape Sensitivity Assessment criteria and is proven to be suitable in this location.

Following initial construction activity, the proposed operational solar farm would be largely passive with only occasional low-key maintenance visits. No emissions to air, waste, or land would be generated, and no noise would be perceptible at or beyond the boundaries of the proposed site.

Concerns regarding the southern field of solar panels close to Shepshed Watermill. Is this field of panels necessary – if so, can it be mitigated with planting? The landscape strategy does not clearly define the difference between existing tree cover/vegetation and proposed shrub planting – this needs to be made clear on the landscape strategy plan.

**(n.b. this section of the proposal now removed)**

Conditions:

The plant schedule needs to have numbers of trees/shrubs, an area and number per m<sup>2</sup> is not acceptable.

	<p>Additional comments on the 2 additional viewpoints have been provided:</p> <p><b>Viewpoint 1 – Temple of Venus</b> The visual assessment concludes there would be a negligible magnitude of change in the view experienced from the Temple of Venus arising from the proposed development leading, to a negligible effect.</p> <p><b>Viewpoint 2 – Whatton House, 2<sup>nd</sup> floor</b> Whatton House is not accessible to the public. The visual assessment was taken whilst the deciduous vegetation was still in leaf, however it is considered that during the winter months intervening tree canopies would still continue to fragment and filter views to the site.</p> <p>Satisfied that the 2 additional viewpoints discussed above, together with the Landscape and Visual Impact Assessment 15 February 23 by Pegasus provide a comprehensive visual assessment of the proposed Oakley Solar Farm.</p>
Charnwood Conservation Officer	No response received.
NW Leicestershire Conservation Officer	<p>Requested several additional viewpoints from conservation assets – including Whatton House and Sutton Bonnington Conservation Area are added to the LVIA before passing comment. The applicant issued a heritage addendum to address these issues.</p> <p>Both parties (the applicants and NWLDC) agree that there would be less than substantial harm to the listed building and its parkland (that is Whatton Park). It is agreed that the harm to the listed building would be “at the low end of the spectrum” not agreed that the same may be said about the Parkland.</p> <p>Instead ‘less than substantial harm’ is identified, toward the midpoint of the spectrum.</p>
Charnwood Biodiversity	<p><i>General</i> It is not clear why ecotone buffering has been proposed for the eastern edge of the woodland but neither the western or southern edges.</p>

The commitment to provide a minimum 15m buffer to Hermitage Brook (referred to as Black Brook) is welcome and should be conditioned.

There are some issues with the survey effort (EG: with respect to bats) for this site which is close to an ancient woodland. However, the nature of the development and the likely impact on protected species means that, in this case, we can proceed to determination without the need for further survey.

Support of Natural England's requirement for further information with respect to the running of cable through the ancient woodland – though note that its route is along an existing woodland ride. It could not be implemented without consenting development inside the minimum 15m buffer and so is unacceptable in principle. However, we should review this issue once further information about construction methods and maintenance / management requirements have been provided. Once we have these, we should consult again with Natural England.

The consultation response from Mill Farm raises a number of additional issues. It mentions that land to the south has been assessed as meeting LWS selection criteria for mesotrophic grassland. However, it has not supported this claim with any evidence and in any case, it is highly likely that the proposed solar farm management would benefit that area and in turn create opportunities for plant species to colonise the solar farm from the area mentioned. Therefore, this does not represent an ecological constraint.

**(n.b. The positioning of the panels towards the south of the site has been removed following amendment)**

*Drilling method statement and Natural England response:*

Following receipt of the Horizontal drilling method statement by CBC on 19th June and a subsequent response from Natural England dated 4th July it can now be accepted that the cable drilling, as proposed can be undertaken with no significant harm to Oakley Wood SSSI.

*Woodland buffering*



	<p>NE do not appear to have made comments about the suitability of buffering. However, NE do refer in their consultation response to standing guidance on ancient woodland environmental gains and green infrastructure.</p> <p>A revised BIA appears to be reasonable and is accepted. The level of enhancement proposed is unlikely to be achieved across the whole site. However, even a more balanced projection of the likely habitat change resulting from the development would result in a net gain. Therefore, it is accepted that the development could be implemented without leading to a biodiversity loss, subject to conditions to ensure the landscaping is sufficient to achieve this</p>
The Gardens Trust	<p>(To NW Leicestershire)</p> <p>The proposed solar farm in its disparate areas lies some way to the south of the Grade II Registered Park and Garden (RPG) at Whatton and to the north-west of the grade II RPG of Garendon.</p> <p>Although the panels are quite some distance from both RPGs, we do still have some concerns that the panels may impact upon the southern part of the Whatton RPG. N.b. Lack of public access is irrelevant when considering impacts upon heritage assets: The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3.</p>

Ward Councillor and Town Council Response

Responses to publicity

From	Comments
<p>Councillor Roberts and Cllr Popley (Ward Councillors for Shepshed East)</p>	<p>Both Councillors seek to do a joint 'call in'.</p> <p>Amongst the material planning considerations we feel, should be considered, include:-</p> <ul style="list-style-type: none"> <li>• Change to street scene/locality.</li> <li>• Overbearing impact from development/design; and,</li> <li>• Building in the open countryside.</li> </ul> <p>Due to the volume of interest these Solar Farm applications have attracted, we feel that these need to be discussed at committee level, rather than be decided by Delegated Decision.</p> <p>(n.b the site does not lie within the Shepshed East Ward and as such call in provisions are not available)</p>
<p>Shepshed Town Council</p>	<p>Submits the following comments on the amended plans (omitting the section of panels closest to Shepshed):</p> <ol style="list-style-type: none"> <li>a) Loss of agricultural land</li> <li>b) Loss of valuable wildlife habitat.</li> </ol> <p>(n.b. clarification was sought but not provided)</p>
<p>Hathern Parish Council</p>	<p>Hathern Parish Council has constructively engaged with the applicant and pressed for the maximum biodiversity on the development.</p> <p>The Parish Council notes that the suggestion, made by the local Hathern Wildlife Group to include a number of ponds within the development, has been accepted.</p> <p>The impact of the development on Oakley Wood, which is a SSSI, and particularly the effect an underground cable would have on the tree root and fungal network appears not to be fully covered in the provided documentation. The council is not an expert in these matters and would wish to know the opinion of expert ecologists.</p> <p>The council notes that Natural England, who has responsibility for SSSIs, considers there is insufficient information given in order to form a view on the effect on the SSSI [note now considered information satisfactory].</p>

	<p>Moreover, the council notes the response from Morph Ecological Consultants acting on behalf of Leicestershire County Council. This also queries the effect on Oakley Wood, comments on the detail of the biodiversity metric and suggests that more work needs to be done regarding the breeding birds survey.</p> <p>Until Natural England, and the Leicestershire County Council Ecology team are satisfied with the responses from the applicant on these matters, Hathern Parish Council cannot fully support this application as it stands.</p> <p>[Note: Natural England has reviewed the further information provided by the Applicant and is satisfied that there will be no negative impact upon Oakley Wood.]</p>
Hathern Wildlife Group	<p>Hathern Wildlife Group has engaged with Endurance Energy prior to the planning application. The group has discussed the effect of the development on local wildlife and were encouraged by the site visit. The response from the applicant has been positive, and the group is pleased to see that its suggestion that ponds could be included, has been taken up.</p> <p>The members of the group are not ecologists and note that there has been a request for more information from Natural England and Leicestershire County Council Ecology. If that information is provided, Hathern Wildlife Group has no objection to the application and looks forward to working with the applicant in the future should planning permission be obtained. We are optimistic about finding a way for green energy production and wildlife to co-exist.</p> <p>[Note: The ecological enhancements sought by Hathern Wildlife Group are provided for as part of the application. In addition, further information was provided by the applicant to the satisfaction of Natural England and Leicestershire County Council Ecology).</p>
Two comments received from local residents in Charnwood.	<p>Objections on the grounds:</p> <ul style="list-style-type: none"> <li>• impact on the environment and countryside. Whilst appreciating the need for the supply of green energy, the countryside around the suggested area is currently being denuded by various past and present building projects.</li> </ul>

- Insufficient information has been provided in respect of the adjacent Site of Special Scientific Interest (SSSI) namely Oakley Wood SSSI. environmental habitats/species, including those of the Grace Dieu Brook, between two grade II listed properties, one of which (Mill Farm/Shepshed Watermill) will have the solar panels directed towards their property and due to the elevation of the land between Mill Farm/Shepshed Watermill boundary and Oakley Wood SSSI these panels, along with the 3m high perimeter security fencing, will be very overpowering to the setting of this listed building.

[Note: Natural England has reviewed the further information provided by the Applicant and is satisfied that there will be no negative impact upon Oakley Wood. Additionally, Leicestershire County Council Ecology has confirmed it is satisfied that environmental impacts are acceptable. Following amendments, all solar panels were removed from the southern land parcel nearest Mill Farm/Shepshed Watermill].

- There also does not appear to be any form of additional green infrastructure proposed in the form of access. Natural England state that development should be designed to meet Green Infrastructure principals.
- The proposed solar farm covers a large area of the Langleys lowlands landscape character area and due to the size of the proposal it will link the settlements of Hathern, Shepshed and Long Whatton. This would result in a loss of local separation between these three areas as well as a loss of their individual identity which is against planning policy.
- No view has been taken in respect to the effect on the listed property to the south (Mill Farm/Shepshed Watermill) or that of the listed property to the north (Oakley Cottage).
- Due to the orientation of the solar panels, glint and glare from the panels will be directed towards the listed property of Mill Farm/Shepshed Watermill.

- The Heritage statement states that Shepshed Watermill to the south is 19th Century which is incorrect and continues to be incorrectly identified as 19th Century. This has been raised on previous occasions with the Local Authority and more recently Historic England whose records in respect to this have still not been corrected. The reference to the Watermill being 19th Century is therefore factually incorrect and misleading.
- The neighbouring grade II listed property Shepshed Mill, (a Watermill having been recorded on this site as far back as the Domesday Book of 1086), should be assessed with facts and information satisfactorily identified. The listing does not just cover the main farmhouse. The additional concern is the appearance the solar panels and the loss of openness it will have on the Watermill's setting when the Mill is opened to the public.  
(Note: following amendments all solar panels were removed from the southern land parcel nearest Mill Farm/Shepshed Watermill)
- The area of land to be covered by solar panels will dramatically change the appearance of the area and the enjoyment of people who live in and ride/walk within the area. There is some concern that the orientation of the solar panels could cause potential glint/glare to vehicles travelling up Hathern Road (towards Hathern), particularly during the winter months when the trees and hedges have lost their leaves.
- The southern section of the solar panels would also be located within flood zones 2 and 3. I would therefore question whether the installation of solar panels/electric services in areas at risk to flooding is suitable.
- What form would improvements to the southernmost access onto Hathern Road take given it is opposite the entrance to bridlepath K70 where horses will be crossing over the road.
- The proposed southern section of the solar farm is located approximately 20m from Mill

Farm/Shepshed Watermill boundary and 200m from the main residence which is closer than what many studies consider is within safe limits given the potential risk of increased illness from electromagnetic waves. What will be the noise impact of the solar panels be, given background noise from the motorway will rebound off of the solar panels, which are orientated towards Mill Farm/Shepshed Watermill and this noise will therefore be directed back towards the Mill property. A noise impact assessment therefore needs to be undertaken to determine the effect on Mill Farm/Shepshed Watermill/Mill Farm Liveries if one has not already been carried out.

Comments on amended plans (November 2023) omitting the area closest to Mill Farm and Shepshed Watermill:

- What benefits do local towns residents like Hathern and Shepshed receive? i.e. subsidised energy rates. 16,000 house's energy will be generated, that can make Shepshed and Hathern 90% renewable energy and set an outstanding example to wider councils, regions and economy projects.
- The amended plan (14.11.2023) is much more acceptable as it not only removes the impact of the solar farm on the two grade II listed properties Mill Farm/Shepshed Watermill and Oakley Cottage immediately adjacent it but also reduces the impact on Oakley Wood SSSI and Grace Dieu Brook.
- Service access to the Western section of the solar farm is through the Oakley Wood SSSI, as it would have a detrimental impact on the biodiversity of the SSSI and cause damage to tree roots etc.

[Note: service access will not be through Oakley Wood].

- It is also noted that the permissive path from Shepshed Road, Hathern to Ashby Road, Long Whatton via Oakley Grange has been lost. Would it be possible to include a public right of way, in the form of bridlepath that everyone (horses, walkers and cyclists) could use, through/around the perimeter of the proposal.

	<p>This would provide a useful off road network link for the local community away from the busy A6. A new public right of way within this proposal would be in close proximity to the Community wood at Hathern and could also link across to the existing and proposed public rights of way within the Garendon SUE development, thus improving access within the area and creating a better off road network for local people.</p> <p>[Note: there is no existing Public Right of Way or Permissive Path from Shepshed Road to Ashby Road.]</p>
<p>Four residents' comments were made to NW Leicestershire from residents in NW Leicestershire – lying directly on the Borough Boundary</p>	<p>Shielding does not take into account those behind the hedge line</p> <p>Flooding</p> <p>Studies have suggested that birds, bats and owls (of which we have) can mistake the mirror like glare from solar panels for water, and collide into the panels when trying to land with deadly consequences. In addition, security fencing around the site could become a barrier to the movement of wild mammals and amphibians (deer, foxes, hares and hedgehogs to a name a few) and represent a collision risk for some bird species.</p> <p>Can it be confirmed that the land bordering residents of Ashby Road and Paddock Close (Northern part of the development) will not be subject to further development at least for the duration of the solar farm operation? Proposed solar panels were de-scoped from this area following initial consultations with affected residents. According to the plans it is currently shown that this area will be kept for habitat development (Tree planting, ecological pond etc). [Note: the field adjacent to Paddock Close/Cawdell Drive will contain biodiversity enhancements but no energy infrastructure.]</p> <p>The plans show security fencing ONLY around the solar panels/infrastructure. Can it be confirmed no security fencing will be erected around the aforementioned field, bordering Ashby Road and Paddock Close? The plans do not show any fencing so it is assumed/expected not.</p> <p>Can further detail be provided on how general pollution (Noise, dust etc) will be managed.</p>

	<p>The very large size of the proposed development is totally inappropriate for a site so close to residential properties in the rural village of Long Whatton, particularly those so close on Paddock Close and Cawdell Drive. The visual impact of such a huge industrial solar farm would fundamentally change the rural environment. Solar farms should be appropriately located on already industrialised land, not on productive agricultural land, or in an area which will cause significant visual impact to the residents and those further afield who visit the area.</p> <p>Noise pollution during construction phase.</p> <p>Fire Risk</p> <p>The Public Footpath which leads from Ashby Road to Oakley Grange is not detailed on the Proposed layout of the Solar field, however there is a Public Footpath to this area. Surely you cannot build on a Public Footpath, would this be safe?</p> <p>Loss of agricultural land.</p>
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## 10. Consideration of the Planning Issues

10.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015) and those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028), Minerals and Waste Local Plan (2019)

10.2 The Core Strategy and Charnwood Local Plan are over 5 years old, and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy.

10.3 The main planning considerations applicable to this application are considered to be:

- Principle of Development
- Contribution to Carbon Free Energy and Carbon Reduction
- Impact on the Best and Most Versatile Agricultural Land
- Design, Layout and site coverage: Landscape and Visual Impact
- Biodiversity Impact/Trees, particularly with reference to Oakley Wood SSI/Ancient Woodland
- Impact on Heritage Assets
- Glint and Glare - Aircraft Safety



- Access
- Flood Risk and Drainage
- Energy Storage Fire Risk
- Minerals Safeguarding
- Other Issues

## 11. Principle of the Development

- 11.1 Core Strategy Policies CS16 and CS11 are considered to be the principal policies for consideration of the application.
- 11.2 Policy CS16: *“Support[s] commercial, community and domestic scale renewable energy or low carbon energy developments where they contribute towards our target of at least 27.5MWe, having regard to the impact upon the wider landscape, biodiversity, the historic environment, public safety, noise, odour and other amenity considerations”.*
- 11.3 Policy CS16 remains consistent with national policy and supports the aims of mitigating against the impacts of climate change. Some of the standards referred to have been superseded particularly in relation to wind power but this is not sufficient to render the policy out of date and as such it retains full weight.
- 11.4 Core Strategy Policy CS11 relates to all development in the countryside, as defined by the policies map, and seeks to ensure that developments support and protect the character of the landscape. By requiring new developments to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments, to take into account and mitigate its impact on tranquility, to maintain the separate identities of our towns and villages; It supports rural economic development, or residential development which has a strong relationship with the operational requirements of agriculture, horticulture, forestry and community services and facilities that meet proven local needs as identified by a Neighbourhood Plan or other community-led plan or housing development for local needs. The focus of the policy is on the form and type of development rather than the principle of, or spatial strategy for, development in the countryside. The policy is consistent with Chapter 15 of the NPPF which deals with matters relating to the countryside and is therefore up to date and retains full weight.
- 11.5 Because the site lies within the countryside Policy CT/1 of the adopted Local Plan 2004 ‘General Principles for Areas of Countryside, Green Wedge and Local Separation’ is engaged. This policy advises that development within countryside will be strictly controlled with few exceptions made, which do not include renewable energy installations. Policy CT/1 (and the associated CT/2) are very restrictive and pre-date the Policy Guidance of the NPPF on renewable energy, and as such is considerably out of date and carries limited weight on the context of this proposal.
- 11.6 It is also helpful to assess the scheme against the key requirements of national policy and emerging Local Plan Policy CC3. Emerging Policy CC3 is supportive of

such proposals where any adverse impacts, including cumulative impacts have been fully addressed, including impacts on local amenity, the historic environment and the setting of heritage assets, noise and odour, the wider landscape, biodiversity and public safety. Emerging Policy CC3 makes no specification for the location of solar farms nor does its sections relating to the 'areas suitable' identified on the Policies map or for local support apply, as these relate to wind turbine proposals only. Emerging Policy CC3 was discussed at the Examination in June 22 and modifications to the policy agreed. Policy CC3 is consistent with NPPF paras 158 – 160 and is considered to carry moderate weight.

- 11.7 The following sections of this report address in detail the impacts of the scheme and proposed mitigations against these criteria.
- 11.8 The scheme is located at a point where grid connection is unusually quick and easy.
- 11.9 The site, although large, has no public rights of way crossing it, and views from roads and public rights of way outside the site would be very limited. This is because of the unusual topography of the site on an elevated plateau between branches of the River Soar and its tributaries where boundary hedges and woodland block so many views of the site. This distinguishes the site from others considered in recent years in the Borough where rolling hills create opportunities for long distance views.
- 11.10 The development will be essentially static and would not, after construction, generate traffic movements. It is therefore considered to fulfill the objectives of retaining 'tranquility' as expressed in Core Strategy Policy CS11.
- 11.11 Important evidence is provided by the Charnwood Renewable Energy and Low Carbon Study 2018, at the time of its drafting around 77.6.8 MW of solar capacity had been installed or approved in the Borough, primarily in the Wolds and looked for areas suitable for solar energy installations (alongside wind). It excluded areas which were constrained by national policy, which as this report examines does not cover most the site, and areas underneath powerlines, which is not in practice a constraint on Solar.
- 11.12 However, it also excluded 'Slope and aspect – exclude areas with northeast to north-west aspect and inclinations greater than 3 degrees, exclude all areas greater than 15 degrees'. This would exclude most of the north of the site. However, in terms of technology employed currently by the solar industry, where panels are on up to three metres high which means 'self-shading' of one panel by another on north and east facing gentle slopes would not occur.
- 11.13 Therefore, failure to be included in the suitable areas derived from this study should not be considered definitive as to suitability, noting also this matter is a matter of commercial suitability as opposed to suitability in planning terms.

11.14 Also relevant is the Charnwood Wind and Solar PV Energy Landscape Sensitivity Assessment LUC 2019. This site is within the Langley Lowlands Landscape Character area, noting however this is an area of elevated topography within that character area.

11.15 This recommended in this area:

- Locations with steep slopes and/or which are highly visible from the surrounding landscape should be avoided (e.g. slopes associated with the watercourses in the landscape)
- Opportunities to conserve and enhance hedgerows and broadleaved woodland should be considered to provide visual screening and improve habitat networks.
- Avoid siting solar PV development in areas with valued semi-natural landcover including lowland meadow and stream habitats.
- Protect the landscape setting of valued heritage features including the Grade II Registered Park and Garden of Garendon Park.
- Preserve the rural character of the landscape, particularly in areas which are not strongly influenced by existing built form or infrastructure.

11.16 The landscape part of this report assesses whether this advice is met on this site.

11.17 The report contains a table that lists the potential sensitivity of solar farms of different scales. In this case very large scale is classed as 'Medium-High'. This is a measure of potential sensitivity though not of impact. Indeed the report notes 'elevated plateaus' are in general of low landscape sensitivity (page 23).

11.18 It should be noted however that this was transposed into the emerging local plan Table 9 Opportunity Areas for Solar Energy Installations, in terms of '*Scale of solar energy installation that could be accommodated within each landscape character area*'. However, this does not state that larger installations could not be accommodated outside these areas, nor are their locations (in contrast to wind power proposals) guided by the Policy content of emerging Local Plan Policy CC3.

11.19 The following three paras of supporting text of the emerging Local Plan are considered to be relevant.

*7.30 We recognise that renewable energy installations are generally large in scale and can have a significant impact on the character and appearance of parts of our Borough, potentially having an impact upon our landscape, biodiversity, heritage assets and the amenity of local residents. We have a positive strategy for renewable energy and low carbon technologies which supports the potential for suitable development whilst ensuring that any adverse impacts are satisfactorily addressed, including cumulative landscape and visual impacts.*

*7.31. We have identified suitable areas for renewable and low carbon energy sources on our Policies Map. We know that the main technical potential is for wind and solar energy and that identifying opportunity areas, based on low to moderate landscape sensitivity, offers a reasonable balance between landscape harm and increasing renewable energy capacity in our Borough.*

*7.32. These opportunity areas reflect a combined understanding of the sensitivity of each landscape character area and the likely impacts of different sizes of renewable energy*

*7.33 Proposals for renewable energy installations will be expected to have regard to our landscape sensitivity evidence and this will inform the scale of installation that will be appropriate in each landscape character area.*

*7.34. Whilst our evidence tells us these areas have the most potential, any individual proposals for energy installations would need to be supported by robust evidence and detailed site based assessment taking into account other issues such as heritage and flood risk.*

- 11.20 Whilst there is some conflict with table 9 of the Emerging Plan and the policies map it is noted that policy in neither the existing nor emerging Local Plans do not preclude larger scale schemes outside opportunity areas as a matter of principle.
- 11.21 NPPG advises *“Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable”*. This is considered to weigh strongly in favour of the scheme.
- 11.22 There are economies of scale of large solar because of minimising grid connections. However, opportunities for new grid connections are limited so there is little risk of large-scale utility solar extending over large portions of the rural environment. For comparison all solar farms in the UK currently account for 0.08% of total land use. To meet the government’s net zero target, the Climate Change Committee estimates that we will need between 75-90GW of solar by 2050. UK Solar research indicates this would mean solar farms would at most account for approximately 0.4-0.6% of UK land use – less than the current proportion used for golf courses. Also, one large solar farm will have a smaller visual impact than many smaller ones. Scale is not of itself a material planning consideration, rather it is the visual and other impacts of the specific proposal.
- 11.23 In the light of the advantages of this location and the limited impacts identified the principle of a development of this scale at this location is considered acceptable and in line with Core Strategy Policies CS16 and CS11, and emerging Local Plan policy CC3. It is contrary to the somewhat narrowly defined allowances of Local Plan Policy CT/1 but this policy is considered to carry minimal weight and is outweighed and superseded by CS11 and CS16 in this context.
- 11.24 The development is expected to have an export capacity of around 49 MW A solar farm of this size will therefore generate electricity from renewable sources and is expected to achieve a reduction of approximately 11,210 tonnes of carbon dioxide annually, or 448,400 tonnes of carbon dioxide of carbon dioxide over the operational lifetime of the solar farm. This represents a significant contribution to the legally binding national and international requirement and associated targets to increase renewable energy generation and reduce CO<sup>2</sup> emissions.

## 12. Impact on the Best and Most Versatile Agricultural Land

- 12.1 Core Strategy Policy CS16 provides support to development which protects the Best and Most Versatile Agricultural Land, however the emerging Local Plan Policy CC3 does not replicate this. The NPPF (December 2023 edition) requires decisions to protect and enhance soils, recognise soils as a natural capital asset that provide important ecosystem services, consider the economic and other benefits of Best and Most Versatile Agricultural Land, agricultural land, and try to use areas of poorer quality land instead of higher quality land.
- 12.2 An Agricultural Land Classification (ALC) Report has been prepared to accompany this planning application.
- 12.3 The ALC Report confirms that the site primarily comprises Grade 3b Agricultural Land, with a small proportion of Grade 3a. The overall composition is:
- Grade 3a: 27.8 Hectares (27%)
  - Grade 3b: 72.3 Hectares (70.2%)
  - Non-Agricultural 2.9 Hectares (2.8%)

Grade 3a is classified as Best and Most Versatile Agricultural Land (BMV) but Grade 3b is not. BMV land is defined by Natural England's Guide to assessing development proposals on agricultural land (2021) and in the National Planning Policy Framework (2023) as land above (*but not including*) grade 3b.

- 12.4 Solar farms are temporary in nature and the land would be returned to agricultural use in an enhanced condition having rested from intensive use during the operational phase of the development.
- 12.5 The proposals also allow for the continued use of the land for grazing. This dual renewable energy/agricultural use has been successfully adopted for numerous solar schemes and allows the land to remain in agricultural production throughout the life of the development.
- 12.6 Overall, it is estimated that approximately 17 hectares of BMV agricultural land will be occupied for a temporary period of 40 years by the proposed solar development. By comparison 10 times the BMV land utilised in this solar proposal is used by the recently permitted West of Loughborough Sustainable Urban Extension ('Garendon Park').
- 12.7 27% of the total red line area for the site (17 ha of 97.1ha) is Grade 3a agricultural land but, following amendment, only about 15ha or 15% will be within the area covered by solar panels and associated infrastructure.
- 12.8 It should be noted that government guidance on renewable energy does not reference Best and Most Versatile Agricultural Land, and specifically but explains:

*where a proposal involves greenfield land, whether*

- (i) *the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and*

- (ii) *the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.*

*Paragraph: 013 Reference ID: 5-013-20150327*

*Revision date: 27 03 2015*

- 12.9 In this case an agricultural land sequential assessment has been produced. As a result, land of lower grade and quality than that present at the Application Site, constituting of Grade 3, 4, 5, non-agricultural and urban, has been reviewed as part of the sequential analysis study.
- 12.10 It found that there are no potential alternative sites of any poorer agricultural quality land and subject to any less environmental constraints than the Application Site within the study area. The study area was defined as areas within 1km of the high voltage lines along the M1 and north of Loughborough. Study areas are typically defined as within 1-2 km of such high volt connections. Although the study might be criticized for not including a 2km buffer this then includes large urban areas and part of Charnwood Forest which is considered sufficient in its scope.
- 12.11 It would be possible to amend the scheme to preclude the minority proportion of the site that is grade 3a however 3a inclusion here is considered 'necessary' here as:
- Firstly this is the lowest BMV grade, covering only 15% of the solar panel coverage area
  - The loss of zero carbon energy
  - Its continued use for grazing and biodiversity gain
  - The Site has a proposed point of connection to a 132kV overhead line that passes through the Site therefore the proposed grid connection will not have to cross any main roads or railway lines, thus 38inimizing disruption, and impact.
  - The ability of a site in the West of the Borough to support a grid connection for a large utility scale facility;
  - Appeal precedents on loss of BMV land relate to loss of grade 1 and 2 land: there are no appeal decisions where the loss is confined to grade 3a land.
  - The greatest threat to food security is climate change
  - The opportunity cost of displacing required solar capacity to less suitable sites with less certain grid capacity and finally
  - The site is being promoted, and other sites in the sequential assessment are not so doubts remain over deliverability
- 12.12 The adopted Development Plan does not mention BMV or loss of agricultural land as a policy in its own right but it is included within the criteria of Core Strategy Policy CS16. The emerging Local Plan (Policy CC3) does not refer to loss of agricultural land amongst its criteria for assessment and acceptability.
- 12.13 The development would occupy a small proportion of higher grade agricultural land. The nature of the development would not degrade soil quality and its use for agriculture can continue, around the installations, and is temporary (albeit a long term horizon of 40 years) The Proposal therefore draws support from Core Strategy Policy CS16 by 'protecting' such and, the scheme meets the sequential test requirements

set out in Planning Guidance and the harm to agricultural land is limited, and this weighs slightly against the scheme.

### 13. Landscape and Visual Impact

Policy CS11 of the Core Strategy is concerned with landscape impact and it is also a matter to be considered under the criteria of CS16. As set out above, both of these policies are considered to carry and maintain substantial weight. Local Plan Policy CT/1 is also concerned with this subject, but its weight is significantly diminished (see Section 10 above).

- 13.1 Emerging Local Plan Policy EV1 presents similar objectives of protecting landscape character and to reinforce sense of place and local distinctiveness and is considered to carry moderate weight. It was considered by the Examination in June 2023 and no further discussion planned for Countryside and it is considered there are no unresolved objections thus far. EV1 is consistent with NPPF paras 20 and 130 of the NPPF. As stated above CC3 also addresses landscape impact as one of its criteria, requiring such impact is 'fully addressed'.
- 13.2 The application has been submitted with a landscape and visual assessment. This adopts the methodology of the Landscape Institute Guidance and the methodology and content has been reviewed by the Council's Landscape advisor who has confirmed acceptance of both methodology and findings.
- 13.3 Apart from the Oakley Wood SSSI/Ancient Woodland, the site is not subject to any statutory landscape, nature conservation or heritage designations, but connected hedgerows within the Western Area are subject to a non-statutory Local Wildlife Site (LWS) designation,
- 13.4 The assessment and its review by the Landscape Officer conclude that most of the proposed development would not be visible and would be set below either the horizon of screening woodland or boundary features.
- 13.5 Solar panels would be visible in higher parts of two fields to the east of Oakley Wood in the foreground to Oakley Grange Farm, and on higher ground in the northernmost parcel to the west of Oakley Wood; the intervening convex landform and hedgerow vegetation obscures lower-lying land within the Site. Land parcels to the north of Oakley Wood would remain open and undeveloped.
- 13.6 Following the examination and review of the LVIA, in response to a landscape and visual appraisal, the extent of the proposed development within the Site has been reduced by omitting solar panels in parcels near Paddock Close/Cawdell Drive, to the north and south of Oakley Cottage, east of Oakley Grange Farm, and north of Oakley Grange Farm access track. In addition, latterly (November 2023) it has been reduced further to omit the southernmost portion of the site in the vicinity of Shepshed Watermill.
- 13.7 The report recommends a number of landscape enhancements and mitigations as follows:
  - Refinements to the layout provide a 20m buffer between the solar development and Oakley Wood SSSI, and 15m buffers adjoining the LWS and Black Brook. Elsewhere, 10m buffer strips will be retained to existing

and proposed hedgerows east of Paddock Close and to the north and south of Oakley Cottage.

- Four new ponds will be created around the Site within buffer strips close to the locations of historic defunct ponds to enhance biodiversity and to provide new landscape elements.
- Species rich wildflower mix extending to c.22.53ha within the parcels excluded from solar development, and the periphery of the Site outside of the security fencing.
- A grazing grassland mix is proposed for the areas under the panels (c.72.32ha).
- New woodland extending to c.1.14ha (c.2,850 native trees) would be planted at the northern edge of the Site to enhance biodiversity.
- Firstly, a new hedgerow with trees would be planted along the northern edge of the Eastern Area to screen and soften views from Paddock Close and Cawdell Drive properties. Secondly, a new hedgerow would also be established to the south of Oakley Cottage to enhance screening of potential southward views. Thirdly, a new hedgerow would be planted between PROW L55/2 and the Western Area southern parcel
- Reinforcement and gapping up of all existing boundary and internal hedgerows.
- As recommended by the Ecological Assessment Report, c.1.44ha of shrub planting would be provided along the eastern edge of Oakley Wood, and a further 1,800sq.m. of shrub planting would be established in the south east of the Eastern Area adjacent to Hathern Road.
- An interpretation board would be located to the west of the Site along footpath L55/2 to provide information on the production of solar power and management of the species rich wildflower areas and other habitats and ecology within the solar farm.

13.8 The submitted Landscape and Visual Impact Assessment (LVIA) demonstrates that land use across the developed area of the site would change from arable and improved pasture to solar farm during the operational lifespan of the Proposed Development, but this change would be reversed during decommissioning.

13.9 The LVIA concludes that magnitude of change on land use within the site would be temporary and reversible, but long-term (40-year period) of high magnitude. With medium sensitivity and a high magnitude of change, the significance of effect at years 1 and 15 on land use would be major, temporary but long-term and reversible. This assessment is accepted by Charnwood's Landscape Advisor. However, the key aspect is considered to be the impact of the development from views outside the site.

13.10 The LVIA, commenting on Charnwood 2018 Landscape Sensitivity Assessment for renewables states:

*whilst the Site does not fall within an area identified at the macro-level by Wind and Solar PV Energy Landscape Sensitivity Assessment as being suitable for this type of land use (save for areas of the Eastern Area included within the thumbnail plans within the CBC Solar assessment...), the Oakley Solar farm as proposed has been assessed at a micro-level on its individual merits against the same Landscape Sensitivity Assessment criteria and is proven to be suitable in this location*



- 13.11 In terms of visual amenity, a series of representative publicly accessible views from the area surrounding the site were identified through desktop and field studies and consultation with the Local Planning Authorities. Two additional viewpoints from Whatton Park and Gardens and within Garendon Park were identified following a request from the Conservation Officer of North West Leicestershire District Council and later added.
- 13.12 These viewpoints were not intended to cover every possible view of the proposed development, but rather they are representative of a range of receptor types at varying distances and orientations to the site.
- 13.13 The LVIA concludes that certain properties were identified as potentially having visibility of part of the installation.
- Oakley Grange Farm;
  - Oakley Cottage;
  - Mitchell's Spring Farm;
  - Some properties at Paddock Close and Cawdell Drive; and
  - 9 Mill Lane.
- 13.14 Properties in Long Whatton to the north of Ashby Road, much of Hathern and Shepshed, and Loughborough, plus isolated properties including Lounds Farm, Bedlam Barn Farm, Shepshed Fields, Woodlands Farm, Highfields Farm, Piper Farm, Rose Hill, The Lodge, 11 Mill Lane, Marylea Farm and Whatton Fields Farm have been identified during site surveys as not being potentially affected by inter-visibility with the Site.
- 13.15 Hedgerows along the eastern boundary of the Eastern and Southern Areas and intervening woodlands combine with landform to restrict views at varying distances to the east and southeast toward the site. Landform, vegetation on the M1 motorway embankments and Piper Wood combine to restrict views from the Public Rights of Way to the west of the motorway toward the Western and Southern Areas.
- 13.16 Public Rights of Way L55/2 to the east of the motorway follows the western boundary of the Western Area, and Public Rights of Way users on this route would gain open views across the southern part of the Western Area or brief views toward the northern part of the Western Area.
- 13.17 The pulling back of the installation area from Ashby Road in the Paddock Close area of Long Whatton, following discussion with affected residents, serves to mitigate the landscape and visual impact here to an acceptable level.
- 13.18 Views from road users from Shepshed Road/Hathern Road and roads within Hathern and Long Whatton in the immediate vicinity of the Site are largely screened by roadside vegetation and/or intervening vegetation, with only brief glimpses gained where breaks occur at field gates or gaps in hedgerows. Views from Ashby Road are largely screened by roadside vegetation and/or intervening vegetation, with only brief glimpses gained where breaks occur at field gates and adjacent to the proposed new access.
- 13.19 These viewpoints have been visited independently by the Council's officers and it is considered that the impact would be minimal.

- 13.20 In conclusion, the assessment is considered to be a fair and robust demonstration that the development could be successfully accommodated within the existing landscape pattern and could be assimilated into the surrounding landscape without causing any permanent harm to the landscape character or visual amenity or serious long term harm. The proposed development would be beneficial in terms of landscape elements comprising trees, scrub, hedgerows, land cover, and ponds.
- 13.21 One residential property (Mitchells Spring Farm in NW Leicestershire) would moderate effects at years 1 and 15 from upper floor windows which are less likely to be occupied during waking or daylight hours. Due to its location, both the property and the part of the development which would affect lie outside the Borough boundary and are a matter for North West Leicestershire District Couci to adjudicate.
- 13.22 Major visual effects would be limited to parts of one footpath to the north and initially one to the west of the site, although relatively few Public Rights of Way users would be affected. Overall, the Site and proposed development would be well screened and effects on visual amenity through landscape impact would be limited.
- 13.23 The findings of this assessment and summarised above have been reviewed and is accepted by Charnwood's landscape advisor.
- 13.24 Overall, the scheme is assessed as complying with Core Strategy Policy CS11 and the applicable criteria of CS16, emerging Local Plan policy EV1 and criteria of policy CC3 (in terms of landscape) and national planning policy and guidance on landscape issues.
14. Biodiversity Impact/Trees, particularly with reference to Oakley Wood SSI/Ancient Woodland
- 14.1 Policy CS13 of the Core Strategy seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The policy supports development that protects biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. The loss of features of biodiversity and geodiversity will only be supported in exceptional circumstances where the benefit of the development clearly outweighs the impact. Where there are impacts, the policy requires mitigation or compensation of equal or greater value, likely to result in a net gain in biodiversity. The NPPF states that planning decisions should minimise impacts upon and provide net gains for biodiversity.
- 14.2 Emerging policy EV6 of the Draft Local Plan seeks 10% biodiversity net gain and the protection and enhancement of habitats, species and networks. Although the Environment Act 2021 makes provision for 10% biodiversity net gain, the relevant sections of the Act have not yet been brought into force to make it a legal requirement and is not currently required by national policy. Therefore, emerging Local Plan policy EV6 can be given moderate weight until the emerging policy is further progressed towards adoption but its expectation of 10% net gain can only be given limited weight at this time.
- 14.3 Policy EV7 of the Draft Charnwood Local Plan (2021-2037) seeks to protect and enhance our natural environment by increasing the number of trees in Charnwood and supports development that retains existing trees, where appropriate. The emerging Local Plan is 'well advanced' having been subject to Examination and

policies are consistent with the NPPF. Policy EV7 is largely uncontested and can therefore be afforded moderate weight.

- 14.4 An Ecological Appraisal has been prepared by Aspect Ecology. This has been supplemented by Phase 2 surveys for wintering birds, bats, badger and reptiles.
- 14.5 The habitats present within the site include a pond and areas of dense and scattered scrub. A watercourse runs along the southern boundary of the site. Features of ecological importance include the hedgerows, woodland and brook, which are of local to district level value.
- 14.6 The features of ecological importance will be retained and protected under the proposals. The remaining habitats within the site are not considered to form important ecological features and any loss to the proposals is of minor ecological significance.
- 14.7 A Biodiversity Net Gain Assessment has also been undertaken which demonstrates that the proposed development will secure Biodiversity Net Gains of 63%. Clarification has been sought about aspects of the metric however there is no dispute that the additional planting would result in a substantial biodiversity net gain. As advised by the Council's ecological advisor, the precise extent of this will depend upon the composition of the planting and a condition requiring such detail is therefore suggested.
- 14.8 The biodiversity net gain will be achieved through the proposed landscape planting, habitat enhancements and long-term management as set out in the Ecology Report and Detailed Landscape Planting Plan.
- 14.9 With regards to impact on Oakley Wood the installations would be set away by 20m in line with national advice. The proposed method statement for tunneling a cable under tree roots on a path through Oakley Wood is acceptable to Natural England.
- 14.10 In terms of trees a Tree Survey and Tree Constraints Plans have been prepared by Barton Hyett. The Assessment confirms that the standoffs from Oakley Wood and the field margins incorporated into the design of the proposals will ensure that the proposed development would be acceptable in arboricultural terms. The retained trees and hedgerows can be adequately protected during construction activities to sustain their health and longevity.
- 14.11 It is considered that an arboricultural method statement and finalised tree protection details can be agreed and submitted as part of planning conditions.
- 14.12 Black Brook runs forms the south boundary of the site and the southern parts fall within the notification area of it as Local Wildlife Site. However recent amendments removed any solar panels from proximity form this boundary, nor is it close to the proposed accesses, compound, storage or connection infrastructure and such is no longer affected.
- 14.13 With the implementation of appropriate mitigation, compensation and enhancement, as set out in the Ecological Reports, the development would be in conformity with Local Plan policy CS13, Emerging Local Plan policy EV6 and EV7 and national planning policy.
- 14.14 Overall, the planting proposals and biodiversity net gain count substantially in favour of the scheme.

## 15. Impact on Heritage Assets

- 15.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets a general duty 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.
- 15.2 Paragraph 203 of the NPPF states that, in determining applications, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with the conservation and the desirability of new development in making a positive contribution to local character and distinctiveness.
- 15.3 Paragraph 205 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 the category and degree of harm.
- 15.4 Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 15.5 Further, paragraph 209 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It calls for a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. Case law establishes that the Council must give considerable importance and weight to preserving or enhancing the character or appearance of a Conservation Area.
- 15.6 Core Strategy Policy CS14 concerns conservation and enhancement of heritage assets, Emerging Local Plan policy EV8 has similar aims.
- 15.7 A Desk-Based Heritage Assessment and Geophysical Survey submitted in support of the planning application provides information regarding the significance of the historic environment and archaeological resource and a detailed review of the historic environment.
- 15.8 There are no known designated or undesignated heritage assets within the site itself.

### *Conservation Areas and Associated Listed Buildings*

- 15.9 Settlement cores of Hathern, Long Whatton and Sutton Bonnington are designated as Conservation Areas; they extend to within c.450m east and c.600m and approx. 1.2km north-west of the site respectively. Each Conservation Area contains a number of Grade II and II\* Listed Buildings.
- 15.10 The edge of the site lies c.600m from Long Whatton Conservation Area. It does not obviously feature in any views from the Conservation Area and is not a location from where the Conservation Area as a whole, or any building within it, can be experienced. It is considered that the site makes no contribution through setting to the significance of Long Whatton Conservation Area.

- 15.11 The edge of the site lies c.450m from Hathern Conservation Area, does not feature in any views from the Conservation Area and is not a location from where the Conservation Area as a whole, or any building within it, can be experienced. A glimpse of the church steeple from the north-western part of the site is incidental. It is considered that the site makes no contribution through setting to the significance of Hathern Conservation Area.
- 15.12 The site lies c.1.2km from Sutton Bonnington Conservation Area, does not feature in any views from the Conservation Area and is not a location from where the Conservation Area as a whole, or any building within it, can be experienced. It is considered that the site makes no contribution through setting to the significance of Sutton Bonnington Conservation Area.
- 15.13 The proposal has been assessed as having no impact on these assets and this is accepted by North West Leicestershire's Conservation Officer and therefore raises no objections

#### *Other Listed Buildings*

- 15.14 Other Listed Buildings recorded within the study area are all Grade II and comprise Oakley Wood Cottage, between Oakley Wood and the southern part of the site; Shepshed Mill and Farmhouse, c.150m south of the site; a milestone c.235m north-east of the northern boundary of the western half of the site; and Long Whatton Mill with Bridge and Mill House with Cottage and Stables, c.460m north of the site.

#### *Oakley Wood Cottage (Grade II)*

- 15.15 Oakley Wood Cottage was built in the 18th century as a gamekeeper's cottage for the Garendon Park Estate. It is of one-and-a-half storeys, and is constructed from brick on a granite base with a thatched roof in the Picturesque style. The asset has undergone some 19th- and 20thcentury alterations.
- 15.16 Today, Oakley Wood Cottage is accessed by a private track from Hathern Road. It occupies a small plot containing trees, separated from the road by a pasture field.
- 15.17 At pre-application stage the solar panel installation was pushed back one field south of this building. Recent amendments have removed in their entirety panels from the fields south of the site.
- 15.18 As such the proposal is considered to have no impact on the setting of this building.

#### *Shepshed Mill Grade II*

- 15.19 The heritage assessment does not consider the impact on Shepshed Mill and Farmhouse, though these buildings are 175m south of the site their curtilage extends to the site boundary.
- 15.20 The list entry states:

*Watermill and house adjoining to east, early/mid C19. Brick with Swithland slate roofs. House: 2-storeys, 3 window range. Three-light windows beneath cambered heads. Central round-headed doorway. Six-panel door with fanlight above. Brick dentil cornice. End stacks. Mill: 2-storeys. Central access flanked by 2-light windows to both ground and upper levels. Brick dentil cornice. Iron wheel with wooden vanes. Unusual mill gearing.*

- 15.21 It is believed to be only one of two working watermills within Leicestershire. It may have been on the site of a medieval mill and from site inspection aspects of the millrace and other associated features may be older than 19C and this is the view of the owner who restored the mill. Again, from site inspection the mill race, farm buildings and paddocks to the north are clearly part of the curtilage of the listed building.
- 15.22 The setting of the building has clearly been harmed by the construction of M1 and will be affected by the construction of Garendon Park to the East. However, apart from the audible intrusion, the mill enjoys a surprisingly rural atmosphere with a view northwards to Oakley Wood.
- 15.23 The degree of harm here was judged as 'less than substantial' in terms of the NPPF. However, the amended plans (November 2023) removed the part of the solar farm closest to these buildings such that they and their settings would be separated from the panels (and associated infrastructure) by substantial distance and by intervening features, including Oakley Wood itself. The amendments have had the effect of negating this concern in its entirety.

*Milestone on Ashby Road Grade II*

- 15.24 This was not assessed in the submitted heritage Study. However, its setting is confined to the immediate road and there will be no impact.

*Long Whatton Mill with Bridge and Mill House with Cottage and Stables Grade II*

- 15.25 Beside Long Whatton Brook, c.525m north of the site, is a late 18th-century watermill; it is believed to have superseded mills referenced in records of the mid 15th, 17th and 18th centuries.
- 15.26 There is considered to be no assessed impact on the setting of this asset.

*Other non-designated Historic Assets*

- 15.27 Oakley Grange Farm is not recorded by the HER but may still be considered a non-designated heritage asset. The first available cartographic depiction of it is the first edition Ordnance Survey map of 1883, which labels the buildings as Rectory Farm. The farmhouse adjoins the north-western corner of a courtyard of outbuildings, with another outbuilding situated to its north.
- 15.28 It is considered that two small fields in the centre of the site contribute through setting to the significance of Oakley Grange Farmhouse, and as such, that the proposed development may result in a small degree of harm to its significance through change to the surrounding landscape character as experienced in views from and towards the asset.
- 15.29 Mitchell's Spring Farm is not recorded by the HER but may still be considered a non-designated heritage asset. The first available cartographic depiction of it is the first edition Ordnance Survey map of 1883. The farmhouse adjoins the outer south-western corner of a courtyard of outbuildings. The complex lies between Pipers Wood to the west and Oakley Wood to the east.
- 15.30 No historical association is known between Mitchell's Spring Farm and the site. Despite some intervisibility between the east-facing side elevation of the asset and

the northern field of the western parcel of the site, it is considered that the site does not contribute through setting to the significance of Mitchell's Spring Farmhouse.

*Whatton House and attached Stables (Grade II) and Associated Gardens and Buildings*

- 15.31 The Grade II Registered Park and Garden of Whatton House is c.640m north of the site at its closest point. It contains 19 Grade II Listed Buildings, including Grade II listed Whatton House, all of which are located outside the study area.
- 15.32 Whatton House Registered Park and Garden is a designed landscape associated with the early-19th century house and its late-19th century rebuild following a fire. The designed landscape includes a kitchen garden, formal gardens and pleasure grounds closely surrounding the house, an arboretum, and outlying parkland.
- 15.33 The landscape park was established in the early-19th century for the original house. The pleasure grounds, which include a Chinese Garden, were created for the present house in the late-19th century; a small lake was added on the west side in the 1930s. Some of the trees of the arboretum appear to have been planted in the early 19th century but the majority were introduced in the second half of the 20th century.
- 15.34 As a Grade II Registered Park and Garden, Whatton House is a designated non-statutory heritage asset. Its heritage significance is principally derived from the artistic and historic interests of the designed spaces contained within the designation. Elements of its setting contribute to that significance, albeit to a lesser degree.
- 15.35 An agricultural landscape of enclosed pasture and arable fields and small plantations outlies the Registered Park and Garden to the north, west and south.
- 15.36 The List Entry for the Registered Park and Garden notes that from the gravelled forecourt at the east front of Whatton House there are "*extensive views east, over the park and the Soar Valley beyond*"; while from the terraced garden along the south front of the House, "*there are views over its balusters and across the falling and rolling parkland towards Long Whatton*".
- 15.37 The original setting assessment in the Heritage Desk-Based Assessment concluded:
- "It is considered that the following elements contribute through setting to the significance of Whatton House:*
- Its topographical position, focussed around a point of high ground that descends east and south into the valleys of the River Soar and its tributary the Long Whatton Brook respectively;*
  - The main entrance drive culminating in the forecourt at the east front, which is how the House is typically approached and from where its built form and features of special architectural and historic interest can be experienced;*
  - Its associated designed landscape, in particular the terrace/lawn, Broad Walk and rose garden to the south and south-west, from where the House is experienced and across which there are designed views towards the outlying parkland; and*
  - Components of the outlying agricultural landscape, such as the floodplain of the River Soar to the east and the fields either side of Long Whatton Brook to the*

*south, which are visible at mid- to long-range in designed views from the east and south fronts.*

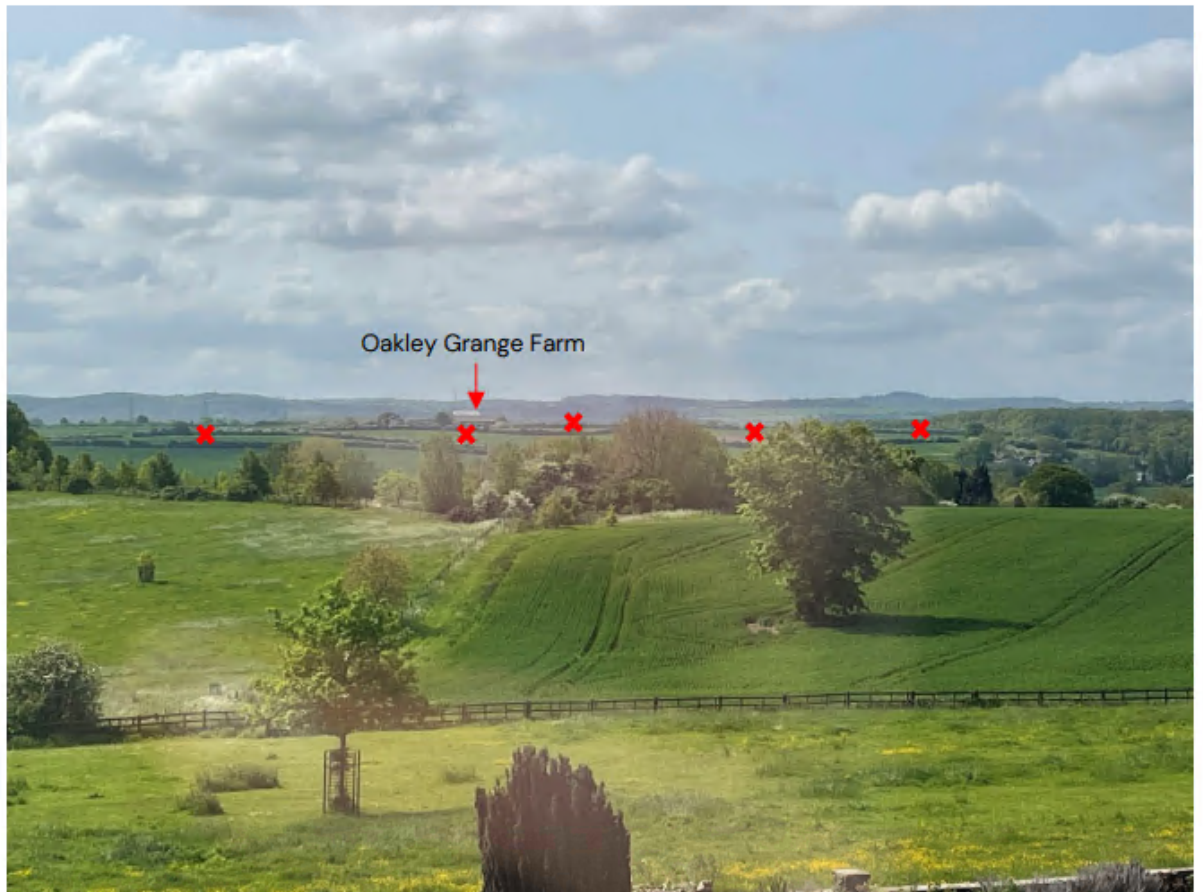
*There is no known historical association between the site and Whatton House and the fields of the site are not contiguous with the designed landscape surrounding the House. However, the northern fields of the site will be visible in the midground of designed views from the south front of the House. The extent of visibility of the site is expected to be greater than from the grounds, due to the height afforded by the first- and second-floor windows. The site is part of the wider historic agricultural landscape, which elsewhere has been eroded by large-scale modern infrastructure. It is considered that the site makes a small contribution through setting to the significance of the Listed Building, and as such, that the proposed development may result in a small degree of harm to its significance through change to the wider historic landscape character as experienced in designed views from the asset.*

*As part of the a site visit undertaken in May 2023 at the request of the NW Leicestershire Conservation Officer, access was gained to one first-floor room and three second-floor rooms that present a southerly aspect towards the site. It was confirmed that from these rooms there is some visibility of the barns of Oakley Grange Farm (excluded from the site boundary) and the fields to the north of the farm (within and outlying the site).*

*Those fields lie in the midground of the panoramic and long-ranging view, which includes, in the foreground, the formal terrace and historic parkland of Whatton House. Around two thirds of the historic parkland visible from the south front retains a parkland character (i.e. pasture dotted with mature specimen trees; lying to the south-east and continuing beyond visibility range to the east and north of the house). However the remaining third of the historic parkland visible from the south front (lying to the south and south-west) is arable land with around five mature specimen trees. Visible behind Oakley Grange Farm is the flue of the Newhurst Energy Recovery Facility, and two telecommunications masts. 1.8. The proposed solar arrays will be visible in the views from the first- and second-floor rooms on the south front of Whatton House. This will slightly erode the historic agricultural landscape character beyond the parkland of Whatton House, but will not remove any element of the designed landscape itself, which makes the most significant contribution through setting to the significance of the house.*

*It remains our opinion that the site (specifically, the fields to the north of Oakley Grange Farm, which are visible in southerly views from first- and second-floor rooms of Whatton House) make a small contribution through setting to the significance of Whatton House; and as such, the proposed development could result in a small degree of harm to the asset's significance. The harm would be less than substantial, at the low end of the spectrum.*





*View from Whatton Park – site identified by red crosses*

15.38 In response the Conservation Officer stated:

*Both parties agree that there would be less than substantial harm to the listed building and its parkland [That is Whatton Park]. Based on my own site inspection I agree that the harm to the listed building would be “at the low end of the spectrum” but I do not agree that the same may be said about the parkland. Instead I would identify less than substantial harm toward the midpoint of the spectrum.*

15.39 The area of intervisibility being those parts of the site north of Oakley Grange Farm, generally north of the point the site plateaus north of the 65m contour, where the site drops around 20m to Whatton Road.

15.40 The visible area of the site occupies in part, about a third of this view, beyond the foreground parkland. From this northern aspect, the rear of the panels would be viewed and would appear dark in appearance. This dark appearance blends with the dark bands of woodland and hedgerows that characterise the landscape to the south of the Whatton House Parkland. The impact for residents of Whatton House, would result in moderate effects at most.

15.41 The issue is the view from the house and the impact on the setting of the listed building, which gains its significance from the view across the Registered Park and Gardens and landscape beyond. In terms of the setting of Whatton House, it is considered that the distance of the panels from the House (circa 1.6km at the closest point) and the limited available first floor (private) view, and that the land concerned

is located outside that historically and perceptually associated with Long Whatton House does not significantly impact upon its setting.

*Garendon Park and Associated listed buildings and Scheduled Monument.*

- 15.42 The Grade II Registered Park and Garden of Garendon lies c.1.4km south-east of the site at its closest point. It contains one Scheduled Monument (the earthwork and buried remains of a medieval abbey and a post-medieval mansion); and one Grade I Listed Building, one Grade II\* Listed Building, and 11 Grade II Listed Buildings (comprising two lodges, two ranges of outbuildings, boundary walling and ornamental features). Garendon Hall, for which the park and garden was designed, was demolished in 1964.
- 15.43 No estate map survives although it is known that the site formerly comprised part of the agricultural estate of Garendon House.
- 15.44 The site is not contiguous with the designed landscape: it lies more than c.1.4km to the north-west, separated by intervening fields, and a sewage works.
- 15.45 The List Entry for the Registered Park and Garden notes that the designed landscape is now sandwiched between the M1 motorway and the town of Loughborough; and that while some 18th-century ornamental woodland, canals and structures survive, Garendon Hall and its kitchen gardens do not and the former parkland in the south-west has comprised arable land since 1943.
- 15.46 In 2016, Charnwood Borough Council granted planning permission for the West of Loughborough Sustainable Urban Extension within the northern, central and western parts of the Registered Park and Garden. The development scheme includes for the retention and restoration of the Listed structures.
- 15.47 The former Hall was south-facing and avenues, canals and focal structures occupied the southern part of the designed landscape. The northern part includes the site of a medieval abbey, various outbuildings of medieval origin, plantations and a lake. There is no mention in the List Entry of any designed vistas from the Hall or Park across the outlying agricultural landscape to the north.
- 15.48 The grade II\* Temple of Venus, and one assessed viewpoint in the far east of the site are the only parts of Garendon Park within the assessed area of theoretical visibility. Given field boundaries, the distance (more than 3km), the fact the view is over a sewage works, the principal view from the Temple towards the site of the former house and the south of the site is gently sloping, it is considered any view from these points would be almost entirely screened and there would be no impact on the setting of the Registered Park and Garden of the Temple Of Venus within it. The setting will be radically altered by the Garendon Park urban extension.
- 15.49 In conclusion the site is considered to make no contribution through setting to the significance of the Registered Park and Garden or any of its associated Listed Buildings, or the Scheduled Monument of the earlier monastic site.

*Scheduled Monuments*

- 15.50 Two Scheduled Monuments are located within the study area: a village cross at Hathern, c.720m east of the site, and a moated site with a fishpond at Long Whatton, c.920m northwest of the site. There is no visual impact on either.

### *Archaeology*

- 15.51 Significant parts of the site have been subject to field walking over the years.
- 15.52 Much evidence of prehistoric and Roman activity is recorded on land either side of Black Brook within the southern and south-western parts of the study area.
- 15.53 No extant ridge and furrow earthworks were observed within these or any other locations within the site during the walkover survey; but some are perhaps faintly discernible on 1m resolution digital terrain model LiDAR imagery produced in 2020.
- 15.54 Prehistoric and Roman activity within the study area is attested to by numerous find scatters and cropmark and excavated features. Worked flint and Roman pottery sherds have been recovered from the southernmost part of the site, raising potential for associated features like enclosures, field systems and roundhouses in the vicinity. Such remains would be of some significance as derived from their archaeological and historic interest, but would not usually be so significant as to preclude development.
- 15.55 There are no discernible above-ground remains of the short linear earthwork marked within the north-western boundary of the eastern parcel of the site on historic Ordnance Survey maps, but there may be buried remains.
- 15.56 From the early medieval period onwards, it would seem that the site comprised farmland outlying and associated with the settlements of Hathern and Long Whatton. The boundary banks of Oakley Wood do not extend into the site. There is potential for buried archaeological evidence of historic land use, for instance, plough furrows and former field boundaries. Such remains would typically be of insufficient significance to warrant their identification as non-designated heritage assets.
- 15.57 Although there is as yet no consultation response from Leicestershire Archaeology it is considered that the archaeological potential of the field north of Black Brook, and two earthworks shown on the 1884 Ordnance Survey merit a pre commencement archaeological investigation condition. With such a condition the scheme would comply with the NPPF in Archaeological terms.

### *Conclusion on Heritage Matters*

- 15.58 Following a review of all designated heritage assets within 1km of the site, the desk based assessment and subsequent site visits and addendums, finds the northern fields of the site (to the north of Oakley Grange Farm) make a very small contribution through setting to the significance of the Registered Park and Garden and the smallest contribution through setting to the significance of the Grade II Listed Building of Whatton House.
- 15.59 It is considered that the impact on the setting of Whatton Park is higher – mid range but remaining within the ‘less than substantial’ description.
- 15.60 The two fields in the centre of the site, on the south side of the track to Oakley Wood, contribute through setting to the significance of the non-designated asset of Oakley Grange Farmhouse; but that the site does not contribute through setting to the significance of Mitchell’s Spring Farmhouse.

- 15.61 The study also considers it does not contribute through setting to the Registered Park and Garden and Listed Buildings of Garendon Park, the Conservation Areas and Listed Buildings of Hathern and Long Whatton.
- 15.62 The study does not consider there would be harm to the setting of Shepshed Mill and Mill Farm. This was the subject of disagreement however has been fully overcome by the amendments to the scheme removing the relevant section of the proposal.
- 15.63 Overall, assessing impact individually and cumulatively, there would be less than substantial harm, considered to be mid-range for Whatton Park.
- 15.64 Under the NPPF (paragraph 208) in such cases the harm needs to be assessed against public benefits. It is considered that there would be very substantial public benefits from carbon emissions savings, renewable energy generation, biodiversity gains and to a limited extent from economic benefits. It is considered that this would outweigh the less than substantial harm referred to above.
- 15.65 Nonetheless great weight needs to be given to any harm and this harm would weigh against the scheme in the planning balance. Furthermore, the harm is reduced by the landscaping proposals included within the scheme: improved screening landscaping (replacing hedgerows where lost and provision of additional hedgerow planting) as proposed in the landscaping scheme, would either remove the impact or mitigate it short term (approximately 15 years) whilst screening features grow.
- 15.66 With these proposed mitigations the residual less than substantial harm on Whatton House would be very low, and although this would weigh against the scheme in the planning balance this would comply with the NPPF and Development Plan policy CS16 and emerging Local Plan policy EV8.
16. Glint and Glare - Aircraft Safety
- 16.1 The site is outside the East Midlands Airport Safeguarding Area referred to in emerging Local Plan policy CC3, however the reference there to aircraft safety and operation is applicable.
- 16.2 Panels are partially reflective which can give rise to a risk of glint and glare. Noting however that this is much reduced with modern panels designed to absorb light (as reflected light is lost energy) being very nearly black and partially translucent. Today's panels reflect as little as 2% of the incoming sunlight, and their reflective properties are lower than glass and still water.
- 16.3 An assessment of the proposals has been undertaken to consider the effects of glint arising from the proposed panel layout on the receptors around the site. Particular attention is paid to receptors considered to be more sensitive to glint, such as pilots on final approach to landing at East Midlands Airport, motorists on main roads travelling at speed and train drivers.
- 16.4 The Glint and Glare report accompanying the planning application notes that solar arrays have lower reflective properties than glass or still water and concludes that the overall potential for glint at receptors within the vicinity of the site is low. Accounting for existing and proposed screening, the glint is not expected to have a material impact on the properties surrounding the site. Any glimpses of glint would be no worse than viewing a sunlight reflection from window glass similar to those used in glasshouses or still water.

- 16.5 From the perspective of a motorist using these roads, any glimpses of glint would be very low intensity and pass very quickly, having no material impact. Although glint could be visible to overflying aircraft, any effect would not be sustained for extended durations and would be much less intense than glint possible from large waterbodies.
- 16.6 Further technical work was requested by East Midlands Airport. Revisions to the Glint and Glare Assessment proposed a revised panel type along with the removal of some southern panels has removed the yellow glint/glare component for the site. This has met with the satisfaction of the Safeguarding Authority who now lodge no objection and recommend a condition (and notes as informative). This can be included in any permission granted.
17. Access
- 17.1 Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seeks to ensure safe access is provided to new developments. These policies generally accord with the National Planning Policy Framework. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 17.2 Paragraph 115 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network.
- 17.3 A Public Right of Way runs along the western boundary of the site from Ashby Road to Mitchell's Spring Farm but will not be affected by the proposals.
- 17.4 The site will utilise the existing Oakley Grange Farm access off Shepshed Road with the majority of the distribution of the equipment undertaken internally by tractor and trailer. Some equipment will be delivered to the western parcel via a new construction access created off the Ashby Road. Traffic would be routed so as to minimise disruption to the local highway network. The level of traffic associated with the construction phase will be relatively low and, as such, is not considered likely to have a detrimental impact on the safety or operation of the local or strategic highway network.
- 17.5 Once operational the site would only require occasional visits associated with the routine maintenance of equipment on site. The largest vehicle likely to be used during the operation phase is expected to be no larger than a 7.5t van. The operational phase is anticipated to result in minimal impact to the surrounding local network.
- 17.6 The Local Highway Authority has requested further information and details regarding the three entrances, including a speed survey on Ashby Road to determine the correct dimensions of visibility displays. As a result a survey was undertaken and revised access proposals submitted along with a Road Safety Audit and the deletion of 'access C' on Shepshed Road, south of Oakley Farm.
- 17.7 The Local Highway Authority is satisfied with these assessments and now recommends conditions to secure their provision, maintenance and ultimately removal after the solar farm is decommissioned. These can be included as conditions to any permission granted.

## 18. Flood risk and drainage

- 18.1 Policy CS16 of the Core Strategy and the NPPF direct vulnerable development away from areas at highest risk of flooding. This is also reflected in emerging Local Plan Policy CC1, which can attract moderate weight.
- 18.2 The Environment Agency flood map shows the site as lying within Flood Zone 1 (1:1000 year probability of flooding). A small portion in the south side of the site is shown to be in Flood Zone 2 (1 in 1000 to 1 in 100 year probability of flooding) and Flood Zone 3 (>1:100 year probability of flooding). The risk of flooding from other sources is low.
- 18.3 The NPPF technical guidance states that essential infrastructure is appropriate in flood zones 1 and 2 but in flood zone 3 an exception test is needed.
- 18.4 The solar panels were proposed to sit above the flood water level and no infrastructure will be placed within Flood Zone 2 and Flood Zone 3. However recent amendments, designed to address the setting of Shepshed Watermill at the south extremity of the site, also have the effect of removing the panels (and any infrastructure) from the parts of the site with Flood Zones 2 and 3 altogether.
- 18.5 The proposed development would not increase impermeable area on site. The proposed access tracks will be a combination of mown grass paths, grass reinforcement and gravel. All three are permeable in nature and do not alter the existing drainage characteristics of the site.
- 18.6 The proposal is considered to accord with the requirements of the National Planning Policy Framework (NPPF), Policy CS16 of the Core Strategy and emerging Local Plan policy CC1 with residual risk to the site fully mitigated, and as such considered low risk.

## 19. Energy Storage Fire Risk

- 19.1 The proposal includes an Energy Storage (battery area) between Oakley Grange Farm and the Ashby Road site entrance.
- 19.2 There is a risk, like with most lithium based batteries, of fire though there has only ever been one case on a solar farm in the UK.

New government [guidance](#) on this matter states:

*Where planning permission is being sought for development of battery energy storage systems of 1 MWh or over, and excluding where battery energy storage systems are associated with a residential dwelling, applicants are encouraged to engage with the relevant local fire and rescue service before submitting an application to the local planning authority. This is so matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runaway, and emergency services access can be considered before an application is made.*

*Applicants are also encouraged to consider [guidance produced by the National Fire Chiefs Council](#) (PDF, 488 KB) when preparing the application.*

*The location of such sites are of particular interest to fire and rescue services; who will seek to obtain details of the design, and firefighting access and facilities at*

*these sites in their register of site specific risks that they maintain for the purposes of Section 7 of the Fire and Rescue Services Act 2004.*

19.3 The application contains plans for storage, and although the location is not indicated on the site layout it is understood this would be at the main substation close to Ashby Road and away from any property, giving clear and easy access to fire tenders.

19.4 The Fire and Rescue Service has not responded to consultation. However, based on experience elsewhere and from appeal decisions, it is considered appropriate to impose a condition ensuring access to the battery compound is adequate and unimpeded in the worst case scenario of a fire.

## 20. Minerals Safeguarding

20.1 Policy M11 of the Minerals Local Plan requires mineral statements to be submitted in safeguarded areas.

20.2 The Minerals Planning Authority has advised that a modest section of the southern end of the development site is located within a minerals safeguarding area for sand and gravel. However, given the nature, scale and location of the proposal it does not raise significant mineral safeguarding concern. Thus, the Authority does not require a Minerals Assessment for this application and has no objections.

20.3 In any event no installations are proposed in this area, and it was subsequently removed in the amendments to the application made in November 2023.

20.4 The scheme therefore complies with the Minerals and Waste Local Plan policy M11.

## 21. Other Issues

21.1 Noise from substation and battery array is proposed to be assessed through a pre commencement condition as the exact equipment is not known at this stage.

21.2 There have been no requests for section 106 contributions. The biodiversity net gain is incorporated into the proposals and can be secured by means of a condition.

21.3 The applicants have offered to contribute to a community energy scheme however no national scheme for implementing these are in place and it cannot be required by a s106 as this would not be compliant with regulation 122 of the Community Infrastructure Levy Regulations as it is not necessary to allow the development to proceed.

## 22. **Conclusion**

22.1 As discussed in section 9 above, the most important policies relating to the development are considered to be up to date. These are Policies CS16 and CS11 of the Charnwood Core Strategy, and CS14 in respect of heritage assets. The proposal is contrary to Policy CT/1 of the adopted Local Plan 2004, but this is considered to be severely out of date in the context of proposals for renewable energy and carries much reduced weight. Under paragraph 11 c) of the NPPF, Local Planning Authorities should approve development proposals that accord with an up-to-date Development Plan without delay. The most important policies in the determination of this application are considered to be up to date.

- 22.2 The scheme is also in accordance with the most relevant emerging Local Plan Policies, CC3 directly related to renewable energy, C1 and EV1 regarding the countryside and landscape impact, and EV8 regarding heritage assets.
- 22.3 Overall, the scheme has been assessed to have major positive benefits to production of zero carbon energy and biodiversity, and moderate economic benefits.
- 22.4 Solar farms are one of cheapest forms of electricity generation. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large scale solar is now viable in some cases to deploy subsidy free and at no extra cost to the consumer.
- 22.5 The ability of the scheme to offer approximately 49 MW of zero carbon power generation, enough electricity to power more than 16,580 homes and could save the emission of 11,210 tonnes of carbon dioxide annually, or 448,400 tonnes of carbon dioxide over the operational lifetime of the solar farm. The benefits of renewable energy is a material consideration that weighs strongly in favour of the proposal.
- 22.6 These benefits are recognised in the Council's local policies and guidance and national policy in accordance with the Climate Change Act of 2008. It is also clearly identified, in Section 14 of the NPPF, where it seeks to increase the use and supply of renewable and low-cost energy and to maximise the potential for such development. The delivery of suitable renewable energy projects is fundamental to facilitate the country's transition to a low carbon future in a changing climate.
- 22.7 Also, a solar farm requires grid capacity and a viable connection to operate. As such, this requirement places a locational restriction on site selection that limits the number of appropriate sites for such a facility. The Applicant explains that the national grid suffers capacity difficulties and limits suitable points of connection. The Applicant proposes to connect to the high voltage electrical pylons running through the site placing the site in an advantageous location satisfying the connection constraints that exist. The grid connection has been agreed leading to the benefit of early connection.
- 22.8 The Applicant has therefore demonstrated that a rational approach was taken to site selection lending support for the selected site. The location is adjudged acceptable against the Development Plan and national planning policy and guidance and the emerging Local Plan.
- 22.9 The scheme has less than significant harm on the setting of a Heritage asset (Long Whatton Registered Park and Garden)(with other adverse impacts having been removed by amendments) and this remaining issue is considered to be modest, and to be outweighed by public benefits by some margin. Additionally, proposed landscaping would mitigate the residual harm.



- 22.10 The scheme has been assessed as complying with national guidance on the loss of Best and Most Valuable land. Only 15% of the array installation is proposed on land graded 3a (i.e. the proportion within the 'Best and Most Valuable' category – the remainder being category 3b land of lesser quality and a small amount of non agricultural land) and as such is not in breach of national policy or the criteria within Policy CS16 of the Cote Strategy.
- 22.11 Solar Farms are temporary in nature and, unlike other forms of development such as residential or employment uses, do not result in the permanent removal of land from agricultural use nor contribute significantly to its degradation. In this case, the land will also continue to be grazed by sheep and cut for a hay crop, meaning that agricultural use can continue whilst the solar farm is operational.
- 22.12 Renewable energy schemes are essential to provide a sustainable and affordable source of clean, green energy supply and the availability of suitable locations to achieve this in Charnwood Borough are limited.
- 22.13 The proposed site is considered to be well chosen at a site on an elevated plateau where visual impact is low (and reduced further by proposed landscaping). The application has been subject to pre-application discussion with the Parish, local wildlife group and local residents and this is reflected in the unusually low volume of public response.
- 22.14 The access proposals are considered acceptable following review by the Local Highway Authority, refinement of design and deletion of 'access C' on Shepshed Rd.
- 22.15 The directional drilling measures have been assessed as having no impact on Oakley Woods SSSI/Ancient woodlands and this is accepted by Natural England.
- 22.16 Fire safety concerns can be met through the application of a condition.
- 22.17 The residual air safety risk is considered very low and has now been accepted by the Aviation Safeguarding Authority following additional investigation. A condition can be imposed to establish how the developers would respond should there be an occurrence of glare issues that have not been anticipated.
- 22.18 Subject to the amendments submitted and the mitigation proposed by conditions, the scheme is considered to meet national policy, existing Local Plan policy and emerging Local Plan policy. Overall, material considerations that weigh against the proposal are very limited and capable of mitigation by condition to reduce their impact further and are not considered to amount to reason to depart from the Development Plan.

## **23. Recommendation**

- 23.1 It is recommended the application is approved, subject to the following conditions and reasons and that the Head of Planning and Growth be given delegated authority

to determine the final detail of these planning conditions, in consultation with the Chair of the Plans Committee:

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

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development, hereby permitted, shall be carried out in accordance with the following approved plans and details:

- P20-3177\_05 Revision C (Aerial and Site Location Plan), received by the Local Authority on the 24<sup>th</sup> February 2023;
- P20-3177 30 Revision A (Site Layout Plan), received by the Local Authority on the 14<sup>th</sup> November 2023;
- PL.004 (Technical Details – Mounting Structure), received by the Local Authority on the 24<sup>th</sup> February 2023;
- PL.005 (Technical Details – MV Power Station), received by the Local Authority on the 24<sup>th</sup> February 2023;
- PL.006a (Technical Details – Customer Substation), received by the Local Authority on the 24<sup>th</sup> February 2023;
- PL.007 (Technical Details – Storage Container), received by the Local Authority on the 24<sup>th</sup> February 2023;
- PL.008 (Technical Details 1 – Gate, Fence, Construction Road, Camera and Satellite Dish), received by the Local Authority on the 24<sup>th</sup> February 2023;
- PL.009 (Technical Details – Energy Storage Container), received by the Local Authority on the 24<sup>th</sup> February 2023;
- GCS0020-2 Revision 2 (Proposed Site Layout & WPD Control Room Details), received by the Local Authority on the 24<sup>th</sup> February 2023;
- P20-3177-PEG-XX-XX-DR-C-0001 Revision P3 (Ecological Ponds), received by the Local Authority on the 24<sup>th</sup> February 2023;
- P20-3177 Figure 3.1 Revision D (Proposed Access Arrangement – Shepshed Road), received by the Local Authority on the 6<sup>th</sup> December 2023; and
- P20-3177 Figure 3.2 Revision D (Temporary Construction Access), received by the Local Authority on the 6<sup>th</sup> December 2023.

Unless otherwise required by another condition of this permission.

Reason: For the avoidance of doubt and to determine the scope of the permission.

3. The applicant/developer shall notify the Local Planning Authority in writing within 10 working days of electricity generated from the development being first exported to the National Grid.

Reason: To provide certainty and define the start date of the temporary permission and to ensure a record is kept of all operational solar panels.

4. The planning permission, hereby granted, shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first exported to the National Grid. At the end of this 40-year period, the development shall be removed (excluding the approved landscaping and biodiversity works) and the land restored to its previous agricultural use in accordance with details first submitted to and approved by the Local Planning Authority in accordance with Condition **5** of this permission.

Reason: To ensure proper decommissioning and restoration of the land in the interests of visual and residential amenities and to safeguard the mineral resource of part of the site.

5. No later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation by the development, whichever is the sooner, a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall first be submitted to and approved in writing by the Local Planning Authority. Such a scheme of works shall include the following:

- A programme of works;
- A method statement for the decommissioning and dismantling of all equipment and surfacing on the site;
- Details of any items to be retained on site;
- A method statement for restoring the land to agriculture;
- Timescale for the decommissioning, removal and reinstatement of the land; and
- A method statement for the disposal/recycling of redundant equipment/structures.

The scheme of works shall then be undertaken in accordance with the approved details and timescales. The operator shall notify the Local Planning Authority in writing within five working days following the cessation of electricity generation.

Reason: To ensure proper decommissioning and restoration of the land in the interests of visual and residential amenities and to safeguard the mineral resource of part of the site.

6. If the development (or part) ceases to export electricity to the grid for a continuous period of twelve months, a scheme of restoration (which shall adhere to the requirements outlined in Condition **5** of this permission) shall first be submitted to the Local Planning Authority for its written approval within three months from the end of the twelve month period for the removal of the development (or part) and the restoration of the site (or part of the site) to agricultural use. The approved scheme of restoration shall then be fully implemented within nine months of the written approval being given by the Local Planning Authority.

Reason: To ensure proper decommissioning and restoration of the land in the interests of visual and residential amenities and to safeguard the mineral resource of part of the site.

7. Notwithstanding the submitted plans, nor Condition 2 above, prior to installation full details of the final location, design and materials of construction (including colour finish) to be used for the:

- Solar panel arrays and stands;
- Transformers;
- Inverters;
- Battery storage;
- Substations;
- MV power station;
- Close Circuit Television (CCTV) cameras;
- Control room;
- Fencing and gates; and
- Any other auxiliary buildings.

Shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and permanently maintained for the lifetime of the development in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide certainty and define the terms of the permission in the interests of visual and residential amenity.

8. No construction or decommissioning works shall take place except between the following hours: 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday. No construction or decommissioning works shall take place at any time on Sundays or a Public Holiday.

Reason: In the interests of the preservation of local residential amenities.

9. Notwithstanding the details shown on drawing number P20-3177\_27 Revision 0 (Landscape Strategy), received by the Local Authority on the 5<sup>th</sup> October 2023, prior to the commencement of the development, a landscaping scheme containing details of both hard and soft landscape works shall first be submitted to and approved in writing by the Local Planning Authority. Subsequently the works shall be carried out as approved prior to the first exportation of electricity to the National Grid, or in the first available planting season following such exportation of electricity to the National Grid, and permanently retained (in relation to soft landscaping works) or maintained for the lifetime of the development (in relation to hard landscaping works) as approved. The details to be submitted shall include:

- Hard surfacing including pathways and driveways, other hard landscape features and materials;
- Existing trees, hedges or other soft features to be retained;
- Planting plans, including specification of species, sizes, planting centres, number and percentage mix;
- Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife; and
- The continuation of unobstructed movement of species within the site.

Reason: To ensure a satisfactory soft and hard landscaping scheme is provided within a reasonable period in the interests of visual amenity and the significance of the setting of identified heritage assets.

10. Notwithstanding the approved plans, nor Conditions **7**, **9** and **31** of this permission, the development, hereby permitted, shall not be brought into use until such time as details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates, or other means of enclosure, shall first be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to perimeter boundary treatments and shall be informed by a revised Glint and Glare Assessment (if required) ensuring no glint and glare impacts occur to motorists on the highway network adopted by Leicestershire County Council.

Reason: In the interests of highway safety.

11. The works for the biodiversity enhancement measures on the site shall be undertaken and delivered in full in accordance with the Biodiversity Net Gain (BNG) Assessment by Aspect Ecology (ref: ECO6261 dated: 21/07/2023), received by the Local Authority on the 21<sup>st</sup> July 2023, and associated Biodiversity Metric 3.1 Calculations, received by the Local Authority on the 26<sup>th</sup> July 2023, prior to the first exportation of electricity from the solar farm to the National Grid. The above applies unless an alternative implementation programme is first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of delivering a net biodiversity gain in association with the development.

12. The development, hereby permitted, shall be implemented in accordance with the measures stated within the Landscape & Ecological Management Plan (LEMP) by Pegasus Group (ref: P20\_3177\_31B dated June 2023), received by the Local Authority on the 19<sup>th</sup> June 2023, unless otherwise agreed in writing by the Local Planning Authority. A monitoring visit shall be undertaken by a qualified ecologist 12 months after the completion of the development and a report setting out the results of the monitoring visit shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of the monitoring visit. Should the monitoring visit identify any additional measures are required, these shall be set out in the report within an updated LEMP, along with a timescale for their implementation and review.

Reason: To ensure that the soft landscaping is retained and enhanced in the interests of visual amenity as well as to promote opportunities for the nature conservation value of the site to be enhanced.

13. The existing trees within the site as indicated on the Tree Survey/Constraints Plans (drawing numbers BHA\_4366\_01 Sheets 1 to 4) and Combined Tree Retention/Removal and Protection Plans (drawing numbers BHA\_4366\_01 Sheets 1 to 4) in the Arboricultural Impact Assessment (AIA) by Barton Hyett Associates (ref: 4366 dated: January 2023), received by the Local Authority on the 24<sup>th</sup> February

2023, shall be retained and protected, and shall not be felled, lopped, topped or uprooted. Any of the existing trees which are removed, die, are severely damaged or become seriously diseased shall be replaced with trees of a size and species approved in writing by the Local Planning Authority within one year of the date of any such loss, for a period of 5 years from the date development begins.

Notwithstanding the information shown on the Combined Tree Retention/Removal & Protection Plans (drawing numbers BHA\_4366\_01 Sheets 1 to 4) within the AIA by Barton Hyett Associates (ref: 4366 dated: January 2023), received by the Local Authority on the 24<sup>th</sup> February 2023, no development, including any site works, shall begin until each tree to be retained has been protected in a manner which shall first have been submitted to and approved in writing by the Local Planning Authority. Each tree shall be protected in the approved manner for the duration of construction operations on the site. Within the areas approved to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored on it. If any trenches for services are required in the protected areas, they shall be excavated and backfilled by hand and any tree roots encountered within a diameter of 5 centimetres or more shall be left unsevered.

Reason: To ensure that existing trees to be retained are incorporated into the development in the interests of the visual amenities of the rural environment.

14. No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) has first been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following details:

- Identification of potentially damaging construction activities;
- Identification of biodiversity protection zones;
- Practical measures and sensitive working practices to avoid or reduce impacts during construction;
- Timing of works to avoid harm to nesting birds;
- Responsible persons for overseeing sensitive works; and
- Use of protective fencing where required.

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction phase of the development in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out as approved prior to the first exportation to the National Grid and permanently retained and maintained in accordance with the approved form subject to any such variation that has previously been approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and the preservation of protected species as well as the promotion of biodiversity.

15. No later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation by the development, whichever is the sooner, a restoration management plan (RMP) for the site shall first be submitted

to and approved in writing by the Local Planning Authority. The management plan shall include:

- A site assessment, including review of the existing natural interest on site and an assessment of restoration options, including the natural regeneration options, as appropriate;
- The aims and objectives for each habitat type to be created, both within the 5 year aftercare period and beyond;
- The means of restoring the land to its current agricultural land classification (ALC) grade;
- Habitat creation methodologies, including details of how each area is to be restored, with reference to restoration timing/phasing, site preparation/cultivation, planting/sowing methodologies, species mixes and proportions and establishment management methodologies;
- Management prescriptions, including details of those actions required to achieve the aims and objectives identified;
- Details of monitoring proposals, which shall include a review of management at the end of the 5 year aftercare period; and
- Work programme for works, which shall illustrate what management activities are proposed in what month of each year, for the 5 year aftercare period.

The RMP shall then be implemented as approved and adhered to throughout the aftercare period in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and the preservation of protected species as well as the promotion of biodiversity.

16. Notwithstanding the submitted details, no development shall commence on site until such time as precise details of all works in respect of the protection of existing soils (and including a timetable for implementation) has first been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and timetable for implementation unless in accordance with any alternative measures first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the appropriate protection of the site's soil resource.

17. All tunnelling through Oakley Wood Site of Special Scientific Interest (SSSI) and Ancient Woodland shall be carried out in accordance with the Horizontal Directional Drilling Method Statement by G.B. Directional Drilling Services Ltd (ref: Revision 9), received by the Local Authority on the 19<sup>th</sup> June 2023.

Reason: In the interests of the protection of Oakley Wood which is of national importance given that it comprises a Site of Special Scientific Interest (SSSI) and Ancient Woodland.

18. Prior to the installation of any electrical equipment or battery unit an Emergency Response Plan (ERP) shall first be submitted to and approved in writing by the Local

Planning Authority. The ERP should include details of the hazards associated with lithium-ion batteries, isolation of electrical sources to enable firefighting activities, measures to extinguish or cool batteries involved in fire, management of toxic or flammable gases, minimise the environmental impact of a loss of control incident, containment of fire water run-off, handling and responsibility for disposal of damaged batteries, and establishment of regular onsite training activities. The development, hereby permitted, shall then be completed and operated in all respects in accordance with the ERP for the lifetime of the development.

Reason: In the interests of fire safety and the management of the site by the emergency services.

19. The development shall be carried out in accordance with the Flood Risk Assessment (FRA) and Surface Water Drainage Strategy (SWDS) by Pegasus Group (ref: P20-3177 dated: January 2023), received by the Local Authority on the 24<sup>th</sup> February 2023, including that no part of any installation shall be located within Flood Zones 2 and 3, and the following mitigation measures it details:

- (a) The perimeter fencing shall be designed to allow water to flow through with no obstruction; and
- (b) An 8 metre easement shall be maintained between the top of the bank of the watercourse and the development.

Reason: To reduce the risk of flood waters being diverted elsewhere and to allow for access for maintenance and monitoring of the watercourse.

20. No development, hereby permitted, shall commence until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a surface water drainage element, has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the surface water drainage strategy.

21. No development (except any site clearance), hereby permitted, shall commence on site until such time as a surface water drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall then be provided in full in accordance with the approved details before first export of electricity from the proposed solar farm to the National Grid.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

22. No development, hereby permitted, shall commence on site until such time as details in relation to the management of surface water on site during the construction phase of the development have first been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme during the construction phase of the development, hereby permitted, shall then be provided in accordance



with the approved details prior to the commencement of the development on the site and subsequently maintained throughout the construction phase.

Reason: To prevent an increase in flood risk, maintain the existing surface water run-off quality and to prevent damage to the final surface water management systems through the entire development construction phase.

23. The development, hereby permitted, shall not be brought into use until such time as details in relation to the long-term management and maintenance of the surface water drainage scheme(s) within the development have first been submitted to and approved in writing by the Local Planning Authority. Once the approved surface water drainage scheme(s) has been provided in accordance with that approved under Condition **21** it shall subsequently be managed and maintained for the lifetime of the development in accordance with the details approved under this Condition.

Reason: To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality of the sustainable drainage system within the proposed development.

24. The development, hereby permitted, shall not be brought into use until such time as the access arrangements shown on drawing numbers P20-3177 Figure 3.1 Revision D and P20-3177 Figure 3.2 Revision D, both received by the Local Authority on the 6<sup>th</sup> December 2023, have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety.

25. Following the completion of the construction phase of the development, hereby permitted, the access onto Ashby Road, as identified on drawing number P20-3177 30 Revision A, received by the Local Authority on the 14<sup>th</sup> November 2023, shall be gated and locked and not used at any time unless otherwise first approved in writing by the Local Planning Authority. Prior to the commencement of the decommissioning phase, a timetable outlining the duration the access onto Ashby Road shall be utilised for the decommissioning phase shall first be submitted to and approved in writing by the Local Planning Authority and the decommissioning phase of the development shall then be undertaken in accordance with the approved timetable.

Reason: In the interests of general highway safety.

26. The development, hereby permitted, shall not be brought into use until such time as off-street parking and/or heavy goods vehicle (HGV) parking provision (with turning facilities) has been provided and surfaced in accordance with details first submitted to and approved in writing by the Local Planning Authority. Thereafter the onsite parking (and turning) provision shall be kept available for such use for the lifetime of the development.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally

and to enable vehicles to enter and leave the site in a forward direction, in the interests of highway safety.

27. Notwithstanding the details outlined within the Construction Traffic Management Plan (CTMP) by Pegasus Group (ref: P20-3177 TR01 dated: January 2023), received by the Local Authority on the 24<sup>th</sup> February 2023, no development, hereby permitted, shall commence (including any ground works) until a revised CTMP has first been submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be adhered to throughout the entirety of the construction phase of the development.

The CTMP shall provide for:

- Suitable construction vehicle routes for all construction vehicles;
- Construction vehicles travelling outside of the peak hours of 08:00 to 09:00 and 17:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays;
- A highway condition survey;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials to be used in the construction of the development;
- Wheel and underbody washing facilities;
- The location of the construction compound; and
- Construction signage and traffic management measures (including how banksmen would be utilised).

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area and in the interests of highway safety.

28. No development, hereby permitted, shall take place within the whole site until a programme of archaeological work has been secured and implemented, in accordance with a Written Scheme of Investigation (WSI) which has first been submitted to and approved in writing by the Local Planning Authority, based on the areas within the site identified for further work in the Heritage Desk Based Assessment (HDBA) by Pegasus Group (ref: P20-3177 Version 1 dated: 25/08/2022), received by the Local Authority on the 24<sup>th</sup> February 2023. The scheme of investigation shall include an assessment of significance and research questions, and:

- The programme and methodology of site investigation and recording;
- The programme for post investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site; and

- Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

The site investigation shall be completed prior to the development, or in such other phased arrangement, as first submitted to and approved in writing by the Local Planning Authority.

The solar farm, hereby permitted, shall not be brought into operation until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the WSI, and the provision made for analysis, publication and dissemination of results and archive deposition.

Prior to the commencement of the development, hereby permitted, a detailed site plan including Archaeological Exclusion Zones will be submitted to and approved in writing by the Local Planning Authority. Following the approval and completion of the archaeological evaluation referred to above, and prior to the commencement of the development, a final detailed site layout plan with full details of the final locations, design and materials to be used for the solar panel arrays, inverters, customer switchgear, substations, close circuit television (CCTV) cameras, fencing, foundations and cabling will be submitted to the Local Planning Authority for approval.

Should the archaeological evaluation identify any significant archaeological deposits, the final detailed site layout plan will define Archaeological Exclusion Zones within which below and above ground development will be excluded or provide sufficient design mitigation including but not limited to the use of the above ground cables, concrete shoes or other means to avoid any impact on archaeological deposits if required. The final detailed site layout plan shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall be carried out in accordance with the approved details. If there are archaeological areas to be preserved in situ, a management plan will be produced for any archaeological areas to be preserved in situ, setting out the methodology to secure the ongoing protection of these areas during construction, operation and decommissioning of the solar farm. Such a management plan shall be adhered to for the lifetime of the development.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving.

- 29, No infrastructure which has the potential to generate noise shall be provided on site in accordance with the development, hereby permitted, until such time as an Acoustic Noise Impact Assessment (ACNI) has first been submitted to and approved in writing by the Local Planning Authority. The ACNI shall be undertaken in accordance with the current version of British Standard 4142, or any subsequent replacement or updated equivalent standard, and for any measured exceedances of the predicted daytime and/or night-time noise levels measured, a scheme of mitigation shall be included within the ACNI. The relevant infrastructure shall then be installed in accordance with the approved details and so maintained for the lifetime of the development.

Reason: In the absence of any precise details and in the interests of the preservation of residential amenities.

30. No external lighting, including any lighting for the construction and decommissioning phases of the development, shall be installed on the site unless a lighting strategy (designed for the protection of biodiversity and residential amenity and including a timetable for implementation) has first been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall:

- Include elevation information of the lighting to be installed as well as illumination levels to ensure there is no light spill to existing residential receptors;
- Identify those areas/features on the site that are particularly sensitive to ecological species;
- Show how and where external lighting will be installed so that it can be clearly demonstrated (through the provision of a lighting contour plans and technical specifications) that areas to be lit will not disturb ecological species using the site.

The external lighting shall then be installed in accordance with the approved details set out in the lighting strategy and timetable for provision and once provided shall thereafter be so maintained for the lifetime of the development. Under no circumstances should any other external lighting be installed without details first being submitted to and approved in writing by the Local Planning Authority.

Reason: In the absence of any precise details and in the interests of aviation safety, nature conservation and the preservation of protected species, as well as to preserve the amenities of the locality.

31. The development, hereby permitted, shall be carried out in full accordance with the Glint Addendum by Waddell Armstrong (job no. BR10176 Report No. 2 Version 2.0 dated: 21<sup>st</sup> November 2023), received by the Local Authority on the 29<sup>th</sup> November 2023.

Reason: To ensure sufficient safeguards from glint and glare in the interests of aviation and highway safety.

32. The development, hereby permitted, shall not be brought into use until a method statement for reporting glint and glare complaints and a programme for mitigation to reduce any complaints of glint and glare that are substantiated has first been submitted to and approved in writing by the Local Planning Authority. Any substantiated complaints of glint and glare shall then be responded to in accordance with the approved method statement which shall be adhered to for the lifetime of the development.

Reason: To ensure that sufficient safeguards from glint and glare are in place in the interests of aviation and highway safety as well as residential amenity.

33. With the exception of the cable referred to in Condition **17** of this permission, there shall be no fencing or other development within 20 metres of the Oakley Wood Site of Special Scientific Interest (SSSI) and Ancient Woodland.

Reason: For the avoidance of doubt and to comply with national policy and guidance in respect of buffer distances from Ancient Woodlands.

34. The development, hereby permitted, shall not be brought into use until such time as an Information Board Strategy (IBS) has first been submitted to and approved in writing by the Local Planning Authority. The IBS shall set out the details and the location, content and timing of the delivery of the information boards with the boards displaying information on the principles of renewable energy generation and nature conservation that relate to the proposed development. The IBS shall then be implemented in accordance with the approved details and retained as such for the lifetime of the development.

Reason: In the interests of educating the public on solar farm development.

35. Other than where cables are attached to the solar panel frames all cables within the development shall be laid underground unless required to be above ground for the purposes of compliance with Condition **28** of this permission.

Reason: To ensure the development takes the form envisaged by the Local Planning Authority in the interests of visual amenity.

36. Any alarm system to be installed shall be silent at all times.

Reason: In the interests of the preservation of residential amenities.

37. The solar panels, hereby approved, shall not be sited higher than 2.9 metres above ground level.

Reason: For the avoidance of doubt and in the interests of visual amenity.