

The construction and operation of a ground-mounted solar farm with a generation capacity of 7.15MW together with access, landscaping and associated infrastructure
Donington Park Service Area Junction 23A Ashby Road Castle
Donington Derby DE74 2TN

Report Item No
A1

Application Reference
23/01712/FULM

Grid Reference (E) 446715
Grid Reference (N) 325160

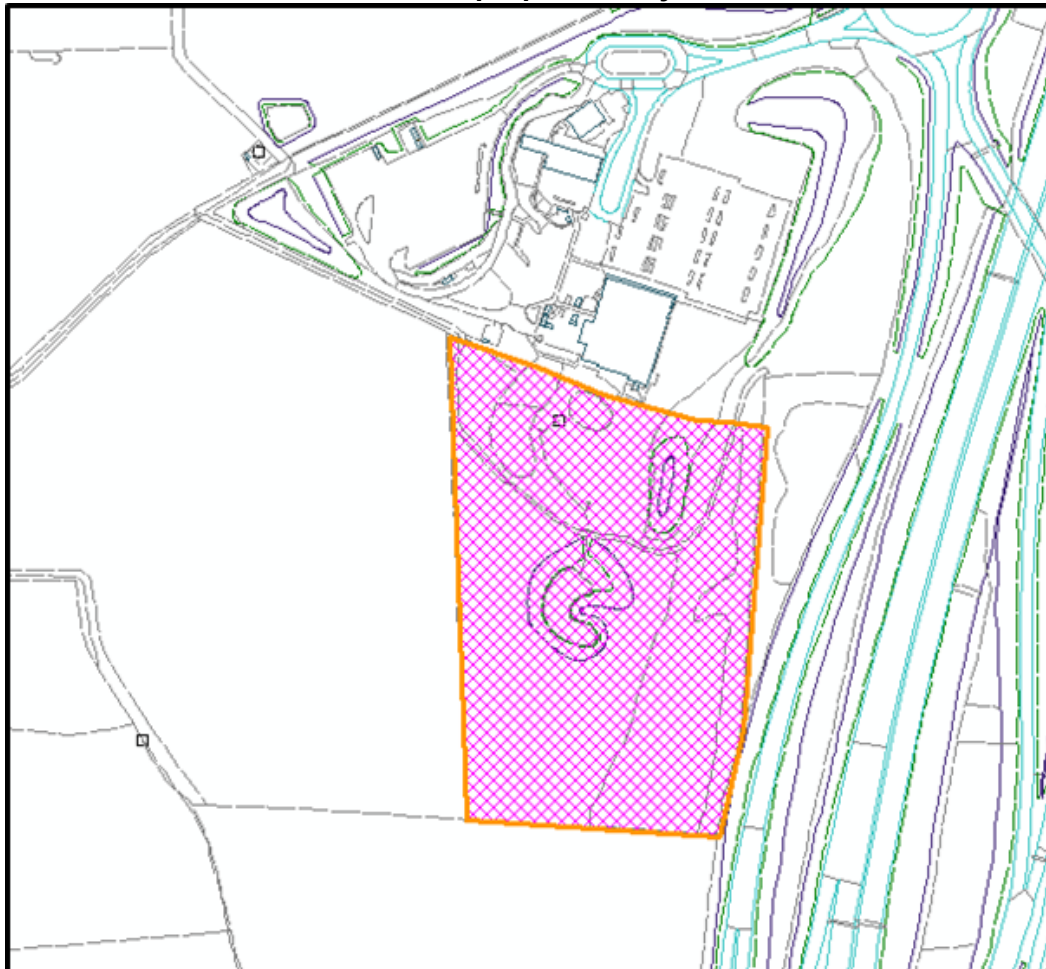
Date Registered:
22 January 2024
Consultation Expiry:
13 February 2025
8 Week Date:
18 March 2024
Extension of Time:
17 March 2025

Applicant:
Moto Hospitality Limited

Case Officer:
Adam Mellor

Recommendation:

Site Location - Plan for indicative purposes only



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Reasons the case is called to the Planning Committee

This application is brought to the Planning Committee at the request of Councillor Rushton as in his opinion the proposed location of the scheme is highly inappropriate due to it being adjacent to the Diseworth Conservation Area and that the land in question is open countryside and where a solar farm would destroy the heritage, wildlife and biodiversity value of the application site.

RECOMMENDATION – PERMIT, subject to the following conditions;

1. Standard time limit (three years).
2. Approved plans.
3. Within 10 working days of electricity being exported to the electric vehicle charging points notify the District Council.
4. 40 year timespan for the solar farm.
5. Submission of a decommissioning and restoration scheme (DRS) no later than six months prior to the expiry of the 40 year timespan, or within six months of the cessation of electricity generation, whichever is the sooner to be submitted, approved and implemented.
6. Submission of a restoration management plan (RMP) no later than six months prior to the expiry of the 40 year timespan, or within six months of the cessation of electricity generation, whichever is the sooner to be submitted, approved and implemented.
7. Development to be compliant with submitted glint and glare study (GGS).
8. Method statement for reporting glint and glare complaints and a programme for mitigation to reduce any complaints of glint and glare prior to the first use of the development to be submitted, approved and implemented.
9. Monitoring and management programme for glint and glare impacts to the A42 trunk road prior to the first use of the development to be submitted, approved and implemented.
10. Development to be compliant with submitted noise impact assessment (NIA).
11. Precise design details of the solar panel arrays, transformers, battery storage container units and perimeter fencing prior to the installation of such infrastructure to be submitted, approved and implemented.
12. All cables to be laid underground.
13. Height of solar panel to be limited to a maximum of 2.04 metres above ground level.
14. All installed alarms systems to be silent at all times.
15. Hours of construction and decommissioning.
16. Biodiversity construction environmental management plan (BCEMP) prior to commencement to be submitted, approved and implemented.
17. Aviation safety construction management plan (ASCMP) prior to commencement to be submitted, approved and implemented.
18. Revised arboricultural method statement (AMS), including a scheme of tree and hedge protection measures for retained trees and hedges, prior to the commencement to be submitted, approved and implemented.
19. Biodiversity enhancement management plan (BEMP) prior to commencement to be submitted, approved and implemented.
20. Soft landscaping scheme (including timetable(s) for provision) and requirement for the replacement of failed landscaping prior to commencement to be submitted, approved and implemented.
21. Scheme of ecological enhancements (including timetable(s) for provision) prior to commencement to be submitted, approved and implemented.

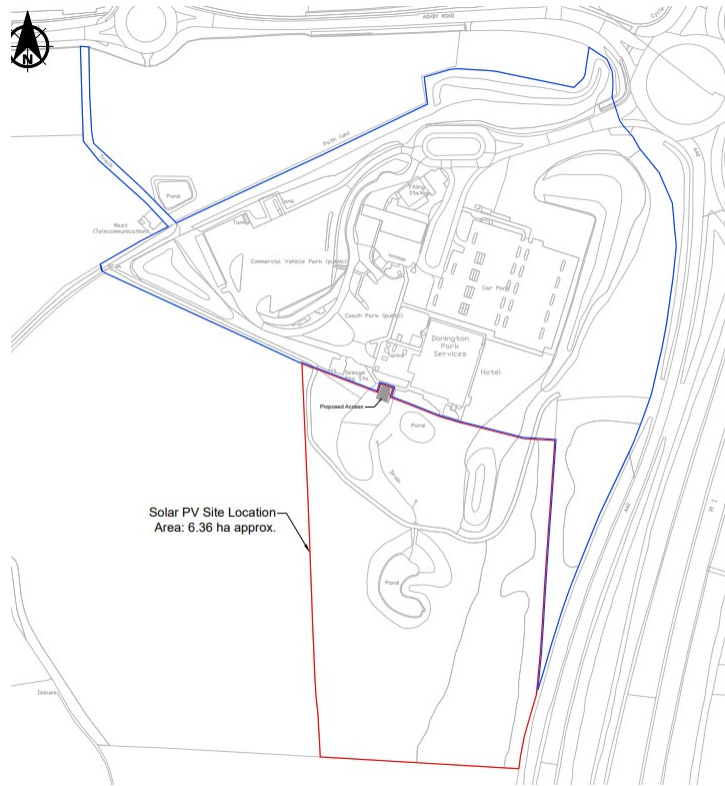
22. Landscape and ecological management plan (LEMP) prior to the first use of the development to be submitted approved and implemented.
23. Hard landscaping scheme (including timetable(s) for provision) prior to hard landscaping being installed to be submitted, approved and implemented.
24. Boundary treatment scheme (including timetable(s) for provision) prior to boundary treatments being installed to be submitted, approved and implemented and removal of permitted development rights for alternative boundary treatments.
25. Surface water drainage scheme during the construction phase prior to commencement to be submitted, approved and implemented.
26. Infiltration testing to demonstrate that infiltration is feasible as part of the surface water drainage scheme prior to commencement to be submitted and approved.
27. Surface water drainage scheme prior to commencement to be submitted, approved and implemented.
28. Surface water drainage maintenance scheme prior to the first use of the development to be submitted, approved and implemented.
29. Battery safety management plan (BSMP) prior to the installation of any electrical equipment or battery unit to be submitted, approved and implemented.
30. No external lighting to be installed (including during the construction phase) unless precise details and location of such external lighting is first submitted and approved.
31. No CCTV cameras to be installed unless precise details and locations of such CCTV cameras are first submitted and approved.
32. Details to demonstrate that the proposed development will not generate electromagnetic interference to critical aviation communications, navigation, and surveillance infrastructure prior to the first use of the development to be submitted and approved.
33. Timetable for the delivery of the informal footpath depicted on the submitted plans prior to commencement to be submitted, approved and implemented.
34. Details of signage for the informal footpath depicted on the submitted plans (including timetable for implementation) prior to the first use of the development to be submitted, approved and implemented.
35. Scheme of replacement picnic area (including timetable(s) for implementation) prior to the first use of the development to be submitted, approved and implemented.

1. Proposals and Background

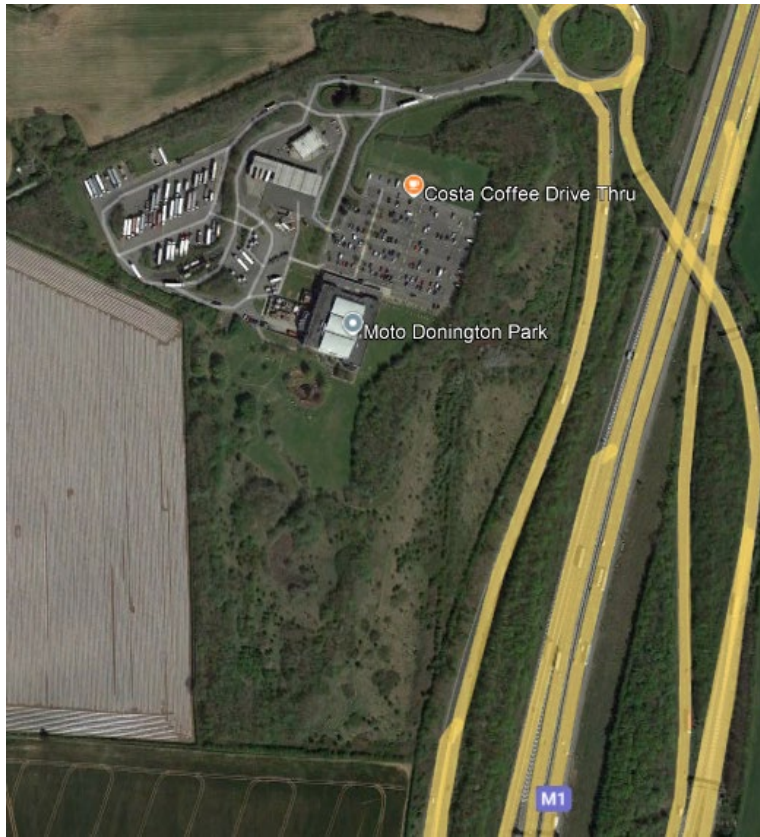
The mandatory requirement for 10% Biodiversity Net Gain (BNG) for major development as required by the Environment Act came into force on the 12th of February 2024. However, this requirement would only be applicable to those applications received on or after the 12th of February 2024 and is not to be applied retrospectively to those applications already under consideration before this date and subsequently determined after this date. On this basis the proposed development would not be required to demonstrate a 10% BNG.

Planning permission is sought for the construction and operation of a ground-mounted solar farm with a generation capacity of 7.15 megawatts (MW) together with access, landscaping and associated infrastructure at Donington Park Service Area (DPSA), Junction 23A, Ashby Road. The 6.36 hectare site (as identified in the image below) is located to the immediate south of the DPSA and is outside the defined Limits to Development. The proposed solar farm would be operational for a 40 year time period

Site Location Plan



Aerial Image of the Site Location



A screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) in respect of the proposed solar farm was issued on the 4th of October 2023 (under application reference 23/01189/EIA) and where it was determined that a planning application would not need to be accompanied by an Environmental Statement (ES).

The scheme as originally proposed related to the provision of a solar farm of up to 9MW but following amendments to the scheme the generating capacity of the solar farm has been reduced to 7.15MW.

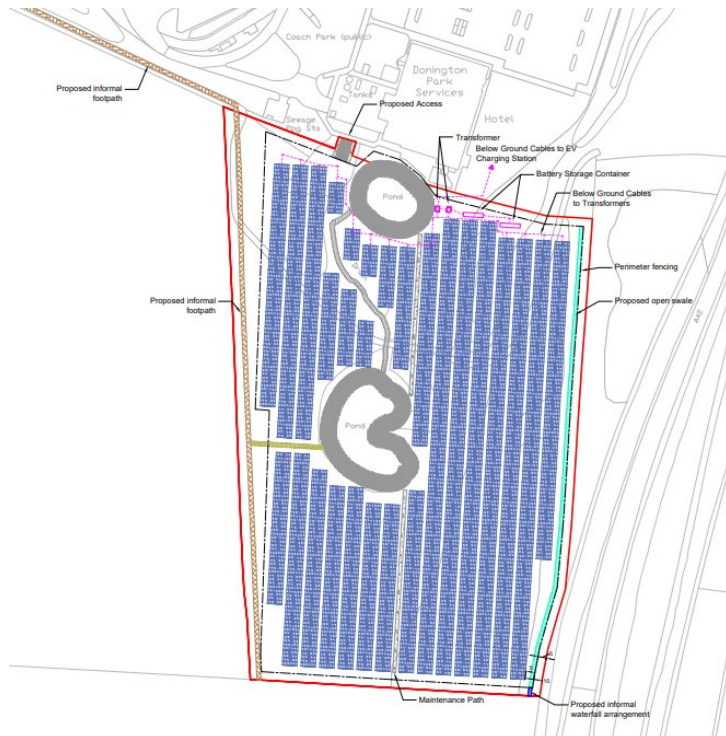
The submitted planning statement (PS) outlines that the proposal would comprise of the following development:

- (i) Installation of 12,544 photovoltaic (PV) solar panels mounted on 16 rows of supporting structures of 8.77 metres in length and having a maximum height of 2.04 metres. Such rows would run north to south with the panels facing east and west, with the spacing between rows being 2.5 metres. Such solar panels would be fixed and therefore their orientation would not change during the day to track the course of the sun;
- (ii) Two transformer units on the northern boundary of the site which would have maximum heights of 2.2 metres;
- (iii) Two battery storage container units housing battery modules. Such units would be the standard size of a shipping container;
- (iv) The laying of below ground cables from the solar PV banks to the transformers;
- (v) The laying of below ground cables from the transformer units to the electric vehicle (EV) charging stations;

- (vi) The construction of a central maintenance path in the middle of the solar installation;
- (vii) The construction of access from the services to the application site;
- (viii) The installation of a perimeter fence; and
- (ix) New hedges and vegetation to provide screening of the proposed development.

The layout of the development is as shown in the image below:

Site Layout



The submitted PS also outlines that the main purpose of the solar farm would be to provide electrical power to the EV charging stations (whilst also enabling the installation of electric heavy goods vehicle (eHGV) charging points) which forms part of the applicant’s plans to reduce carbon emissions and assist the UK in reaching its net zero targets. In order to achieve this, suitable infrastructure needs to be in place to make EV charging faster, simpler and more reliable given that the National Grid cannot meet such demands for power.

It is proposed that the access for construction, operation and maintenance would be via the existing access to the DPSCA off the south-western arm of the Finger Farm Roundabout which connects the A42 with the A453 (Ashby Road).

At the end of the 40 year operational lifespan of the solar farm, the PS outlines that the site would be restored back to its former agricultural condition with all equipment and below ground connections removed. However, proposed landscaping infrastructure would be retained to provide long-term benefits to the local landscape character of the site.

Further information in respect of the application, including the supporting documentation and relevant plans, can be found on the District Council’s website.

Relevant Planning History

- 9800376/MP – Motorway service area including three-storey amenity/Travelodge building, fuel filling station, car lorry, caravan and coach parking and landscaping – Approved 29th July 1998.
- 24/00265/PNM – Prior notification application for the installation of 271 roof mounted solar panels and associated equipment – Approved 16th April 2024.

2. Publicity

24 neighbours initially notified on the 26th of January 2024, with 46 neighbours notified on the 8th of July 2024 following the receipt of amended plans and a change to the description of the development.

A site notice was originally displayed on the 26th of January 2024 and then on the 17th of July 2024 following an amendment to the description of the development.

A press notice was originally published in the Derby Evening Telegraph on the 31st of January 2024 and then on the 17th of July 2024 following an amendment to the description of the development.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

Objections from:

Long Whatton & Diseworth Parish Council (LWDPC) who objected to the application as originally submitted on the following summarised grounds:

- (i) Diseworth is not mentioned in the Planning Statement as the nearest settlement to the development;
- (ii) The land is adjacent to the East Midlands Freeport site and therefore will have a cumulative effect on the village of Diseworth;
- (iii) When Donington Park Service Area was built there was a commitment to leave the application site as a haven for wildlife; and
- (iv) The development results in the loss of a circular walking route linking Hyam's Lane with Long Holden.

Following re-consultation, LWDPC maintained their objection and outlined that whilst members had met with representatives of the applicant, and there was an understanding that some wildlife habitat would be retained, there was a need for further ecological surveys to be submitted for consideration. LWDPC were also of the view that elevated solar panels over the car park would be a more appropriate solution in order to negate the loss of a greenfield site.

A further consultation response from LWDPC indicated that whilst supporting the need for renewable and clean energy this should not be at the expense of developing a greenfield site, particularly when the applicant had a vast car park available to accommodate the development. Therefore, whilst LWDPC accepted the amendments made by the applicant to accommodate a wildlife corridor and an informal footpath through the site, an objection was maintained due to the

cumulative impact with other developments around Diseworth.

Breedon on the Hill Parish Council who support the views of LWDC.

Leicestershire County Council – Ecology who object to the application due to the significant harm to the candidate Local Wildlife Site (cLWS) with the applicant not demonstrating that their proposed mitigation would off-set the significant harm arising. The County Council Ecologist also considers that a net gain in biodiversity would not be delivered as part of the development.

No Objections from:

Historic England (subject to the advice of the Council’s Conservation Officer and County Council Archaeologist being considered).

Leicestershire County Council – Highways Authority.

Leicestershire County Council – Minerals and Waste Planning Authority.

NWLDC – Conservation Officer.

NWLDC – Environmental Protection.

The Gardens Trust.

No Objections, subject to conditions and/or informatives, from:

East Midlands Airport Safeguarding.

Leicestershire County Council – Lead Local Flood Authority.

National Highways.

Third Party Representations

30 third party representations have been received objecting to the application with the comments raised summarised as follows.

Grounds of Objections	Description of Impact
<p>Principle of Development</p>	<p>Whilst not objecting to the provision of solar panels, it is considered that the chosen ground-mounted solar panels location is flawed and that consideration should be given to the installation of solar panels on the roofs of the existing buildings or positioned on structures above the cars parked within the car park. Such approaches are adopted throughout Europe and would be more environmentally friendly.</p>
	<p>The proposed development should be assessed in the context of other developments which are proposed within the area (including any development of the Freeport site and the new settlement at Isley Woodhouse) and the overall urbanisation which would occur.</p>
	<p>Piecemeal solar schemes will not address the energy</p>

	requirements of the country and more comprehensive schemes should be brought forward.
Landscape and Visual Impacts	The proposed development would have an adverse visual impact given its positioning on rising ground.
Impact to the Historic Environment	There would be a direct line of sight to the Diseworth Conservation Area and therefore this heritage asset would be compromised by both the visual impact and potential glare.
Residential Amenity	The proposed development will result in noise, glare and shadow impacts to residential amenity.
Ecology	More comprehensive ecological assessments should be conducted at appropriate timepoints throughout the year and not just September as outlined in the submitted report given that ecological species are present at differing times of the year.
	The application site is designated as a candidate Local Wildlife Site (cLWS) and is therefore of high value with the proposed development diminishing the biodiversity value of the site and not resulting in a biodiversity net gain (BNG). The BNG calculations are also flawed and inaccurate.
	The positioning of the solar panels in an east – west orientation to maximise yield in comparison to a south facing configuration has a detrimental effect to biodiversity as less light penetrates through to the ground.
	Renewable energy cannot be at the expense of nature which has equal levels of importance, with the loss of nature, habitats and wildlife not being offset by the proposed solar farm.
Flood Risk and Drainage	The removal of features which contribute to enabling the infiltration of rain water and slowing flows of water downhill towards Diseworth Brook will increase the risk of surface water flooding occurring.
Aviation Safety	The solar panels will cause glint and glare to aircraft using

	East Midlands Airport.
Other Matters	It is understood that the area of the application site was developed as a wildlife and recreation area as part of the original approval of the service area and secured via condition and/or a Section 106 agreement.
	The supporting documentation does not refer to the settlement of Diseworth (instead focusing on Kegworth and Castle Donington) and includes references to service stations elsewhere in the country. Such documents should therefore not be considered acceptable for assessing the application.
	The engagement with the public has been inadequate and any responses provided have either been ignored or downplayed.
	The application site provides an area with amenity value to both users of the service station and those residents who use the route through the site as part of the only traffic free circular walking route from Diseworth. The lack of pedestrian connectivity from Diseworth also prevents residents from using the services available.

A representation has also been received from Protect Diseworth objecting to the application on the following summarised grounds:

- The proposed development is contrary to relevant policies which the application would be assessed against.
- The supporting documentation does not refer to the settlement of Diseworth and therefore cannot be considered acceptable for assessing the application.
- The layout of the development does not account for any proposed employment development on the Freeport site and the relevant height of such development impacting the solar panels.
- The impact of surface water runoff to Diseworth Brook needs to be appropriately considered.
- The proposed development will impact on Great Crested Newts (GCNs) and will result in the loss of a candidate Local Wildlife Site (cLWS) which is not mitigated against.
- The development will result in the loss of existing trees.
- Any visual impacts to the Diseworth Conservation Area need to be appropriately mitigated.
- The development will result in the loss of a circular informal walking route from Diseworth through the Donington Park Service Area; mitigation should be provided so that a route is maintained.
- Did the planning permission granted under application reference 9800376/MP seek to retain the cLWS by condition/legal agreement?

- There would be adverse landscape impacts resulting from the development.
- The development would be visual to residential receptors and adverse noise impacts would arise.
- Glint and glare impacts to residential receptors needs to be appropriately considered.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2024)

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraph 35 (Development contributions);
Paragraphs 39, 40, 41, 42, 43, 45, 48 and 55 (Decision-making);
Paragraphs 56, 57 and 58 (Planning conditions and obligations);
Paragraph 105 (Promoting healthy and safe communities);
Paragraphs 109, 110, 112, 113, 115, 116 and 117 (Promoting sustainable transport);
Paragraphs 124, 125 and 129 (Making effective use of land);
Paragraphs 131, 133, 134, 135 and 139 (Achieving well-designed places);
Paragraphs 161, 163, 164, 166, 168, 170, 173, 174, 175, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 187, 193, 196, 197, 198 and 201 (Conserving and enhancing the natural environment);
Paragraphs 202, 207, 208, 210, 212, 213, 215, 216, 218 and 219 (Conserving and enhancing the historic environment); and
Paragraphs 222 and 224 (Facilitating the sustainable use of minerals).

National Planning Policy Statement for Energy (NPS EN-1)

NPS EN-1 was originally 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.”*

Paragraph 3.4.1 sets out the UK’s commitment to sourcing 15% of energy from renewable sources by 2020. In order to hit this target, and to largely decarbonise the power sector by 2030, Paragraph 3.4.5 goes on to state that: *“It is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable energy electricity generation projects is therefore urgent.”*

The updated 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.

National Planning Policy Statement for Renewable Energy Infrastructure (NPS EN-3)

This NPS, which was updated on the 17th January 2024, taken together with the overarching NPS for Energy (NPS 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 be a material consideration in decision making by local planning authorities.

Sixth Carbon Budget (2021)

This commits the government to fully decarbonise the electricity grid by 2035.

National Legislation

On the 12th 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.

Local Policies

Adopted North West Leicestershire Local Plan (2021)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S2 – Settlement Hierarchy;
Policy S3 – Countryside;
Policy D1 – Design of New Development;
Policy D2 – Amenity;
Policy Ec5 – East Midlands Airport: Safeguarding;
Policy IF1 – Development and Infrastructure;
Policy IF4 – Transport Infrastructure and New Development;
Policy IF7 – Parking Provision and New Development;
Policy En1 – Nature Conservation;
Policy En6 – Land and Air Quality;
Policy Cc1 – Renewable Energy;
Policy Cc2 – Water – Flood Risk; and
Policy Cc3 – Water – Sustainable Drainage Systems.

Pre-Submission Long Whatton & Diseworth Neighbourhood Plan (2024)

On the 12th of February 2024, public consultation commenced on the Long Whatton & Diseworth

Neighbourhood Plan. Consultation took place for a period of six weeks closing on the 25th of March 2024.

The following draft Neighbourhood Plan policies are considered relevant to this application, however, in view of the early stage to which the Neighbourhood Plan has progressed, only very limited weight can be attributed to its policies at this stage in line with the requirements of Paragraph 49 of the NPPF (as explained below under the section titled '*Weight to be Afforded to the Policies of the Pre- Submission LW&DNP*'):

LW&D3: Locally Important Views;
LW&D5: Countryside Access;
LW&D6: Ecology and Biodiversity;
LW&D7: Trees and Hedgerows;
LW&D10: Design;
LW&D11: Water Management;
LW&D16: Donington Park Services;
LW&D18: Noise Impact; and
LW&D19: Construction Method Statements.

Leicestershire Minerals and Waste Local Plan (2019)

This plan was adopted on the 25th September 2019 and as such the following policies would be considered relevant to this application:

Providing for Minerals:

Policy M11: Safeguarding of Mineral Resources.

Other Policies

National Planning Practice Guidance which gives more specific guidance on the considerations which apply to large scale solar farms such as the one proposed. The list of factors is set out at Paragraph 013 (Reference ID: 5-013-2015032).

Paragraph 001 (Reference ID: 5-001-20140306) states 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."*

North West Leicestershire District Council Zero Carbon Roadmap & Action Plan – June 2019.

North West Leicestershire District Council Renewable and Low Carbon Energy Study – 2021.

Good Design for North West Leicestershire Supplementary Planning Document – April 2017.

Leicestershire Highways Design Guide (Leicestershire County Council).

National Design Guide – October 2019.

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

Diseworth Village Design Statement - January 2021.

5. Assessment

Weight to be Afforded to the Policies of the pre-submission LW&DNP

Paragraph 49 of the NPPF (2024) outlines that Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- a) *The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that 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); and*
- c) *The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Public consultation on the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP) commenced on the 12th of February 2025 with the six week period concluding on the 25th of March 2025.

It is the view of officers that at this stage very limited weight can be given to the policies of the submission LW&DNP given that the extent of unresolved objections is currently unknown.

Principle of Development

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance comprises the adopted North West Leicestershire Local Plan (2021) and pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP) (2024).

Paragraph 187 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside but does not specifically preclude development within the countryside.

The application site lies outside of the defined Limits to Development, and therefore the proposal would be subject to Policy S3 (Countryside) of the adopted Local Plan. Policy S3 outlines, under criterion (o), that renewable energy development is acceptable outside the defined Limits with any development supported under Policy S3 also needing to adhere to criteria (i) to (vi) of the second part of this policy.

Part (1) of Policy Cc1 of the adopted Local Plan also outlines support for renewable energy development, be that within or outside the defined Limits to Development, subject to compliance with criteria (a) to (g) of this policy.

For the purposes of the pre-submission LW&DNP the application site would be within the confines of the Donington Park Service Area (DPSA) which is not recognised as Countryside under Policy LW&D1 (Countryside) of the pre-submission LW&DNP. Policy LW&D16 is specific to the DPSA (refer to the '*Policy LW&D16 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP)*' section of this report below).

In terms of the compliance with Policies S3 and Cc1 of the adopted Local Plan this would be as follows:

Criterion (i) of Policy S3

- (i) *The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced.*

Criterion (b) of Policy Cc1

- (b) *There is no adverse impact on the landscape character taking account of the special qualities set out within the individual National Character Areas.*

For the reasons as outlined in the 'Landscape and Visual Impact' section of this report below, it is considered that the proposed development would not impact adversely on the appearance and character of the landscape.

On this basis the proposed development would be compliant with criterion (i) of Policy S3 and criterion (b) of Policy Cc1 of the adopted Local Plan.

Criteria (ii) and (iii) of Policy S3

- (ii) *It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements, either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries; and*
- (iii) *It does not create or exacerbate ribbon development.*

The application site is situated to the north-east of Diseworth, north-west of Long Whatton, and south-west of Kegworth.

In addition to the above, the application site is bound to its east by the M1/M42, and to its north by the A453, the existing infrastructure comprising the Donington Park Service Area (DPSA), and East Midlands Airport.

When accounting for the location of the application site in relation to the neighbouring settlements, the existing infrastructure which bounds and separates the application site from Long Whatton and Kegworth, and the existing landscaping infrastructure to the boundaries of the application site, it is considered that the physical and perceived separation (*officer emphasis*) between settlements would not be undermined and consequently there would be no conflict with this criterion.

It is also considered that the proposed development would not create or exacerbate ribbon development.

On this basis the proposed development would be compliant with criteria (ii) and (iii) of Policy S3 of the adopted Local Plan.

Criterion (iv) of Policy S3

- (iv) *Built development is well integrated with existing development and existing buildings, including the re-use of existing buildings, where appropriate.*

Whilst the solar arrays would be 'spread' across the site it is considered that they would be integrated with existing development, including the infrastructure associated with the DPSPA and man-made ponds. The associated infrastructure would also be well integrated with the same infrastructure given its location to the north of the solar arrays.

On this basis the proposed development would be compliant with criterion (iv) of Policy S3 of the adopted Local Plan.

Criterion (v) of Policy S3

- (v) *The development will not seriously undermine the vitality and viability of existing town and local centres.*

Given the nature of the proposed development this criterion is not considered to be relevant.

Criterion (vi) of Policy S3

- (vi) *The proposed development is accessible, or will be made accessible, by a range of sustainable transport.*

Under Policy S2 (Settlement Hierarchy) of the adopted Local Plan, Diseworth is identified as a 'Sustainable Village' which is defined as a settlement which has a "*limited range of services and facilities and where a limited amount of growth will take place within the defined Limits to Development.*"

It is considered that criterion (vi) of Policy S3 is more applicable to developments which have the potential to generate a large number of vehicular movements (i.e. residential or employment generating development) and whose purpose is to ensure that such developments are appropriately located to reduce the reliance on the private car to access the most basic of services and employment opportunities.

In respect of the proposal, it is considered that the majority of the vehicular movements would be associated with the construction phase of the development which would be unavoidable given that large scale infrastructure would need to be transported on private vehicles. The submitted Construction and Decommissioning Traffic Management Plan (CDTMP) specifies that the development would be constructed over a 12 week period (3 months) with there being 4 two-way daily movements by delivery vehicles and 20 two-way daily movements by construction staff.

For the operational phase, the submitted information highlights that there would be three visits per year for equipment maintenance which would either be via a light van or 4x4 vehicle. It is again considered that such movements would be undertaken in private vehicles given the need to transport maintenance equipment/tools to the site. Such trips, however, are very infrequent and would only amount to 0.82% of the total days in a calendar year.

Notwithstanding that the ability to use non-car modes of transport to serve a development of the nature proposed would be extremely limited, it is noted that the SkyLink services to East Midlands Airport (EMA) would provide construction employees (in particular) with an opportunity to reach the site via means other than the private car given that a surfaced footway exists between EMA and the DPSPA.

Overall, it is considered that the proposal would be compliant with criterion (vi) of Policy S3 of the

adopted Local Plan when accounting for the type of development proposed.

Criterion (a) of Policy Cc1

- (a) There is no unacceptable impact on residential amenity in terms of noise, shadow flicker, vibration and visual dominance.*

For the reasons as outlined in the 'Residential Amenity' section of this report below it is considered that there would be no unacceptable impact on residential amenity. Shadow flicker would not be applicable in this instance as it relates to wind turbine development.

On this basis the proposed development would be compliant with criterion (a) of Policy Cc1 of the adopted Local Plan.

Criterion (c) of Policy Cc1

- (c) All impacts on biodiversity have been adequately mitigated or enhanced.*

For the reasons as outlined in the 'Ecology' section of this report below, the County Council Ecologist considers that significant harm would arise to the part of the candidate Local Wildlife Site (cLWS) which falls within the boundary of the application site and whereby the applicant has not adequately demonstrated that such an impact would be mitigated against.

On this basis the proposed development would not be compliant with criterion (c) of Policy Cc1 of the adopted Local Plan.

Criterion (d) of Policy Cc1

- (d) Heritage assets and their settings are conserved or enhanced.*

For the reasons as outlined in the 'Impact on the Historic Environment' section of this report below it is considered that no harm would arise to the significance of any designated heritage assets including the Grade II listed Wartoft Grange, the Diseworth and Long Whatton Conservation Areas, and the Whatton House Registered Park and Garden.

On this basis the proposed development would be compliant with criterion (d) of Policy Cc1 of the adopted Local Plan.

Criterion (e) of Policy Cc1

- (e) Proposals take account of the cumulative effect that would result from the proposal in conjunction with permitted and existing renewable energy schemes.*

A solar array at Whatton Road, Kegworth is located 1.4 kilometres to the north-east and a solar array at Langley Priory, Walnut Yard, Diseworth is 3.9 kilometres to the south-west of the site.

In addition planning permission was granted, on the 5th of March 2024, for a solar farm together with associated works, equipment and necessary infrastructure at land to the west of Hathern Road, Long Whatton under application reference 23/00211/FULM. This solar farm would be 2.8 kilometres to the south-east of the site.

It is considered that these solar farms are most likely to have a cumulative impact with the development at DPSA and have therefore been assessed accordingly.

Officers are also aware of other solar farms elsewhere, both within and outside of North West Leicestershire, however these are unlikely to have material cumulative impacts with the proposal at the DPSA.

Whilst representations have been received outlining that the proposal should be assessed cumulatively with other developments proposed within the area (including development on the Freeport site and a new settlement), it is a fundamental tenet of the planning system that a planning application be assessed on its own merits with the terms of this criterion only requiring a proposed renewable energy scheme to be assessed cumulatively with other renewable energy developments.

When accounting for the limited visual impact arising from the proposed development as outlined in the '*Landscape and Visual Impact*' section of this report below, the separation distances involved, and that the site would be screened by existing and proposed soft landscaping infrastructure, it is considered that no adverse cumulative effects would arise.

On this basis the proposed development would be compliant with criterion (e) of Policy Cc1 of the adopted Local Plan.

Criterion (f) of Policy Cc1

(f) Proposals are accompanied by details to demonstrate how the site will be decommissioned to ensure the restoration of the site following cessation.

The submitted Construction and Decommissioning Traffic Management Plan (CDTMP), along with the submitted Planning Statement (PS), indicate that at the end of the 40 year operational lifespan of the solar farm the site would be restored back to its existing agricultural use with all equipment and below ground connections removed. It is, however, intended that the proposed landscape infrastructure, along with any deliverable biodiversity improvement measures, would remain to provide long-term benefits to the local landscape character of the area.

It is considered that a condition could be imposed on any permission granted which would require the submission of a Decommissioning and Restoration Scheme (DRS) at an appropriate time prior to the solar farm ceasing operation.

On this basis the proposed development would be compliant with criterion (f) of Policy Cc1 of the adopted Local Plan.

Criterion (g) of Policy Cc1

(g) Proposals for large scale renewable energy should demonstrate that the economic, social and environmental benefits are for those communities closest to the proposed facility.

The proposed solar farm would generate much needed power to the electric vehicle (EV) charging infrastructure at the DPSA and therefore reduce dependency on the grid to provide such electricity. In addition to providing an invaluable facility to those travelling on the strategic road network, the EV charging infrastructure would also be available to local residents who own electric vehicles.

It is also the case that the proposed solar farm would achieve a reduction of approximately 1,325 tonnes of carbon dioxide (CO₂) emissions annually and 53,000 tonnes of CO₂ over the lifetime of the development. This reduced reliance on fossil fuels for energy production would contribute to reducing harmful emissions such as particulate matter (PM₁₀), Nitrogen Oxides (NO_x) and carbon monoxide (CO), with the subsequent creation of 'cleaner' air being of benefit to the local communities.

The introduction of planting infrastructure of a better standard to that to be removed, which would be retained even after the decommissioning of the solar farm, would also be of benefit to local communities as a result of the development being suitably screened whilst also encouraging biodiversity improvements.

An informal footpath along the western perimeter of the application site, which would adjoin to formal footpaths to the north and south of the application site, would also maintain an important walking route for the local community and maintain access to the services available at the DPSA.

On this basis the proposed development would be compliant with criterion (g) of Policy Cc1 of the adopted Local Plan.

Principle of Development Conclusion

The National Planning Policy Statement for Energy (NPS EN-1) sets out the UK's commitment to sourcing energy from renewable sources in order to largely decarbonise the power sector by 2030. Paragraph 3.4.58 states that *"there is an urgent need for new (and particularly low carbon) electricity NSIPS to be brought forward as soon as possible, given the crucial role of electricity as the UK decarbonises its economy."*

The intention of the development is to provide renewable energy generation to the electric vehicle (EV) charging points at the DPSA, whilst also enabling the applicant an opportunity to deliver electric heavy goods vehicle (eHGV) at the site to meet rising demand. It therefore seeks to relieve pressure on the National Grid which cannot accommodate such demands and has a specific purpose, with Paragraph 168 of the NPPF specifying that *significant* weight should be given to the benefits associated with renewable and low carbon energy generation.

In principle the development is an acceptable form of development outside the defined Limits to Development given its compliance with criterion (o).

It is also concluded within this report that no significant conflict with criteria (i) to (vi) of Policy S3 of the adopted Local Plan would arise as a result of the development and consequently the proposal would be considered acceptable in principle.

The assessment above has also concluded that whilst the development would be compliant with criteria (a) to (b) and (d) to (g) of Policy Cc1 of the adopted Local Plan, which provides support for renewable energy development, it would conflict with criterion (c) given the significant harm to the cLWS and whereby the applicant has not demonstrated (to the satisfaction of the County Council Ecologist) that such harm would be mitigated against. This conflict would be weighed in the overall planning balance which is undertaken in the *'Overall Planning Balance, Contribution to Sustainable Development and Conclusions'* section of this report below, but does not alter the suitability of the principle of the development given that criterion (o) of Policy S3 does not specify that the renewable energy development has to be compliant with Policy Cc1 (in the same way that other forms of development (e.g. affordable housing) have to be compliant with an additional policy within the adopted Local Plan).

Other issues associated with the development are assessed in more detail in the relevant sections of this report below.

Consideration of Alternatives

Representations received from third parties, Long Whatton and Diseworth Parish Council (LW&DPC) and Protect Diseworth have outlined that consideration should be given to the solar panels either being located on existing roofs within the confines of the Donington Park Service Area (DPSA) or on car ports constructed over the existing car park.

In terms of roof mounted solar, permission was granted under application reference 24/00265/PNM for the installation of 271 roof mounted solar panels on the main amenity building within the DPSA. Such solar panels would be used to supply power to this building and therefore cannot be used as an alternative to source renewable energy to the electric vehicle (EV) charging points.

With regards to the use of carports, whilst the applicant acknowledges that they represent an effective way of utilising car parks for generating solar power they are not deemed feasible at DPSA.

Currently parking space at the DPSA is over 100% capacity with the occupancy rate continuing to grow. As such, the applicant is to engage in a fundamental redesign of the site layout and car parking area in order to meet the increasing parking demand at the site. Given the bulky frame of any carports and the space their associated infrastructure utilises (substations, transformers etc.), their installation at DPSA would significantly reduce parking capacity, and also impede the applicant's ability to introduce other facilities at the site such as electric heavy goods vehicle (eHGV) parking spaces.

Furthermore, to generate the same amount of power output as the ground-mounted solar farm it would be estimated that around 4 hectares of densely packed carports would be required. Such a large extent of carports would not be feasible at DPSA due to the physical constraints of the car park and the impact such carports would have to visitor movements in and around the car park.

It is therefore considered that the applicant has undertaken a suitable assessment of the alternative means of delivering renewable energy within the DPSA with the application site remaining the most viable option.

Policy LW&D16 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP)

Policy LW&D16 of the pre-submission LW&DNP supports the improvement of roadside services at Donington Park Service Area (DPSA) which contribute to the safety and welfare of road users. It also indicates that the wetland, picnic area and Sustainable Drainage System (SuDS) to the south of the site should be retained and, where possible, enhanced.

It is considered that the proposed development would contribute towards the safety of road users by ensuring that the electric vehicle (EV) charging points are provided with a consistent power supply. This will enable road users to stop and appropriately charge their vehicles, therefore preventing breakdowns and obstructions to other highway users should such vehicles not have adequate opportunities to recharge.

As proposed the development would retain the existing SuDS features, with additional SuDS features being introduced as a means of mitigating surface water runoff associated with the development. It would, however, impact on the existing picnic area to the south of the site, albeit it is not explicit within Policy LW&D16 as to whether the 'wetland' referred to in the pre-submission LW&DNP also applies to the candidate Local Wildlife Site (cLWS). As the cLWS specifically relates to grassland, it is considered that the 'wetland' designation would apply to the immediate habitat around the ponds and not the cLWS.

Although the picnic area to the south would be lost, the applicant has agreed to relocate the picnic area to a suitable location around the DPSA amenity building (with the grassed area to its immediate south-east appearing to be a suitable location) and therefore a condition would be imposed on any permission granted to secure a precise scheme. On this basis a picnic area would still support the welfare of road users.

The existing ponds, and wetland around such ponds, would be retained and improved as part of the development.

Policy LW&D16 of the pre-submission LW&DNP Conclusion

Overall it is considered that any conflict with Policy LW&D16 of the LW&DNP would be limited to the impact to the existing picnic area, albeit an alternative picnic area could be delivered as part of the development. Even if a view was taken that the 'wetland' did relate to the cLWS, it is unclear from the wording of the policy how the cLWS (or wetland) contributes substantially to the welfare of road users. Notwithstanding this, only very limited weight can be afforded to terms of Policy LW&D16 and as such there would not be sufficient justification to refuse the application on the basis of any conflict with this policy.

The significant positive weight to be given to the delivery of solar farm development in the overall planning balance would also substantially outweigh the limited conflict with Policy LW&D16.

Landscape and Visual Impact

Criterion (i) of Policy S3 and criterion (b) of Policy Cc1 of the adopted Local Plan support development which safeguard and enhance the appearance and character of the landscape.

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application, which has been undertaken in accordance with best practice as outlined in the '*Guidelines for Landscape and Visual Impact Assessment 3rd Edition*' (also known as GLVIA3), '*Landscape Character Assessment Guidance for England and Scotland*' and the Landscape Institute Technical Guidance Note (TGN 02/21) '*Assessing landscape value outside national designations.*'

Landscape Impact

The application site is not subject to any statutory landscape (i.e. National Park or National Landscape, nature conservation or heritage designations, or non-statutory designations (such as a Local Wildlife Site (LWS)).

It is outlined within the LVIA that the application site currently supports neutral rank grassland with areas of young woodland and dense scrub, along with areas of amenity grassland, two ponds, and boundary hedgerows. The majority of the application site is covered by the candidate Local

Wildlife Site (cLWS) designation (known as the M1 J23A Donington Park Services Grassland and Scrub), given that the Mesotrophic grassland and secondary scrub habitat would meet LWS criteria, however the LVIA indicates that since the cLWS assessment in August 2020 “*it is evident that the grassland now contains far more scrubby species...suggesting that without management the area is in succession.*”

At a National Level the application site falls within the ‘*Melbourne Parklands*’ National Character Area (NCA 70) (which is outlined in Paragraphs 5.5.1 to 5.5.4 of the LVIA) whilst also being close to the ‘*Trent Valley Washlands*’ NCA (NCA 69).

The East Midlands Region Landscape Character Assessment (EMRLCA) identifies that the application site is wholly within the ‘*Wooded Village Farmlands*’ (ref: 5B) landscape character type which is outlined in Paragraphs 5.6.1 to 5.6.6 of the LVIA.

The LVIA determines that the landscape is of medium value as whilst it is not particularly tranquil, it retains a quiet rural character albeit major infrastructure such as the strategic road network (SRN) and East Midlands Airport (EMA) have resulted in a significant effect on the local landscape character.

It is also concluded within the LVIA that the scale of enclosure and interlocking nature of the gently rolling landform within the wider landscape in and around the site is such that open views towards the application site are largely limited to locations within close proximity to, or immediately adjacent (as assessed in more detail in the ‘*Visual Impact*’ sub-section below). Views towards the application site from the wider landscape, including higher ground to the south and west, are screened by intervening hedgerows and trees. Where any views are possible, the development would be viewed in the context of a relationship with the infrastructure of the SRN, EMA, and that within the Donington Park Service Area (DPSA). Whilst existing young woodland and scrub would be removed to facilitate the development, this would not affect local views given that such woodland would be replaceable. On this basis the LVIA determines that the susceptibility of the local landscape to this form of development would be low.

When accounting for the limited scale and influence on a single landscape type, as well as the relatively short-term and reversible effect of the proposed development, the LVIA determines that the overall impact to the landscape would be of negligible significance.

It is, however, recognised within the LVIA that the loss of a relatively large area of existing woodland and trees (as discussed in the ‘*Landscaping*’ section of this report below) would result in the significance of effect to landscape features being major adverse.

Visual Impact

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. Such viewpoints are 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.

The LVIA assesses the visual impacts to the north, east, south and west of the site which are considered below.

Visual Impact to the North

The LVIA includes seven representative viewpoints and two context photos representing the views to the north (and north-west) of the site which include close range views from the car park and open space around the DPSA (representative viewpoints 1 and 2), from the internal permissive paths within the DPSA (representative viewpoint 7) and from public right of way (PRoW) L45 close to the site (representative viewpoint 3). These representative viewpoints (as well as the context photos) are shown below.

Representative Viewpoint 1 taken from the LVIA



Representative Viewpoint 2 taken from the LVIA



Representative Viewpoint 7 taken from the LVIA



Representative Viewpoint 3 taken from the LVIA



Context Image 1 taken from the LVIA



Context Image 2 taken from the LVIA



Views from within the semi-public DPSA would experience close range views into the northern part of the application site, with the southern extent of the application site being screened by the development in the northern part along with the sloping landform. The introduction of the solar farm (including the solar panels, security fencing and transformers) will be the principal feature of these views, with the loss of woodland, trees and scrub within the site very noticeable.

The nature of these receptors is primarily users of the DPSA, as well as the limited users of the permissive paths. Representative viewpoints 1 and 2 demonstrate that viewers would already experience a number of detracting features (including the main building on the DPSA and its

associated infrastructure) and therefore their sensitivity to the proposed development form would be diminished. Whilst views within the site would be affected by the loss of woodland and trees, the existing landscaping infrastructure to the site boundaries would be retained (and enhanced) thereby screening views out of the site towards the wider landscape.

Representative viewpoint 7 is in close proximity to representative viewpoints 1 and 2 and would represent the view to users of the permissive path between DPSA and PRow L45. For the vast majority of this route the existing landscaping infrastructure (including hedgerows) to both sides of the route would be retained thereby largely screening the development from view, albeit there would be limited potential for glimpsed heavily filtered views through the landscaping infrastructure. As part of the proposed development such landscaping infrastructure would be enhanced.

It is considered that from representative viewpoint 3 (which is to the north-west) there would be limited potential for the solar farm to be visible (including during the winter months) given the retention of the landscaping infrastructure to the western site boundary.

Whilst the LVIA (at Paragraph 7.3.9) suggests that the loss of woodland centrally within the site may have the potential to open up views of the wider landscape, such that 'taller' elements associated with the DPSA (i.e. the principal building, lighting columns, tallest vehicles) become visible. The applicant has provided photomontages taken from representative viewpoint 3 to demonstrate the impact at year 1 as well as year 15 and these are shown in the images below.

Photomontage from Representative Viewpoint 3 at Year 1



Photomontage from Representative Viewpoint 3 at Year 15



Whilst such photomontages do not demonstrate the impact during the winter months (i.e. the worst case scenario) it is clear that the loss of woodland and trees centrally within the site would not 'open' up the wider landscape therefore leading to the 'taller' infrastructure of the DPISA being visible. The solar farm would be screened in this view with only the potential for limited, glimpsed views in the winter months, the improvement and retention of the landscaping infrastructure would reduce this limited impact over time.

When accounting for the above, the LVIA concludes that in representative viewpoint 3 there would largely be no change in the visual impact or a neutral visual impact where limited, glimpsed views may be established. In terms of representative viewpoints 1, 2 and 7, it is considered that the visual impact would be moderate to minor adverse when accounting for the low sensitivity of receptors who would primarily be users of the DPISA.

Visual Impact to the East

The LVIA includes a context image (Context Image 4) representing the view from the east of the site which is taken from Whatton Road and public right of way L54.

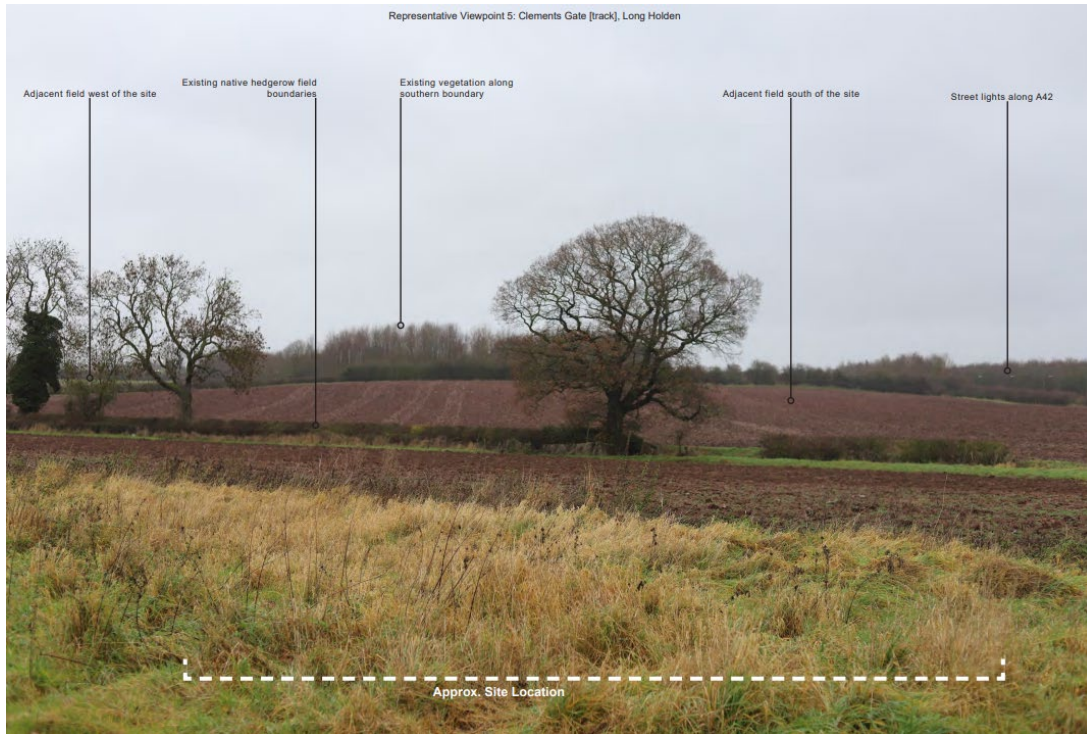
There are no locations along Whatton Road or PRow L54 where the proposed development would be visible.

On this basis the LVIA concludes that there would be no change in the visual impact to the east.

Visual Impact to the South

The LVIA includes three images representing the mid-distant view (i.e. 100 to 500 metres) from the south of the site which are taken from the Clements Gate/Long Holden track (representative viewpoint 5) and a desire line footpath between Long Holden and the DPISA adjacent to the A42 (representative viewpoint 6). These images are as shown below.

Representative Viewpoint 5 taken from the LVIA



Representative Viewpoint 6 taken from the LVIA





In views from these locations the infrastructure associated with the DPSA is not visible given that it is screened by the intervening hedgerows and landscaping infrastructure both within the site and to its southern boundary. Even before mitigation is considered, the proposed solar farm would be screened by the retained landscaping infrastructure.

The loss of trees centrally within the site would be noticeable in the viewpoints above but given that the landscaping infrastructure to the south would be retained, and enhanced, the horizon would remain wooded.

In this respect the applicant has provided photomontages taken from representative viewpoint 5 to demonstrate the impact at year 1 as well as year 15 and these are shown in the images below.

Photomontage from Representative Viewpoint 5 at Year 1



Photomontage from Representative Viewpoint 5 at Year 15



Given the rising ground between the viewpoint and the site, as well as the retention of the mature hedgerow and trees along the sites southern boundary, the above images demonstrate that the solar farm would be screened in its entirety at year 1. The improvement and management of the hedgerow to the southern site boundary, as well as additional tree planting, would therefore serve to increase the vegetation cover along the horizon and be of a visual benefit.

On the above basis the LVIA concludes that the visual impact to the south from a mid-distance would be *neutral*.

The LVIA also includes three images representing a longer distance view from the south of the site which are obtained from the local road network of Salter Road (representative viewpoint 8), West End (representative viewpoint 9) and Smithy Lane (representative viewpoint 10).

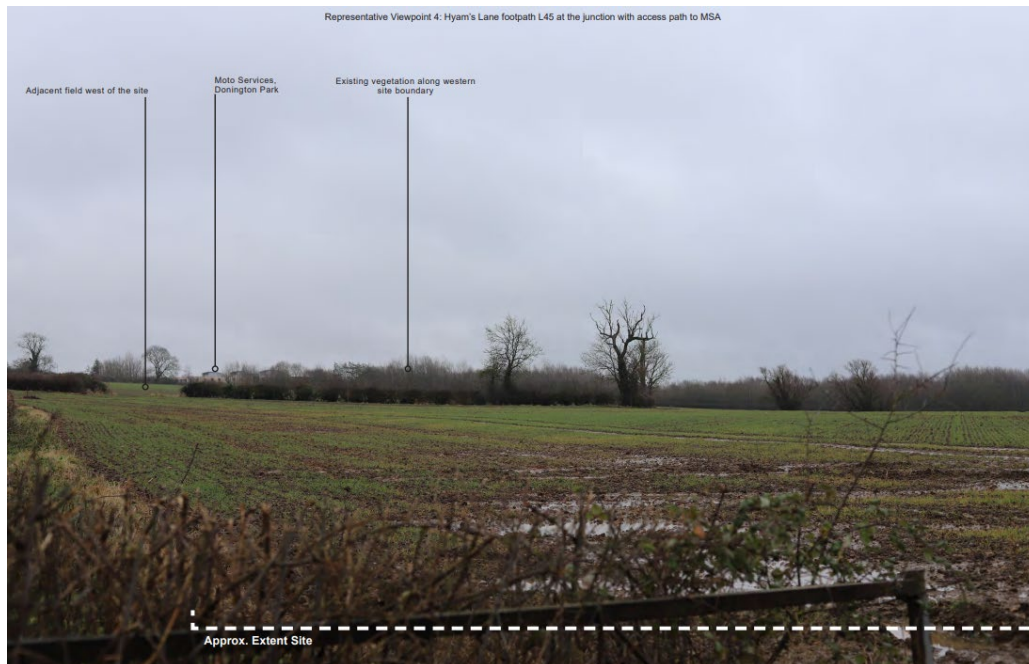
Views from these three locations include the M1 and A42 road networks and the associated moving vehicles along with lighting and signage infrastructure which would all serve to be detractor factors in these views (particularly in the winter months). As is the case with the mid-distance view, the solar farm would be entirely screened by the local topography and intervening vegetation on the site boundaries and wider landscape.

It is, however, accepted in the LVIA that the loss of trees centrally within the site would be noticeable in these views until any mitigation planting has matured. The significance of this would be *neutral* to vehicle and pedestrian receptors (of low sensitivity to the change in view) but *minor adverse* to the upper storey windows of residential properties along West End which are of a higher sensitivity.

Visual Impact to the West

The LVIA includes two images representing the view from the west of the site which are taken from Hyam's Lane PRow L45 at its junction with the access path to the DPSA and are as shown below.

Representative Viewpoint 4 taken from the LVIA



Such images illustrate how the landscape topography and vegetation would screen the proposed development from Diseworth and the local PRow network given that the overall height of the infrastructure to be provided is limited.

Although there would be a loss of woodland and trees within the site, which would be noticeable in the view, it is intended that the tree and hedge infrastructure to the western site boundary would be maintained, reinforced and enhanced which would therefore lead to the development being screened from view (even in winter months) with the horizon therefore remaining treed.

On this basis the LVIA concludes that the visual impact to the west would be *neutral*.

Landscape and Visual Impact Conclusion

As is outlined above the LVIA determines that the landscape is of *medium value* and that the

susceptibility of the local landscape to this form of development would be low. On this basis the overall impact to the landscape would be of negligible significance. It is, however, acknowledged that the significance of effect to landscape features would be major adverse when accounting for the loss of a relatively large area of existing woodland and trees.

In terms of visual impacts, it is outlined above, that there would be a moderate to minor adverse visual impact to users of the DPSA but such receptors would be of a low sensitivity to such a change with there also be a minor adverse visual impact experienced from the upper storeys of residential receptors at West End, Long Whatton (although this would be associated with the loss of woodland and trees centrally within the site rather than of the solar farm itself).

The LVIA recommends a number of landscape improvements and mitigations as follows:

- (a) Retain existing boundary trees and hedgerows and bring them into management to enable them to be thickened;
- (b) Provide additional screening in the form of new trees and shrubs on the site boundaries;
- (c) Provide new hedgerows trees at field corners and margins to connect to existing habitat;
- (d) Reseed areas of cleared woodland and scrub;
- (e) Maximise biodiversity and landscaping opportunities on unmanaged land to the east and north-east of the site by the provision of a Landscape and Ecological Management Plan (LEMP); and
- (f) The use of recessive colours (potentially khaki green/brown shades) to the exterior surfaces of the associated infrastructure (perimeter fencing, transformers and battery storage units).

It is considered that such landscape improvements and mitigations could be secured by condition on any permission granted and would be beneficial to the overall landscape, including the character of the landscape. Such improvements and mitigations would also reduce the impact associated with the loss of the young woodland.

In terms of 'visual dominance' to residential receptors, it is considered that no adverse impacts would arise given the screening of the solar panels by retained and proposed soft landscaping infrastructure and the relevant separation distances to the nearest residential receptors.

Overall, the proposal would be compliant with criterion (i) of Policy S3 and criterion (b) of Policy Cc1 of the adopted Local Plan, as well as guidance within the NPPF and NPPG in relation to landscape and visual impacts.

Policies LW&D3 and LW&D4 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan

Policy LW&D3 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP) requires a development which would have a significant visual impact on any key or representative viewpoint to be accompanied by an LVIA.

Policy LW&D4 of the pre-submission LW&DNP requires development to be located and designed in a way that is sensitive to the open landscape, as well as natural and historical features. Development which does not conserve or maintain the characteristic features of the designated Vulnerable Landscapes will not be supported.

Key viewpoint 6 of Appendix 1 of the pre-submission LW&DNP is as shown in the image below.

Key Viewpoint 6 of Appendix 1 of the pre-submission LW&DNP



The supporting text within Appendix 1 of the pre-submission LW&DNP states that such a viewpoint *“is recorded from the Public Right of Way which connects along Hyams Lane between Donington Park Services and the village. This is a key view encompassing the characteristics of the landscape which defined the setting and context of Diseworth. This is an open and panoramic view, providing a visual connection along a recreational route, including the spire of St Michaels in Diseworth and the wider surrounding countryside.”*

The application is accompanied by an LVIA with the conclusions reached above determining that there would be no significant visual impact on key viewpoint 6 within Appendix 1 of the pre-submission LW&DNP which is taken from a similar position to representative viewpoint 3 within the applicant’s LVIA (see relevant image above).

It is also the case that the application site is not within a ‘Vulnerable Landscape’ with the scheme being designed so that the landscaping infrastructure to the site boundaries would provide screening, thereby ensuring that the wider open landscape would not be impacted on.

Policies LW&D3 and LW&D4 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan Conclusion

Notwithstanding the very limited weight to be afforded to the policies of the pre-submission LW&DNP, it is considered that there is no conflict with Policies LW&D3 and LW&D4.

Agricultural Land Impact

Whilst the application site is outlined to comprise agricultural land it is considered that it is not utilised for agricultural purposes given its integration within the boundaries of the Donington Park Service Area (DPSA). Notwithstanding this, an Agricultural Land Classification (ALC) Report has been submitted which confirms that the site comprises Grade 3b which is not Best and Most Versatile (BMV) agricultural land.

The proposed development would not result in the permanent loss of agricultural land, given that the solar panels would be secured to the ground with steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality. It is also the case that the application site is within a Minerals Safeguarded Area (MSA) and whilst it is unlikely that such land would be worked for minerals in the future, given its location within the DPSA, any mineral extraction undertaken would have a more lasting impact on the agricultural value of the land.

As part of the consideration of the application the applicant has also provided a rationale as to why the proposed solar farm cannot be accommodated upon structures over the existing car park (see the ‘*Consideration of Alternatives*’ section of this report). It is also considered that it would not be feasible to accommodate the proposed solar farm on a greenfield site of a lesser quality than Grade 3b (not BMV) on the basis that its primary purpose is to generate electricity for the

electric vehicle (EV) charging facilities at the DPSA.

Agricultural Land Impact Conclusion

Overall the proposed development would not result in the loss of BMV and the location of the solar farm has been justified, on this basis there would be no conflict with Policy En6 of the adopted Local Plan, Paragraphs 187 and 188 of the NPPF and the guidance within the NPPG (in particular Paragraph 013 (Reference ID: 5-013-20150327) of the *'Renewable and Low Carbon Energy'* section).

Glint and Glare – Aviation and Highway Safety

Policy Ec5 of the adopted Local Plan indicates that development which would adversely affect the operation, safety or planned growth of East Midlands Airport will not be permitted.

Solar panels are partially reflective which gives rise to a risk of glint and glare; however, this is much reduced with modern panels designed to absorb light (as reflected light is lost energy) which are coloured nearly black and are partially translucent. It is the case that modern solar panels reflect as little as 2% of the incoming sunlight.

Published guidance (including that within *"A Study of the Hazardous Glare Potential to Aviators from Utility Scale Flat-Plate Photovoltaic Systems"* by Evan Riley and Scott Olson (2011) and *"Technical Guidance for Evaluation Selected Solar Technologies on Airports"* by the Federal Aviation Association (FAA) (2018)) shows that the intensity of solar reflections from solar panels are equal to or less than those from still water and similar to those from glass. It also shows that reflections from solar panels are significantly less intense than many other reflective surfaces, which are common in an outdoor environment, including steel.

A Glint and Glare Study (GGS) has been submitted in support of the application and which considers the effects of glint and glare 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 and glare, such as pilots utilising East Midlands Airport (EMA) and motorists on main roads (particularly the M1, A42 and A453 (Ashby Road)). The assessment of glint and glare to residential amenity is undertaken in the *'Other Residential Amenity Impacts'* sub-section of the *'Residential Amenity'* section of this report below.

Highway Safety

From the perspective of a motorist using roads within the vicinity of the site, the GGS concludes that solar reflections would be geometrically possible towards a 1.3 kilometre section of the M1, and towards a 1.1 kilometre section of the A42. However, screening in the form of existing vegetation is predicted to significantly obstruct views of reflecting panels for these sections of the M1 and A42 such that no solar reflections would be experienced in practice. On this basis, no impact is predicted upon these sections of the M1 and A42 and therefore no mitigation is required.

In the above respect, neither the County Highways Authority (CHA) or National Highways (NH) have raised any objections to the conclusions reached in the GGS, with NH requesting that a monitoring and management program for the solar panels is subject to condition on any planning permission granted.

Aviation Safety

In terms of aviation safety, the GSS assesses the impacts to the following aviation receptors:

- (a) Air Traffic Control (ATC) Tower at East Midlands Airport;
- (b) 10 Nautical Miles Approach Paths for Runway 09/27;
- (c) 10 Nautical Miles Departure Paths for Runway 09/27;
- (d) General Aviation Circuits;
- (e) Commercial Aviation Circuits;
- (f) Overhead 5 kilometre x 5 kilometre Airspace Area;
- (g) Helicopter Approach Paths; and
- (h) Visual Flight Routes.

In terms of aviation receptor (a), the GSS concludes that solar reflections with an intensity of '*low potential for temporary after-image*' from the eastern solar arrays would be geometrically possible towards the Air Traffic Control (ATC) Tower. Such glare, however, has been considered in an operational context and is deemed acceptable.

With regards to aviation receptors (b) to (h), the GSS concludes that solar reflections with an intensity of '*low potential for temporary after-image*' would be predicted. However, when accounting for associated guidance and industry best practice, which state this level of glare to be acceptable, the GSS determines that a low impact is expected which is not required to be mitigated.

Glint could also be visible to overflying aircraft, although any effect would not be sustained for extended durations and would be much less intense than glint possible from large waterbodies.

As part of the consideration of the application East Midlands Airport Safeguarding (EMAS) has been consulted and they have raised no objections to the application in relation to glint and glare impacts to aviation safety. This is subject to the imposition of an informative on any permission granted advising the applicant that they should be prepared to mitigate against a glint and/or glare hazard should any adverse reports be received.

Glint and Glare – Aviation and Highway Safety Conclusion

With regards to highway users, both the CHA and NH have no objections to the application, subject to the imposition of a condition on any permission granted as requested by NH, and therefore it can be concluded that no adverse glint and glare impacts would arise to highway users. On this basis the proposal would be compliant with Policy IF4 of the adopted Local Plan and Paragraph 116 of the NPPF.

In terms of aviation safety EMAS has no objections to the application, subject to the imposition of an informative on any permission granted, and therefore it can be concluded that no adverse glint and glare impacts would arise to aviation users. On this basis the proposal would be compliant with Policy Ec5 of the adopted Local Plan.

Impact on the Historic Environment and Archaeology

Policy He1 and criterion (d) of Policy Cc1 of the adopted Local Plan, as well as the advice in the NPPF, requires heritage assets to be preserved and enhanced. Where development results in harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposed development must also be considered against Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which

state that special regard shall be had to the desirability of preserving the setting of a listed building and the character and appearance of the conservation area.

An Archaeology and Heritage Assessment (AHA) has been submitted in support of the application and provides information regarding the significance of the historic environment and archaeological resource, as well as a detailed review of the historic environment.

There are no known designated or undesignated heritage assets within the site.

For their part Historic England (HE) has raised no objections subject to the advice of the Council's Conservation Officer and County Council Archaeologist being taken into account.

As part of the consideration of a pre-application advice associated with the proposed development, the Council's Conservation Officer outlined that in 2003 the erection of a 22.5 metre high telecommunications mast was permitted (ref: 03/01069/FUL) on land to the north-west of the application site and where it was concluded that an "acceptable" visual impact would arise and there was no impact upon designated heritage assets. The Council's Conservation Officer considers that from a distance the telecommunications mast can be used to identify the approximate location of the application site.

Following consideration of the submitted Landscape and Visual Impact Assessment (LVIA), the Council's Conservation Officer outlined that it identified a zone of theoretical visibility (ZTV) as well as ten 'representative viewpoints' within a 2.5 kilometre radius of the application site. As part of the pre-application process the Council's Conservation Officer identified a 'limited risk' that the proposal would affect the setting of the Diseworth Conservation Area, but that there may be no harm if the screen planting to the west of the site was maintained. The Council's Conservation Officer determined that the ZTV contradicted their assessment as it indicated a 'theoretical' visual impact upon the north-eastern corner of the Diseworth Conservation Area, as well as Wartoft Grange which is a Grade II listed building. As the LVIA did not include any 'representative viewpoints' related to the Diseworth Conservation Area it did not disprove this 'theoretical' impact.

On this basis the Council's Conservation Officer advised that the LVIA should assess the impact upon views looking east along public rights of way (PRoW) L47 and L89A.

Following the receipt of a Landscape and Visual Technical Note (LVTN), the Council's Conservation Officer undertook a site visit and determined that there would be no harmful impact upon Wartoft Grange if the screen planting to the west of the application site was maintained, and that there would be no harmful visual impact upon the north-eastern corner of the Diseworth Conservation Area.

The applicant's landscape consultant has consequently outlined that "*there is not expected to be any visual effects on any sensitive receptors beyond the site boundaries*" due to the "*retention, enhancement and management of boundary vegetation*" This assessment reflects that of the Council's Conservation Officer.

Overall, the Council's Conservation Officer has determined that there would be no harm to the significance of the setting of any designated heritage assets, including the Diseworth Conservation Area, Wartoft Grange and the Long Whatton Conservation Area.

The Gardens Trust has also been consulted on the application and they have outlined that any impact on the setting of the Whatton House Registered Park and Garden (RPG) would be minimal

given the separation distance involved, therefore no harm to the significance of the setting of the RPG would arise.

On the basis that no harm arises to the significance of the setting of any heritage assets an assessment in the context of Paragraph 215 of the NPPF is not required.

The lack of harm would also ensure that the setting of the identified heritage assets would be preserved.

In terms of archaeology, following a review of the Leicestershire and Rutland Historic Environment Record (HER) the County Council Archaeologist advised as part of the pre-application advice request that there would be no significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. As such no further archaeological action is required.

When accounting for the above there would also be no conflict with the relevant design codes (HA-1, HA-2 and HA-3) of the 'Heritage Assets' category of the Long Whatton & Diseworth Design Code as referenced in Policy LW&D10 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan.

Impact on the Historic Environment and Archaeology Conclusion

When accounting for the above conclusions, the proposed development would be compliant with Policy He1 and criterion (d) of Policy Cc1 of the adopted Local Plan, Paragraphs 207, 208, 210, 212, 217 and 218 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ecology

Vegetation, in the form of trees and other shrubs, are present on the site. Such features could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

Part (1) of Policy En1 of the adopted Local Plan states that proposals for new development will be supported which conserve, restore or enhance the biodiversity in the district. Criterion (c) of Policy Cc1 requires all impacts on biodiversity to be adequately mitigated or enhanced.

Policy LW&D6 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP) outlines that development should conserve, restore and enhance the network of local ecological features and habitats which include Local Wildlife Sites (including historical sites) and Wildlife Corridors. It also states that new development shall secure measurable net gains for biodiversity.

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for major development as required by the Environment Act came into force on the 12th of February 2024. However, this requirement would only be applicable to those applications received on or after the 12th of February 2024 and is not to be applied retrospectively to those applications already under consideration before this date and subsequently determined after this date. On this basis the proposed development would not be required to demonstrate a 10% BNG. Notwithstanding this, Paragraphs 187(d) and 193(d) of the NPPF set out a requirement for developments to provide net gains for biodiversity. In this case it is noted that the development would be undertaken on a

greenfield site.

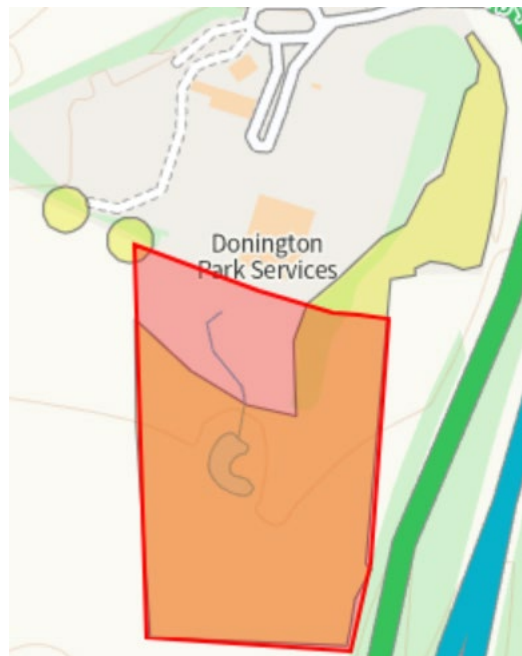
The application was originally accompanied by a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) Metric Calculations, but following a review of the PEA the County Council Ecologist indicated that it specified that further surveys were needed to establish the impacts to ecological species. In line with the advice at Paragraph 99 of Circular 06/05, such surveys were needed prior to determination to ensure that the impact to protected species could be established and appropriately mitigated before a decision was made.

An Ecological Impact Assessment (EclA) has since been submitted in support of the application which includes badger, reptile, breeding birds and grassland botanical surveys, along with a bat tree assessment.

In terms of great crested newts (GCNs), it was not a requirement for further surveys to be undertaken if the District Level Licencing Route (DLLR) was to be utilised but a copy of an Impact Assessment and Conservation Payment Certificate (IACPC) countersigned by Natural England (NE) was required prior to determination. The purpose of the IACPC is to increase the number of GCNs by providing new or better habitats in targeted areas to the benefit of their wider population (i.e. no specific on-site mitigation would be required). The applicant has since supplied a copy of the IACPC which is acceptable to the County Council Ecologist.

The majority of the site comprises a candidate Local Wildlife Site (cLWS) (known as the M1 J23A Donington Park Services Grassland and Scrub), with a cLWS being defined as a site which is known through survey data to meet LWS criteria but which has not been designated to date as a LWS. The below image shows the interaction of the application site with the cLWS.

Extent of cLWS (highlighted in yellow) and Relationship with Application Site (highlighted in red)



Principally the County Council Ecologist raised concerns in relation to the impacts of the development to the cLWS with there being particular concern regarding the grassland botanical

survey assessment criteria which determined the grassland as being in 'Poor' condition. On this basis further justification was required in relation to the impacts to the habitats present, particularly around the undervaluing of their condition and how the mitigation hierarchy had been followed.

It was also specified that the BNG metric calculations needed to be updated to reflect the revised landscape strategy; that further information was required in relation to the proposed off-setting on land within the eastern part of the Donington Park Service Area (DPSA) (being land outside of the application site but which also comprises part of the cLWS); and that the proposed habitat management measures were provided to give confidence such habitat creation was achievable.

An amended BNG condition assessment and amended BNG metric calculations have subsequently been supplied which have re-assessed the main grassland within the site and determined it to be in 'Moderate' condition which the applicant considers is justified based on the BNG metric condition assessment guidance and the detailed Botanical Survey undertaken at the optimal time of the year (Summer). The updated BNG metric identifies the difference in the strategic significance between the areas of the site within the cLWS (included as High Strategic Significance), and those areas which lie outside of the cLWS (which are included as either Medium or Low Strategic Significance dependent on the habitat type). It is also specified by the applicant that a precautionary approach has been taken throughout the BNG metric, including in calculating that only 80% of the site area would support grassland with the remaining 20% being lost with 'no value.'

The BNG metric calculations indicate that the overall result is a +1.34% gain in habitat units and +287.14% gain in hedgerow units.

It is proposed by the applicant that the grassland within the application site is to be committed to long-term management to maximise its biodiversity value and through such management it would be reasonable to target the grassland meeting a 'Good' condition. However, a precautionary approach has been adopted to include a 'Moderate' target condition which would account for any uncertainty and alleviate concerns that the grassland has been overvalued. The proposed grassland is also included as 'Medium distinctiveness Other Neutral Grassland' rather than any higher value grassland (such as 'Lowland Meadow') which would not likely be possible due to the nature of the proposed development.

In addition to the above, the retained ponds and woodland area would also be brought into long-term management to maximise their biodiversity value with the BNG metric calculations assessing such features as 'retained as existing only' and not being enhanced to a higher condition. The applicant is of the view that this would again represent a conservative approach and ensure that the expectations of the BNG metric are not unrealistic.

The applicant has also agreed that the part of the cLWS which lies to the north-east of the application site, within the confines of the DPSA, could be brought into long-term management in order to maintain its cLWS status with the BNG metric calculations also not accounting for other proposed biodiversity improvements including bird and bat boxes and deadwood hibernacula.

A 'Statement of Justification' for the proposed solar farm provided by the applicant acknowledges that the proposed east-west orientation of the solar arrays can reduce the amount of light that reaches the ground surface. However, it is considered that such an orientation can still provide ecological improvements (particularly underneath the panels) by utilising the following technical strategies:

- (1) *Use of bifacial solar panels:* Such panels can allow sunlight to pass through to the ground and support the growth of vegetation.
- (2) *Increasing panel spacing:* Widening the gaps between panel rows would allow more sunlight to reach the ground, improving conditions for vegetation growth and biodiversity.
- (3) *Raising panel height:* Elevating the panels would enhance sunlight penetration.

The applicant considers that such strategies can help balance the trade-offs between maximising energy production and minimising ecological impacts, however the '*Statement of Justification*' recognises that further detailed analysis and modelling would be required to evaluate the feasibility and effectiveness of such strategies.

It is also stated by the applicant that there is substantial research showing the positives solar farm schemes have to biodiversity, including the benefits to pollinators and specifically Bumblebee and Honeybee populations, as well as the habitat niches and microclimates which are created through the variation in shade, variation in hydrology conditions and improvements in soil quality. In this respect the applicant is assessing the potential for a bee apiary to be installed on, or in close proximity to the application site, following dialogue with local beekeeping organisations.

In reviewing the amended information the main concern of the County Council Ecologist is the uncertainty regarding the establishment of other neutral grassland in a '*Moderate*' condition beneath the solar panels given that it is highly unlikely (due to the limited height of the panel above the ground, the orientation of the panels and width of the solar arrays) that sufficient light would penetrate to the ground to ensure the grassland reached such a condition. It is also unclear to the County Council Ecologist how it has been calculated by the applicant that 80% of the site area would support grassland post-development, with the studies supplied by the applicant looking at impacts associated with single sided panels rather than two-sided panels. In addition, the studies review sites of no ecological value rather than those which are ecologically valued.

On this basis the County Council Ecologist considers that the percentage of the area which is likely to support grassland would need to be reconsidered with justification based on the arrangement of the solar arrays (i.e. east-west orientation and double sided panels). However, given the extent of the solar arrays it is the view of the County Council Ecologist that vegetation is unlikely to establish beneath them and therefore any mitigation measures could not be delivered.

The County Council Ecologist has also outlined that even if some vegetation did establish near the edges of the arrays, given their low height above ground level it had not been demonstrated how such vegetation would be managed. On this basis the County Council Ecologist has determined that such management details, including any management under the solar arrays, would be required before the application could be determined to ensure they are achievable and realistic.

It is also the view of the County Council Ecologist that a 'net gain' in biodiversity would not be delivered given that the BNG metric calculations, in relation to habitats, are dependent on the establishment of the grassland.

In the absence of such information the County Council Ecologist **objects** to the application.

Ecology Conclusion

Part (2) of Policy En1 of the adopted Local Plan provides that "*Where a proposal for development would result in **significant harm** to one of the following and which cannot be avoided, or mitigated*

or compensated for, then **planning permission will be refused:**

- (d) Local Wildlife Sites (LWSs)...and **candidate Local Wildlife Sites (cLWSs)** which meet the Leicester, Leicestershire and Rutland LWS criteria; **(officer emphasis)**

It is the conclusion of the County Council Ecologist that ‘*significant harm*’ would arise to the cLWS which has not been mitigated or compensated for and therefore the proposed development would be contrary to criterion (d) of Part (2) of Policy En1.

Whilst criterion (g) of Part (2) of Policy En1 also refers to ‘*Irreplaceable habitats,*’ which can include species-rich neutral grassland, the County Council Ecologist has specified that the habitats present on the application site would not comprise ‘*irreplaceable habitats.*’

In addition to Part (2) of Policy En1 of the adopted Local Plan, the fact that significant harm would arise to a cLWS would also result in conflict with criterion (c) of Policy Cc1 of the adopted Local Plan as well as criterion (a) of Paragraph 193 of the NPPF which has similar wording to that of Part (2) of Policy En1.

There would also be conflict with Policy LW&D6 of the pre-submission LW&DNP, albeit the very limited weight afforded to the terms of this policy in any decision made would not justify its inclusion in any reason for refusal of the application.

The conflict with the aforementioned policies would be a factor weighing against the scheme in the overall planning balance which is undertaken in the ‘*Overall Planning Balance, Contribution to Sustainable Development and Conclusions*’ section of this report below.

Also of relevance in the overall planning balance will be the ‘*Consideration of Alternatives*’ section of this report above which has determined that the application site is the only appropriate location for the development, with such development being fully reversible following the cessation of the use. In this respect the length of time to recreate the habitats of the cLWS (if possible) following cessation of the use would be unlikely to be significant when accounting for the short time the habitats of the cLWS have taken to establish.

The Landscape and Visual Impact Assessment (LVIA) also states that since the cLWS assessment in August 2020 “*it is evident that the grassland now contains far more scrubby species...suggesting that without management the area is in succession.*” It is recognised by the County Council Ecologist that without management the application site would eventually become woodland, thereby resulting in the loss of its cLWS status, but from a habitat perspective this would be of a greater benefit than the ‘bare ground’ which would be created under the solar arrays (which is considered by the County Council Ecologist to be the habitat likely to be created given that the applicant has not demonstrated how ‘moderate’ condition grassland would be established).

Whilst acknowledging the view of the County Council Ecologist in relation to BNG, it is noted that the mandatory 10% would not be applicable for the reasons as outlined above. On this basis the terms of criterion (d) of both Paragraphs 187 and 193 would be relevant which only requires development to demonstrate ‘*net gains*’ of no determinative amount. Even if the +1.34% gain in habitat units is not delivered, and such a figure becomes negative based on the loss of the majority of the cLWS, the gain in hedgerow units (being +287.14%) is not disputed by the County Council Ecologist with the BNG metric calculations also not accounting for biodiversity improvements in and around the retained ponds (which would be subject to long-term management); the introduction of more appropriate landscaping infrastructure to replace that to be removed (as

discussed in the '*Landscaping*' section of this report below); and the provision of bird and bat boxes and deadwood hibernacula. The applicant is also exploring the delivery of a bee apiary on the site.

In addition there would also be a benefit to the part of the cLWS outside of the application site being brought into long-term management, thereby ensuring it maintains its cLWS status, albeit this would be a marginal benefit when accounting for the extent of the cLWS to be lost.

On the basis that conditions could be imposed on any permission granted to secure the above, it is considered that a 'net gain' in biodiversity would be delivered as a result of the development and therefore there would not be conflict with criterion (d) of both Paragraphs 187 and 193 of the NPPF.

Landscaping

Part (3) of Policy En1 of the adopted Local Plan outlines that new development will be expected to maintain landscape features (such as trees and hedgerows) for biodiversity, as well as for other green infrastructure and recreational uses.

Policy LW&D7 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP) outlines that existing trees and hedgerows should be retained where possible and integrated into new development.

The application is accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement (ArIA and AMS), Arboricultural Survey (ArbS) and Arboricultural Appraisal (ArA). Such documents are compliant with BS 5837:2012 '*Trees in Relation to Design, Demolition and Construction – Recommendations*'.

Impact to Existing Trees

Within the ArbS it is outlined that there are 16 group of trees (7 of which are rated Category B (*trees of moderate quality*) and 9 which are rated Category C (*trees of poor quality*)) and 27 individual trees (five of which are rated Category B). Such trees are predominantly on the application site, although certain trees lie to the immediate north of the site on other land associated with the Donington Park Service Area (DPSA).

It is subsequently outlined in the ArIA and AMS that a total of 17 individual trees would need to be removed (two of which would be rated Category B) along with 10 of the tree groups (two of which would be rated Category B). Tree removals would also be undertaken within four of the six retained tree groups (the works undertaken in tree groups rated Category B) to facilitate the proposed development. Tree screening would be retained to the eastern, southern, and western site boundaries. The northern boundary is already open given its integration with the DPSA.

The ArIA and AMS determines that the extent of the proposed tree removal will have a moderate impact on current and projected canopy cover across the application site but that impacts, visually, into the site would be low due to the continuous belt of trees retained to the eastern, southern, and western boundaries. Such tree groups to the site boundaries would have heights of 13 metres (eastern – one tree group), 6 metres (southern – one tree group), and 11, 16, and 15 metres (western – three tree groups).

As part of the consideration of a pre-application submission associated with the proposed development, the Council's Tree Officer outlined that the trees present on the site are relatively

young and therefore would not be considered to be of individual arboricultural merit. However, the loss of the trees would impact negatively on local tree cover.

Whilst acknowledging the impact to the local tree cover, it is considered that the provision of replacement soft landscaping infrastructure as part of the proposed development, as discussed below, would adequately mitigate the impact arising given the young age of the trees. The trees to be removed are also not protected trees (nor would they warrant protection due to their age), with there being no restriction in place which could prevent the removal of such trees with or without the proposed development.

Proposed Soft Landscaping

A submitted landscape strategy identifies that new woodland planting would be provided in the south-eastern part of the site, with a new hedgerow also being accommodated to the eastern site boundary and part of the northern site boundary. New tree planting would also be accommodated within the site, along with wet and aquatic grassland being planted around the retained ponds and a wildflower seed mix being underplanted beneath the solar arrays.

In addition, the landscape strategy also identifies that existing soft landscaping infrastructure would be retained to the eastern, southern and western site boundaries, with the applicant also agreeing that the part of the candidate Local Wildlife Site (cLWS) outside of the application site could be brought into long-term management.

Conditions imposed on any permission granted would therefore secure a soft landscaping scheme, as well as a landscaping management plan (which would include the long-term management of the part of the cLWS outside of the application site).

Proposed Hard Landscaping

In terms of hard landscaping infrastructure the submitted landscape strategy identifies the provision of a vehicular access along with maintenance paths to the solar arrays and an informal footpath within the eastern part of the site. As no precise details of the surfacing materials have been provided, it is recommended that a hard landscaping condition be imposed on any permission granted.

Landscaping Conclusion

Given that the majority of the landscaping features would be maintained (and in particular those to the boundaries of the application site) and that the retained landscaping would be incorporated into the proposed development it is considered that, subject to conditions, the proposed development in relation to landscaping would be compliant with Part (3) of Policy En1 of the adopted Local Plan and Policy LW&D7 of the pre-submission LW&DNP.

Residential Amenity

Policy D2 of the adopted Local Plan (2021) outlines that development proposals will be supported where they do not have a significant adverse effect on the living conditions of existing and new residents. Criterion (a) of Policy Cc1 seeks to ensure that renewable energy development does not have an unacceptable impact on residential amenity taking into account noise, vibration and visual dominance. Paragraph 198 of the NPPF requires development to be appropriate for its location.

The nearest residential receptors would comprise those within Langley Close (around 955 metres to the south-west of the site), Old Hall Court (around 1.2 kilometres to the west) and no. 18 Grimes Gate (around 1.3 kilometres to the west).

Physical Development Impacts

The infrastructure to be installed on site comprises solar panels having maximum heights of 2.04 metres above ground level, transformer units with heights of 2.2 metres and battery storage container units which would have heights of a standard shipping container (around 2.6 metres in height).

When accounting for the separation distances involved, as well as the landscaping infrastructure retained to the site boundaries (as discussed in the '*Landscaping*' section of this report above), it is considered that no adverse overbearing, overshadowing or overlooking impacts would arise to residential amenities as a result of the development.

Other Residential Amenity Impacts

The other aspect to consider in respect of residential amenity is any potential impacts arising from noise, dust and fumes which is as outlined in Part 2 of Policy D2 of the adopted Local Plan.

Paragraph 201 of the NPPF outlines that the focus of planning decisions "*should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.*"

Policy LW&D18 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP) outlines that energy generation development, amongst other development forms, should be accompanied by a noise impact assessment, and that development which reduces local quality of life as result of changes to acoustic character will not be supported.

A Noise Assessment (NA) has been submitted in support of the application and this concludes that the sound level of the plant would be below the background sound level at the noise sensitive receptors in the area (which includes the closest residential receptors in Diseworth). On this basis the noise of the proposed plant would fall below the Lowest Observed Adverse Effect Level (LOAEL) and therefore the impacts to residential amenity would be low.

As part of the consideration of the application the Council's Environmental Protection Team has been consulted and no objections have been raised.

In order to ensure that construction and decommissioning activity is undertaken at reasonable times a condition limiting the hours of construction and decommissioning would be imposed on any permission granted.

Whilst Policy LW&D19 of the pre-submission LW&DNP requires the provision of a Construction Method Statement (CMS) as part of major development it is outlined elsewhere in this report that very limited weight is to be afforded to the policies of the submission LW&DNP. On this basis there would be no justification to impose a condition on any permission granted requiring the submission of a CMS when separate legislation (such as the Control of Pollution Act 1974 (as amended)) can control issues arising from construction (and decommissioning) activity.

It is also the case that if any statutory nuisance issues were to arise as a result of the development

then the Council's Environmental Protection Team would be able to investigate such issues and take appropriate action, where required, under separate Environmental Protection Legislation.

In terms of glint and glare, the submitted Glint and Glare Study (GGS) has assessed the impacts to the nearest residential receptors in Diseworth (being those on Langley Close) and has concluded that no impact would arise given the separation distance involved and the retention of the landscape screening to the boundaries of the site which has an overall height greater than that of the solar arrays.

On this basis the impact of glint and glare from the solar arrays would not result in detriment to residential amenity.

The impact of visual dominance to residential receptors is undertaken in the '*Landscape and Visual Impact*' section of this report above and where it is concluded that no adverse impacts would arise given the screening of the solar arrays and separation distances.

Details of any external lighting to be installed on the site, including any to be used during the construction and decommissioning phases, has not been submitted as part of the application. On this basis a condition would be imposed on any permission granted requiring the approval of any external lighting scheme prior to its installation if required.

Residential Amenity Conclusion

Based on the above assessment it is considered that no adverse impacts to residential amenities would arise as a result of the development, subject to the imposition of relevant conditions, and as such the proposal would be considered compliant with Policy D2 and criterion (a) of Policy Cc1 of the adopted Local Plan, Policy LW&D18 of the pre-submission LW&DNP, and Paragraphs 198 and 201 of the NPPF.

Highway Impacts

Policy IF4 of the adopted Local Plan requires that development takes account of the impact upon the highway network and the environment and incorporates safe and accessible connections to the transport network to enable travel choice. Policy IF7 requires that development incorporates adequate parking provision.

The County Council Highways Authority (CHA) and National Highways (NH) have been consulted on the application, with the assessment of the CHA being based on guidance within the Leicestershire Highways Design Guide (LHDG).

County Highways Authority (CHA)

The CHA has outlined that the application site would be accessed via the internal road associated with the Donington Park Service Area (DPSA) which is within private ownership. Access to the DPSA from the adopted highway is via the south-western arm of the Finger Farm roundabout which connects the A42 with the A453 (Ashby Road).

Finger Farm roundabout, and its connecting arms, fall within the jurisdiction of National Highways (NH). Approximately 200 metres north-west of the site access, the A453 (Ashby Road) becomes part of the adopted highway under the jurisdiction of the CHA.

A Construction and Decommissioning Traffic Management Plan (CDTMP) has been submitted in

support of the application and this states that *“HGV construction traffic will route to the proposed site via the M1 Junction 23A off-slip (northbound) along the Strategic Road Network, and the A453 via Junction 24 of the M1 (southbound), Figures 4.1 & 4.2 shows the construction routes to the Moto Motorway Services. Access to and from the A50 and A42 can be readily achieved.”*

On the basis of the submitted routing plan, together with the daily trip generation of 41 vehicles, and acknowledging that trips to the site will be minimal after the 12 week construction period (being 3 trips per year for the operational phase), the CHA has determined that there would be no material impact on the adopted highway under the jurisdiction of the CHA and therefore they have no objections.

The only other matter raised by the CHA was that the submitted plans identify a track, which is within the applicant’s ownership, that leads from the DPSA across a field towards the A453 (Ashby Road) where the Hunters Way roundabout is located. It is advised by the CHA that there is no legal vehicular access from this track onto the A453 (Ashby Road). An informative would be imposed on any permission granted to make the applicant aware of this circumstance.

National Highways

In terms of NH they have outlined that the designated route for all site traffic is via Junctions 23A and 24 of the M1.

Following a review of the submitted information, NH has outlined that there would be no more than 30 trips on the Strategic Road Network (SRN) during peak periods and therefore there would be no significant impact to the traffic on the SRN.

In terms of access, NH has noted that this would be via the existing access to the DPSA. Whilst Paragraph 92 of the Department for Transport (DfT) Circular 01/22 states: *“Access to other developments through a roadside facility or from its connection to the SRN is not permitted,”* NH has acknowledged that the proposed development is to supply electricity to the electric vehicle (EV) charging stations associated with the DPSA. Given the purpose and necessity of the development, the NH consider the access arrangements to be acceptable in this particular instance.

Overall, NH has no objections to the application.

Parking

No concerns have been raised by the CHA or NH in relation to the parking of construction vehicles, with it being considered that sufficient parking exists within the site to accommodate the parking of construction vehicles and construction workers vehicles during the construction and decommissioning phases, as well as any vehicles used during the operational phase.

Highway Impacts Conclusion

Paragraph 116 of the NPPF outlines that development should only be refused on highway grounds where *“there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

In the circumstances that there are no objections to the application from the CHA or NH, subject to the imposition of conditions, it is considered that the proposed development would be compliant

with Policies IF4 and IF7 of the adopted Local Plan as well as Paragraphs 112, 115, 116 and 117 of the NPPF.

Aviation Safety

Policy Ec5 of the adopted Local Plan indicates that development which would adversely affect the operation, safety or planned growth of East Midlands Airport will not be permitted.

Notwithstanding the assessment of East Midlands Airport Safeguarding (EMAS) in relation to glint and glare, as assessed in the '*Glint and Glare – Aviation and Highway Safety*' section of this report above, their consultation response has also outlined the need for conditions and informatives to be imposed on any permission granted to address the following:

Conditions

- (a) External Lighting (including any used during the construction phase);
- (b) Birdstrike Avoidance;
- (c) Control of Electromagnetic Interference to Aviation Communications, Navigation, and Surveillance Infrastructure; and
- (d) Aviation Safety Construction Management Plan (ASCMP).

Informatives

- (a) Communication, Navigation, and Surveillance Systems (CNS);
- (b) Materials; and
- (c) Tall Equipment Permit.

It is noted that the terms of the ASCMP includes requirements to control food waste and provide measures to prevent the puddling or ponding of water on site. Principally such requirements are to prevent birds scavenging detritus and food waste and being attracted to water on the site. However, it is considered that such requirements are unreasonable when accounting for the nature of the development and that ponds (to be retained) already exist on the site, unenforceable given that it would be unknown if food waste on the site was associated with users of the Donington Park Service Area (DPSA) or employees associated with the solar farm, and unnecessary to make the development acceptable in planning terms. On this basis such requirements would not meet the tests for conditions as outlined at Paragraph 58 of the NPPF.

Notwithstanding this, there are existing covered bins associated with the DPSA and therefore it is probable that any food waste generated would be deposited in such bins.

Aviation Safety Conclusion

Subject to the imposition of the relevant conditions and informatives as part of any planning permission granted, the proposed development would be compliant with Policy Ec5 of the adopted Local Plan.

Flood Risk and Drainage

Policy Cc2 of the adopted Local Plan requires the risk and impact of flooding from development to be minimised, with Policy Cc3 requiring surface water drainage to be managed by Sustainable Drainage Systems (SuDS) (where feasible).

Policy LW&D11 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP) stipulates that new development should account for flood risk, and manage surface water sustainably with SuDS (unless inappropriate to do so).

Flood Risk

On the basis of the Environment Agency (EA) flood risk map detailed on the Government website, the application site is wholly within Flood Zone 1, which is at the lowest risk of flooding.

It is also the case that the application site is predominantly at a very low risk of surface water flooding, although the southernmost existing pond on the site is at a high risk of surface water flooding with an associated low risk of surface water flooding around this pond. A further low risk surface water flood route exists within the south-western part of the site.

A flood risk assessment (FRA) has been submitted in support of the application and, notwithstanding the position in respect of fluvial and pluvial flood risk, the FRA concludes that the application site is unlikely to be at risk from tidal flooding, groundwater flooding or flooding from artificial sources (i.e. reservoirs and canals).

Paragraph 173 of the NPPF outlines that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding. Paragraph 174 of the NPPF subsequently outlines that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. It is, however, outlined at Paragraph 175 of the NPPF that the sequential test would not be applicable where a site specific FRA demonstrates that no built development within the site boundary would be located on an area that would be at risk of flooding from any source.

The 'Flood Risk and Coastal Change' section of the NPPG specifies, at Paragraph 023 (Reference ID: 7-023-20220825), that the aim of the sequential test is to ensure areas at little or no risk of flooding from any source are developed in preference to areas at higher risk and this therefore means avoiding, as far as possible, development in current and future medium and high flood risk areas. Paragraph 024 (Reference ID: 7-024-20220825) further states that reasonably available sites in medium to high flood risk areas should only be considered where it is demonstrated that it is not possible to locate development in low flood risk areas.

In this particular instance the associated infrastructure of the solar farm (i.e. proposed access, transformers and battery storage container) would be located in an area at very low risk of flooding from any source (surface water) with only the solar panels in the south-western part of the site being partially in an area of low risk of flooding from any source (surface water). No built development is proposed in the area of the site where there is a high risk of flooding from any source (surface water).

Flood Risk Conclusion

The development has been sequentially located to avoid areas at medium to high risk of flooding from any source and therefore is compliant with Policy Cc2 of the adopted Local Plan and Paragraphs 173, 174 and 175 of the NPPF.

Surface Water Drainage

Surface water would be discharged to an on-site watercourse with the incorporation of SuDS being achieved by the use of an interception swale at the eastern boundary of the site. The

scheme has also been amended to accommodate for climate change in line with the recommendations of the Lead Local Flood Authority (LLFA).

The LLFA has no objections to the application subject to the imposition of conditions to allow infiltration testing to be undertaken to demonstrate that infiltration is possible as part of the surface water drainage scheme, and that a precise surface water drainage scheme, the management of surface water during the construction phase and a scheme for the future management and maintenance of the surface water drainage scheme are secured.

Notwithstanding the comments of the LLFA, National Highways (NH) also required the applicant to demonstrate that the proposed development would not increase flood risk to the Strategic Road Network (SRN) given that the eastern side of the development appeared to drain towards the SRN rather than directly to the watercourse to the south of the site. Following the receipt of further information NH has confirmed that they are satisfied with the site's drainage proposals.

Surface Water Drainage Conclusion

Overall, and subject to the imposition of the recommended conditions of the LLFA on any permission granted, it is considered that the proposed development would not increase or exacerbate flood risk and as such would be compliant with Policies Cc2 and Cc3 of the adopted Local Plan, Policy LW&D11 of the pre-submission LW&DNP and Paragraphs 181 and 182 of the NPPF.

The incorporation of SuDS, and retention of the watercourses, also complies with the 'Design Codes: Flood Resilience (FL-RE)' of the 'Flood Resilience' category of the Long Whatton & Diseworth Design Code as referenced in Policy LW&D10 of the pre-submission LW&DNP.

Foul Drainage

No foul drainage would be connected with the proposed development, given that it relates to the provision of a solar farm, and on this basis there would be no conflict with Paragraph 198 of the NPPF.

Impact on Safeguarded Minerals

As part of their consultation response the County Council Minerals and Waste Planning Authority (LCCMWP) has outlined that the application site is within a Mineral Safeguarding Area (MSA) for sand and gravel.

On this basis the development would be subject to the requirements of Policy M11 of the Leicestershire Minerals and Waste Local Plan (LMWLP).

Policy M11 of the LMWLP lists five circumstances in which planning permission will be granted for development that is incompatible within a MSA and the two which would be applicable for this proposal would be:

- (iii) *the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is to be needed; or*
- (iv) *there is an overriding need for the incompatible development.*

The LCCMWP has determined that the lifespan of the development is 40 years before

decommissioning and full restoration and therefore would be compliant with criterion (iii) of Policy M11.

It is also considered that the Government have identified an urgent need for new electricity infrastructure to be provided and therefore renewable energy schemes should be brought forward as soon as possible. On this basis there would also be an overriding need for the incompatible development in line with criterion (iv) of Policy M11.

Overall, the LCCMWP has concluded that they have no objections to the application from a minerals perspective.

There are also no objections raised by the LCCMWP from a waste safeguarding perspective.

Impact on Safeguarded Minerals Conclusion

On the above basis the proposed development would be compliant with Policy M11 of the adopted LMWLP and Paragraph 225 of the NPPF.

Geotechnical

In their consultation response, National Highways (NH) outlined that whilst they considered that there would be no significant geotechnical concerns associated with the development, they requested confirmation of the minimum distance between the nearest photovoltaic (PV) structure and the crest of the A42 cutting as well as details of the perimeter fencing in the south-eastern corner of the site due to its proximity to the crest of the A42 cutting. Such details of the perimeter fencing were also required to include the off-set distance from the boundary, as well as a scaled cross-sectional drawing.

Following the receipt of further information, NH are content that there would no interface with their geotechnical assets along the eastern site boundary (A42 cutting) and have no objections to the application in this respect.

Energy Storage Fire Risk

The proposed development includes an energy storage (battery area). 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.

The NPPG, at Paragraph 034 (Reference ID: 5-034-20230814), within the '*Renewable and Low Carbon Energy*' guidance 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 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.”

Fire risk and safety associated with solar farms was examined in great detail in relation to the Cleve Hill Solar Park Development Consent Order (DCO) (ref: EN010085) which is of a significantly larger scale than that proposed as part of this application, and where battery storage was a substantial part of the scheme (whereas it is minor as part of these proposals).

The Secretary of State’s (SoS) conclusion on the above DCO was that the Examining Authority (ExA) *“took comfort from the legislation and guidance and the Battery Safety Management Plan which would be subject to consultation with relevant bodies and the ExA was, therefore confident that the risks could be managed and mitigated appropriately.”* On this basis the issue of battery safety is neither a new issue in relation to solar development, nor would it be a prescriptive issue since there are tested means of managing and mitigating the risks.

As part of the consideration of the application no representation has been received from Leicestershire Fire and Rescue Service.

Whilst it is considered that the above location would be a sufficient distance away from the nearest residential receptors, and would be suitably located to be served by a fire engine given its positioning in relation to the site access to the Donington Park Service Area (DPSA), in the absence of precise details a condition requiring the submission of a Battery Safety Management Plan (BSMP) would be imposed on any permission granted. This would then enable the BSMP to be appropriately considered by Leicestershire Fire and Rescue Service as part of a discharge of condition process.

Design

Policy D1 of the Local Plan requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal.

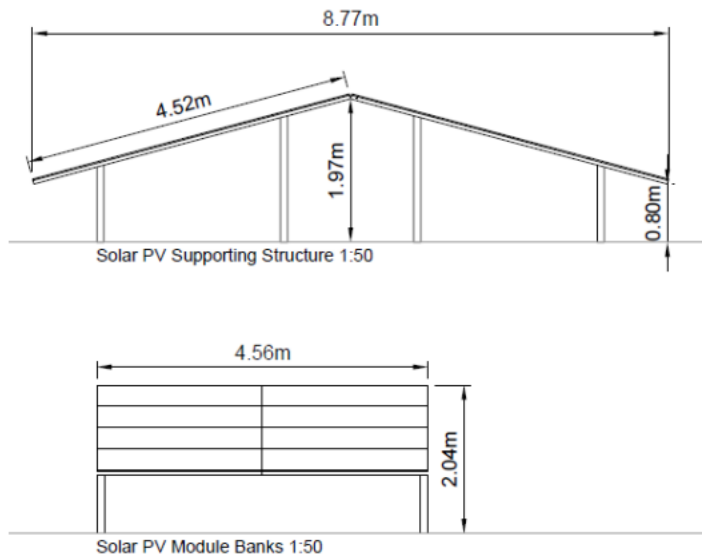
Policy LW&D10 of the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LW&DNP) outlines that development should reflect the Long Whatton and Diseworth Design Code (LW&DDC) and that development which is not well designed will not be supported.

The submitted documents outline that the development would comprise the following components:

Solar Panels

The solar panels would be configured in an east to west orientation in order to maximise the energy yield and would be mounted on ‘A’ frames with an overall length of 8.77 metres and an individual panel having a width of 4.56 metres. The apex of the ‘A’ frames would be 2.04 metres above ground level (AGL) with the lower edge being 0.8 metres above ground level. This is as shown in the image below.

Solar Panel Image



Whilst a south facing orientation for the solar panels was considered this would severely reduce the power output from the proposed 7.15MW to 4.3MW, principally due to the large rows required between the panels and therefore would not be suitable in meeting the power generation required at Donington Park Service Area (DPSA).

Access

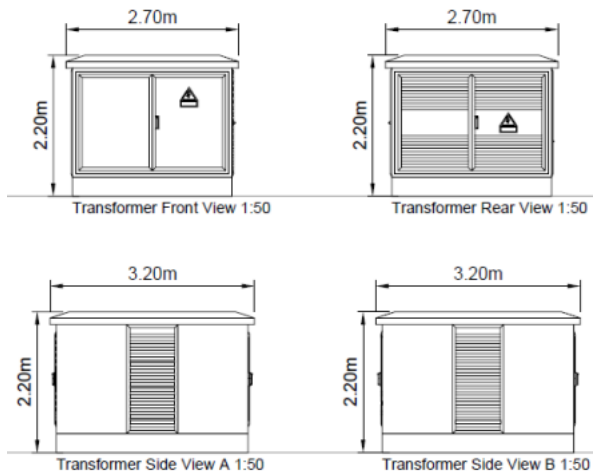
The existing access to DPSA would be utilised to reach the application site from the Strategic Road Network (SRN) with a new vehicular access formed within the northern boundary of the application site (i.e. to the immediate south of the main building on the site) to enable the construction, and subsequent maintenance, of the solar farm.

In addition maintenance paths would also be formed, along with an informal pedestrian footpath within the western part of the application site.

Transformers and Battery Storage Containers

Two transformers would be located within the northern part of the application site to serve the solar farm with each individual transformer having dimensions of 2.7 metres in width by 3.2 metres in length and an overall height of 2.20 metres. This is as shown in the image below.

Transformer Image



The transformers would be constructed from glass reinforced plastic (GRP) although no colour finish has been specified within the submitted documents and therefore this would be conditioned as part of any permission granted.

Two battery storage containers would also be located within the northern part of the application site with it being outlined that such battery storage containers would be the size of a standard shipping container (i.e. a height of around 2.6 metres). To ensure that the battery storage containers are of an appropriate design a condition would be imposed on any permission granted given the absence of any precise details.

Fencing and Security

The submitted plans identify that a perimeter fence would be constructed around the solar farm but no precise details have been provided in connection with the overall height of such fencing or its appearance. It is likely that such fencing would be between 2 to 2.5 metres in height given its fundamental purpose will be to secure the solar farm.

Given the landscaping infrastructure to the site boundaries, such fencing would only be readily visible to users of DPSA and therefore would have no wider impact on the visual amenities of the landscape. Notwithstanding this, a condition would be imposed on any permission granted to secure precise details of the fencing (and any gates) to be installed.

The application as submitted does not propose the need for closed circuit television (CCTV) cameras to be installed.

Colours and Materials

The proposed photovoltaic (PV) panels are designed to absorb the light, rather than reflect it, and with their dark colour finish they would appear recessive in the landscape. As is concluded above, conditions would be imposed on any permission granted to secure precise details and colour finishes to the battery storage containers and perimeter fencing along with the proposed colour finish to the transformers.

In approving such details it can be ensured that such materials of construction and colour finishes

are recessive to minimise the impact to the visual amenities of the landscape.

Cabling

All cables would be located underground.

Design Conclusion

Overall, it is considered that the approach to the design of the development would be consistent with that of a proposed solar farm and would be appropriate in ensuring there would be no adverse impacts to the visual amenities of the internal streetscape or wider rural environment. The retention and introduction of soft landscaping infrastructure would also screen the development in views from outside the DPSA.

On this basis the proposal would be compliant with Policy D1 of the adopted Local Plan and the Council's adopted Good Design SPD as well as Policy LW&D10 of the pre-submission LW&DNP. There is also no conflict with the intentions of the Diseworth Village Design Statement.

It is considered that the 'Design Codes: Architecture Style and Materials (AM)' of the 'Urban Structure and Built Form' category of the LW&DDC provides no guidance on solar farm development and as such is not relevant.

Other Matters

Assessment of objections in relation to other matters

Objection	Officer Response
<p>The layout of the development does not account for any proposed employment development on the Freeport site and the relevant height of such development impacting the solar panels.</p>	<p>It is considered that it would be for any application which comes forward on the Freeport site to demonstrate the impact which may be created to the proposed solar farm with the applicant in a position to make a representation to such an application should they consider that an adverse impact may arise.</p> <p>Whilst an outline application for employment development is currently under consideration on land to the north-west of the site, under application reference 24/00727/OUTM, such development is to the north of Hyams Lane and therefore would be a sufficient distance from the application site.</p>
<p>It is understood that the area of the application site was developed as a wildlife and recreation area as part of the original approval of the service area and secured via condition and/or a Section 106 agreement.</p>	<p>The planning permission granted under application reference 9800376/MP for the motorway service area was not subject to any conditions, or a Section 106 agreement, which required the application site to be developed as a wildlife and recreation area.</p> <p>Condition 7 of the permission required a landscaping scheme to be approved and implemented, with condition 8</p>

<p>When Donington Park Service Area was built there was a commitment to leave the application site as a haven for wildlife.</p> <p>Did the planning permission granted under application reference 9800376/MP seek to retain the cLWS by condition/legal agreement?</p>	<p>only requiring any failures of planting within such a landscaping scheme to be replaced within a five year period following the implementation of the landscaping scheme.</p>
<p>The supporting documentation does not refer to the settlement of Diseworth (instead focusing on Kegworth and Castle Donington) and includes references to service stations elsewhere in the country. Such documents should therefore not be considered acceptable for assessing the application.</p> <p>Diseworth is not mentioned in the Planning Statement as the nearest settlement to the development.</p> <p>The supporting documentation does not refer to the settlement of Diseworth and therefore cannot be considered acceptable for assessing the application.</p>	<p>During the course of the application an amended planning statement has been submitted which has accounted for the impacts of the development being primarily associated with the settlement of Diseworth.</p>
<p>The engagement with the public has been inadequate and any responses provided have either been ignored or downplayed.</p>	<p>The NPPF, at Paragraph 41, <i>encourages</i> applicants' to engage with a Local Planning Authority prior to the submission of a planning application with it also being <i>encouraged</i> that applicants engage with the local community.</p> <p>On this basis it is not <i>necessary</i> to engage with the public prior to submitting a planning application.</p> <p>The planning application is assessed against relevant policies of the adopted Local Plan and NPPF. The submitted statement of community involvement is primarily the means by which the applicant outlines how they have engaged with the community and how such engagement</p>

	has perhaps influenced their approach to the application submission.
<p>The application site provides an area with amenity value to both users of the service station and those residents who use the route through the site as part of the only traffic free circular walking route from Diseworth. The lack of pedestrian connectivity from Diseworth also prevents residents from using the services available.</p> <p>The development will result in the loss of a circular walking route from Diseworth through the Donington Park Service Area, mitigation should be provided so that a route is maintained.</p>	<p>The application site comprises private land associated with Donington Park Service Area (DPSA) and therefore whilst the public has been afforded the right to pass through the site this has always been at the discretion of the land owner.</p> <p>Notwithstanding this, as part of the proposed development it is intended that an informal public footpath would be maintained adjacent to the western site boundary and therefore pedestrian connectivity to the services available (along with a walking route) would be maintained.</p>

Overall Planning Balance, Contribution to Sustainable Development and Conclusions

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021) and the pre-submission Long Whatton & Diseworth Neighbourhood Plan (LWDNP) (2024). Whilst the application site is outside the defined Limits to Development in the adopted Local Plan, the proposed provision of renewable energy development is deemed acceptable under criterion (o). This would be subject to compliance with criteria (i) to (vi) of Policy S3 and for the reasons outlined above the proposed development is considered compliant with such criteria. On this basis the principle of the development is considered acceptable.

Policy Cc1 of the adopted Local Plan also supports the provision of renewable energy development subject to compliance with criteria (a) to (g). Whilst compliance with criteria (a) to (b) and (d) to (g) has been demonstrated, there would be conflict with criterion (c) given the significant harm to the candidate Local Wildlife Site (cLWS) and whereby the applicant has not demonstrated (to the satisfaction of the County Council Ecologist) that such harm would be mitigated against.

The significant harm arising to the cLWS also conflicts with criterion (d) of Part (2) of Policy En1 of the adopted Local Plan, as well as Policy LW&D6 of the pre-submission LW&DNP although the very limited weight to be afforded to this policy would not justify its inclusion in any refusal of the application.

In addition to the need to determine the application in accordance with the development plan, regard also needs to be had to other material consideration (and which would include the

requirements of other policies, such as those set out within the National Planning Policy Framework (NPPF) (2024)). In this respect it is noted that there is conflict with criterion (a) of Paragraph 193 of the NPPF, relating to the significant harm to a cLWS.

The harm arising in relation to such matters, whilst significant, would be outweighed by the overall benefits of the proposed development as outlined in the report above and below. Fire safety matters can also be met by condition.

The NPPF also contains a presumption in favour of sustainable development and when having regard to the three objectives of sustainable development, it is concluded as follows:

Economic Objective:

This objective seeks to ensure that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity, and that the provision of infrastructure is identified and coordinated. It is accepted that, as per most forms of development, the scheme would have some economic benefits including the benefits to the local economy during the construction and decommissioning stages of the proposed solar farm, as well as limited employment opportunities during the operational phase. The generation of energy from a renewable source to power the electric vehicle (EV) charging points at the Donington Park Service Area (DPSA) may also serve to reduce the tariff prices to consumers.

Social Objective:

The economic benefits associated with the proposed development would, by virtue of the social effects of the jobs created on those employed in association with the construction and operation of the development, also be expected to provide some social benefits. The NPPF identifies, in particular, in respect of the social objective, the need to foster a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities health, social and cultural wellbeing.

In terms of the social objective's stated aim of fostering a well-designed and safe environment, it is considered that the development would be designed and arranged in a manner which would not impact adversely on the visual amenities of the rural environment whilst also providing new landscaping habitats and biodiversity improvements around the existing ponds which would be retained even after the decommissioning of the solar farm. Whilst such landscaping habitats to be created would be balanced against those lost, it is considered that such landscaping mitigation would maintain the character of the landscape.

A reduction in carbon dioxide emissions (CO₂) as a result of the development would also support the communities health, with the maintenance of an informal pathway through the application site enabling residents access to the services available at the DPSA which would also contribute towards their health and social wellbeing.

Environmental Objective:

It is considered that solar farms are one of the cheapest forms of electricity generation worldwide and can be built quickly. This, coupled with constant reductions in the cost of materials and improvements in the efficiency of panels, means that solar is now viable in some cases to deploy subsidy free and at little or no extra cost to the consumer.

The UK Government has declared a climate emergency and set out a statutory target of achieving

net zero emissions by 2050, and this is a material consideration. Increasingly, the need for a move away from fossil fuels and towards renewable sources of energy production is supported for reasons of energy security and reduced greenhouse gas emissions. This position only continues to be strengthened by government publications and guidance.

It is also the case that NWLDC declared a climate emergency in June 2019 committing to a target of the District being carbon neutral by 2050. The proposal would make a favourable contribution to this target.

The ability of the scheme to offer 7.15 megawatts (MW) of power generation resulting in emission savings of 1,325 tonnes of CO₂ annually or 53,000 tonnes of CO₂ over the operational lifetime of the solar farm weigh very heavily in favour of the development. The benefits of renewable energy also raise substantial benefits in favour of the development.

Such benefits are recognised in Policies of the adopted Local Plan and the NPPF 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 maximise the potential for suitable renewable development, that the delivery of suitable renewable energy products is fundamental to facilitate the country's transition to a low carbon future in a changing climate.

The solar farm could also not be located elsewhere given that its primary purpose is to supply renewable energy to the EV charging points at the DPSA, with alternatives for the location of the solar farm (including upon structures over the car park) also being discounted for the reasons as discussed within the report above. On this basis the applicant has demonstrated that a rational approach was taken to site selection lending support for the selected site.

It is also considered that the site is generally well chosen given that the visual impact would be low (when mitigated by proposed conditions) and that no harm would arise to the significance of the setting of any heritage assets. Nor would the proposal result in the loss of Best and Most Versatile (BMV) agricultural land, albeit such land is not readily used for agricultural purposes given that it lies within the boundaries of the DPSA.

Whilst acknowledging the above, and as set out in the report above, the development of the site would result in significant harm to the part of the cLWS within the boundary of the application site and whereby the applicant has not suitably demonstrated that such significant harm could be mitigated against. On this basis there would be conflict with criterion (d) of Part (2) of Policy En1 and criterion (c) of Policy Cc1 of the adopted Local Plan, as well as criterion (a) of Paragraph 193 of the NPPF. Although the scheme would include a number of benefits in terms of habitats (including improved landscaping infrastructure; the improvement of biodiversity around the retained ponds; the delivery of bat and bird boxes, deadwood hibernacula and a (potential) bee apiary; and the bringing into long-term management of the part of the cLWS outside of the application site), the loss of the majority of the cLWS would be a material consideration weighing against the proposal in terms of the environmental objective. Whilst the impacts to the cLWS have not been adequately demonstrated by the applicant to be mitigated against, the other mitigation measures (as indicated above) as part of the proposed development would seek to off-set this conflict.

Having regard to the three objectives of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues set out within this report, it is accepted that the contribution to economic growth associated with the proposed development, coupled with the support to the health and social wellbeing of residents, would ensure that the scheme would

sit well in terms of the economic and social objectives. Insofar as the environmental objective is concerned, it is considered that whilst the proposed development would impact adversely on the majority of the cLWS, the impacts in this respect would be significantly outweighed by the substantial benefit associated with the delivery of a renewable energy scheme. Therefore the proposal would represent sustainable development overall.

It is therefore concluded that, notwithstanding conflict with criterion (d) of Part (2) of Policy En1 and criterion (c) of Policy Cc1 of the adopted Local Plan, as well as criterion (a) of Paragraph 193 of the NPPF, the proposed development would comply with the provisions of the development plan as a whole, and would benefit from the presumption in favour of sustainable development. Overall, there are no material consideration which indicate the determination of this application other than in accordance with the development plan. Approval is therefore recommended.