

The development of a new solar farm of up to 5MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including electrical inverter and transformer cabins, switchgear and meter house, access tracks, fencing, CCTV, landscape planting and grid connection.

Report Item No
A3

Land To The East Side B4116 Ashby De La Zouch And North Of Measham Road Packington Leicestershire

Application Reference
15/00499/FULM

Applicant:
Solstice Renewables Ltd

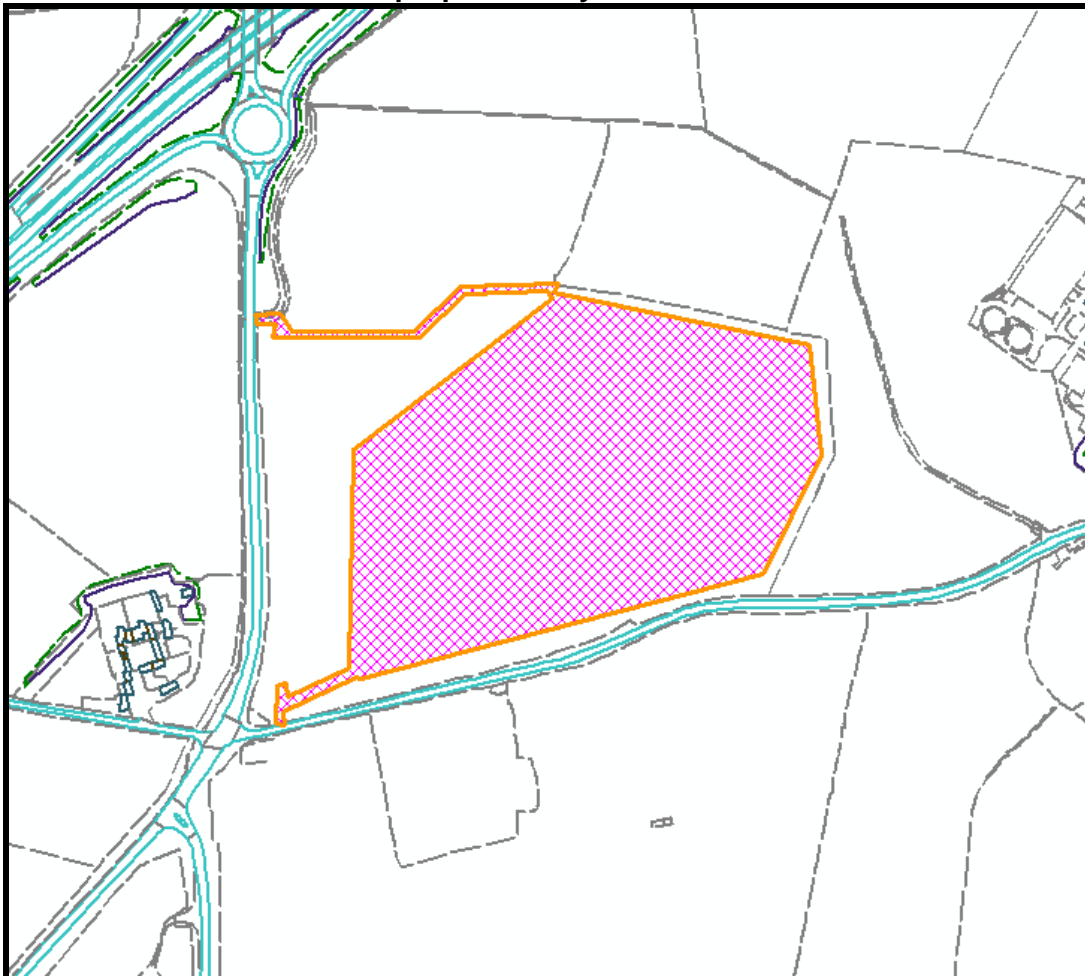
Date Registered
26 May 2015

Case Officer:
Jenny Davies

Target Decision Date
25 August 2015

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Proposal

The application is reported to the Planning Committee, as it is an application of public interest and raises matters which should be referred to the Planning Committee for consideration.

Planning permission is sought for the development of a new solar farm of up to 5MW generating capacity on land to the east of the B4116, Ashby de la Zouch and to the north of Measham Road, Packington. The site is 11.08 hectares in size and comprises the eastern and central parts of one field which is currently used for arable farming. The proposal relates to a commercially operated solar farm. An application has also been submitted concurrently for the development of a community-owned solar farm of up to 1MW generating capacity (15/00500/FULM) on the western part of the field. A separate Committee report has been prepared in respect of that application.

Consultations

Members will see from the main report below that 23 letters of objection and 34 letters of support have been received. Packington Parish Council and the National Forest Company raise concerns in respect of the application. No other objections have been received from statutory consultees.

Planning Policy

The proposed development would form a renewable energy development in the countryside, but would also represent farm diversification of an existing agricultural operation and would, therefore, be in accordance with the requirements of Countryside Policy S3 of the Adopted Local Plan. Technical reports to address agricultural land classification, heritage assets, landscape and visual impact, highway safety, flood risk and ecological matters have been submitted as part of the application and assessment of these in relation to national and development plan policies is set out in detail in the main report.

Conclusion

There is specific planning policy support for renewable energy projects at both national and local level. In the circumstances that the proposal would accord with the aims of Policy S3 of the Local Plan and as the NPPF does not explicitly prevent renewable energy proposals from being located within the countryside, it is considered that the principle of the development would be acceptable. It is, however, considered that the positive benefits of renewable energy of the proposed development must be carefully balanced against the potential harmful impacts.

The proposal is not considered to give rise to any significant adverse impacts in respect of trees/hedgerows, residential amenities, archaeology, drainage and flood risk, protected species and ecological features and highway safety. On balance it is considered that a reason for refusal based on lack of assessment of alternative sites and the loss or impact on BMV agricultural land could not be justified in this case. It is also on balance considered that a reason for refusal relating to significant detrimental impact on the character of the area, its visual amenities and the overall experience of the immediate landscape, wider countryside and National Forest could not be justified in this case. The less than substantial harm to heritage assets has been balanced against public benefits of energy generation, farm diversification and provision of biodiversity enhancements. It can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

The proposed development would, overall, therefore be considered to constitute sustainable development as defined in the NPPF and, as such, benefits from a presumption in favour of such development as set out in that document. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION:- PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is a full application for the development of a new solar farm of up to 5MW generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including electrical inverter and transformer cabins, switchgear and meter house, access tracks, fencing, CCTV, landscape planting and grid connection on land to the east of the B4116, Ashby de la Zouch and to the north of Measham Road, Packington. The site is 11.08 hectares in size and comprises the eastern and central parts of one field which is currently used for arable farming. Permission is sought for a 25 year time period and the scheme would be a commercial operation.

An application has also been submitted concurrently for the development of a community-owned solar farm of up to 1MW generating capacity (15/00500/FULM) on the western part of the field. A separate Committee report has been prepared in respect of that application. The overall site area for both applications is approximately 13.2 hectares.

The scheme seeks consent for the erection of 19,228 solar panel modules. The associated infrastructure relates to two transformer sub-stations, a Distribution Network (DNO) substation (shared with the 1MW scheme), a customer switchgear building, a storage container, a wind sensor pole and a satellite pole. Cables would either be attached to the rear of the panels or buried underground. The point of connection to the grid would be via existing overhead power lines which cross the site and which would be redirected. The scheme also proposes two metre high deer proof fencing around the perimeter of the site, and 17 CCTV cameras (five of which would be shared with the 1MW scheme) at approximately 2.5 metres high to be installed alongside the fencing. No external lighting is proposed during the operational phase of the development although some could be erected during construction under permitted development rights.

Access to the site for construction purposes would be via a temporary track running from an existing access (which would be widened) off the B4116 through the western part of the field (to the north of the 1MW solar farm). This track would run through a temporary construction compound which would be sited on the north western part of the field and both would be removed following construction of the solar farm. An access track with turning spaces, approximately 412 metres in length, would run from an existing access at the western end of Measham Road into the centre of the site to the transformer substations, which would be for used for maintenance and monitoring visits only. Both accesses would also be used to serve the 1MW solar farm.

The development would consist of rows of solar panels which are aligned east to west so the panels would face south, with the panels being dark blue in colour and having a non-reflective coating. The front of each panel would be approximately 0.8 metres above ground level and the back of each array being a maximum of 2.7 metres above ground level, giving a tilt angle of 22 degrees. The panels would be mounted on metal supporting frames and pile driven into the ground. Land levels generally rise across the site from the south by 8-16 metres.

Existing hedgerows and trees would be retained save for the removal of approximately 10 metres of hedgerow at the north western boundary to widen the construction access. The landscaping scheme proposes new hedgerows and trees and an area of dense native shrub planting. The grassland under and around the panels would be grazed by sheep for some months of the year and planted with species rich grassland, with rough grassland maintained

around the edge of the site. A swale for surface water drainage is proposed close to the eastern boundary of the field.

The site is bounded by Measham Road to the south with open fields and woodland beyond, land associated with Severn Trent Water's Treatment Works to the east, the site of the 1MW solar farm to the west with the B4116, open fields and residential properties at Park Farm beyond and open fields to the north with the A42 beyond.

The site is located approximately 690 metres south east of Packington, 1.5km south of Ashby de la Zouch and 1.48km to the north east of Measham. The nearest listed buildings are located at Park Farmhouse on Willesley Wood Side to the west of the site on the opposite side of the B4116 which are Grade 2 listed. Other nearby Grade 2 listed buildings include Field Farmhouse on Ashby Road, Measham, the Church of St Thomas at Willesley and several buildings at Packington both within and outside the Conservation Area, including the Church of the Holy Rood which is Grade 2* listed.

Public footpath O68 runs from Packington to junction 12 of the A42 and passes through the fields to the north of the site, and footpath O66 runs through fields and woodland to the south of the site. The site lies within the catchment area of the River Mease Special Area of Conservation.

The application submission was accompanied by the following supporting documents; Design and Access Statement, Flood Risk Assessment, Construction Traffic Management Plan, Tree Survey, Landscape and Visual Appraisal, Ecological Assessment, Heritage Assessment and Geophysical Survey, Agricultural Assessment, Landscape and Ecological Management Plan, Statement of Community Involvement and a and a Phase 1 Environmental and Mining Report.

The proposal has been assessed in respect of the Environmental Impact Assessment (EIA) Regulations 2011. Whilst the proposal is classed as development under paragraph 3(a) of Schedule 2 to the Regulations it has been concluded that this proposal does not constitute EIA development under the 2011 Regulations as its impacts are considered to not be significant and can be considered as part of the planning application.

2. Publicity

55 No neighbours have been notified. (Date of last notification 7 August 2015)

Site Notice displayed 10 July 2015

Press Notice published 17 June 2015

3. Consultations

Ashby De La Zouch Town Council consulted

LCC ecology consulted 28 July 2015

Ashby de la Zouch Town Council consulted 18 June 2015

Measham Parish Council consulted 18 June 2015

Packington Parish Council Victoria Roe consulted 18 June 2015

County Highway Authority consulted 17 June 2015

Environment Agency consulted 17 June 2015

Severn Trent Water Limited consulted 17 June 2015

Head of Environmental Protection consulted 17 June 2015

Natural England consulted 17 June 2015

NWLDC Tree Officer consulted 17 June 2015

County Archaeologist consulted 17 June 2015
Airport Safeguarding consulted 17 June 2015
NWLDC Conservation Officer consulted 17 June 2015
National Forest Company consulted 17 June 2015
English Heritage- major dev in CA consulted 17 June 2015
County Planning Authority consulted 17 June 2015
Development Plans consulted 17 June 2015
LCC Flood Management consulted 17 June 2015
Highways Agency- affecting trunk road consulted 17 June 2015
Ramblers' Association consulted 17 June 2015

4. Summary of Representations Received Statutory Consultees

Packington Parish Council wish to make the following observations:

1. Councillors are of the opinion that the land is Grade 2 and is perfectly good agricultural land currently. Councillors are sure that there was a directive from Government which states that Solar Farms should be erected on land that is of a lesser grade and are surprised that this has not been picked up on.
2. Councillors are concerned about the visual impact of the Solar Farm when coming into Packington village. Also, during summer months the hedge alongside the field will provide some screening however in the winter, this will not be the case.
3. There is the potential for a cycle track around the edge of the field. Creating a cycle track would mean that cyclists could link up with the National Cycle Way. As a Parish Council we would like to see the village linked by a cycle track to the Hicks Lodge Centre near Willesley and hence to the other cycle tracks. At present this is possible by leaving Packington on the Measham Road up to the junction with the B 4116 (5 lane ends) and then straight across, over the A 42, past Willesley and on to Hicks Lodge. However, the Measham Road is busy, twists and turns and is potentially dangerous for cyclists. We have been considering the possibility of having a footpath/cycle track running alongside the Measham Road as far as Normandy Wood and with the proposed Solar Farm it was thought this could be extended on the other side of the road as far as the B 4116.
4. Another issue which was raised was the very tight turn into Measham Road for traffic coming from the direction of Ashby and going to Packington. After the A 42 was opened traffic from the South West/Birmingham direction for Packington comes in this way rather than travelling through Measham. There is a large tree on the corner but the question was asked as to whether a "slip road" could be built to the north of this tree making access much easier and safer.

Ashby de la Zouch Town Council supports the application.

Environment Agency advises that the proposal is outside the scope of matters on which it is a statutory consultee.

The Lead Local Flood Authority has no concerns regarding surface water discharge.

Severn Trent Water has no objection.

Natural England has no objections.

County Ecologist has no objections subject to conditions.

The Council's Environmental Protection team has no environmental observations.

National Forest Company advises that the proposal has the potential to have a detrimental visual impact on the area, requests that biodiversity enhancements are secured by condition and seeks additional planting along the site's southern boundary.

County Highway Authority is of the view that the residual cumulative impacts of the development can be mitigated against and are not considered to be severe.

Highways England has no objection.

The Ramblers Association has no comments to make.

Historic England sets out the heritage and landscape issues that should be considered in respect of this type of application, advises that the Authority will need to consider whether the assessment provided is sufficiently far-reaching and thorough in its analysis of the impact on the setting of heritage assets and recommends the application is determined in line with national and local policy and with the benefit of the Authority's specialist conservation and archaeological advisors.

The County Archaeologist considers that the proposal does not present a significant archaeological impact to known or potential archaeological remains.

No comments have been received from Measham Parish Council, East Midlands Airport and the County Planning Authority by the date of this report. Any comments subsequently received will be reported on the Update Sheet.

Third Party Representations:

23 letters of objection have been received which raise the following concerns:

23 letters of objection have been received which raise the following concerns:

- not screened and would be readily visible from the adjacent dwellings, roads, from Packington, from Normandy Wood and from nearby public rights of way;
- site is in a very prominent position and land levels rise towards its centre;
- site is an integral part of the rural scene;
- visual amenities of the area would be spoiled;
- additional encroachment on the countryside;
- approach to Packington is already blighted by the treatment works and does not deserve to have a further blot on the landscape;
- impact on nearby Normandy Wood which has elevated views of the site;
- vegetation will not provide adequate screening during the winter months;
- lack of landscaping on the northern boundary;
- measures will need to be enforced rigorously to screen the solar farm;
- unwelcome view to the Ashby gateway to the National Forest;
- danger of blighting the National Forest which has made the area more popular for tourists;
- the area has changed and re-established itself with National Forest planting;
- will stand out more than the coal mines and clay pits which have recently been removed;

- solar farm at Shellbrook is regarded as diabolical by the public and impact from these proposals will be much worse with roads on three sides;
- cumulative visual impact from the number of solar farms in close proximity to one another;
- impact on nearby listed buildings at Park Farmhouse;
- possible impact on views of the Church of the Holy Rood in Packington and on the Conservation Area;
- noise and radiation from generators and other equipment;
- sensitivity to machinery that generates electromagnetic fields;
- impact on enjoyment of dwellings;
- lack of screening from nearby dwellings;
- detrimental impact on protected species and other animals including bats, buzzards, badgers and their setts;
- badgers use the site for foraging;
- other solar farms have a gap of around 45 cm underneath fencing to allow badgers access to the site;
- proximity of the Measham Road access to a dangerous road junction;
- the junction of Measham Road/B4116 has been under review due to the number of accidents and volume of traffic which will now be exacerbated;
- distraction to motorists;
- site access will be opposite existing access serving land used for storage of farm goods which will create an extra hazard at a very busy junction;
- substandard visibility at the Measham Road access;
- impact on surface water drainage outlet from Park Farm which runs into a ditch on the site;
- government guidelines are against using productive fields for solar farms and recommends they are sited on existing buildings, housing and industrial sites;
- site should be used for efficient production of crops rather than inefficient production of electricity;
- demand for crops will have to be met by importation which will incur carbon dioxide emissions;
- loss of good quality agricultural land;
- land has always been used for crop rotation or grazing horses and no business reason for the proposal;
- loss of farming jobs;
- proximity to the other solar farm in Packington;
- Packington has had its fair share of renewable energy schemes;
- enough solar farms have been provided within the District and the area is over-saturated;
- what is the Council's required uptake for solar farms?;
- government subsidies for solar farms over 5MW capacity have been stopped;
- the government has put a block on any further applications for schemes above 5MW as they are a blight on the countryside;
- two applications have been submitted to overcome the end of these subsidies which goes against the spirit of the regulations;
- it now seems that government subsidies and tariffs for solar farms below 5MW are being changed which will affect community owned projects the most;
- need for a viability study due to reduced tariffs and similar schemes elsewhere going into liquidation to avoid a redundant solar farm in the future;
- output figures produced by the applicant are grossly overstated;
- financial support to Thringstone Community Centre should not be allowed as it is not near the solar farm and is not of any benefit to residents close to the site;
- the solar farm should be sited at Thringstone if that village wishes to benefit;
- other cash benefits to school and parish beneficiaries should also not be taken into account;
- if contributions are to be made to local communities then these should be given to Packington Parish Council and Packington Primary School as it is the nearest settlement and would be the

most affected;

- is the community-owned solar farm a requirement of the Council?;
- local electricity grid does not have any capacity;
- HS2 should be consulted on the application as the site lies within its buffer zone;
- route of HS2 has not yet been finalised and therefore a decision should not be made on the application until its route has been decided;
- impact on route and construction of HS2;
- HS2 causing blight to properties at Park Farm and additional blight will be caused by the proposal;
- some information within the application submission is inaccurate;
- poor public consultation process carried out by the applicant before submission of the application;
- insufficient number of site notices posted;
- impact on property prices.

34 letters of support including one from Leicestershire and Rutland Community Council (31 of which are identical letters) have been received which make the following comments:

- the application clearly adheres to government planning policy for solar farms;
- the proposals would be one of the first commercial/community 'split-ownership' renewable energy projects in the UK and are therefore also in accordance with other government strategies/frameworks;
- local people will have the opportunity to benefit directly from the solar farms by buying shares in the community solar farm and participate in educational activities offered by the applicant;
- substantial benefits will accrue to Thringstone House Community Centre;
- the proposal will make an important contribution to local and national renewable energy targets;
- land will stay in agricultural use with sheep grazing around the panels;
- additional extensive improvements to biodiversity and wildlife habitats are proposed;
- site will be well screened from the surrounding area due to existing hedgerows and will have minimal visual impact;
- land can be completely restored after the 25 temporary period;
- the community solar farm would be community owned which will directly benefit the Thringstone Trust with the creation of a community fund;
- the proposals would generate enough electricity to power the equivalent of 1,800 average homes;
- allowing the community to invest in the solar farm will provide economic, social and environmental benefits;

All responses from statutory consultees and third parties are available for Members to view on the planning file.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

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

Paragraph 14 (Presumption in favour of sustainable development)
Paragraph 17 (Core planning principles)
Paragraph 32 (Promoting sustainable transport)
Paragraphs 57 and 61 (Requiring good design)
Paragraphs 97, 98, 99 and 100 (Meeting the challenge of climate change, flooding and coastal change)
Paragraphs 112, 118, 119 and 123 (Conserving and enhancing the natural environment)
Paragraph 131, 132, 134, 135 and 139 (Conserving and enhancing the historic environment)
Paragraphs 188 and 189 (Pre-application engagement and front loading)

North West Leicestershire Local Plan:

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The application site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 - Overall Strategy
Policy S3 - Countryside
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E6 - Comprehensive Development
Policy E7 - Landscaping
Policy F1 - National Forest - General Policy
Policy F2 - Tree Planting
Policy F3 - Landscaping & Planting
Policy T3 - Highway Standards
Policy T8 - Parking

Other Guidance

National Planning Practice Guidance - March 2014
The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations')
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)
River Mease Water Quality Management Plan - August 2011
6Cs Design Guide (Leicestershire County Council)

6. Assessment

The main considerations in respect of this application are the principle of development and impact upon the environmental value of the land, the character and visual amenities of the landscape including cumulative impact, trees and landscaping, the historic environment, archaeology, residential amenities, drainage and flood risk, River Mease SAC/SSSI, protected species and highway safety.

Principle of Development

The application site is located outside the limits to development where permission for new development would not normally be granted unless it is for certain uses as set out under Policy S3 of the Local Plan. The proposal represents a diversification opportunity for an existing

arable agricultural operation. As such, the proposal can be considered to be a farm diversification scheme and would fall within category (b) of Policy S3.

The overarching principle of the NPPF is to protect the countryside, but to allow sustainable development where appropriate. The NPPF states that there are three dimensions to sustainable development: - economic; social; and environmental. There is support and encouragement for sustainable development and the sensitive exploitation of renewable energy sources within the NPPF.

Paragraph 97 of the NPPF outlines that Local Planning Authorities should "recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources" in order to help increase the use and supply of renewable energy, and one of the core planning principles at Paragraph 17 of the NPPF is that decisions should "support the transition to a low carbon future and encourage the use of renewable resources (for example by the development of renewable energy)."

At Paragraph 98 it also states that applicants should not be required to demonstrate the overall need for renewable energy and that planning applications should be approved if their impacts are or can be made acceptable. Notwithstanding Paragraph 98, since the introduction of the Planning Practice Guidance, this now confirms that the Authority would need to consider the energy generating potential. The solar farm is estimated to generate 5 megawatts of renewable energy and in conjunction with the 1MW scheme, would power approximately 1,800 homes.

In the circumstances that the NPPF supports proposals which provide energy from renewable energy, as well as support from Policy S3 for renewable energy projects in the countryside, it is considered that the overall principle of the solar farm would be acceptable.

In summary, there is specific planning policy support for the development of renewable energy projects both at national and local level, and it is considered that the proposed installation of the solar farm would provide a valuable contribution to the overall output of renewable energy within the area and thus will be consistent with the intentions of national and local planning policy. Accordingly whilst there is no in-principle objection to the proposal, this must be carefully balanced against all other planning matters being adequately addressed.

Environmental Value of the Land

The Planning Practice Guidance states that the Authority will need to consider encouraging the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value, and where a proposal involves greenfield land, whether:

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

The Written Ministerial Statement made on 25 March 2015 (which is referenced in the Planning Practice Guidance) states '*...where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality...we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence...*'

In addition, paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poor quality land should be used in

preference to that of a higher quality.

In a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013, he said:- "Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation".

The application has been accompanied by an Agricultural Assessment which has found that (across the whole of both application sites) 35% of the land is classified as Grade 2 and 65% is classified as Grade 3a, with none classified as Grade 1 or Grades 3b, 4 and 5. This shows that the whole of the site is agricultural land which is of the highest quality (i.e. Best and Most Versatile land (BMV)).

Letters from the agent state that the Government defines large scale solar farms as those being 5MW or more and as this proposal would generate no more than 5MW it can be considered to be small-scale. The reference in the Planning Practice Guidance is to *'the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms'* and this is also reflected within the Ministerial Statement which also refers to large scale solar farms. Therefore it appears that the issues set out for consideration in these two documents relate to solar farms over 5MW. Whilst with the 1MW scheme they would generate a total of 6MW, each scheme has its own separate equipment and substations, are separated from each other by fencing and the agent advises are in separate legal ownerships and could therefore operate separately from each other. Furthermore they were submitted as separate planning applications.

However the NPPF and the speech by Gregory Barker MP do not make explicit reference to large scale solar farms and so consideration of the impact on BMV is still required. The magnitude of change in the loss of BMV can also be considered. A large magnitude of change would result from schemes over 50ha on BMV agricultural land, a medium change for schemes between 20ha and 50ha, a small change for schemes less than 20ha and negligible change where a less than 1ha of agricultural land would be affected. The application site on its own is approximately 11.08 hectares and combined with the 1MW scheme is around 13.5 hectares, therefore meaning that the magnitude of change would be small. In addition Grade 3a ALC (which covers the majority of the site) can be considered to be of medium value (where Grade 1 is highest value and Grade 5 is the lowest). The application also indicates that the Grade 3a land is limited by seasonal waterlogging and as the Grade 2 land is surrounded by Grade 3a land, it cannot be used separately and is therefore not farmed to its fullest potential.

The land forms part of a farming business operated by the landowner which extends to approximately 850 hectares, with the majority in arable use and some sheep grazing. In this case, the fields are currently in arable use and are not used for grazing. However, the submitted details confirm that the solar farms will allow for continued agricultural use as it would be re-seeded with species rich grassland which will be available for periodic sheep grazing during the autumn and winter.

Guidance published in 2014 by the Building Research Establishment (BRE) notes that where panels are mounted above the ground using posts, over 95% of the land would still be accessible for plant growth and complementary agricultural activities.

There will be a loss of potential agricultural production across the site, i.e. during construction and whilst the grassland establishes, and once operational the type of agricultural use would change, as it appears this land has consistently been in arable use rather than for grazing, and

there is no guarantee that the land would be used for grazing. However the proposal is unlikely to lead to an irreversible long term loss of BMV, due to the means of fixing the panels to the ground, which would result in minimal soil disturbance and would mean that the arrays could be removed without permanent loss of agricultural land quality. Those parts of the proposal that could permanently affect BMV, e.g. the substations, would be limited to small areas. In any case these more permanent structures would be removed during decommissioning and land could then be returned to agricultural use. The proposal would be temporary for a maximum of 25 years so the agricultural land would not be permanently lost since the scheme would be reversible.

Furthermore the scheme encourages biodiversity improvements with species rich grassland being provided across the site with wider areas of rough grassland around the site's edges under a separate management scheme to encourage diversity. Additional hedgerow planting is proposed, along with the retention of existing trees, the filling of hedgerow gaps, provision of an area of dense scrub and native trees alongside the whole of the site's southern boundary, provision of bird boxes and a swale. The County Ecologist advises that the proposal would allow for the creation and management of species-rich grassland which will be of greater biodiversity value than the site's current arable use and this conforms to advice within the Planning Practice Guidance.

An assessment of potential alternative sites and use of poorer quality agricultural land and/or existing developments has not been submitted as the agent considers that such an assessment is not required in respect of small scale solar farms. Such assessments have accompanied other nearby solar farm applications in the District, including at Normanton le Heath, Shellbrook and Burton Road, Ashby de la Zouch, which would have similar search areas to the application sites, with the Burton Road scheme also being a small scale project. These assessments have all considered that the use of lower grade agricultural land, previously developed land and the roofs of existing buildings in the area would not be suitable or feasible alternatives for solar farms in this part of the District.

In conclusion, whether or not the grazing of sheep takes place in this case (as this cannot be guaranteed and no mechanism exists to ensure that it would), it is considered that, as the proposal would not result in a permanent loss of BMV agricultural land, that biodiversity enhancements would be provided and that other assessments have not found suitable or feasible alternative sites, a reason for refusal based on lack of assessment of alternative sites and the loss or impact on BMV agricultural land could not be justified in this case.

Impact upon the Visual Landscape

As discussed earlier in this report the application site in policy terms lies outside the limits to development, and is therefore within an area designated as countryside.

Paragraph 17 of the NPPF states that planning should recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it, and paragraph 109 states that the planning system should protect and enhance valued landscapes. Paragraph 97 of the NPPF supports this, stating that cumulative landscape and visual impacts of renewable energy sources should be addressed. Paragraph 98 of the NPPF also states that when determining wind turbine planning applications, local planning authorities should "approve the application if its impacts are (or can be made) acceptable."

This section of the report considers the impact of both the 5MW solar farm in its own right and alongside the smaller 1MW scheme. For clarity, Landscape Impacts and Visual Impacts will be considered separately below.

Landscape Impacts

Landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape and are concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.

The site lies within Natural England's Landscape Character Area of the Leicestershire and South Derbyshire Coalfield (National Character Area (NCA) 71) and some of its key characteristics include mixed and arable pasture, gently undulating landform of shallow valleys and ridges and localised areas of small fields and dense hedgerows. NCA71 provides the overriding landscape features and characteristics of the site within a wider landscape context and a more localised assessment of character can be found within the County Landscape Character Assessment undertaken by Leicestershire County Council in 2001 and the National Forest Strategy 2004-2014.

The site would lie within 'The Coalfield' Character Area identified in the County Landscape Character Assessment. The Coalfield is distinguished by a denser settlement pattern than almost any other part of Leicestershire. Whilst it is recognised that there is a distinctive landscape character found to the very north east of 'The Coalfield' area towards Coleorton, most of the area is characterised by a gently undulating landform. The area is characterised as having relatively dense settlement patterns, mixed farmland with low woodland cover and effects of past and present coal and clay working.

The site itself is open, gently sloping in a partly elevated location and arable in nature and is bounded by largely strong hedgerow boundaries and sits in a gently undulating landscape. Some areas of woodland planting are located close to the site, at Park Farmhouse, Brickyard Plantation and Normandy Woodland. It is also considered that the lack of any statutory landscape designations on or around the site is significant in assessing the level of harm arising from the proposal. However it is noted that the site lies within the National Forest with public rights of way lying to the north and south of the site.

As such, although it is acknowledged that the land in question is currently undeveloped and there would be some major/moderate impacts on the landscape character of the site and its immediate environs, this is not considered to be significant or permanent and the landscape could accommodate the solar farm on its own and alongside the 1MW scheme without its overall character being significantly harmed.

Visual Impacts

Visual Impacts concern the degree to which the solar farm would become a feature in particular views and the impact this has upon the people experiencing those views. The application has been accompanied by a Landscape and Visual Appraisal including a visual envelope which illustrates the extent to which the site is potentially visible and a preliminary zone of visual influence (ZVI) which defines the area within which the proposal may have an influence or effect on visual amenity.

The visual envelope and ZVI identify that the site would be visible from the public rights of way to the north and south of the site, and from parts of the A42 and Normandy Woodland in the immediate vicinity of the site. They also identify that the site could be visible from areas beyond the immediate site area; predominantly from the east and south east in the area of countryside located to the south of Packington towards Normanton le Heath and also from areas to the north east of Packington. It is also considered that longer views would be available from areas close to Swepstone. There are unlikely to be medium to longer views from the north, west and south

due to topography and screening from vegetation and existing development. The National Forest and the Council's Tree Officer have concerns regarding the detrimental visual impact on the local area.

The site forms a large part of one open field. Although a new field pattern would be introduced due to the northern part of the field remaining in agricultural use and the western part forming the 1MW scheme, the resulting parcels of land would be similar in scale to other nearby fields. Existing boundary hedgerows and trees would remain, save for the removal of approximately 10 metres at the north western boundary. A new hedgerow is proposed along the north western boundary with another hedgerow, tree planting and dense shrub planting close to the southern boundary.

The development is considered to be low level in height, in comparison to some of the existing hedgerow boundaries and existing nearby established woodland areas. New planting would address gaps in existing hedgerows and where landscaping does not exist and would strengthen planting and provide additional screening to the southern part of the site and at its south western corner. It is also proposed that hedgerows would be managed to maintain a height of three metres. Overall it is considered that the topography of the land, combined with the existing and proposed planting, would provide some natural screening to large parts of the site.

The associated infrastructure would be small in scale and seen alongside the panels other than one substation located in the south western corner. Although fencing is proposed around the site perimeter its design would give it a lightweight appearance and the proposed colour of this equipment and the perimeter fencing (Moss Green) would be akin to the agricultural setting and assimilate into the countryside. The CCTV cameras would be half a metre taller than the fencing and in part would be shared between the two sites. The temporary construction compound and access route would in place for the duration of construction and would then be removed and the land reinstated. As such these ancillary elements of the proposal would not in themselves be harmful to the visual amenities of the locality.

The Landscape and Visual Appraisal uses seven viewpoints from the public right of way and road network to provide a representation of the landscape and visual impact. Taking into account the Appraisal and photomontages, viewpoints assessed during the site visits, the topography of the land and screening from vegetation, it is considered that the public footpath to the north of the site, Measham Road, the B4116 and their junction are the most sensitive visual receptors and the solar farm would have its greatest visual impact when viewed from these locations. It is considered that views from Park Farm would be limited due to the adjacent area of dense hedgerow and woodland which would provide a screen even during the winter months and that there would be no views from Gallows Lane or Ashby Road to the south due to topography and vegetation.

From the public footpath the view of the site would be of the rear of the panels and it would largely be seen in a wide panorama of the landscape, which includes the treatment works in the foreground and the A42 as the backdrop. In views from Measham Road, the greatest impact is likely to be at its western end although the existing and additional planting close to the site's southern boundary would provide a screen along with the panels being set back between 30-40 metres. In addition this road is predominantly used by vehicles rather than pedestrians due to the 60mph speed limit and lack of footways, who would be positioned at a lower level than from which the photomontage was taken.

Views from the B4116 would be limited by the mature hedgerow along the eastern side of this

road which is currently over two metres high and the panels would be over 75 metres from this road, although when cumulatively considered with the 1MW scheme the panels would be much closer in places.

Views from the junction of Measham Road/B4116 are elevated and site levels also rise up so the panels would be more visible. However some screening is currently provided by the mature trees and additional landscaping is proposed at this corner which over time will further screen the panels. In addition the panels would be set back 50-90 metres from this junction.

In all of the above views it is acknowledged that the site would become more visible in winter as a result of seasonal leaf loss although it is considered that additional planting would help to mitigate against this and filtered views would be available.

There would be some views from public footpath O66 to south/south east and also from the permissive paths within Normandy Wood but these would be more distant views and glimpses due to screening from vegetation. From the A42 limited screening would be available in places but these views would be limited glimpses due to the speed of traffic.

Longer views would be available from the east and south east. The view of the site from public footpath O62 which runs through Plummer's Wood on Redburrow Lane and which forms a short section of the National Forest Way would be in a panorama of the wider landscape and views would be of the side profile of panels. The proposal may be visible in views from further to the south east, towards Normanton le Heath and Swepstone, in particular from public footpaths, from Tempe Farm and surrounding woodland and from Swepstone Church but these would be distant views, with glimpses of the site due to screening by topography, other development and vegetation.

Concerns have been raised by some local residents about the impact on the National Forest. It is acknowledged that the localised adverse impacts set out above could have some impact upon the enjoyment and recreational value for users of the local public right of way network and nearby woodland/permissive paths. However, it is also acknowledged that nearby routes are local routes and do not form part of a wider strategic network, and that these routes benefit from good interconnectivity, both with other public routes as well as permissive paths and woodland providing a choice of routes within the area where views would be less affected or unaffected by the development. Views from the stretch of the National Forest Way would be more distant and a 300 metre section of a 75 mile route would be affected. The impact would also be short term as users of the rights of way, permissive paths and woodlands pass through the area with glimpses or longer views of the site.

It would be difficult to quantify that the solar farm on its own or cumulatively with the 1MW scheme would result in people not visiting the National Forest or nearby rights of way, paths and woodland as this is very much down to people's preference and it is not clear how it would be demonstrated that the proposal would reduce visitors to the area. Furthermore there does not appear to be any evidence that the proposal would undermine the regeneration achievements of the area. As such a reason for refusal on the basis of the proposal resulting in a reduction in visitors to the area and an impact the National Forest could not be justified.

Given the topography of the site and its surroundings, along with existing and proposed screening and the direction the panels would face, it is considered that the proposal would not result in glint and glare that would be significantly detrimental to visual amenities.

Overall it is therefore concluded that there would be an impact on visual amenities in some parts

of the immediate locality of the site although mitigation is available from existing and proposed landscaping. It is therefore considered that the landscape has the capacity to accommodate the scale of the proposal on its own and cumulatively with the 1MW scheme with localised landscape and visual effects and that the development would not have unacceptable adverse impacts upon the use and enjoyment of the public rights of way network and the National Forest. Therefore on balance a reason for refusal relating to significant detrimental impact on the character of the area, its visual amenities and the overall experience of the immediate landscape, wider countryside and National Forest could not be justified in this case.

Cumulative Landscape and Visual Impacts

The Planning Practice Guidance states that the approach to assessing cumulative landscape and visual impact of large scale solar farms should be the same as assessing the impact of wind turbines. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Simultaneous effects include viewing a number of schemes from a single fixed viewpoint without an observer turning their head, and repetitive effects where the observer is able to see two or more schemes, but only if they turn around. Sequential effects on visibility occur when an observer moves through a landscape and sees two or more schemes.

The cumulative impact of the proposal alongside the adjacent 1MW proposal has been considered in the previous section. Applications for solar farms have recently been approved and constructed at Prestop Park Farm, Ashby de la Zouch (14/00635/FULM), Walnut Yard, Diseworth (14/00408/FULM) and Babelake Street, Packington (14/00535/FUL). Permission has been granted for solar farms close to Normanton le Heath (14/00786/FULM) and at Nottingham Road, Ashby de la Zouch (14/00862/FULM) which have not been implemented. An application has also been received for a solar farm at Burton Road, Ashby de la Zouch (15/00714/FULM) which has not yet been determined.

The solar farms may be visible simultaneously alongside the Babelake Street scheme in long range views from the south east, including from public footpaths at and close to Swepestone and Normanton le Heath. However the proposals would be at a greater distance from these viewpoints than the Babelake Street scheme, with screening from intervening topography and vegetation. Furthermore it may be possible to have simultaneous, repetitive and sequential views of both the Babelake Street scheme and the proposals from Normandy Wood and some public footpaths to the south although these views would be distant or glimpses. The solar farms would not be seen in simultaneous and repetitive views alongside any of the other aforementioned proposals. The proposals could be seen sequentially with the Babelake Street and Normanton le Heath schemes but given their locations this is only likely to be via the use of public rights of way and so some time would pass between viewing each scheme. A view of the proposals and the Prestop Park Farm scheme could occur in the same journey but this would usually involve travelling through Ashby de la Zouch so they would not be seen in the same rural landscape. The proposals and the schemes at Nottingham Road and Walnut Yard may also be seen in the same journey but this is likely to be from the A42 where vehicle speeds are high and glimpses of the schemes would be seen.

Given the above circumstances it is considered that the proposals would not contribute to an overall impression of a landscape with solar farms. Therefore, the overall impact in terms of sequential cumulative effects would not be significantly harmful.

Landscaping and Impact upon Trees/Hedgerows

The scheme proposes the retention of all existing trees and hedgerows save for approximately

10 metres to be removed at the north western boundary to provide the construction access.

The proposed landscaping scheme has been considered by the Council's Tree Officer, the National Forest and the County Ecologist. The Tree Officer has requested that a shelterbelt of planting would be required close to its northern boundary to screen the site from the A42. However given that only glimpses would be available from this road, it is considered that the proposed hedgerow along the north western boundary would be satisfactory alongside existing planting adjacent to the A42. Both the Tree Officer and the National Forest requested additional tree and shrub planting adjacent to the site's southern boundary to link into the existing Brickfield Plantation located opposite the site on the southern side of Measham Road and amended plans have been received which show the extension of the dense shrub planting alongside the whole of the southern boundary.

Impact upon the Historic Environment

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting or a Conservation Area, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess and to the desirability of preserving or enhancing the character or appearance of that Area. Paragraph 131 of the NPPF requires, amongst other things, new development to make a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework stipulates that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The nearest scheduled monument is Ashby Castle (approximately 2.6km to the north east) and Coleorton Hall Registered Park and Garden lies approximately 5km to the north east. The nearest listed buildings are located at Park Farmhouse on Willesley Wood Side to the west of the site on the opposite side of the B4116 which are Grade 2 listed. Other nearby Grade 2 listed buildings include Field Farmhouse on Ashby Road, Measham, the Church of St Thomas at Willesley and several buildings at Packington both within and outside its Conservation Area, including the Church of the Holy Rood which is Grade 2* listed. Therefore the impact of the development on the setting of the listed buildings and the character and appearance of the Conservation Area should be given special regard as required by the 1990 Act.

Park Farmhouse is the closest listed building and comprises an early 19th century farmhouse with attached outbuildings forming a courtyard arrangement. The listed building is well screened from view from nearby roads and the site itself by mature hedgerows and woodland although there is a glimpse of the buildings through the access from Willesley Wood Side, with the existing trees forming the backdrop. Park Farmhouse has been historically separated from the application site with the presence of the B4116 and a tree belt running along its western side, which is shown on historic maps dating back to the late 19th century, and also has a secluded character due to the existing tree planting around the site. Therefore the listed building would not be seen in any views alongside the proposal. Any views of the solar farm would also be limited due to this existing planting. Therefore based on the above circumstances, it is considered that the site does not make a significant contribution to the setting and significance of this listed building and the proposal would result in less than substantial harm to the setting of the listed building.

The proposal would not be seen in the backdrop to Field Farmhouse on Ashby Road, Measham due to topography. The proposal would also not be seen in the wider setting of the Church of St Thomas at Willesley due to the distance from the site and intervening woodland screening.

Whilst there may be a historic relationship between the site and the Church of St Thomas due to the former presence of a tree-lined avenue linking the site with Willesley Hall and its environs (which included the church) this avenue was removed in the mid-20th century and this link is now no longer in evidence. As such it is considered that the proposal would not impact on the setting of the Church of St Thomas.

The site may also be visible in the setting of other listed buildings that are located over 1km from the site, in particular those buildings are located at a higher land level than the site, e.g. Tempe Farm and the Church of St Peter at Swepstone. The solar farm would not be seen in views of the church but can be seen from a small part of the churchyard, and in this view the solar farm may form part of the backdrop to Tempe Farm but it would form part of the distant backdrop to both listed buildings and would either in whole or in part be screened from view by topography and existing vegetation. As such the proposal would not form a prominent part of the setting of these buildings.

The Church of the Holy Rood in Packington is located in the western part of the Conservation Area and forms a landmark within this part of the village. It is considered that the matters that make the greatest significance to the setting of the church relate to its physical fabric, its value within and to the community and its immediate setting and location within the historic core of the village. The wider landscape can be of historic value and significance to the church and Conservation Area as it forms part of its historic economic development and changes to the historic and aesthetic appreciation and experience of the landscape could harm significance, in particular when viewed from nearby roads and public footpaths.

The church and Conservation Area are either not visible or barely perceptible in views from the site and nearby roads and public footpaths close to the site due to its distance, intervening topography, backdrop and vegetation, so neither forms a dominant landmark in these longer views. There are no views of the site from the churchyard and any views of the solar farm from the church tower or listed buildings and Conservation Area would be limited and seen in a landscape that has already been altered by the treatment works and the A42. Overall it is considered that the proposal would not form a key part of the foreground to the church and Conservation Area.

Given the distance from the church and Conservation Area, that farmland in their immediate vicinity would not be affected and that the development would not be permanent, the appreciation of the village's historic relationship with the surrounding countryside would not be significantly affected or eroded.

The Conservation Officer has no objections to the proposal. By virtue of the distances between the heritage assets and the proposed development, the limited height of the solar panels and the screening effects of the intervening topography and vegetation it is considered that the development would not adversely impact on the setting of the listed buildings nor harm the character and appearance of the Conservation Areas.

The proposed solar farm is not considered to result in substantial harm to the significance of the identified heritage assets and as such is considered to be determined in accordance with the aims of paragraph 134 of the NPPF which concludes that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal." The less than substantial harm to the heritage assets is in this case considered on balance to be outweighed by the public benefits of energy generation from a renewable source equivalent to that required to provide 1,800 homes per year with electricity (in conjunction with the 1MW scheme) and assist the wider

public interest of tackling climate change by reducing carbon emissions. Furthermore, the proposal would represent farm diversification and would provide biodiversity enhancements by improving the biodiversity value of the site. Overall, taking all the above matters into account, it is considered that the proposal would not conflict with the principles of paragraphs 131, 132 and 134 of the NPPF.

Archaeology

The Heritage Assessment concludes that there is low potential for prehistoric remains and from the medieval period onwards the site was located within the agricultural landscape. The presence of remains from the Romano-British period cannot be excluded due to the site's location along the potential lines of two Roman roads. Consideration is also given to the former presence of a tree avenue linked to the landscaped park around Willesley Hall, for which good map and cropmark evidence survives. However the County Archaeologist advises that given the bisecting of the landscape as a result of the construction of the A42 and the complete removal of the avenue to the south-east of the motorway the significance of any buried remains is deemed negligible. The Geophysical Survey also did not identify any archaeological interest and concluded that the site has low archaeological potential. Therefore the County Archaeologist does not consider that the scheme would present a significant archaeological impact to either known (Willesley Park Avenue) or potential archaeological remains.

Impact upon Residential Amenities

The nearest residential properties are at Park Farmhouse on the western side of the B4116 approximately 50 metres from the site. Sweethill Cottage on Willesley Wood Side lies approximately 315 metres to the west of the site and Meadow Cottage on Measham Road lies a similar distance to the east with other isolated dwellings beyond.

The dwellings at Park Farmhouse are separated from the site by the B4116 and an area of woodland, with dwellings to the east separated by an area of grassland/scrubland, the treatment works and associated land and some vegetation. Given these circumstances it is considered that these nearest dwellings are located at sufficient distance away from the site in order to prevent any significant impacts arising from the development in terms of overshadowing or an oppressive environment.

In terms of glint and glare the application advises that the panels would be dark blue in colour with a non-reflective coating and are designed to absorb light and to reduce the amount of reflected light, thereby minimising the potential for glint and glare. The panels would face southwards and so from Park Farmhouse those on the southern part of the site would be seen in profile. Whilst the land levels on the site rise to the north, the panels on the central and northern parts of the site would not face directly towards Park Farmhouse. Furthermore the panels would be sited approximately 140 metres from the dwellings with woodland planting and the hedgerow along the western boundary of the wider field in-between providing screening. The panels would also predominantly be in profile in any views from the dwellings to the east and would be over 300 metres away. It is therefore considered that glint and glare would not be significantly detrimental to occupiers of these dwellings.

In respect of noise, the substation and switchgear would generate some additional noise but they have been sited well within the site, being around 72 metres and 260 metres away respectively from the nearest dwellings. Furthermore, any alarm system for security purposes could be silent, and it is recommended that a condition to this effect be imposed. The Council's Environmental Protection team has not raised any concerns in respect of these matters. No external lighting is proposed during the operational phase of the development although some could be erected during construction under permitted development rights.

The construction phase is estimated to last approximately 8 weeks and the construction compound and access would only be in use for this period. A limited number of vehicular movements would take place during the operational phase (approximately one per month) which is unlikely to result in significant adverse impacts.

As such, it is not considered that there would be any significant adverse impact on neighbouring residential amenities and the proposal would comply with Policy E3 of the adopted Local Plan.

Drainage and Flood Risk

The site itself is located within Flood Zone 1, which is in an area recognised as being at low risk of flooding. Ditches are located along the site's southern and north eastern boundaries which the submitted Flood Risk Assessment (FRA) indicates flow past the nearby treatment works to the Gilwiskaw Brook. The Lead Local Flood Authority (Leicestershire County Council) advises that it has no concerns in respect of the surface water proposals, as there is almost no change to the permeable area given the nature of the proposal and the site would be predominantly permeable following development. The Lead Local Flood Authority advises that the submitted surface water drainage strategy should mitigate any impact on surface water drainage from the site. The access roads would be constructed from a permeable material and a reduction in surface water runoff may also occur due to reduced soil compaction. In summary, subject to the imposition of a planning condition to secure the submitted surface water drainage scheme, it is considered that the proposed works would be in accordance with the overarching intentions of the NPPF.

Concerns have been raised regarding impact from works associated with the Measham Road access on a surface water drainage outlet from the Park Farmhouse site which runs into a ditch close to the southern boundary. The submitted plans appear to show that this ditch would run underneath the access road and the agent has advised that the width of this access would not change and so this ditch would not be affected.

Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). As noted above the FRA indicates that ditches at the boundaries to the site eventually flow into the Gilwiskaw Brook some 850 metres to the east of the site. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

Natural England has no objections and the Environment Agency has not made any comments in respect of impact on the SAC/SSSI. The majority of surface water runoff would either infiltrate the soil or enter the proposed swale and any such runoff that enters the ditch would not be significantly greater than from the existing field, as the site would remain predominantly permeable. A reduction in surface water runoff may also occur due to reduced soil compaction. Silt runoff and the use of fertilisers/pesticides would also be reduced. Therefore whilst some surface water runoff may enter River Mease via these ditches it is unlikely to be of a greater amount or rate compared with the existing situation.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Protected Species and Ecology

The site is an arable field with some rough grassland, ditches, hedgerows and trees forming boundaries. These features are also located close to the site, along with areas of woodland and a pond. Some of these are features that could be used by European Protected Species (EPS) and as such species 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. The habitats could also be used by nationally protected species.

The application has been accompanied by an Ecology Survey which has been considered by the County Ecologist who is satisfied with the submitted survey and has no objections to the scheme. Natural England makes no comments in relation to protected species other than to refer to its Standing Advice but it does suggest that biodiversity enhancements should be sought. The County Ecologist advises that the proposed development is likely to increase the biodiversity value of the site.

The site and adjacent land is unlikely to be suitable for breeding birds as it is intensively managed, although the boundary vegetation offers potential nesting sites. The majority of trees and hedgerows would be retained, with additional planting and grassland provided and whilst some of this habitat may be inaccessible for birds during the construction period and birds are unlikely to nest in-between the panels, there are plenty of other areas of suitable habitat in close proximity to the site. Conditions could be imposed to secure bird boxes and works to take place outside the bird breeding season.

The site offers roosting and foraging opportunities for bats although no evidence of bats was found. The removal of approximately 10 metres of hedgerow is unlikely to significantly impact on bats. The 10 metre buffer distance between badgers setts and the fencing which is required by the County Ecologist can be achieved and as such no adverse impact on badgers is likely to occur during construction as the setts are unlikely to extend any further into the site due to its intensive arable use and frequent disturbance from farming activities. The County Ecologist considers that a 15cm gap below the fencing is acceptable to allow continued access to the site for badgers to forage. Badger mitigation measures during construction of the fencing and swale can also be secured via condition. Water voles and otters are unlikely to be adversely affected as the ditches are located outside the developed area of the site. The nearest pond is located on the opposite side of Measham Road within the Brickfield Plantation and is around 60 metres from the developed area of the site, with a well used road in-between. The intensive arable use of the site is also a barrier to great crested newt movement across the site. As such it is considered unlikely that the construction works associated with the proposal would adversely impact on great crested newts. The site habitats are considered to be of low potential for reptiles and it is unlikely to support such species. The provision of grassland across the site once the panels have been installed, along with additional vegetation close to the site's southern boundary, will introduce habitats for great crested newts and reptiles.

Overall, it is considered that the proposal would accord with the aims of paragraphs 118 and 119 of the NPPF, the Habitats Regulations and Circular 06/05 and would not result in adverse impacts on protected species and ecological features.

Highway Safety

The application is accompanied by a Construction Traffic Management Plan which advises that construction vehicles would be required to avoid arriving or departing from the site between peak hours. A maximum of 50 construction workers are anticipated to be on site during peak

times during the construction period, and a temporary construction compound would be provided to provide on-site parking for smaller vehicles and unloading/turnings areas for HGVs.

Abnormal load vehicles would not be required and it is anticipated that an average of three HGV movements per day (Monday to Saturday) would be undertaken during the construction period of approximately 8 weeks. In addition to the HGV movements, there would be a number of smaller vehicles visiting the site each day predominantly for the transporting of construction personnel.

Construction traffic would use an existing access onto the B4116 at the site's north western boundary and then travel north on the B4116 to join the A42. A condition could be imposed requiring construction traffic to use the B4116 access as use of the Measham Road access would not be appropriate given its proximity to the nearby junction. The Highway Authority notes that a stretch of hedgerow would need to be removed to provide the visibility splays at the B4116 access but information has been provided to demonstrate that this may not be the case. After the construction period and during the site's operational phase, typically one visit to the site per month would be required for equipment maintenance and monitoring, which would be made using the access onto Measham Road.

The County Highway Authority has suggested the imposition of conditions including relating to access arrangements and visibility splays at both accesses. Highways England has raised no objections to the proposal and the County Highway Authority has not made any comments in respect of distraction to drivers.

It is therefore considered that the proposal would not result in severe impacts on highway safety and would comply with the provisions of Policies T3 and T8 of the Local Plan and the NPPF.

Other Matters

The Planning Practice Guidance states that authorities need to consider the proposal's visual impact of glint and glare in respect of aircraft safety. Any comments from East Midlands Airport will be reported on the Update Sheet.

There does not appear to be any evidence that solar farms have impacts on health or from radiation and the Council's Environmental Protection team has not raised any concerns in respect of this matter.

The Planning Practice Guidance advises that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.

A de-commissioning condition could be attached which would secure the full details of the method undertaken to remove the development at the end of its 25 year life span (or sooner if the site is no longer used to generate electricity)

The supporting documentation advises that a community benefit fund would be established, paying £1000 per MW installed capacity per year for 25 years, which is likely to amount to £6,000 across both sites and that the applicant would work with Ashby de la Zouch Town Council and Packington Parish Council to determine how this would be used. It is also indicated that a further £2,000 per year would be allocated to each local school to be used for educational purposes linked to the solar farm. Following comments from Packington Parish Council space has also been provided for provision of a cycle track to link Packington with Willesley Wood Side. Some of the income from the 1MW proposal (the community scheme) would be provided

to Thringstone House Community Centre but this would not apply to the 5MW scheme.

For the reasons set out in the assessment above, the proposed development is considered acceptable and therefore, it is considered that these contributions are not necessary to make the development acceptable. Furthermore, the purpose for which these contributions would be used would not be directly related to the proposed development. Overall, it is considered that the proposed contributions would not comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations, and therefore do not form a material consideration and should not be taken into account in the determination of the application.

Concerns have been raised regarding the over-proliferation of solar farms within the District and that the Council's quota for solar farms must have been met. However there is no quota for the number of solar farms or for the provision of energy via solar farms in the District.

In respect of other objections received which have not already been addressed within the report above, impact on property values, the use of subsidies, the splitting of the site to form two separate solar farms, the viability of the solar farm and the possibility that the output figures from solar farms (including from the Babelake Street scheme) has been over-estimated are not material planning considerations and cannot be taken into account in the determination of the application.

Both the 1MW and 5MW schemes would adjoin the proposed route of HS2. HS2 has been consulted on the applications and have advised that it would not at this stage wish to make any specific comments, although it advises that it has made a note of the applications to inform ongoing work in this phase of the HS2 project as the sites may in the future be required by HS2 Ltd to construct and/or operate the railway. The Government is currently consulting on the proposed Phase 2 (i.e. West Midlands to Manchester and Leeds) connections, and the route is not fixed at this time. Phase 2 is not currently subject to the safeguarding mechanism which applies to the Phase 1 (London to West Midlands) section under which HS2 should be notified of any planning applications on or close to the route. On this basis it is considered that only limited weight can be attributed to HS2 as a material planning consideration at this stage in HS2's development.

Concerns have been raised in relation to the suitability of the public consultation undertaken by the applicants before submission of the application. However although the Localism Act 2011 is now in force, its provisions to require pre-application consultation on certain types of planning applications will not apply until secondary legislation is enacted.

Site notices were initially placed at four locations; at the eastern and western ends of the public footpath located to the north of the site, at Normandy Wood and at the junction of Willesley Wood Side and the B4116. Additional site notices were subsequently placed at these locations along with two further sets of site notices adjacent to the footway that runs alongside the B4116 (close to the A42 roundabout and opposite the junction with Gallows Lane.) Therefore adequate publicity of the application has been undertaken by the Authority.

Concerns have also been raised in respect of the accuracy of some of the submitted information. The application submission, together with information gathered during the site visit and consideration of the application allow for the application to be fully and adequately assessed.

Conclusion

There is specific planning policy support for renewable energy projects at both national and

local level. In the circumstances that the proposal would accord with the aims of Policy S3 of the Local Plan and as the NPPF does not explicitly prevent renewable energy proposals from being located within the countryside, it is considered that the principle of the development would be acceptable. It is, however, considered that the positive benefits of renewable energy of the proposed development must be carefully balanced against the potential harmful impacts.

The proposal is not considered to give rise to any significant adverse impacts in respect of trees/hedgerows, residential amenities, archaeology, drainage and flood risk, protected species and ecological features and highway safety. On balance it is considered that a reason for refusal based on lack of assessment of alternative sites and the loss or impact on BMV agricultural land could not be justified in this case. It is also on balance considered that a reason for refusal relating to significant detrimental impact on the character of the area, its visual amenities and the overall experience of the immediate landscape, wider countryside and National Forest could not be justified in this case. The less than substantial harm to heritage assets has been balanced against public benefits of energy generation, farm diversification and provision of biodiversity enhancements. It can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

The proposed development would, overall, therefore be considered to constitute sustainable development as defined in the NPPF and, as such, benefits from a presumption in favour of such development as set out in that document. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION:- PERMIT, subject to the following conditions:

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

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

- 2 The proposed development shall be carried out strictly in accordance with the following schedule of plans and documents, unless otherwise required by a condition of this permission:

- Drawing No. 241308 Commercial P001 Revision A (Site Location Plan) received by the Authority on 6 August 2015;
- Drawing No. 241308 Commercial P002 Revision A (Site Location Plan) received by the Authority on 6 August 2015;
- Drawing No. PRIMR-ASHBY-001-101 (PV, Road and Fence Layout) received by the Authority on 26 May 2015;
- Drawing No. PRIMR-ASHBY-001-104 (PV, Road and Fence Layout - Commercial Scheme) received by the Authority on 6 August 2015;
- Drawing No. 241308/LA/PL001 Revision F (Landscape Strategy) received by the Authority on 12 August 2015;
- Drawing No. GM-200 (Access Track Section Details) received by the Authority on 26 May 2015;
- Drawing No. GM-280 (Wind Sensor Pole) received by the Authority on 26 May 2015;

- Drawing No. GM-808 (11kV DNO Building - Elevation and Plan Views) received by the Authority on 26 May 2015;
- Drawing No. GM-813 (Customer Switchgear - Elevations and Plan) received by the Authority on 26 May 2015;
- Drawing No. GM-814 (Site Storage Container - Elevations and Plan) received by the Authority on 26 May 2015;
- Drawing No. GM-828 (SMA MV Power Station 1250-1800SC - Elevation and Plan Views) received by the Authority on 26 May 2015;
- Drawing No. GM-841 (Framework Elevations - 5 Landscape Configuration) received by the Authority on 26 May 2015;
- Drawing No. GM-850 (Satellite Pole) received by the Authority on 26 May 2015;
- Drawing No. G06 (Fencing) received by the Authority on 9 July 2015;
- photograph of deer fencing received by the Authority on 25 August 2015;
- Drawing No. Figure 2.1 (Site Location and Construction Route Plan) received by the Authority on 26 May 2015;
- Drawing No. Figure 3.1 (Swept Path Analysis and Visibility at Temporary Construction Access) received by the Authority on 6 August 2015;
- Drawing No. Figure 3.2 (Proposed Temporary Access Arrangement at Measham Road) received by the Authority on 6 August 2015;
- Drawing No. Figure 3.3 (Construction Compound Layout Plan) received by the Authority on 26 May 2015;
- Drawing No. SK01 (Extent of Survey and Photographic Record) received by the Authority on 26 May 2015;
- Drawing No. Figure SK02 (Operational Access Arrangement, Visibility Splays and Swept Path Analysis) received by the Authority on 6 August 2015;
- Drawing No. 1502-1.0-AFP-TCP-NC (Tree Constraints Plan) received by the Authority on 26 May 2015;
- Flood Risk Assessment V5 (20 May 2015) produced by Clive Onions and received by the Authority on 26 May 2015;
- Ecological Assessment (May 2015) produced by Environgauge and received by the Authority on 26 May 2015;
- Landscape and Ecology Management Plan (August 2015) (Ref. EVG-15-002-LEMP-03) produced by Environgauge received by the Authority on 25 August 2015;
- Figure 2 (Landscape and Ecology Master Plan 03) received by the Authority on 25 August 2015.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The development shall be carried out in accordance with the landscaping and habitat management schemes set out on Drawing No. 241308/LA/PL001 Revision F (Landscape Strategy), the Landscape and Ecology Management Plan (August 2015) (Ref. EVG-15-002-LEMP-03) and Figure 2 (Landscape and Ecology Master Plan 03) produced by Environgauge within the first planting season following the first export from the site and shall thereafter be maintained in accordance with the Landscape and Ecology Management Plan and Master Plan. During this period any trees, shrubs, hedgerow or grass which die or are damaged, removed, or seriously diseased shall be replaced by trees, shrubs, hedgerow or grass of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason- In the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained; In the interests of protected species and

enhancing biodiversity on the site.

- 4 If any part of the hedgerow along the eastern side of the B4116 needs to be removed/reduced in height/trimmed back in order to provide the visibility splays required under condition 22 then such details and a timescale for its implementation (including replacement hedgerow planting if any part of the hedgerow needs to be removed) shall be submitted to and agreed in writing by the Local Planning Authority before first use of the B4116 access. The works to the hedgerow shall be carried out in accordance with the agreed scheme which shall thereafter be so retained and managed in accordance with the approved Landscape and Ecology Management Plan and Master Plan.

Reason- in the interests of visual amenity.

- 5 No development shall commence on site until such time as the root protection zones of the existing trees and hedgerows to be retained on the site have been securely fenced off with protective fencing in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction). Within the protected areas there shall be no storage of materials, plant, skips, equipment and/or other items associated with the development hereby approved, mixing of materials, vehicular movements or fires or other ancillary works associated within the areas, no alterations to ground levels and no compaction of the soil and no service trenches shall be dug unless first agreed in writing by the Authority. The protective fencing shall remain in place until all the solar panels have been installed and all construction works on site have ceased, unless an alternative timescale is first submitted to and agreed in writing by the Local Planning Authority.

Reason- To ensure the existing trees and hedgerows are adequately protected during construction in the interests of the visual amenities of the area.

- 6 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to September inclusive unless otherwise agreed in writing by the Local Planning Authority that breeding birds will not be adversely affected by any works.

Reason: to reduce the impact of the proposal on nesting birds, which are a protected species.

- 7 The development shall be carried out in accordance with the mitigation and enhancement measures for protected species set out at Table 10.1 of Ecological Assessment (May 2015) produced by Environgauge and the measures set out on page 2 of Suzanne Bangert's letter of 5 August 2015.

Reason: to prevent adverse impacts on badgers, breeding birds and reptiles, which are protected species.

- 8 Within one month of the installation of the last solar panel/array (unless an alternative timescale is first agreed in writing with the Local Planning Authority) the surface water drainage scheme shall be provided in full in accordance with the details set out in the Flood Risk Assessment V5 (20 May 2015) undertaken by Clive Onions and shall thereafter be maintained in accordance with the Flood Risk Assessment for the duration of the development hereby permitted.

Reason - To prevent the increased risk of flooding, both on and off the site.

- 9 The front of the solar panels hereby approved shall not be sited higher than 800mm above ground level and the rear of the solar panels shall not be sited higher than 2.7 metres above ground level.

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

- 10 Other than where cables are attached to the solar panel frames all cables within the development site shall be laid underground.

Reason- In the interests of visual amenity.

- 11 The substations, switchgear building and storage containers shall be finished in 'Moss Green' paint, the perimeter fencing shall be finished in accordance with the details shown on the photograph received by the Authority on 25 August 2015 and the solar panels shall have a dark blue finish with a non-reflective coating, which shall be thereafter retained as such for the life of the development.

Reason- In the interests of visual and residential amenities.

- 12 No external lighting shall be installed at the site during the operation of the development hereby approved.

Reason: in the interests of visual and residential amenities.

- 13 Any alarm system shall be silent at all times.

Reason- In the interests of residential amenities.

- 14 Written confirmation of the date of the first export of electricity to the national grid from the site shall be provided to the Local Planning Authority within one month of the date of this taking place.

Reason- To ensure that a record can be kept of all operational PV panels.

- 15 The planning permission hereby granted is for a maximum period of 25 years from the date of the first export of electricity to the national grid. After that time the use shall cease and the solar modules/arrays and all associated equipment and infrastructure shall be removed from the site in accordance with condition 16 (decommissioning).

Reason- The planning application has only been made for a 'life span' of 25 operational years; in the interests of visual amenities; to ensure the highway, ecological, noise, and any other physical impacts can be properly assessed in the context of the area at the time of decommissioning.

- 16 No later than one year before the expiration of the planning permission, or not more than six months from permanent cessation of the exporting of electricity to the national grid from any part of the site if earlier, a Decommissioning Method Statement shall be submitted for the written approval of the Local Planning Authority. This shall include details of:-

a) decommissioning and works for the removal of the PV panels;

- b) decommissioning and works for the removal of the fencing and all other ancillary equipment and structures;
- c) the depth below ground to which the PV panels, fencing and ancillary equipment would be dismantled and removed from site;
- d) method of removal;
- e) works for the restoration of the site;
- f) timetable of works.

The site shall be decommissioned and restored in accordance with the agreed Decommissioning Method Statement.

Reason- The planning application has only been made for a 'life span' of 25 operational years; in the interests of visual amenities; to ensure the highway, ecological, noise, and any other physical impacts can be properly assessed in the context of the area at the time of decommissioning.

- 17 In the event that any solar panel needs to be removed or replaced before the expiry of this planning permission, other than in accordance with condition 16 (decommissioning), the panel shall be replaced on a like for like basis in accordance with Drawing No. GM-841 (Framework Elevations - 5 Landscape Configuration).

Reason- In the interests of visual amenity.

- 18 During the period of construction of the development hereby approved, all construction traffic to and from the site shall only use the access identified on Drawing No. Figure 2.1 (Site Location and Construction Route Plan) at all times unless otherwise agreed in writing by the Local Planning Authority and the use of the access onto the B4116 in connection with the solar farm shall cease once all construction works on the site have ceased.

Reason- In the interests of highway safety.

- 19 The use of the site access onto Measham Road (C7113) shall only commence once construction works relating to the solar farm have ceased and shall only be used in connection with visits relating to the maintenance/monitoring of the solar farm.

Reason- In the interests of highway safety.

- 20 The temporary construction compound and temporary access road shall be constructed in accordance with the details shown on Drawing No. Figure 3.3 (Construction Compound Layout Plan) and Drawing No. GM-200 (Access Track Section Details) before the commencement of any other parts of the development hereby approved, unless alternative details are first submitted to and agreed in writing by the Local Planning Authority. The temporary construction compound and temporary access route shall be retained in accordance with these details until all construction works on the site have ceased and shall be removed in full and the land re-instated to its former condition as an arable field within one month of construction works ceasing on site.

Reason- In the interests of visual amenity and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 21 No development shall commence on the site until such time as details of wheel cleansing facilities have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be provided before the temporary construction access onto the B4116 is first brought into use and shall therefore be retained until all construction works on the site have ceased and shall then be removed from the site within one month.

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users.

- 22 No development shall commence on site until such time as visibility splays of 2.4 metres by 115 metres in both directions have been provided at the junction of the temporary construction access with the B4116 in accordance with the standards contained in the current County Council design guide, which shall thereafter be permanently so maintained whilst this access is in use for construction of the solar farm. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

- 23 No development shall commence on site until such time as details of the access arrangements at the junction of the temporary construction access with the B4116 have been submitted to and agreed in writing by the Local Planning Authority. No development shall commence on site until the agreed scheme has been provided and surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 12 metres behind the highway boundary and shall thereafter be permanently so maintained until all construction works on the site have ceased.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

- 24 Before first use of the site access onto Measham Road (C7113) details of the access arrangements and visibility splays at the junction of this access with Measham Road (C7113) shall be submitted to and agreed in writing by the Local Planning Authority. Before first use of this access the agreed scheme shall be provided in accordance with the standards contained in the current County Council design guide and surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 12 metres behind the highway boundary and shall thereafter be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety; To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

- 25 Before first use of either of the accesses, drainage shall be provided within the site such that surface water does not drain into the Public Highway, which thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 26 Before first use of either of the accesses, the existing gates to the relevant vehicular access shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 12 metres behind the highway boundary and shall be hung so as not to open outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 27 The gradient(s) of the access drive(s) shall not exceed 1:12 for the first 12 metres behind the highway boundary.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant before submission of the application and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 The applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at www.defra.gov.uk
- 3 If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This legislation is separate from the planning process. Guidance on this process and a sample application form can be found via the following website: www.leics.gov.uk/watercourse
- 4 No development should take place within 5 metres of any watercourse or ditch without first contacting Leicestershire County Council for advice.
- 5 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Infrastructure Planning team (for `major' accesses serving more than one dwelling) or the Highways Manager (for `minor' accesses serving one dwelling only). For further information, including contact details, you are advised to visit the County Council website as follows: -
For `major' accesses - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg
For 'minor' accesses serving one dwelling contact the Customer Service Centre team
Tel: 0116 305 0001.

6 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.

7 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal

Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com