Leicestershire County Council

DEVELOPMENT CONTROL AND REGULATORY BOARD

16 JUNE 2022

REPORT OF THE CHIEF EXECUTIVE

APPLICATION UNDER REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS

PART A – SUMMARY REPORT

APP.NO.	2022/Reg3Ma/0010/LCC (2022/0357/02)
DATE OF VALIDATION:	22 February 2022
PROPOSAL:	Solar Farm
LOCATION:	Land at Poole Farm, Barrow Road, Quorn, LE12 8EN
APPLICANT:	Leicestershire County Council
MAIN ISSUES:	Development in the countryside, renewable energy generation, landscape and visual impact, flood risk
RECOMMENDATION:	Permit subject to conditions as set out in Appendix A, and subject to there being no issues of material planning significance raised by Quorn Parish Council during the statutory consultation period, which have not already been assessed in the report.

Circulation Under Local Issues Alert Procedure

Mrs. H. Fryer CC

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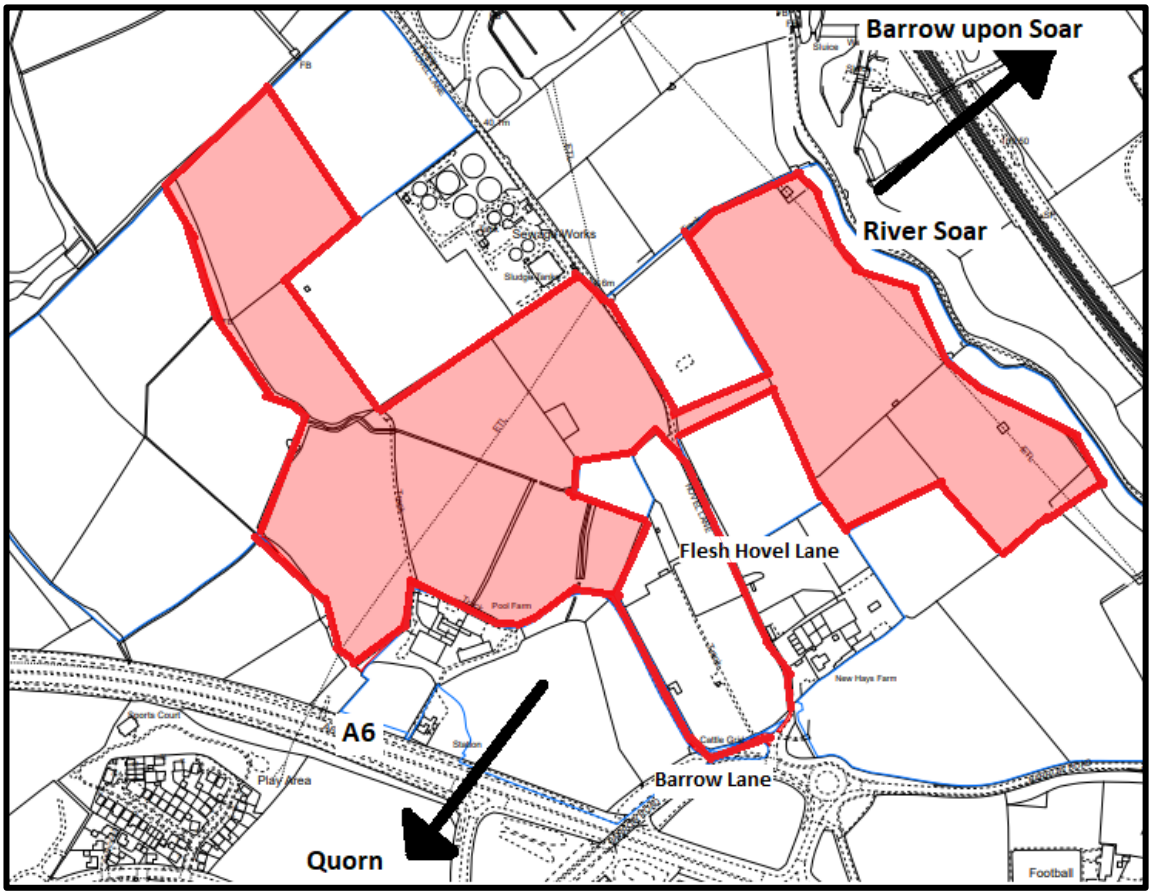
PART B – MAIN REPORT

The Site and Surroundings

1. The application site covers a 22.3 hectare area of land between the River Soar and the A6. The site comprises two distinct portions of land either side of Flesh Hovel Lane. The western portion is an irregular shape made up of multiple field parcels with one boundary along Flesh Hovel Lane. The eastern portion is a near-rectangular shape which also contains multiple field parcels and is set further back from the lane to the west with a narrow strip connecting it to the lane. The site also includes two parallel access routes from the south west: Flesh Hovel Lane and the existing access track to the Poole Farm farmstead.

2. The northern extent of Quorn is approximately 150m to the south west of the application site, with the A6 running east to west between. Barrow upon Soar is approximately 500m to the east, beyond the River Soar, the railway line, and some agricultural land.



3. The site is in the Soar Valley Landscape Character Area (LCA) and outside the Limits of Development in the open countryside. The topography in this area is generally flat, rising gradually from the River Soar on either side.

4. The land is mainly in pastoral agricultural use with three farmsteads in close proximity to the application site: New Hayes Farm to the east, Poole Farm to the west, and Quorn Field Farm to the north. However, there is non-agricultural development and infrastructure in the vicinity of the proposed development which affects the area's rural character; this includes a 1.8ha sewage treatment works sitting directly to the north of the western portion of the site and Pillings Lock

Marina 200m to the north, providing access to the Grand Union Canal. Highthorne Lane Allotments cover approximately 1.8ha of land between the two access routes into the site.

5. Overhead power lines and the associated infrastructure are prominent in the landscape. A route of power lines crosses above the western portion of the application site between Poole Farm and the sewage treatment works, and another route sits inside the eastern boundary of the eastern portion, following a straight line parallel with the River Soar.

6. Flesh Hovel Lane bisect the two portions of the application area. It is an adopted highway for the first 65m from its junction with Barrow Lane in the south, and then becomes private for the remaining 1km to Quorn Fields Farm in the north where it ends. It provides vehicle access to New Hayes Farm, the sewage treatment works, Pillings Lock Marina, Quorn Fields Farm, and some fishing points along the River Soar.

7. The access route to Poole Farm links the farmstead with Flesh Hovel Lane. It joins the Flesh Hovel Lane on its western side, 15m north of the Flesh Hovel Lane/Barrow Road junction. It is adopted highway for the first 75m and provides access to the allotments on its northern side 15m along this stretch, after which it becomes private for the remaining 300m until it reaches the farmstead.

8. Established and outgrown hedgerows define most field boundaries in the area, along with some more sparse hedgerows and stretches of post and wire fencing. Vegetation bounds either side of Flesh Hovel Lane and is broken up by a number of field gates and access points on either side. There are several blocks of woodland amongst the fields to the west of Flesh Hovel Lane, including Great Fenny Wood between Poole Farm and the A6, a smaller area between the western portion of the site and the allotments, and a larger portion which wraps around the part of the western portion, beyond which is an unnamed lake.

9. In respect of Public Rights of Way (PRoW) in the area, Flesh Hovel Lane is also Public Bridleway K30. There are four Public Footpaths in close proximity to the application site:
    a) Footpath K31 adjoins Flesh Hovel Lane north of the application site, running in a north westly direction away from the site to link with the footpath network beyond.
    b) Footpath I120 runs adjacent to the northern boundary of the eastern portion of the site, towards the River Soar.
    c) Footpath I27 links with I120 and follows the course of the river, forms part of the waterside Loughborough to Leicester Canal Walk route.
    d) Footpath K29 is located to the south east of the application site, linking Flesh Hovel Lane with Barrow Road in a south easterly direction by intersecting New Hayes Farm.

10. The application site sits almost entirely within the floodplain for the River Soar, classified as flood zone 3b, the functional floodplain.

11. The Barrow Gravel Pits Site of Special Scientific Interest (SSSI) is located approximately 850m to the south east of the application site, and the site is within its impact risk zone.

12. The application site is in close proximity to several areas which have been notified as Local Wildlife Sites (LWS):
    a) An area of semi-improved grassland along the drain to the west, parallel with the River Soar;
    b) The channel of the River Soar;
    c) Great Fenney Woods to the south of the Poole Farm farmstead; and
    d) Quorn Fields Farm woodland to the north west.

13. The application site is located within a Mineral Safeguarding Area (MSA) for sand and gravel.

Background

14. This planning application is a re-submission of the withdrawn planning application 2020/Reg3Ma/0057/LCC, which proposed industrial units and a solar farm. This planning application does not include the industrial units and proposes a solar farm on a smaller footprint.

Description of Proposal

15. Planning permission is sought for a 10MW solar farm on land at Poole Farm for a temporary period of 40 years. The solar farm would generate 9,170MWh per annum of renewable electricity, saving 4,747 tonnes of carbon dioxide per annum compared with a gas fired power station, by using multiple arrays (rows) of frame mounted solar photovoltaic (PV) panels to passively convert energy from natural light into electricity.

16. Each individual panel would measure approximately 1m x 1.8m, and these would be frame mounted in multiple arrays aligned east/west, set at an angle facing south to optimise their efficiency. The maximum height of the frames would be 2.79m and the clearance between the base of the panel and ground level would range between 0.74m to 1.37m depending on ground conditions and flood risk.

17. The solar arrays would be installed in both portions of the application site, in each individual field parcel. Internal field boundaries would be retained. The solar arrays would be located a sufficient distance away from each other, and nearby hedgerows and trees, to avoid shading and provide sufficient space for maintenance.

18. Underground cabling would connect the solar arrays to 41 inverters across the site, these would measure approximately 1m (w) x 0.7m (h) x 0.35m (d), be cased in white and light grey steel, and would also be mounted onto frames with varying ground clearance. The inverters would be connected by underground cabling to an onsite substation.

19. The substation would be located within a fenced compound in the western portion of the site, bound by the sewage works to the north and Flesh Hovel Lane to the east. The substation would comprise the following equipment:
    a) Switch room measuring approximately 6.5m (l) x 6.3 m (w) with a pitch roof to a height of 5.8m;
    b) Meter room (adjoining the switch room) measuring approximately 1.8m (l) x 2m (w);

c) Client-side transformer room measuring approximately 2.6m (l) x 2.7m (w) with a flat roof to a height of 3.4m; and
d) Customer substation measuring approximately 4.4m (l) x 2.7m (w) with a flat room to a height of 2.6m.

20. 2.4m tall post and wire mesh fencing would be erected around each portion of the solar farm for security.

21. The land within and around the solar arrays would be grazed by livestock.

22. During the operational period, the two portions of the solar farm would be accessed from Flesh Hovel Lane through two existing field gates which face one to another that would be widened and improved; a track would be constructed between the eastern portion of the solar farm and its access point. The substation would be accessed separately through a new access point further north on Flesh Hovel Lane.

23. Once operational, there would be no permanent users of the site associated with the solar farm development. Around one visit per fortnight, which would be carried out by a van or 4x4, and most ongoing monitoring and management would be carried out remotely.

24. The existing track into Poole Farm is proposed to be improved and widened, and to be used to access the application site during the construction and decommissioning periods.

Community Consultation

25. A community consultation exercise was carried out by the applicant in 2019, in relation to the 2020 proposal for a larger solar farm and mixed-use development.

26. The applicant received responses from four members of the public which raised concerns relating to the impact of the development on PRoW including access, views, and vehicle numbers; emergency and maintenance access to the River Soar; and hedgerows and trees. Further clarity was sought on the management of vegetation under the solar arrays; site layout and elevations; and the use of agricultural land instead of brownfield land. The applicant has provided information about their responses to the four members of the public, which directed respondents to the assessment work that had been carried out and explained how the results of this work had informed the proposal.

Arboriculture

27. An Arboreal Impact Assessment (AIA) supports the planning application which inspected 44 individual trees, 19 groups of trees, six areas of trees, 22 hedges and one woodland within and nearby to the application site. It identified that four individual trees and six sections of hedgerow would require felling to accommodate the proposed solar farm, in addition to minor surgery on 4 trees and hedgerows for safety and access reasons.

28. The AIA found that development would not encroach the Root Protection Areas (RPA) of any trees or hedgerows which would be retained, although it recommends a Structural Engineer is consulted on the foundation design of the

substation due to its proximity to retained trees. The AIA also recommends that in order to protect retained trees that during the construction period, an Arboricultural Method Statement and Tree Protection Plan is required to set out:

a) Tree barrier fencing;
b) Ground protection measures;
c) Access facilitating pruning;
d) Project phasing; and
e) Monitoring measures.

Agricultural Land Quality

29. A Soil and Agricultural Land Quality Survey supports the planning application. The Survey covers an area slightly larger than the application site, as it was originally undertaken to accompany the withdrawn planning application. The survey finds that most of the area is made up of subgrade 3a land (70%), with a limited area of grade 2 land in the western portion of the site (4%), and areas of subgrade 3b land on the eastern boundary of the site and in an isolated parcel to the south (22%). The land now excluded from this planning application boundary is largely subgrade 3a.

30. The survey concludes that although a large proportion of the site is classified as subgrade 3a and 2, which is 'best and most versatile' agricultural land, the droughtiness and stoniness of the soil render the land unsuitable for growing arable crops and suitable only as grazing land.

Flood Risk and Surface Water Drainage

31. A Flood Risk Assessment (FRA) and subsequent Technical Note support the planning application. It identifies that the risk of fluvial flooding at the site is high-moderate, with flooding risks from tidal, surface water, ground water and sewers classified as low. Based on the two bodies of water close to the site it attributes a moderate-low risk of flooding from these 'artificial' sources. The FRA recognises that based on the nature of the development and its location within Flood Zones 2 and 3, the Local Planning Authority (LPA) is required to carry out the Sequential and Exception Tests.

32. The FRA sets out how flood modelling has informed the design of the development to ensure it remains operational during times of flooding by providing sufficient ground clearance for the solar arrays and inverters to sit above the predicted water level in 1 in 1,000 year flood event, and by locating the substation in Flood Zone 2.

33. In order to inform the Sequential Test, which directs development to the areas at the least risk of flooding, the FRA provides justification for the appropriateness of the development in this location. It explains that for a solar development to be viable and justifiable, a large area of generally flat land with few surrounding light obstructions is required within close proximity to a power grid connection which has network capacity. A study of alternatives demonstrates that all sites within the local area that meet these requirements carry an equivalent risk of flooding to the application site, and states that there is no alternative land within the control of the applicant or available for use or purchase. The FRA concludes that the Sequential Test is therefore passed. In respect of applying the Sequential Test to the layout of the site, the FRA and a Technical Note demonstrate that the built

development on site, except for the solar arrays and mounted inverters, would be located within Flood Zone 2.

34. In order to inform the Exception Text, the FRA and Technical Note provide information about how the proposed solar farm meets the two parts of the Exception Test by offering wider sustainability benefits which outweigh flood risk, and being safe for its users for its lifetime without increasing flood risk elsewhere. The FRA considers the carbon free sustainable power generation to offer the required sustainability benefits to outweigh the flood risks of the development. In respect of the safety of users of the development, the FRA and Technical Note determine that if people were within the substation compound during a flood event, the compound, its access point, and route to the public highway present a low hazard risk based on predicted flood depth and flow velocity. In respect of the development's impact on flood risk elsewhere, the FRA and Technical Note conclude that impact of the development on flood plain storage would be limited to fence posts and the supports for the mounted panels, and any impacts on flood flows would be limited to post and wire fencing, which would overall have a negligible impact on flood risk elsewhere.

35. No formal drainage is proposed as part of the solar farm as the FRA concludes that there is a relatively small increase in impermeable area, and rainfall that lands on the solar arrays will run off onto permeable greenfield land, to drain to the multiple land ditches and drains across the site and ultimately into the River Soar.

Landscape and Visual Impact

36. A Landscape and Visual Impact Assessment (LVIA) supports the planning application to identify the effects of the solar farm on views of the area and the landscape itself.

37. The LVIA finds that views of the site are limited to nearby PRoWs and long distance views are prevented by the area's topography, established hedgerow boundaries and blocks of woodland. Views from Flesh Hovel Lane and the nearby footpaths were limited to one or a few of the individual field parcels which make up the application site, and no vantage points were identified where the whole extent of the site was visible. Views from residential properties were found to be limited to partial, filtered views of the parts of the site from the upper floors of some properties to the north east, on the edge of Barrow upon Soar. Beacon Hill Country Park, around 4.5km south west of the site on elevated land, is identified as the only area with potential for long distance views, and found that the application site was visible but sat within the context of the developed character of the local landscape.

38. The LVIA determines that the landscape has a low-moderate sensitivity to solar installations of this size due to existing detracting features in the area, the enclosure afforded by field boundaries, the low-lying topography, the small field pattern, and a lack of scenic or special qualities. It also notes that there are no statutory designations covering the area.

39. Based on the views of the application site and the sensitivity of the landscape, the LVIA proposes mitigation measures to prevent, reduce and offset the impacts of the development. These measures seek to retain and enhance the existing

field structure by minimising hedgerow losses, filling hedgerow gaps, planting new hedgerows where there is currently fencing, and planting a new area of woodland to the west of Poole Farm.

40. Taking into account the mitigation measures proposed, the LVIA concludes that during the operational phase of the development, views of the solar farm from the identified points would be no more than 'moderate adverse' at year one of the development, and reduced to 'moderate-slight adverse' by year 15 as planting matures, with the exception of views from footpath K31 which would be 'substantial-moderate adverse' at year one and reduced to 'moderate adverse' by year 15. The LVIA noted there would be visual impact during the construction phase but that it would be limited in scale and short lived, and that during the decommissioning stage vegetation would have matured significantly and views would therefore be much more limited.

41. In terms of its landscape impacts, the LVIA acknowledges that the solar farm would result in the loss of pastoral fields but notes that this is in the context of the existing urbanising and detracting features in the landscape. It finds that the retention of the field boundaries would allow the landscape to retain its structure despite the development, and that over time the additional planting would strengthen this structure. It goes on the describe how the impact to the landscape character would be temporary and reversible, and ultimately concludes that the solar farm could be developed without significant harm to the landscape and visual character of the surrounding countryside.

Ecology

42. The planning application is supported by a Preliminary Ecological Appraisal (PEA) which includes a Phase 1 Habitat Survey, a protected species scoping survey and a desktop study of protected and notable sites and species in the area. The PEA acknowledges the age of the survey work goes beyond the normal validity of 24 months but concludes that the survey is still relevant as land use activity (livestock grazing) has not changed. The PEA found the site holds potential for a number of protected species including great crested newts, bats, reptiles, water voles and badgers.

43. A Biodiversity Management Plan (BMP) has been submitted which, based on the findings of the PEA, sets out a scheme to protect, maintain and enhance ecological features at the site. The BMP aligns with the landscape mitigation measures and provides detailed proposals about the retention and enhancement of landscape scale habitats, along with details about ecology focussed mitigation, timings, and ongoing management, including:
    a) A new area of woodland to the west of the Poole Farm farmstead;
    b) Individual tree planting along two internal field boundaries;
    c) Planting four additional hedgerows along the site boundaries;
    d) Retaining, managing, and enhancing most existing hedgerows;
    e) Wildflower meadow planting around the solay arrays;
    f) Retaining two existing ponds with protective buffer and new planting;
    g) Creating two new ponds with buffers and planting near to existing ponds;
    h) Creation of marshy grassland along the River Soar;
    i) Installation of five barn owls, kestrels, flycatcher, and generalist bird nest boxes;

j) Installation of four bat boxes;
k) Minimising lighting levels;
l) Installation of three hedgehog hibernation boxes;
m) Including 'hedgehog highways' in every length of fencing; and
n) Including badger gates in every length of fencing.

44. A Biodiversity Net Gain (BNG) Assessment has been carried out and concludes that the measures set out in the BMP would result in a net gain of area habitats of 12.08%, and hedgerow habitats of 24.68% across the site.

Heritage and Archaeology

45. A Heritage Assessment supports the planning application, which assembles the findings of desk-based assessments, LiDAR study, geophysical surveys, and archaeological trenching evaluation to describe the significance of heritage assessments on and close to the site, identify potential impacts, and present design, civil engineering, and archaeological solutions.

46. In respect of buried archaeology, two areas of fragmented Iron-Age to Romano-British occupation evidence have been identified in the centre and north of the site where the proposed solar farm development would have a local physical impact. It is proposed that pre-commencement archaeological investigation works are carried out to mitigate this impact. Moderate potential for geoarchaeological and archaeological remains is considered in the western part of the site, and due to their depth over 1m below ground surface it is proposed that intrusive ground works are limited to ensure the remains are not impacted.

47. The assessment finds that no designated heritage assets would be negatively impacted by the solar development; it identifies four locally listed buildings in close proximity to the site which would be impacted by the landscape change bought on by the development with the resultant loss of significance being slight / low.

Construction Period

48. The construction period for the solar farm would last 22-26 weeks and work is proposed to take place between 08:00 – 18:00 Monday to Saturday. Some aspects of the construction and commissioning may need to be undertaken outside of these times and this would be dependent on Western Power Distribution (WPD). Internal access tracks, plinths and the electrical substation buildings would be constructed initially, along with the installation of underground cabling. Infrastructure associated with the grid connection would then be delivered and installed, concurrently with the delivery and erection of the solar arrays. The operational access points would be constructed in the final stages of this phase.

49. All construction traffic would access the site via the Poole Farm access track which is proposed to be improved and widened to accommodate the type of vehicles expected during the construction phase. To gain access to the eastern portion of the site, internal construction vehicles would cross over Flesh Hovel Lane through the gates that would later form the operation access points to the solar farm. A temporary compound would be established in the western portion of the site, near to the Poole Farm farmstead, for the duration of the construction

and commissioning period. This would provide for HGV access and turning; staff and contractor car parking; the storage of equipment, plant, and machinery; and construction site office and welfare facilities. The construction compound would be removed once construction and commissioning are complete.

Environmental and Amenity Impacts of Construction

50. A Noise Impact Assessment supports the planning application relating to the noise from construction activities, which uses results from monitoring at five locations to determine the baseline noise environment, and then assesses the potential impacts of construction in accordance with the appropriate British Standard methodology. The noise associated with the construction would vary and the assessment uses three phases: enabling works, ground works, and array construction. Modelling is carried out based on a limit of 65.0dB(A) at the nearest noise-sensitive receptors, and it is found that this limit would not be exceeded at any receptors, at any point during the construction period. Potential mitigation measures are included in the assessment which could reduce the noise levels by 5dB(A) or more to allow the noise limit to be met more comfortably.

51. An Air Quality Assessment supports the planning application to consider the impacts of dust arising from the construction period by establishing the sensitivity of the area, and the risk of dust soiling and potential human health impacts. The assessment finds that the construction of the solar farm would carry a low - medium risk of dust soiling (i.e. nuisance dust) and a low risk of impacting on human health. A number of potential mitigation measures are provided which would result in the effects of dust being 'not significant'.

52. A Construction Environmental Management Plan (CEMP) has been submitted which is based on the mitigation measures set out in the Noise and Air Quality assessments, which also includes measures relating to construction practices, pollution prevention, drainage and flood risk, ecology, contamination, and air quality.

Traffic Impacts

53. A Transport Statement (TS) supports the planning application which studies the existing highway condition and traffic flows in the area, and models the predicted vehicle numbers associated with the construction period to understand the potential impacts on highway safety, traffic increase and network operations.

54. In respect of vehicle numbers associated with staff during the construction period, based on the prediction that there would be no more than 50 staff on any given day and that the developer would provide minibuses to minimise individual trips, it is estimated that there would be 20 trips associated with staff per day. Whilst these trips would likely take place either side of the working day i.e. before 08:00 and after 18:00, to ensure a robust assessment they have been modelled to take place during peak hours on the roads.

55. In respect of HGV trips, because specific programming is yet to be finalised a worst-case scenario prediction is made based on similar developments. This predicts 592 trips over a 22 week construction period. Weekly trips are predicted to be 43 at week 1, peak at 57 trips at week 11, and then taper off to 9 trips at week 22. When spread across the working week of Monday to Saturday, and

working hours of 08:00-18:00, the predicted peak week of 57 weekly trips would equate to one HGV trip per hour. All HGVs would use the Poole Farm access road to access the application site.

56. The TS concludes that the local highway network has the capacity to accommodate the predicted construction traffic associated with the proposed solar farm with no detrimental impact on the operation of the network or highway safety in the local area.

57. A Construction Traffic Management Plan (CTMP) has been submitted which sets out how construction traffic will be managed to minimise its potential impacts. The measures relate to site access procedures, protection of other highway and PRoW users, and emergency access procedures.

Decommissioning and Restoration

58. Planning permission is sought for a temporary 40 year period which aligns with the expected lifespan of the equipment and industry standards. By the end of the 40 year period, the solar farm would be decommissioned and all solar arrays, inverters, underground cabling, substation infrastructure, security fencing and hard surfaces would be removed from the site. The site would then be returned to exclusive agricultural use.

Planning Policy

The Development Plan

Charnwood Local Plan 2011 – 2028 Core Strategy (adopted November 2015)

- CS2 High Quality Design
- CS11 Landscape and Countryside
- CS13 Biodiversity and Geodiversity
- CS14 Heritage
- CS16 Sustainable Construction and Energy
- CS17 Sustainable Travel

Borough of Charnwood Local Plan (adopted January 2004) Saved Policies (2007)

- ST/2 Limits to Development
- EV/1 Design
- CT/1 General Principles for Areas of Countryside, Green Wedge, and Local Separation
- CT/2 Development in the Countryside
- TR/18 Parking Provision in New Development

Quorn Neighbourhood Plan (made June 2019)

- S1 Settlement Boundary
- ENV4 Trees, Woodland and Hedges
- ENV6 Biodiversity
- ENV9 Renewable Energy Generation
- TT1 Traffic Management

Leicestershire Minerals and Waste Local Plan (adopted September 2019)

- M11 Safeguarding of Mineral Resource

National Policy

National Planning Policy Framework (NPPF)

59. Paragraph 47 of the NPPF emphasises that *planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.*

60. Paragraph 48 sets out the considerations for affording weight to relevant policies in emerging plans, which are:
    a) *the stage of preparation of the emerging plan*;
    b) any *unresolved objections* to relevant policies; and
    c) *consistency* between the emerging policies and the NPPF.

61. Paragraph 158 of the NPPF relates to renewable and low carbon development, stating '*local planning authorities should:*
    a) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
    b) *approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas'*

Emerging Policy

Charnwood Local Plan 2021-2037 - Pre-Submission Draft (July 2021)

- Policy CC3: Renewable and Low Carbon Energy Installations

62. The emerging Charnwood Local Plan has been submitted to Government and is in the examination phase. This represents an advanced stage of the plan making process, and the plan can therefore be afforded some weight in the planning balance. With the exception of policy CC3, which does differ slightly from the adopted plan's position on renewable energy generation, other relevant policies are substantially consistent with adopted policies and the NPPF so further consideration is not necessary.

Consultations

63. **Charnwood Borough Council (CBC) Environmental Health** – No objection.

64. CBC Environmental Health recommended that the site operates in accordance with Noise and Odour Management and Control Plans based on the mitigation measures proposed by the applicant. The response notes that glint was not considered in the application and asks for some consideration of its effect on nearby properties and passing motorists.

65. **Local Lead Flood Authority (LLFA)** (Leicestershire County Council) – No objection.

66. The LLFA advised that a condition is imposed to require details of the long-term maintenance of proposed and existing surface water features to be submitted and approved.

67. **Local Highway Authority (LHA) (including Public Rights of Way)** (Leicestershire County Council) – No objection.

68. The LHA is satisfied that the vehicles movements generated by the operation of the proposed solar farm would not result in any significant highway impact subject to conditions which require the proposed operational access and crossing arrangements to be carried out, and recommend that the applicant ensures appropriate visibility splays can be achieved for the operational access points of Flesh Hovel Lane.

69. In relation to the construction phase, the LHA is satisfied that the vehicle movements generated by the construction of the development would not have a significant impact on the local highway network, provided conditions are imposed which require:
    a) the improvements to the Poole Farm access road and Flesh Hovel Lane access points to be carried out prior to construction works;
    b) the submission and implementation measures to protect PRoWs during construction; and
    c) compliance with an amended Construction Traffic Management Plan which includes the following measures:
        i. All construction traffic associated with the substation compound (not just the solar panels) to use the widened Poole Farm access track;
        ii. Sufficient capacity in the temporary construction compound to ensure there would be no off-site parking;
        iii. Wheel washing arrangements;
        iv. Investigation of the condition of the section of Flesh Hovel Lane between the Poole Farm access road and Barrow Lane, before and after construction, and to rectify any damage at the applicant's expense;
        v. Monitoring of the temporary traffic signals; and
        vi. Removal all traffic signals and related equipment at the end of the construction period.

70. **LCC Landscape** – no objection.

71. LCC's Landscape Architect concludes that the development will not have a significant adverse impact on the landscape character of the area, and welcomes opportunities to increase biodiversity provided they are in line with LCC Ecologist recommendations. A detailed landscape scheme is required in due course to fully assess the application.

72. **LCC Ecology** – no objection.

73. LCC's Ecologist has no objection in principle to the proposed development and on the basis of the proposed landscape strategy and biodiversity enhancement measures, the scheme is expected to achieve a net gain in biodiversity across the site although further information in required to confirm the calculations within the submitted Biodiversity Net Gain Assessment. The Biodiversity Management Plan and Biodiversity Net Gain Assessment are required to be updated in due course to address some comments regarding specific enhancement measures.

74. **LCC Archaeology**– no objection.

75. LCC's Archaeologist is supportive of the proposed mitigation strategy, which avoids some known archaeological remains, whilst reducing the ground disturbance in some areas of development and carrying out targeted archaeological investigation work in others. It is recommended that planning conditions are imposed to require a written scheme of investigation (WSI) based on the proposed strategy to be submitted for approval, and for the investigation works to be carried out in accordance with the WSI.

76. **Environment Agency (EA)** - no objection.

77. The EA advise that the proposed development would only meet the NPPF's requirements in relation to flood risk if a planning condition is included to require the development to be carried out in accordance with the submitted Flood Risk Assessment and Technical Note, including measures relating to the ground clearance of solar panels, the location of the substations and the fencing detail. Support is expressed for the ecological recommendations and the implementation of BNG, and further guidance is provided regarding Environmental Permits and proximity to the River Soar.

78. **Barrow upon Soar Parish Council –** no objection.

79. The Parish council would like to see all Public Footpaths kept open.

80. **Natural England** – no objection.

81. Natural England find that the proposed development would not have significant adverse impacts on statutory protected nature conservation sites or landscape.

82. **Historic England** – consultation acknowledged but no advice given.

83. **Charnwood Borough Council Planning, Quorn Parish Council, LCC Heritage, Severn Trent Water, Caden Gas Limited and National Grid** – no response received at the time of writing.

Publicity and Representations

84. The application has been publicised by means of site notice, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.

85. One representation was made by a member of the public which expressed support for the development whilst raising concerns about the exclusion of some

PRoWs from the Landscape Strategy, and the validity of the traffic survey data in light of recent changes to vehicle policies at the marina to the north of the site.

86. In respect of the PRoWs, an updated plan was provided by the applicant which included all footpaths adjacent and nearby to the application site; consideration of the development's impact on PRoWs is considered in the section below.

87. In respect of the traffic survey data, the LHA has confirmed that although they do not routinely accept surveys that are over three years old at the time of submission, they are prepared to accept it in this instance based on the site context, proposed vehicle numbers and covid-19 restrictions. Consideration of the development's traffic impact is considered in the section below.

Assessment of Proposal

Development in the Countryside

88. Saved policies CT1 and CT2 of the Borough of Charnwood Local Plan (BCLP) provide the general principles for development in the countryside, with policy CT1 listing the types of development which are acceptable, and policy CT2 applying additional tests to acceptable development types to ensure it does not harm the character and appearance of the countryside, and safeguards historic, nature conservation, amenity, and other local interest. Policy CS11 of the Charnwood Local Plan Core Strategy (CLPCS) reinforces these policies by supporting the acceptable development types, and requiring consideration of landscape character, tranquillity and the separate identity of towns and villages. Policy S1 of the Quorn Neighbourhood Plan (QNP) emphasises that land outside the Quorn settlement boundary is considered countryside but does not introduce any relevant additional tests. In the supporting text to Policy ENV 9, the QNP makes reference to the development of a solar farm installation near Flesh Hovel Lane (i.e. in the open countryside).

89. A commercial scale solar farm does not fall within any of the acceptable types of development listed in CT1 and therefore the proposal does not accord with this policy.

90. Due to the distance between the application site and its nearest settlements, and the land, vegetation, and infrastructure within the surrounding landscape, the development of the solar farm between Barrow upon Soar and Quorn would not result in a merging of the two settlements and their sperate identifies would be maintained, the proposal therefore accords with this part of policy CS11.

91. In respect of the remaining provisions of CS11, and the impact of the solar farm on the attributes of the countryside that are protected by CT2, these are considered in turn through the course of this report alongside other polices which specifically relate to these impacts.

Renewable Energy Development

92. Policy CS16 of the CLPCS supports commercial scale renewable energy developments where they contribute to the Plan's target of at least 27.5MWe capacity in the borough by 2028, having regard to the impact on the wider landscape, biodiversity, the historic environment, public safety, noise, odour, and

other amenity considerations; the policy does not set an upper limit. Policy ENV9 of the Quorn Neighbourhood Plan (QNP) supports solar developments which are less than 25ha in size, not visible from certain viewpoints, and do not cause glare, subject to not having adverse impacts on health, wellbeing and amenity, landscape, and biodiversity. In addition, the supporting text to Policy ENV 9 references the potential for the development of a solar farm installation on land near Flesh Hovel Lane and outlines that, if approved, this would indicate a flexible approach to the delivery of the Charnwood Borough Council green infrastructures strategy's objectives. Emerging policy CC3 of the ECLP echoes CS16's requirements but does not include a specific target. It introduces the need to address cumulative impacts, and provision for the wider environmental, economic, and social benefits of developments to outweigh localised adverse impacts. Paragraph 158 of the NPPF is supportive of renewable development when its impacts are acceptable and is clear that applicants do not need to demonstrate an overall need for renewable or low carbon energy.

93. Table 7 of the Emerging Charnwood Local Plan Pre-Submission Draft (July 2021) (ECLP) identifies an operational capacity of 73.97MW in the borough, with more at the permitted Newhurst Energy Recovery Facility (ERF) which is not yet operational. Once operational the proposed solar farm at Poole Farm would contribute a further 10MW to the borough's total capacity, taking it to 83.97MW (in addition to the capacity of the Newhurst ERF). This would represent an exceedance of the 2028 target by 56.47MW. Whilst the borough has already exceeded its 25.5MWe target, policy CS16 does not impose an upper limit and therefore is supportive of the proposed development subject to the other policy requirements being met.

94. The proposed solar farm has a site area of 23.3ha; this is less than the limit imposed by ENV9 of the QNP and the proposal is therefore supported subject to the policy's other considerations.

95. Both the ECLP and the NPPF align with policies CS16 and ENV9 with support for the proposal provided its impacts are addressed. These impacts are considered in the course of this report alongside other relevant policies.

Landscape Impacts

96. Support for renewable energy development from policy CS16 of the CLPCS is dependent on proposals having regard to their landscape impacts, whilst policy ENV9 of the QNP goes further to require developments to have no adverse impacts. Policy CS11 of the CLPCS builds upon policy CT2 of the QNP's protection of landscape character, requiring development in the countryside to be reinforce character, sense of place and local distinctness. Saved policy EV1 of the CBLP adds that development should use existing features in and around the site as the focus. Emerging policy CC3 of the ECLP introduces consideration of cumulative impacts. The ECLP identifies the Soar Valley LCA as an opportunity area with moderate landscape sensitivity to 10-15ha solar installations.

97. With reference to policy requirements relating to the effects of development on the landscape and its character, the proposed solar farm is located in a part of the Soar Valley LCA where its width narrows between settlements, and its rural character is subject to urbanising influences. Whilst the solar arrays would add to this urbanisation, their spread across the small-medium sized field parcels, and

the retention of the hedgerows between them, would limit the adverse impact of the development on the wooded, enclosed character of the area, and allow the landscape to retain its structure. The siting of the substation compound adjacent to the sewage treatments works limits the spread of buildings across the landscape and minimises adverse impact. The additional hedgerow, tree and woodland planting would reduce the impacts of the proposal by reinforcing the landscape's structure and adding to the enclosed, wooded character. The impacts of the proposal would be temporary, albeit long term, and over its lifespan the additional hedgerows, trees and woodland would establish, continuing to reduce its overall impact and strengthening the landscape character. LCC's Landscape Architect advises that with the proposed mitigation measures, the solar farm would not have a significant adverse impact on the landscape character of the area.

98. At 23.3ha the proposal exceeds the scale of installations identified as suitable in the Soar Valley LCA. The NPPF directs proposals that do not accord with areas identified in the plan to demonstrate they meet the criteria used to identify suitable areas. Based on the flat and enclosed nature of the application site's surroundings, which does not have particularly scenic qualities due to the existing detracting features, it has a lower sensitivity to solar installations than the LCA as a whole and can therefore accommodate larger proposals. Notwithstanding this, it is also appropriate to consider that that proposal's total area is split between two separate and distinct portions of land.

99. Due to the layout of the solar arrays and the proposed mitigation, the proposed development would not have a significant adverse impact on the landscape character of the area and it is therefore considered to accord with the landscape related requirements of policy CS16. The retention of the landscape structure and the use of planting to strengthen this complies with the provisions of policy CS11, whilst the proposal's integration with existing landscape features is supported by policy EV1. Although policy ENV9's requirement for no adverse impact is not met in full, it is considered that all reasonable opportunities to minimise impact have been taken. Whilst the proposal would result in a cumulative urbanising impact on its surrounding landscape, emerging policy CC3 allows these localised impacts to be outweighed by the scheme's sustainability benefits which are demonstrated by its support from policies relating to renewable developments. Despite the proposal exceeding the ECLP's suitable scale for solar developments in the Soar Valley LCA, the layout of the arrays and the low landscape sensitivity of the application site's surroundings are such that the solar farm would meet the criteria used to identify suitable sites in the emerging plan.

Visual Impact and Viewpoints

100. Policy CS16 of the CLPCS and ENV9 of the QNP both have regard to the amenity impacts of renewable energy development, which would include visual impact, and with policy ENV9 providing more specific considerations for solar developments requiring that they are not visible from of the valued viewpoints identified in the plan, accessible viewpoints over 250m from the site, or any residential or business properties. The Planning Practice Guide is clear that LPAs need to consider the visual impact of solar development.

101. Nearby views of the proposed solar farm are limited to nearby PRoWs. The proposed landscaping scheme provides additional hedgerows along the northern boundary of the eastern portion, between the site and footpath I27; and on the boundary of the western portion where footpath K31 crosses the adjacent field; and includes managing and enhancing the existing vegetation that screens the site. This would result in views from PRoWs being filtered by vegetation other than through the limited number of access points. There would be some partial and filtered views of the solar arrays from the upper floor of residential properties on the western edge of Barrow upon Soar, but the landscaping scheme would soften these further over time. There are no vantage points from which the entire development would be visible with the exception of Beacon Hill, which is around 4.5km from the site, from which the application site can be seen but in the context of the developed landscape of the surrounding area. The site is not visible from any of QNP's valued viewpoints.

102. The visual impacts of the development are considered to be acceptable and therefore accord with CS16. Although the partial views from properties in Barrow upon Soar would represent a slight conflict with policy ENV9's requirements, the landscaping scheme takes all opportunities to screen the development, and the new and existing planting would lead to these views becoming even more filtered over the lifetime of the development.

Glint and Glare

103. Policy ENV9 of the QNP requires solar development not to cause glare at any viewpoint, and CBC's Environmental Health team raised concerns about the potential effects of glint on the view from residential properties and for passing motorists.

104. In response to CBC's comments, the applicant confirmed that the panels would be treated with an anti-glare coating. By virtue of the limited viewpoints from which the solar arrays would be visible, the risk of glint and glare at any viewpoint would be very minimal.

105. Based on its very low likelihood of glint and glare, a full assessment is not required but to ensure this criteria of ENV9 is met, and to address concerns raised by CBC's Environmental Team, a condition will be imposed to require the solar panels at the site to be treated with an anti-glare coating.

Development in the Floodplain and Surface Water Drainage

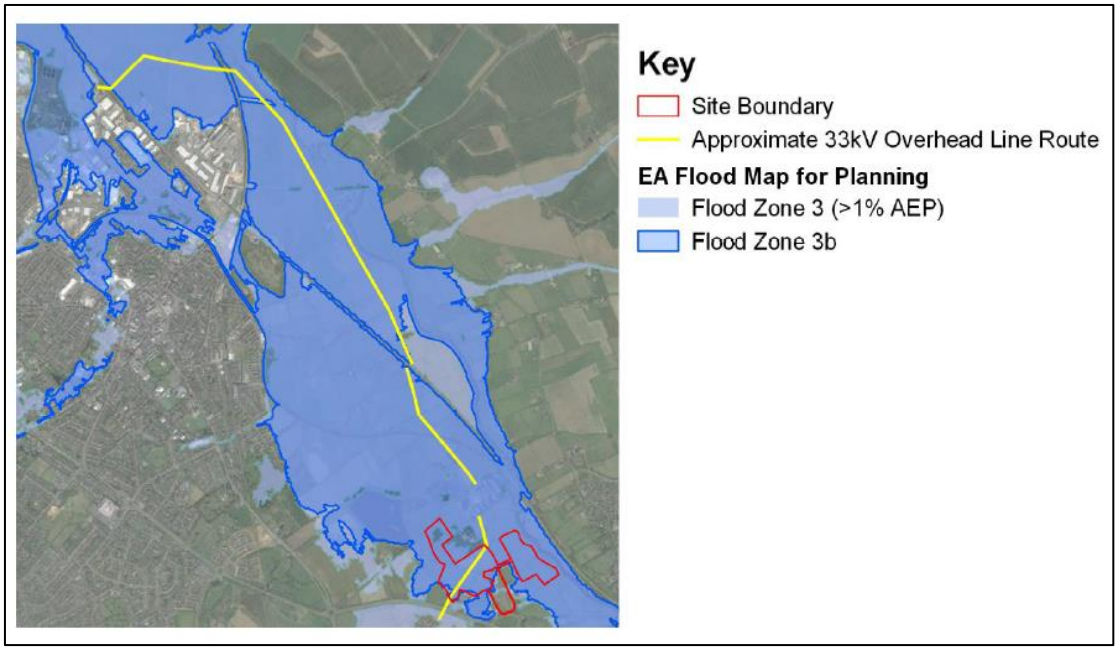
106. Policy CS16 of the CLP (2005) directs development to locations with the lowest risk of flooding, applying the NPPF's Sequential and Exception Tests when they are required.

107. The Sequential Test is set out in the NPPF and explained further in the accompanying Planning Practice Guidance (PPG). It aims to steer new development to areas in flood zone 1 which has the lowest probability of flooding. Where development is proposed in flood zone 3, LPAs must take a sequential approach in considering whether there are any reasonably available sites in flood zones 1 and 2, and take in account the flood risk vulnerability of the proposed development. The PPG directs LPAs to take a pragmatic approach to the availability of alternatives. The NPPF also requires the Exception Test to be

applied to certain types of development depending on their flood vulnerability and location, which requires the sustainability benefits of a development to outweigh the flood risk, to be safe for its users for its lifetime, and not to increasing flood risk elsewhere. Table 3 'Flood risk vulnerability and flood zone compatibility' of the NPPF identifies that an Exception Test is required for essential infrastructure located in flood zone 3, and annex 3 of the NPPF confirms that solar farms are essential infrastructure. The proposed solar farm is located in flood zone 3, and therefore both the Sequential and Exception Tests are required. The PPG advises that LPAs should apply the test and take advice from the Environment Agency (EA), who have been consulted on the planning application.

108. In order for a solar development to be viable and justifiable, a large area of generally flat land with few surrounding light obstructions is required within close proximity to a power grid connection which has network capacity. The applicant has an agreement with Western Power Distribution (WPD) to connect to the overhead power line between Quorn and Loughborough to make use available capacity at the substation at Quorn.

109. Regarding the application of the Sequential Test, a suitable site for the proposed development must be physically suited to solar development and adjacent to or intersecting the route of the power line. The annotated aerial photo below, which is included at Figure 5 of the Flood Risk Assessment, overlays the route of the power line with the EA's flood mapping to illustrate that the entire route of the Quorn to Loughborough power line is across land within flood zone 3, therefore any other suitable sites would carry an equal risk of flooding to the application site. Notwithstanding this, the applicant has not identified any other sites that are in their ownership, for sale at a fair market value, or surplus publicly owned land available for sale, within the corridor of suitable sites.



110. The Sequential Test has also been applied to the layout of the site, resulting in the substation compound's proposed location in a small area of flood zone 2 which carries a lower probability of flooding than anywhere else within the application site.

111. Turning to the first part of the Exception Test, the sustainability benefits offered by the proposal relate to the renewable energy that it would generate in the place of energy generated by fossil fuels, thereby contributing to a reduction of greenhouse gas emissions. The role of solar power in cutting greenhouse gas emissions and achieving the UK's legally binding net zero targets is recognised by adopted and emerging development plan policies, as well as the UK Government's most recent Energy White Paper (2020).

112. With regards to the second part of the Exception Test, there would be no permanent users of the site associated with the solar farm development, and the very infrequent visits would mainly involve the substation compound, and its access/egress route. Flood modelling based on a topographical survey demonstrates that those areas would have a low flood hazard based on the predicted 0.12m depth and low velocity of flood flows.

113. In relation to the development effect on flood risk elsewhere, this would be affected by a loss of flood storage in the floodplain and changes to the flow of water. The frames for the solar arrays and inverters will provide sufficient ground clearance to ensure the arrays and inverters sits above the predicted flood level in flood zone 3, therefore the only loss of flood storage would result from the frames themselves, and the post and wire mesh fencing. The FRA finds that the total area occupied by the frames, mesh and posts would be considered negligible and have very little effect on flood storage or flows.

114. The EA accepts the findings of the applicant's FRA and is satisfied that both Tests would be met provided the proposed development is implemented in accordance with the FRA. The LLFA had no objection to the development, provided details about the maintenance of existing surface water drainage features is submitted and that these measures are implemented.

115. Based on the advice of statutory consultees, it is therefore considered that provided the recommended conditions are imposed, the proposed development accords with this part of policy CS16 and its location in the floodplain is adequately justified.

Design and Appearance

116. Policy CS2 of the CLPCS (2015) and policy EV1 of the BCLP (2005) both require a high standard of design for new developments.

117. The quantity of traditional built development within the solar farm proposal is limited to the structures in the substation compound, although these are all functional components with limited scope for high quality design. The finish and layout of the structures is yet to be finalised, but to ensure their appearance is acceptable and policies CS2 and EV1 are complied with, a condition would be imposed to require the planning authorities written approval for the final design prior to their construction.

Archaeology and Heritage

118. Policy CS14 of the CLPCS requires development to protect heritage assets and their setting, and policies CS16 of the CLPCS and ENV9 of the QNP have regard to the impact of renewable energy development on the historic environment.

119. The proposed development lies in an area of significant archaeological potential and the planning application is supported by extensive archaeological assessment work. Based on the findings of this assessment work, a mitigation strategy has been proposed which includes two areas of archaeological investigation in the western portion of the site, and two areas where ground disturbance must be limited in the eastern part of the site. LCC's Archaeologist has confirmed that these proposed mitigation measures are acceptable and has advised that conditions should be imposed to require a Written Scheme of Investigation to be submitted and implemented prior to the commencement of development. With the imposition of the recommended condition to secure the archaeological mitigation strategy, heritage assets within the application site would be protected and the proposal would accord with policy CS14 and this aspect of policies CS16 and ENV9.

Biodiversity

120. Policy CS13 of the CLPCS and ENV6 of the QNP relate to the protection of Sites of Sites of Special Scientific Interest (SSSIs), Local Wildlife Sites (LWSs), priority habitats and species, protected species, and ecological networks; and CS13 also supports developments which protect, enhance, restore, or recreate biodiversity. Policies CS16 of the CLPCS and ENV9 of the QNP have regard to the impact of renewable energy development on biodiversity. Paragraph 180d of the NPPF states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.

121. The planning application is supported by ecological assessment work which identifies that the site holds potential for a number of protected species including great crested newts, bats, reptiles, water voles and badgers. Based on these findings, and the landscaping requirements for the development, a comprehensive scheme of measures to protect, maintain and enhance the ecological features at the site has been proposed which would result in a net gain of both area habitats and hedgerow habitats across the site.

122. LCC's Ecologist has been consulted and has no objection to the proposed landscape and ecological enhancement measures, and also recognises that the site has the potential to achieve a biodiversity net gain. Natural England have been consulted and consider that the proposal would not have significant adverse impacts on any statutory protected nature conservation sites (which include SSSIs).

123. As the proposed development would not have an adverse impact on any protected habitats, and would offer protection and enhancement of the ecological features at the site, it would be supported by policies CS13 and ENV6, with any measurable biodiversity net gain reflecting the ambitions of the NPPF.

Trees, Woodland and Hedges

124. Policy ENV4 of the QNP recognises the landscape, biodiversity, historical and arboreal significance of trees, woodland, and hedges; it requires losses to be avoided, and where losses are unavoidable it requires compensatory planting. It also supports developments which result in a net gain of hedgerows.

125. Whilst some trees and hedgerows are proposed to be felled to provide space for access into the development site, losses would be minimised by siting proposed access points where there are existing field gates in place. The planning application is supported by arboreal assessment work which recommends several measures to protect existing vegetation on site. The planting of trees, woodland and hedgerows is central to the proposed development's landscaping mitigation and biodiversity enhancement scheme, and would more than compensate for losses with a 24.68% net gain in hedgerow length across the site. It is therefore considered that with the imposition of conditions to require the arboreal protection measures to be implemented, along with the conditions relating to the implementation of the proposed landscaping strategy and biodiversity scheme, the proposed development would be in complete accordance with policy ENV4.

Noise, Odour, Dust and Other Amenity Consideration

126. Policy CS16 of the CLPCS and policy ENV9 of the QNP both included reference to the noise or amenity impacts of renewable energy development, and policy CS2 of the CLPCS requires all new development to protect the amenity of people who live or work nearby. Policy CS11 seeks to protect the tranquillity of the countryside and requires developments to mitigate their impact upon it.

127. During the operational phase, there would be no activity on site to give rise to any impacts on amenity.

128. The construction period of the proposed solar farm will generate noise and dust that could impact upon amenity. Assessment work supporting the planning application concludes that with mitigation these impacts can be acceptable. Charnwood Borough Council's Environmental Protect Team supports the implementation of these mitigation measures. The decommissioning of the solar farm at the end of its 40 year lifespan has the potential to give rise to similar amenity impacts as the construction period.

129. A Construction Environmental Management Plan (CEMP) has been prepared which provides an overview of the mitigation measures that the applicant proposes to take during the construction period. In order to ensure noise and dust impacts are acceptable, all the mitigation measures identified in the assessment work should be implemented during both the construction and decommissioning periods. Subject to a condition requiring the CEMP be updated to include the suggested mitigation measures, and implemented in full during both construction and decommissioning, the proposed development would comply with policies CS16, ENV9 and CS2. Although there would be impacts upon the tranquillity during the construction and decommissioning period, these would be time limited and for the duration of the operational period there would be very limited impacts, as such the proposal accords with this aspect of CS11.

Highways and Public Rights of Way (PRoWs)

130. Policy CS17 of the CLPCS requires the impact of major developments to be assessed through transport assessments. Policy TT1 of the QNP requires development which would increase traffic to minimise generation and movement, incorporate sufficient parking, and provide necessary improvements to the site

access and highway network. Saved policy TR18 of the BCLP will not support development unless sufficient off-street parking is provided.

131. During the operational phase, the impacts of the proposed solar farm on the highway and PRoWs would be very limited, and the predicted fortnightly visits would be immaterial in the context of the surrounding highway network and existing vehicular use of Flesh Hovel Lane. The LHA agrees this phase of the development would not have a significant impact on the highway or PRoW network.

132. The construction period of the solar farm will generate HGV and light vehicle traffic over a period of 22-26 weeks which the applicant proposes to manage in accordance with a Construction Traffic Management Plan. The LHA advises that the construction traffic would not have a significant impact on the highway network, provided conditions are imposed relating the completion of access works before solar farm construction, and the implementation of more enhanced measures than currently proposed to manage the impacts of construction traffic.

133. The construction period will see up to 50 staff on site at any one time, and the applicant proposes that minibuses will be provided to reduce daily car movements associated with staff. The LHA notes that the site is in close proximity to settlements and other means of access so there are alternatives to car transport. The LHA advises that the CTMP should also be updated to include further information about how car transport would be minimised as well as detail about the parking that would be provided for staff within the construction compound.

134. The decommissioning period is also likely to see activity concentrated over a relatively short period during which there would be relatively high levels of staff at the site and large vehicles associated with the removal of the solar farm's components. To accord with polices these impacts also need to be managed.

135. With the imposition of the LHA recommended conditions relating to the management of construction traffic and the provision of parking, and conditions that require these mitigation measures to be implemented during both the construction and decommissioning periods, the proposed development would comply with policies CS17, TT1 and TR18.

Agricultural Land

136. Policy CS16 of the CLPCS supports new development which protects the borough's most versatile agricultural land.

137. The fields that form most of the application site are currently used for grazing livestock. An assessment of land and soil quality found that although most of the site would be classified as grade 3a, which is one of the land classifications which is considered to be 'best and most versatile', due to the droughtiness and stoniness of the soils they are not suitable for arable farming. Once the arrays are installed, the land around them would continue to be grazed, and this would form part of the management of the wildflower meadow planting. The proposal would therefore not result in the loss of agricultural land and does not conflict with this part of policy CS16. Moreover, upon cessation of use as a solar farm, the land could be returned to exclusive agricultural use.

Mineral Safeguarding

138. Policy M11 of the Leicestershire Minerals and Waste Local Plan (LMWLP) protects sand and gravel resources within identified Minerals Safeguarding Areas (MSAs) from permanent sterilisation from other development. The policy only supports development within MSA which meets one of the exceptions listed, which include temporary development which can be completed before the mineral is likely to be needed, and development for which there is an overriding need.

139. Whilst planning permission is sought for a temporary period of 40 years, it is long term and would go beyond the plan period of the LMWLP, and there is no certainty that the sand and gravel resources within the application site would not be required before the site is fully restored. In respect of whether there is an overriding need for the proposed solar farm, the Climate Change Act 2008 (as amended) sets a target for the UK to achieve net zero by 2050, and the Energy White Paper published by the UK Government in 2020 recognises solar energy generation as a key component of decarbonising the country's energy supply.

140. At 40 years the temporary nature of the solar farm would not be considered an exception to the provisions of policy M11, but when considering this alongside the important role of solar energy generation in meeting net zero targets, it is concluded that that the need for the development would override the potential need to have extract sand and gravel within the application site in the 40 year period of the development, and the proposal therefore accords with policy M11.

Other Matters

141. During the preparation of this report, it has come to the attention of officers that the contact details of Quorn Parish Council has changed, and the consultation request for this application had been sent to an outdated email address.

142. To accord with paragraph 8(1) of Schedule 1 to the Town and Country Planning Act 1990 (as amended), Leicestershire County Council is required to notify Quorn Parish Council of planning applications that have been submitted to the County Council where they fall within the area of the Parish Council's Neighbourhood Plan. Furthermore, to accord with paragraph 2 of article 25 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, a planning application cannot be determined until a period of 21 days has elapsed since the notification, unless before this date the Parish Council makes representations or informs the County Council they do not intend to make representations.

143. A consultation request was sent to the correct Quorn Parish Council email address on 7 June 2022.

144. In order to accord with the legal requirements set out above, the recommendation has been worded to allow for this process to take place, and for the planning application to be referred back to the Development Control and Regulatory Board if there are issues of material planning significance raised that have not previously been considered and addressed in this report.

Conclusion

145. The location of the proposed solar farm in the countryside represents a conflict with the provisions of saved policy CT1 of the BCLP, but this is weighed against its 10MW contribution to renewable energy capacity in the borough which is supported by policies CS16 of the CLPCS and ENV9 of the QNP, and emerging policy CC3 of the ECLP, and considered in the context of the NPPF's instruction to approve applications for solar developments if their impacts are acceptable.

146. The proposal exceeds the scale identified in the ECLP's as suitable for solar developments in the Soar Valley LCA, but the layout of the arrays and the low landscape sensitivity of the application site's surroundings are such that the solar farm would meet the criteria used to identify suitable sites. Its cumulative urbanising impact on its surrounding landscape, and partial visibility from some viewpoints, is mitigated by the landscape strategy that will reduce the impact of the development over time. Emerging policy CC3 includes provision for localised landscape impacts to be outweighed by the scheme's sustainability benefits.

147. In additional to the sustainability benefits of renewable energy generation, the biodiversity net gain that would result from the landscaping strategy and ecological enhancement measures at the site represent a sufficient benefit to outweigh localised landscape and visual impacts.

148. With the imposition of conditions to manage the impacts of the construction period and secure appropriate mitigation for the site's potential archaeological interest, all other impacts of the development on the local community, environment, and attributes of the countryside are acceptable.

149. The solar farm's temporary nature is also important; although 40 years is a long period, the site would remain in agricultural use during this time with livestock grazing alongside the solar arrays, and once all the equipment has been removed the land would be returned to exclusive agricultural use with the landscaping scheme offering a legacy of a strengthened landscape structure.

150. It is important to note that for a solar development to be viable and functional, a large area of generally flat land with few surrounding light obstructions in close proximity to a power grid connection is required. It is highly unlikely that any land which meets these requirements would be located within the Limits of Development without being afforded a designation as 'open space' to protect it from development and retain its amenity value.

151. As the proposed solar farm accords with most of the provisions of the Development Plan, and any minor conflicts are outweighed by material considerations which indicate the planning application should be approved, it is concluded that the solar farm should be granted planning permission subject to the conditions set out at appendix A.

Statement of Positive and Proactive Engagement

152. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid

representations that have been received. The applicant has also been afforded the opportunity to provide additional supporting information during the course of the application. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

Recommendation

1. PERMIT subject to the conditions set out in Appendix A, and subject to there being no issues of material planning significance raised by Quorn Parish Council during the statutory consultation period, which have not already been assessed in the report.

Officer to Contact

Becky Knighton (Tel: 0116 305 1576)
Email: planningcontrol@leics.gov.uk

APPENDIX A

Conditions

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

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

2. The County Planning Authority (CPA) shall be notified, in writing, of the date of the first commercial export of electricity. Such notification shall be received within one month of said commercial export.

   Reason: To assist with the monitoring of conditions attached to the planning permission and for the avoidance of doubt.

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:
   a. Drawing no. J0012192-22-01a titled 'Site Plan' dated 3 February 2022;
   b. Drawing no. Q21_0408_01 Rev. C titled 'Block Plan' dated 23 January 2022 (as amended by Figure 1 – Revised Indicative Location of Substation within document ref. 70046050-TN-002 titled Environment Agency Objection Response dated 16 May 2022);
   c. 'Indicative Solar Farm Elevations' at appendix 9 of the Supporting Statement.

   Reason: For the avoidance of doubt as to the development that is permitted

4. Planning permission for the development hereby permitted will expire on the date 40 years from the date of first commercial export of electricity, as notified pursuant to condition 2 of this permission, and all buildings, erections, structures, and equipment associated with the use of the land as a solar farm shall have been removed from the site by this date.

   Reason: To ensure the land is restore to exclusive agricultural use in accordance with policy CS16 of the Charnwood Local Plan Core Strategy

5. Prior to the commencement of the development of the substation compound as detailed on Drawing no Q21_0408_01 Rev C, the details of all development within the substation compound, including structures, fencing, CCTV, lighting, and ground cover, shall be submitted to, and approved in writing by, the County Planning Authority. The development shall be implemented in full accordance with the approved details.

   Reason: To protect visual amenity and the character of the surrounding landscape in accordance with Policy CS2 of the Charnwood Local Plan Core Strategy and saved policy EV1 of the borough of Charnwood Local Plan…

6. Prior to the commencement of development, an Arboricultural Method Statement and Tree Protection Plan based on the recommendations of the Arboricultural Impact Assessment reference 8621/SHO/BJ dated 19 February 2021, shall be

submitted to, and approved in writing by, the County Planning Authority. The development shall be implemented in full accordance with the approved details.

Reason: To protect trees during the construction period of the development in accordance with Policy ENV4 for the Quorn Neighbourhood Plan

7. Prior to the commencement of the development hereby permitted, a scheme for all hard and soft landscaping within the site shall be submitted to, and approved in writing by, the County Planning Authority. The scheme shall be based on drawing number CSA/3722/109 Rev. E titled 'Landscape Strategy' dated January 2022 and the Biodiversity Management Plan version 10 dated 20 April 2022. The development shall be implemented in full accordance with the approved details.

   Reason: To protect visual amenity and the character of the surrounding landscape in accordance with Policies CS11 and CS16 of the Charnwood Local Plan Core Strategy, saved Policy EV1 of the Borough of Charnwood Local Plan and policy EN9 of the Quorn Neighbourhood Plan

8. Prior to the commencement of the development hereby permitted, an updated Biodiversity Management Plan shall be submitted to, and approved in writing by, the County Planning Authority. The scheme shall be based on Biodiversity Management Plan version 10 dated 20 April 2022. The development shall be implemented in full accordance approved details.

   Reason: To enhance the ecological features of the site in accordance with Policy CS13 and CS16 of the Charnwood Local Plan Core Strategy and paragraph 180d of the NPPF.

9. Prior to the commencement of the development hereby permitted, a Written Scheme of Investigation (WSI) based on Heritage Assessment reference PN1780/2022/1 dated January 2022 shall be submitted to, and approved in writing by, the County Planning Authority. The WSI shall include:
   a. The statement of significance and research objectives;
   b. The programme and methodology of site investigation and recording and nomination of competent person(s) or organisation to undertake the approved works; and
   c. The programme for post-investigation assessment and subsequent analysis, publication, and dissemination and deposition of resulting material.

   No development shall take place on land included in the WSI other than in full accordance with the WSI.

   Reason: To protect the significance of heritage assets in accordance with policy CS14 and CS16 of the Charnwood Local Plan Core Strategy and policy EN9 of the Quorn Neighbourhood Plan

10. Prior to the commencement of the development hereby permitted, a scheme for the maintenance of existing surface water drainage features within the site shall be submitted to, and approved in writing by, the County Planning Authority. The development shall be implemented in full accordance with the approved details.

Reason: To ensure the long-term performance of surface water features in respect of flood risk and water quality in accordance with Policy CS16 of the Charnwood Local Plan Core Strategy

11. Prior to the commencement of the development hereby permitted, an updated Construction Traffic Management Plan shall be submitted to, and approved in writing by, the County Planning Authority. The updated Construction Traffic Management Plan shall include details of the routeing of construction traffic, wheel cleansing facilities, vehicle parking facilities, arrangements for banksmen and temporary signage, and provisions for the safety of Public Rights of Way K31, I120, K30, I27 and K29. The Construction Traffic Management Plan shall be implemented in full for the duration of the construction and decommissioning periods.

    Reason: To manage the impacts of construction traffic on the local highway network in accordance with Policy CS17 of the Charnwood Local Plan Core Strategy, saved Policy TR18 of the Borough of Charnwood Local Plan and Policy TT1 of the Quorn Neighbourhood Plan.

12. The construction access improvements shown on drawing number H001 Rev. titled 'Proposed Barrow Road Access and Road Improvements' shall be implemented in full prior to the commencement of the construction of any part of the solar farm.

    Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controller manner, in the interests of highway safety in accordance with Policy CS17 of the Charnwood Local Plan Core Strategy and Policy TT1 of the Quorn Neighbourhood Plan….

13. The construction access arrangements shown on drawing number H002 titled 'Construction Crossing' shall be implemented in full prior to the commencement of the construction of the substation compound and the portion of the solar farm located to the east of Flesh Hovel Lane.

    Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controller manner, in the interests of highway safety in accordance with Policy CS17 of the Charnwood Local Plan Core Strategy and Policy TT1 of the Quorn Neighbourhood Plan.

14. No part of the development hereby permitted shall be bought into use until the access arrangements shown on drawing number H003 titled 'Operational Accesses' have been implemented in full.

    Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controller manner, in the interests of highway safety in accordance with Policy CS17 of the Charnwood Local Plan Core Strategy and Policy TT1 of the Quorn Neighbourhood Plan.

15. The temporary traffic signals shown on drawing number H001 Rev. 1 titled 'Proposed Barrow Road Access and Road Improvements' shall be removed from the site within one month of the completion of the commissioning of the solar farm.

Reason: In the interests of highway safety in accordance with Policy CS17 of the Charnwood Local Plan Core Strategy and Policy TT1 of the Quorn Neighbourhood Plan.

16. Any vehicle associated with the construction or decommissioning of the development hereby permitted shall use the Poole Farm access track shown on drawing number drawing number H001 Rev. 1, titled 'Proposed Barrow Road Access and Road Improvements' to gain access into and egress from the application site.

    Reason: To protect the safety and amenity of Public Right of Way users in accordance with Policy …

17. Within 3 months of the completion of commissioning of the solar farm, any built development which was installed to facilitate its construction shall be removed from the site, with the exception of the improvements to the Poole Farm access road and its junction with Flesh Hovel Lane.

    Reason: To protect visual amenity and the character of the surrounding landscape in accordance with paragraph 100 of the NPPF

18. All solar panels installed as part of the development hereby permitted, including any replacements, shall be treated with an anti-glare coating.

    Reason: To mitigate the risk of glare from the solar panels in accordance with Policy ENV9 of the Quorn Neighbourhood Plan

19. All existing vegetation along field boundaries within the site that is not shown as being removed on drawing number CSA/3722/109 Rev. E titled 'Landscape Strategy' dated January 2022 all planting which forms part of the Landscaping Scheme and Biodiversity Management Plan, and the hedgerow along the southern boundary of the allotments shall be retained for the duration of scheme.

    Reason: To protect visual amenity and the character of the surrounding landscape in accordance with Policies CS11 and CS16 of the Charnwood Local Plan Core Strategy, saved Policy EV1 of the Borough of Charnwood Local Plan and policy EN9 of the Quorn Neighbourhood Plan

20. No trees or shrubs shall be planted within 1 metre of the edge of Public Rights of Way I120, K30, I27 and K29.

    Reason: To prevent the overgrowth of vegetation impacting on the Public Rights of Way in accordance with paragraph 100 of the NPPF

21. The development hereby permitted shall be implemented in full accordance with the Flood Risk Assessment reference 70046050-FRA-001 dated January 2022 and the Technical Note reference 70046050-TN-002 dated 16 May 2022 for lifetime of development.

    Reason: To mitigate the risks of developing in the floodplain in accordance with CS16 of the Charnwood Local Plan Core Strategy and paragraph 159 of the NPPF

22. The development hereby permitted shall be implemented in full accordance with the Heritage Assessment reference PN1780/2022/1 dated January 2022 for the lifetime of the development.

    Reason: To protect the significance of heritage assets in accordance with policy CS14 and CS16 of the Charnwood Local Plan Core Strategy and policy EN9 of the Quorn Neighbourhood Plan

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