



**Melton
Borough
Council**

T 01664 502502

W www.melton.gov.uk

 @MeltonBC

Applicant: JBM Solar Projects Ltd
C/o Agent
Pegasus Group:- James Walker
Pegasus House
Querns Business Centre
Whitworth Road
Cirencester
Gloucestershire

Direct Line: 01664 502474
Please ask for: Mr Andrew Cunningham
E-mail: ancunningham@melton.gov.uk
Date: 11th May 2021
Reference: 21/00080/EIA

Dear Mr Walker,

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2017 (as amended)

Screening Opinion pursuant to Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs 2017), in relation to a proposed solar farm together with associated equipment and infrastructure on Land To The South West Of Easthorpe Lane, Muston.

Reference: 21/00080/EIA

Decision

The proposed development has been considered against the selection criteria in Schedule 3 of the 2017 Regulations and the advice contained in 'Planning Practice Guidance on Environmental Impact Assessment'. It is considered that the proposed development would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

Under Regulation 5 of the 2017 Regulations, it is the opinion of the Local Planning Authority that **an Environmental Impact Assessment will be required.**

Summary of Proposed Development

The site comprises approximately 135 hectares of agricultural land, located to the north west, north and north east of Belvoir Castle. The site lies between the settlements of Bottesford, Easthorpe and Muston and comprises a significant area land immediately to the south of the A52.

There are a number of listed buildings and listed churches within adjacent villages and the site is also within the setting of the nearby Muston Grange scheduled monument as well within the historic landscape of the Grade 1 Listed Belvoir Castle and Grade II* Registered Park and Gardens and Conservation Area which are located approximately 1.8km to the south of the site.

Immediately adjacent to the site, to the south lies Muston Meadows Nature Reserve which is a SSSI and sits adjacent to and alongside the south eastern boundary of the site.

The proposed development would consist of a ground mounted solar farm along with associated equipment and infrastructure. The submission states that it is anticipated the delivery capacity of the solar farm would be up to 49.9MW. A DNO substation will also be provided to allow for the connection of the solar farm to the National Grid.

Public Rights of Way run through and in close proximity to the site.

Category of Development

The proposed development does not meet any of the categories of development in Schedule 1 of the Regulations for which EIA is mandatory.

However, it does fall under Class 3 (a) of Schedule 2 of the Regulations (Industrial installations for the production of electricity, steam and hot water).

“Schedule 2 development” means development, other than exempt development, of a description mentioned in column 1 of the table in Schedule 2 where—

(a) any part of that development is to be carried out in a sensitive area; or

(b) any applicable threshold or criterion in the corresponding part of column 2 of that table is respectively exceeded or met in relation to that development;

It is considered that the development is within, partly within or near a ‘sensitive area’, being sited immediately adjacent to the Muston Meadows Nature Reserve which is a SSSI designated by Natural England.

In respect of the applicable threshold for development falling under Class 3 (a) of Schedule 2, the need for EIA should be considered where ‘The area of the development exceeds 0.5 hectares’. The applicant confirms that the site would exceed 0.5 hectare.

As such, the proposed development is deemed to be ‘Schedule 2’ development for the purposes of the Regulations.

It is noted that the proposal would generate up to 49.9 MW which is within and therefore would not exceed the indicative criteria and thresholds.

Considerations for not requiring Environmental Impact Assessment

The selection criteria for screening Schedule 2 development is set out in Schedule 3 of the 2017 Regulations. These are considered below.

Characteristics of development

The proposals would involve the development of a solar farm with associated infrastructure. Solar panels would be mounted in a framework that would move to track the sun. The photovoltaic arrays would be pile driven into the ground to avoid the need for substantive foundations.

Other infrastructure would include the erection of a number of inverter and transformer blocks within the site, boundary fencing, cctv system, access tracks, storage containers, communications equipment and a DNO substation to allow for the connection of the solar farm to the National Grid.

The submission states that the construction period would be approximately 6 months and this is where the majority of the potential impact upon highway safety would arise from. Once operational, the only vehicle movements would be from the occasional maintenance vehicle.

In respect of cumulative development with other existing or approved developments, there are a number of operational solar farms in the vicinity of the site at Elton and Orston, both approximately 4.5 km from the site. There is also a recently approved and significantly sized solar farm at Foston, approximately 4.5 km to the north of the site. Although the proposed development is set away from these aforementioned solar farms, they are all set within a narrow and linear range of view from Belvoir Castle and Gardens and therefore this proposal could result in adverse cumulative impacts upon the setting of heritage assets. In addition, a planning application is currently pending decision for a solar farm at Barkestone Le Vale which sits approximately 3.8km to the west of the site.

The construction process will require the use of limited natural resources, as is standard for construction phases of a scheme of this nature. As such there would be no excessive or unusual use of natural resources given the nature of the construction process for frames/panels.

The development will lead to the temporary loss of an area of greenfield/agricultural land for a period of 40 years until being decommissioned. It is unlikely that the construction of the proposed development would lead to the loss of soils due to the proposed construction techniques and resultant reduction in below ground works.

The site lies adjacent to the Muston Meadows Nature Reserve SSSI on the south eastern boundary of the site and would run alongside and wrap around half of the perimeter of the SSSI. As such, the proposed development would be considered to surround half of the SSSI. Therefore, the location is near to a 'Sensitive Area' and consideration will be required as to potential impacts upon this designated nature site. The main environmental impacts of the development are likely to relate to the site's proximity to the aforementioned SSSI.

The submission document states that an *Extended Phase 1 Habitat Survey and detailed species assessment will be undertaken and submitted alongside the planning application and the location of the proposed solar array also provides an opportunity to enhance biodiversity and strengthen ecological networks, particularly in relation to the onsite grassland and hedgerow resource.*

However, given that the site is in very close proximity, borders and surrounds a significant proportion of a 'Sensitive Area', and based on the information submitted, it is considered that due to the location and size of the proposed development, that there are potential likely significant effects on statutorily designated nature conservation sites.

Although an assessment of the impact of the development upon wildlife will be required as part of the planning application and the development would provide an opportunity to incorporate enhancement measures into the planning application, due to the sites size and proximity to the SSSI and nature and probability of the impact, it is considered that the proposal **would be likely to have significant effects on the environment**.

Natural England have been consulted on the screening opinion and have commented as follows

It is Natural England's advice, on the basis of the material supplied with the consultation, that there are potential likely significant effects on statutorily designated nature conservation sites or landscapes and further assessment is required.

In respect of water, the sites lies within Flood Zone 1. Given the nature of the proposed development and it's siting within Flood Zone 1 it is not considered that the proposed development would have a significant effect on water subject to a Flood Risk Assessment and Drainage strategy being provided at full planning application stage.

During the construction phase there would be some potential for minor pollution or nuisance consistent with construction works, for example from construction traffic and construction activity. Best practice methodology will be implemented to minimise risk of waste or pollution. Noise/lighting/dust nuisance would mostly be pertinent during the construction phase however impacts from these elements are not considered to be significant during the construction of the development or during the operational phase given the nature of solar farm developments.

During operation there would be no unusual risk to human health subject to following the correct health and safety procedures and the correct signage being displayed.

There will be potential for accidents during the construction phase of the development and once the development is operational, however this relates to the normal risks associated with construction and would be managed in an appropriate way. CCTV and perimeter fencing and gates are proposed which would secure the site to avoid any potential risk of accident once the development is operational.

Location of development

The existing land use is agricultural land. The solar panels are a temporary and reversible feature and once decommissioned the site's former agricultural use can be restored with no significant effect on the quality of the land. Due to the nature of the construction and operation, it is not considered that the development would lead to a significant loss of natural resources.

Any potential adverse effects from the construction process would be managed by careful site management and adherence to appropriate good practice construction methodologies.

Although biodiversity enhancement measures are proposed within the planning application, as stated above there is likely to be a significant effect of the development on Muston Meadows Nature Reserve, which is a SSSI, due to the location and nature of the development.

The proposed development would not give rise to any significant emissions and is in a location in close proximity to the settlements of Bottesford, Easthorpe and Muston but subject to existing screening and proposed landscape enhancements, it is considered that there would be no significant adverse effect on local amenity.

There are a number of designated heritage assets located in close proximity of the site including scheduled moated grange monument in close proximity to the eastern boundary, scheduled Muston village cross monuments located within the village of Muston to the east of the site, scheduled shifted medieval village earthworks and moat at Easthorpe. In addition Grade I listed Belvoir Castle located approximately 2.2 km to the south as well as the Grade II* registered park and gardens (1.8 km to the south). There are also a number of listed buildings within 1 km of the site, two of which are Grade II* listed.

The main consideration is the impact of the development on these heritage assets and the setting of the listed buildings, especially in regards to views to and from the nearby grade I listed Belvoir Castle and its registered park and garden and church spires; and the role the site plays within the setting of the other adjacent Grade II* listed building and scheduled monuments in the vicinity. Historic England states that -

The application encompasses a significant portion of land within the setting of these heritage assets. It includes an area with multiple views towards Belvoir Castle, the spires of the nearby listed churches and the landscape around the Muston Grange scheduled monument.

It is part of the historic landscape within the Vale of Belvoir, crossed and surrounded by a number of historic routes and footpaths. These routes and landscape are part of how the surrounding heritage assets are interconnected and experienced.

Although a Heritage Assessment would need to be undertaken with reference to these aforementioned views and for the consideration of the setting of the heritage assets, the development encompasses a significant proportion of land which would sit within a historic landscape between Belvoir Castle and listed buildings and scheduled monuments in Easthorpe and Muston. In addition, there are also a number of other solar farm developments within this landscape which could be considered within the same views and the same setting of these heritage assets as this proposed development. Therefore there could be considered a cumulative impact upon the setting of the nearby heritage assets, particularly Belvoir Castle. There are also public footpaths that run through, surround and near to the proposed development, all of which form part of landscape where views could be had towards these heritage assets.

Overall, given the magnitude and spatial extent of the impact, the nature and location of the development, it is considered that the proposal **would be likely to have significant effects on the environment**. Historic England have been consulted on the screening opinion and have commented as follows -

It is for the local authority to determine whether an EIA should be prepared for the proposed development. We have concerns with the potential impact on the historic environment from these proposals. Based on the information provided - and given the size, nature and location

of the proposals - it is our view that there is likely to be 'significant effects' on the historic environment.

Types and Characteristics of the potential impacts

The likely significant effects of the development on the environment has been considered, with regard to the impact of the development on the factors, taking into account—

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);*
- (b) the nature of the impact;*
- (c) the transboundary nature of the impact;*
- (d) the intensity and complexity of the impact;*
- (e) the probability of the impact;*
- (f) the expected onset, duration, frequency and reversibility of the impact;*
- (g) the cumulation of the impact with the impact of other existing and/or approved development;*
- (h) the possibility of effectively reducing the impact*

Conclusion

The character, location and potential effects of the development have been assessed.

In view of the above, it is considered that there will be some effects upon the environment as a consequence of the proposals, and these are likely to constitute 'significant effects', as set out in central government guidance. Accordingly, it is considered that the proposed development is EIA development and would need to be accompanied by an Environmental Impact Assessment.

Please note that should any details of the proposed development change, or if new information comes to light, or if works are not carried out in accordance with the submitted plans and documents, then you are advised to contact the Local Planning Authority to discuss whether this screening opinion would remain valid for the amended development.

Yours sincerely,



Andrew Cunningham
Planning Officer
Development Control