



Planning Committee

31 August 2023

Report of: Assistant Director for Planning and
Delivery

Reference number: 22/00537/FUL

**Proposal: Construction of a Solar Farm together with
all Associated Work, Equipment and Necessary
Infrastructure**

Address: Fields OS 6700 6722 And 5200, Muston Lane, Easthorpe

Applicant: Mr Conor McAllister JBM Solar Projects

Planning Officer: Mr Andrew Cunningham

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	CLrs D Pritchett and J Mason
Date of consultation with Ward Member(s):	5 May 2022
Exempt Information:	No

Reason for committee determination:

This application is required to be presented to the Committee due to receiving more than 10 letters of representation from separate households contrary to the recommendation.

Web Link: <https://pa.melton.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

What 3 words:

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RECOMMENDATION(S)

1. Approval subject to Planning Conditions detailed in Section 11.

1 Executive Summary

- 1.1 The Government and Melton Borough Council have declared an Environmental and Climate Change Emergency. Various recent government publications have highlighted the need to significantly increase generation from onshore wind and solar energy production, as it seeks to ensure that by 2035 all our electricity will come from low carbon sources.
- 1.2 It is clear that considerable growth in large scale solar farms will be necessary and this cannot be achieved solely by the use of brownfield land or roof top installations. Melton Borough Council, in seeking to be carbon neutral 2050 declared a climate emergency. Renewable energy development is central to achieving a sustainable future.
- 1.3 The proposed development would have an export capacity of 49.9MW and would provide a reliable source of renewable energy which will be supplied to domestic and commercial consumers via the District Network Operator (DNO) grid network.
- 1.4 The application site covers just under 100 ha of agricultural land in the northern part of the Borough, within Bottesford ward. To assist in understanding the potential energy output of the proposal, the development would generate enough to power the equivalent of 15,000 homes.
- 1.5 The proposed location of the grid connect point sits centrally within the application site. This is a significant benefit of the proposal in that the grid connection is available and avoids the need for any long-distance cable trenching across the countryside. A substantive site selection assessment has been undertaken to demonstrate that the application site is suitable when considering all matters relating to renewable energy proposals.
- 1.6 As with any planning application, under England's plan-led planning system the basic principle is that planning decisions must be made in accordance with the development plan unless other material considerations indicate otherwise.
- 1.7 The Melton Local Plan and Bottesford Neighbourhood Plan are applicable in the consideration of this application, specifically Policy EN10 of the Melton Local Plan (Energy Generation from Renewable and Low Carbon Sources and Policy 9 of the Bottesford Neighbourhood Development Plan (Renewable Energy and Low Carbon Technologies).
- 1.8 Also relevant are Section 14 of the NPPF which looks at meeting the challenge of Climate Change whilst Section 16 of the NPPF addresses conserving and enhancing the historic environment.
- 1.9 Support for renewable energy within Policy EN10 of the Melton Local Plan, is subject to a number of factors and these are considered in full within the report.
- 1.10 The following are identified as the material planning considerations against which Planning Committee is recommended to make its assessment in balancing the potential public benefits of the proposal against any potential negative impacts:
 - Principle of development and climate change
 - Impact upon the character of the area, wider landscape and heritage
 - Cumulative impacts
 - Impact upon residential amenities, including noise

- Impact upon highways, including public footpaths
- Impact upon ecology
- Impact upon archaeology
- Consideration of loss of agricultural land
- Impact upon flooding and drainage.

- 1.11 A significant consideration for Planning Committee is the proposal's potential impact on the character of the landscape and the impact upon heritage assets and that the impacts of the scheme must be weighed against the public benefits of the development.
- 1.12 The application has been accompanied by a Landscape Visual Impact Assessment (LVIA) which includes an assessment of individual and cumulative landscape and visual effects of the development. This LVIA has been externally reviewed by a Landscape Consultant as part of the Council's assessment. A detailed Heritage Assessment has been submitted with the application and considers the impact upon the nearby Heritage Assets.
- 1.13 The public benefits include not only the significant production of renewable energy but also proposed biodiversity and landscape enhancements and employment generation during construction and maintenance as well as a new permissive footpath, information boards, community orchard and picnic area. The decision maker must attribute the harm and assess whether the public benefits of the scheme outweigh the identified harm.
- 1.14 The support in both national and local policy for renewable energy is caveated by the need for the impacts to be acceptable, or capable of being made so (through landscape enhancements for example). However, the renewable energy benefit of the proposal must be attributed substantial weight.
- 1.15 The other significant consideration is that the Bottesford Neighbourhood Plan Policy 9 states that the development should avoid being located on the highest quality agricultural land. The applicant has submitted an agricultural land classification report which concludes that the majority of the development site is located on sub-grade 3b and approximately just over 7% of the site sits on land considered to be 'Best and Most Versatile' (BMV) land. The Council undertook an external review of the submitted report which confirms the findings of the applicant to be accurate.
- 1.16 Although the recommendation would depart from Policy in respect of BMV land, weight must be attributed to the benefits of the scheme, not only the renewable energy production but the significant biodiversity, landscape and community enhancements within the development. Given the nature and scale of the proposal it is inevitable that some landscape harm may result. In this context, national and development plan policy adopts a positive approach indicating that development will be approved where the harm would be outweighed by the benefits of the scheme. It is for the decision maker to assess whether the benefits of the proposal present a material consideration that would justify a departure from the Neighbourhood Plan Policy.

Main Report

2 The Site

- 2.1 The site totals 99.95 hectares and comprises agricultural land. The site is located to the west of the settlement of Muston and south east of Bottesford and Easthorpe, immediately to the south of the A52. Castle View Road partially follows the western site boundary and to

the south of the site is the Grantham Canal. The site would be accessed via the existing access point on Castle View Road close to the junction of Castle View Road and the A52.

- 2.2 The site is not within or near any European designated sites. The Muston Meadows National Nature Reserve (NNR) and Site of Special Scientific Interest (SSSI) is positioned adjacent to the southern site boundary. The application site is also approximately 800m west of the Grantham Canal, a Local Wildlife Site. The site is located within National Landscape Character Area No. 48: Trent and Belvoir Vales and locally within the Vale of Belvoir Character Area. Public Rights of Way are located within and in close proximity to the Site.
- 2.3 An Agricultural Land Classification survey of the Site has been undertaken, 7.3ha of the 99.95ha site in the north-western corner was graded as Grade 2 with remaining classified as Grade 3b. The vast majority of the site is located within Flood Zone 1, only a very small proportion of the site is located within Flood Zone 3 in the south west corner of the site.
- 2.4 There are a number of Heritage Assets within close proximity to the site, predominantly within the villages of Muston and Easthorpe including three Scheduled Monuments, two Grade II* Listed buildings and a number of Grade II listed buildings. The Grade I listed Belvoir Castle is located approximately 2.3 km to the south of the site and set within the Registered Park and Gardens.

3 Planning History

- 3.1 21/00080/EIA – EIA Screening Opinion - Request for Screening Opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), Regulation 6. Proposed solar farm together with associated equipment and infrastructure on Land within the Belvoir Estate, Grantham, NG32 1PE – EIA Required May 2021

4 Proposal

- 4.1 The application seeks full planning permission for a ground-mounted solar photovoltaic (PV) development together with all associated works, equipment and necessary infrastructure.
- 4.2 The main element of the proposed development comprises the construction, operation, management and decommissioning of a grid connected Solar Farm with associated infrastructure. Planning permission is sought for a temporary period of 40 years from the date of first exportation of electricity from the site. The substation will be required on a permanent basis, as the substation will become part of the local electricity distribution network.
- 4.3 The proposed solar panels would be set on metal arrays, arranged in north – south rows and would use a tracking system. The panels would move on an axis, facing east in the morning and rotating throughout the day to angle westwards in the evening. The panels would therefore be a minimum of 0.8m above the ground at their lowest point and when flat would be a height of 2m, extending up to a maximum of 3m in height when angled at their fullest. There would be a space of between 3.8-7m between each row.
- 4.4 Access would be via the one access on Castle View Road and would serve the whole site with a number of internal tracks throughout the site being 4m wide and made of crushed aggregate.
- 4.5 The point of connection where the proposed substation is situated sits within the centre of the site and cabling would run from the inverter stations (approx. 2.9m high) which are positioned around the site to the transformer (approx. 6.8m high) and exported to the existing pylon through a point of connection mast (approx. 32m high).

- 4.6 Other infrastructure is also proposed including a 2m in height security deer fencing with wooden poles which would be around the perimeter of the site with small mammal access points at various locations along the fencing. 3m high CCTV poles would also be provided on the inside of the site.
- 4.7 Landscape treatments are proposed including a 10m wide Green Infrastructure Enhancement Corridor, infilling gaps within hedgerows, retaining trees and hedgerows as much as possible along with biodiversity enhancements which includes a significant net gain.

5 Amendments

- 5.1 Since the application was originally submitted, there have been a number of modifications to the proposals in response to the representations made and consultee responses – predominantly in respect of landscape and biodiversity enhancements, specifically a change and increase (approximately 0.62 ha) to the planting mix adjacent to the SSSI and a reduced panelled size in this area too (approximate removal of just over 3 hectares of solar pv panelled area to the east). Additional documents have been also provided in terms of landscape and agricultural land quality following an independent review of the initial information that was submitted as well as minor transport amendments and drainage strategy.
- 5.2 Following the final response from the independent reviews in respect of landscape and agricultural land quality, no further information or amendments have been received.

6 Planning Policy

National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- National Design Guide

Melton Local Plan

- Policy SS1. Presumption in favour of Sustainable Development
- Policy SS2. Development Strategy
- Policy C9. Healthy Communities
- Policy EN1. Landscape
- Policy EN2. Biodiversity and Geodiversity
- Policy EN3. The Melton Green Infrastructure Network
- Policy EN5. Local Green Spaces
- Policy EN6. Settlement Character
- Policy EN8. Climate Change
- Policy EN9. Ensuring Energy Efficient and Low Carbon Development
- Policy EN10. Energy Generation from Renewable and Low Carbon Sources
- Policy EN11. Minimising the Risk of Flooding
- Policy EN12. Sustainable Drainage Systems
- Policy EN13. Heritage Assets

- Policy IN2. Transport, Accessibility and Parking
- Policy D1. Raising the Standard of Design

Bottesford Neighbourhood Plan

- Neighbourhood Planning Policy 1: Sustainable Development and the Village Envelopes
- Neighbourhood Plan Policy 2: Protecting the Landscape Character
- Neighbourhood Plan Policy 3: Protecting and Enhancing Biodiversity
- Neighbourhood Plan Policy 6: Reducing the Risk of Flooding
- Neighbourhood Plan Policy 7: Improving Connectivity
- Neighbourhood Plan Policy 8: Ensuring High Quality Design
- Neighbourhood Plan Policy 9: Renewable Energy and Low Carbon Technologies
- Neighbourhood Plan Policy 12: Protecting Heritage Assets
- Community Objective 1

Other

- National Planning Policy Framework (2021)
- National Planning Policy Guidance (NPPG)
- Melton Borough Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study Final Report and Appendices, Influence, 2015
- Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Melton Borough Landscape & Historic Urban Character Assessment Report: Vale of Belvoir (Melton).
- Planning Practice Guidance for Renewable and Low Carbon Energy

7 CONSULTATION RESPONSES

Please note the below are a summary of responses and representations received, to view the full details please follow the web link on the first page.

SUMMARY OF TECHNICAL CONSULTATION RESPONSES

- LCC Highways – no objection subject to conditions
- LCC Ecology – no objection subject to conditions
- LCC Archaeology – no objection subject to conditions
- Lead Local Flood Authority (LLFA) – no objection subject to conditions
- Environment Agency – no objection subject to conditions
- Notts Area Ramblers and Vale of Belvoir Group Ramblers – object to the proposals predominantly on the loss of amenity to the local populations of Muston and Bottesford in particular and to many others who visit and walk in this beautiful and historic area.
- Severn Trent Water – no objections
- South Kesteven District Council – no objections

- MBC Conservation Officer – there will be less than substantial harm to the setting of the above stated conservation areas, as well as to the Grade I listed Belvoir Castle and the spire of St Mary the Virgin’s Church in Bottesford
- Historic England – has concerns with the application on heritage grounds. It is our view that the impacts of the proposals upon the settings of the designated heritage assets would result in harm to their significance. If approving this application, your authority should be entirely satisfied that there is clear and convincing justification for the harm to the designated heritage assets, and that the harm is outweighed by the public benefits of the scheme. You should be certain that the benefits of the scheme could not be delivered in a less harmful way, such as a smaller scale of development or alternative layouts.
- Canal and River Trust – does not appear likely to have any direct impact upon the canal structure
- Designing Out Crime Officer – general recommendations made
- Natural England – no objections
- National Highways – no objections
- Sport England – no comment to make
- Network Rail – no observations to make
- East Midland Airport Safeguarding Officer – no objections
- LCC Forestry – no objection subject to conditions
- NATS Safeguarding – no objections

SUMMARY OF REPRESENTATIONS

Ward Member(s)

- No comments received.

Parish Council

- Object.
- Could support and welcome such a development in other areas of our Parish, but not in this location.
- Alter the character of the area, making the area feel far more urban with high panels, security fences, and cabling. Value of long views and vistas into and out of the rural setting of the villages and the valued open spaces within them.
- An unacceptably adverse impact on the amenity of residents and designated sites (including SSSI).
- Development results in the loss of the best and most versatile agricultural land.
- Development will sit between St Mary’s Church and Belvoir Castle and will have an impact on the view of one from the other. Proposals should take account of the cultural sensitivity and historical link and viewpoint between St Mary’s Church from Belvoir Castle.
- Interrupt the rural patchwork of fields.
- The scale and form of this development is not in keeping with the landscape character. Proposals for employment development outside the Village Envelopes, will be supported where the scale, design and form, is in keeping with built environment and landscape character

- Inadequate access to the site for the construction phase of the development. The proposed access via Castle View Road would damage an important walking and cycling route in the vale.
- Request to see the site pulled further away from the village of Muston and away from the Grantham Canal and towards the A52.
- Request to see all the extra facilities and amenities promised as part of the proposal be delivered before the site is half completed.
- Any Section 106, CIL or other developer contributions would be paid directly to projects that are considered of value to the villagers of Muston and the Parishioners of the Bottesford Parish.

Neighbours

136 letters of objection have been received.

117 letters of support have been received.

4 letters of neutral comment have been received.

- The following comments have been received with respect to those **objecting** to the proposal.

Landscape/Character/Visual Impact/Heritage

- Blot on a beautiful landscape / eyesore. Intrusive presence from surrounding footpaths.
- Why not put solar panels on the houses on the estate rather than ruin good farmland and destroy the appearance of the Vale of Belvoir.
- There are more suitable brownfield sites in the vicinity.
- Already have one area that has been set aside for solar panels, other places such as disused airfields should be considered.
- The project is too big and situated in the wrong place as it is next to a SSSI at Muston Meadows Nature Reserve.
- The area has been championed as an 'Area of Natural Beauty, this solar farm will be very visible in the immediate area.
- Alternative areas should have been investigated first.
- Development will impact on dog walkers, ramblers and horse riders.
- Proposal is contrary to both the local plan and the plans to make the Vale of Belvoir AONB.
- Size of development is inappropriate.
- The proposal would include obtrusive security fencing, cameras and shipping containers.
- Contrary to NPPF Section 15, MBC LP & Green Infrastructure Strategy, Bottesford NP, Solar Energy UK's 10 Commitments of best practice.
- Farming is an industry at the heart of the country which should be supported by the government not destroyed.
- The development will interfere with The Grantham Canal Project which is a heritage site.

Ecology/Biodiversity

- The council and developers should have a duty of care towards the environment. The site should be on Crown Land that is not used where it will not interfere with the wildlife habits and Sight of Specialist Scientific Interest (SSSI).
- This is not an environmentally friendly project; objector feels insulted to have been told so.
- The ways in which science is progressing, solar farms will be long outdated before this contract is finished in 2065.
- No thought has been given to alternative or less intrusive methods of producing green energy, there must be a balance.
- A gross misuse of scarce resources.
- Planned mitigations which have not been thought through, for example it is proposed that there will be an area for beehives. Honeybees at scale is not a benefit for a wildlife site with native bees which will be competed with.
- Development will affect wildlife such as deer, hare and many nesting birds and swans being so close to the canal causing a loss of habitat.
- UK has long & dark winters which means lower solar production. Supporting documents could be seen as misleading.

Traffic/Highways

- Local roads and the proposed approach for managing construction traffic is completely inappropriate.
- The site is close to the accident blackspot of the A52 and the Belvoir Road entrance to Bottesford and this proposal will simply add to the dangers and potential death.

Agricultural land

- Development covers vast acreage of prime farmland, taking away the livelihood of local farmers.
- Other land is available in private areas of the estate where such a development will impact only a few.
- Farmland is needed for our own food security.
- Once installed the solar panels will exclude the use of this land for any other.
- Will eliminate long standing jobs from local residents.
- Land will become unsuitable for grazing sheep.
- Importation of food from overseas increases carbon footprint. Land should be kept to provide produce that can be sold locally.

Drainage/Flooding

- Low to medium increase in risk of flooding over a potentially significant amount of time is unacceptable to local residents.

Residential amenity

- Concerns that the private homeowners in The Vale of Belvoir will ultimately have their homes devalued by the locality to the development.
- Solar panels should be added to all housing developments moving forward.
- Negative impact upon tourism.

- Concerns that higher level panels will make the potential problem of reflection and associated dazzling worse.

Other

- Monetary gain of both developer and applicant – Belvoir Estate
 - Believed to only benefit The Belvoir Estate and not the local and surrounding areas.
 - Not believed to be caring about the environment but making money for Belvoir Castle.
 - Development viewed as an opportunistic application driven by false economics of taxpayer subsidies.
 - Health risks associated with solar energy, electricity from solar developments and transmission to the power grid is known to generate and emit weak electricity field. Low frequencies from magnetic fields could be carcinogenic and have potential to cause cancer according to 2015 report – residents nearby could be affected.
 - Expired panels and how they are dealt with are a problem for future generations.
 - Local renewable energy application 14/00712/FUL refused for reasons applicable to this case.
- The following comments have been received with respect to those **supporting** the proposal.
 - New energy sources needed
 - Least invasive energy source
 - Sustainable, clean, efficient, green, renewable electricity generation
 - Good use of land
 - Less unsightly than wind turbines
 - Goes towards meeting climate change targets and net zero
 - Less of an eyesore than thermal or nuclear power
 - Reduce carbon emissions
 - No emissions
 - Viable source all round as requires UV
 - Good for the environment
 - It's the way forward to prevent climate change
 - Home-produced energy production for UK energy security
 - Less reliant on energy from abroad
 - Cheap energy and will lead the future
 - Need less fossil fuels
 - Solar farms are graceful sculptures
 - Urgent need for renewable through innovative solutions
 - Easy to remove solar farm at later dates if other options arise
 - Gives the worn out soil time to recover after years of over intensive farming
 - Local biodiversity will be improved

- Increase local employment and cash flow
 - Most cost effective energy solution
 - Help reduce electricity prices
 - Support wildlife
 - Applicant has proven there would be limited adverse impact to the landscape
 - Land continue to be farmed throughout its operation
 - Soil improvement as a result of continued agricultural activity
 - The scheme will benefit everyone
 - Need to move with the times
 - Proposals are environmentally, socially and economically sustainable with
 - Numerous benefits for the local community including opening up access to the site with new linkages and widened public rights of way.
 - Outdoor classroom areas for local school children a
 - Interpretation boards including a heritage trail to allow people to learn more about local history.
 - Canal side area significantly improved with a large area being set aside for an outdoor picnic
 - Area, community orchard and beehives.
 - Significant biodiversity net gain over the lifetime of the project.
 - Soil quality will improve due to less compaction, no artificial fertilisers and no chemicals would be applied, allowing flora and fauna to flourish.
 - Maximises the full potential of this land area
- The following comments have been received with respect to those **neither objecting nor supporting** the proposal.
 - Not known whether solar is full sustainable.
 - Other options should be explored first.
 - Urgent need for UK to grown own food.

RESPONSE TO CONSULTATIONS AND REPRESENTATIONS

- 7.1 There are no technical objections to the proposal. No objections are raised by any statutory consultees subject to conditions.
- 7.2 Concerns are raised by Historic England and MBC Conservation Officer in respect of the harm to the heritage assets although both note that the level of harm falls within the category of less than substantial. The considerations of this are set out within the report below.
- 7.3 The Parish Council raise comments regarding Section 106 contributions. No requests have been made by the Parish Council nor any consultees in relation to the development and it is a type of application that would not normally require contributions given the nature of the development that is proposed. Any request would need to be considered under the

Community Infrastructure Levy (CIL) Regulations which require that any developer contribution is :

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

7.4 The community benefit fund referred to by the applicant within one of their supporting letters would fall outside of the planning arena, not being reasonable, necessary or directly related to the development proposed. Members must note however that this is not for consideration, is a civil matter between the parties and does not form part of the planning application process.

7.5 The Parish Council also raise compliance with Neighbourhood Plan Policy 13 Supporting the Economy and that the site lies outside of the Village Envelopes. Whilst their concerns are noted in respect of being an employment development, the principal policy which must be considered for solar farm developments are Neighbourhood Plan Policy 9 – Renewable Energy and Low Carbon Technologies and Melton Local Plan Policy EN10. The application is not one for employment development, for example is not a B2 or B8 use class and consideration needs to be given to the two renewable energy development proposals referred to above. There are policies that sit in tandem to these two policies which must be considered, for example those surrounding biodiversity, landscape and highway safety.

7.6 Comments received from members of the public relating to monetary gain are not considered to form part of the consideration of the planning application. Health risks to nearby residents are also not deemed to form part of the consideration of the application. Nevertheless the Health and Safety Executive have control with respect to dangerous construction sites or those that require attention during the lifetime of the development. There would be no control within the planning arena in this respect.

7.7 Comments have also been received in respect of no benefits to the local area which could be considered to be the case, however the developer would still provide a significant benefit overall given the production of green, clean energy. Comments have also been made with respect to a previously refused application however this was prior to the Melton Local Plan and Bottesford Neighbourhood Plan and each application must be considered on their own merits. Comments also been received regarding panels expiring and needing to be replaced. It is not considered that panels would be required to be replaced frequently, however this could be done when required as and throughout the lifetime of the development without significant impact. A condition is recommend securing the details of replacement panels if required. Devaluing of properties is also not a consideration of the application.

7.7.1 Comments have been received regarding the need for the development. The NPPF is clear that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable.

7.8 In addition, Policy EN10 does not require a demonstration of need, only that applications for renewable energy will be supported subject to a number of factors.

7.9 All other comments raised are considered in full within the report.

8 PLANNING ANALYSIS

The main considerations are

- Principle of Development and Climate Change
- Impact upon the character of the area, wider landscape and heritage, including cumulatively
- Impact upon heritage assets
- Consideration of loss of agricultural land
- Impact upon residential amenities, including noise
- Impact upon highways, including public footpaths
- Impact upon ecology
- Impact upon archaeology
- Impact upon drainage/flooding

8.1 Principle of Development and Climate Change

- 8.1.1 Planning law states that planning decisions must be made in accordance with the development plan unless there are material considerations which indicate otherwise (section 70(2) Town and Country Planning Act 1990 & section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 8.1.2 The Melton Local Plan, forms the key part of the development plan and was adopted on 10th October 2018 and has full weight in decision making. The Bottesford Neighbourhood Plan has been 'made' and also forms part of the development plan.
- 8.1.3 The National Planning Policy Framework (NPPF) and the associated National Planning Policy Guidance (NPPG) are very important material considerations that carry great weight and also contain policies and advice and guidance to the decision maker.
- 8.1.4 The site is within open countryside to the west of Muston and south of Easthorpe. Policies SS1 and SS2 of the Melton Local Plan apply which reflect the presumption in favour of sustainable development within the NPPF and confirm the Development Strategy for the Borough which requires new development in the open countryside be restricted to that which is necessary and appropriate.
- 8.1.5 Policy EN10 of the Melton Local Plan sets out the Council's policy on Energy Generation from Renewable and Low Carbon Sources and states that proposals for renewable and low carbon energy proposals appropriate for Melton, including biomass power generation, combined heat and power (CHP), hydro, wind, solar and micro generation systems, will be supported and considered in the context of sustainable development and climate change.
- 8.1.6 Policy EN10 goes on to state that proposals for renewable and low carbon energy technology, associated infrastructure and integration of renewable and low carbon technology on existing or proposed structures will be assessed both individually and cumulatively on their merits taking account of a number of factors.
- 8.1.7 The development of a solar farm is considered to fall under the provisions of Policy EN10 of the Melton Local Plan and is therefore supported subject to the consideration of the criteria set out within the Policy.
- 8.1.8 Policy 1 of the Bottesford Neighbourhood Plan states that development in the open countryside will be restricted to that which is necessary and appropriate in the open countryside in accordance with MBC Policy SS2.

- 8.1.9 Policy 9 of the Bottesford Neighbourhood Plan sets out the criteria for considering renewable energy development proposals in relation to a number of factors which, along with Policy EN10 of the Melton Local Plan will be considered in full below.
- 8.1.10 With respect to the criteria set out in Policy EN10 which are pertinent and relevant to solar PV development, the proposal is considered against each one in turn here.
- 8.1.11 There are other policies within the Local Plan and Neighbourhood Plan which feed into the considerations discussed here, for example those surrounding landscape, heritage and biodiversity. A full list of policies has already been identified in section 6.
- 8.1.12 Criteria 1, 2, 5 and 6 of Policy 9 of the Bottesford Neighbourhood Plan are not relevant to the proposal. Criteria 3, 4 and 7 states that
- "3. Development of individual and community scale proposals that use renewable and low carbon energy resources will be supported where the scheme has demonstrated compliance with national policy in weighing the benefit in reducing carbon emissions against the impact on heritage assets".
- "4. Development that delivers renewable energy will be supported where it can be demonstrated that it;
- a) does not have an unacceptably adverse impact on the amenity of residents and visitors (including: noise, vibration, views and vistas, shadow flicker, water pollution, odour, air quality, emissions, sensitivity and character of landscape); and
- b) does not have a significant adverse effect on any designated site (including SSSI, regionally or locally important geological sites, sites of ecological value, Local Green Spaces, Significant Green Gaps); and
- c) does not result in an unacceptably adverse effect on protected species, including migration routes and sites of biodiversity value; and
- d) does not result in the loss of the best and most versatile agricultural land in grades 1,2 and 3a of the Agricultural Land Classification; and
- e) transmission lines should be located below ground wherever possible to reduce the impact on the open countryside".
- "7. The inclusion of tree species as part of landscaping schemes on new development which will absorb CO2 and other harmful particles to improve air quality will be supported".
- 8.1.13 Consideration of the factors set out within Policy 9 are considered within the relevant section of the criteria set out also within Policy EN10 of the Melton Local Plan. Therefore the following criteria which is Policy EN10 of the Melton Local Plan is also the consideration of Policy 9 of the Bottesford Neighbourhood Plan.
- 8.2 1. Siting, so as to gain maximum effect from wind/solar/water sources**
- 8.2.1 The proposed site is located within open countryside and occupies a number of agricultural fields. The applicant has submitted a site selection report which demonstrates that a thorough and robust process of site selection has been undertaken in order to select a site which is both viable to implement and suitable in planning terms - although there is no requirement for the developer to consider alternative sites.
- 8.2.2 The applicant considers that the proposed site is within adequate proximity of existing grid infrastructure with capacity to receive the power generated from a solar farm of this scale. The site is also located underneath the existing cable and therefore the grid connection point

sits centrally within the application site. Therefore no extensive cabling or trenches are required to provide the connection to the grid and this will run from the panels, to substations throughout the site and then onto the transformer point.

- 8.2.3 The location of the site also ensures maximum generation from the scheme as there would be no issues with over-shading from adjoining hills or built form.
- 8.2.4 In addition, the panels proposed are not static. The panels rotate, tracking the full and maximum effect of the sun's trajectory by facing eastwards in the morning and westwards in the evening,
- 8.2.5 As such, it is considered that the proposal would be sited and the tracking elements of the panels also ensures to gain maximum effect, as required by Policy EN10 criterion 1.

8.3 **2. The surrounding landscape, townscape and heritage assets**

Landscape

- 8.3.1 Policy D1 of the Local Plan states that all new developments should be of high-quality design. Policy EN1 of the Local Plan aims to ensure new development is sensitive to its landscape setting and that it seeks, where possible, to enhance the distinctive qualities of the landscape character areas (as defined in the Landscape Character Assessment); and requires new developments to respect existing landscape character and features.
- 8.3.2 Policy EN6 of the Melton Local Plan states that development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement or form a key entrance and/or gateway to a settlement.
- 8.3.3 Policies 2, 8 and 9 of the Bottesford Neighbourhood Plan seeks to protect the landscape character, ensure high quality design and the sensitivity and character of landscape. Key View 6 within Policy 2 of the Bottesford Neighbourhood Plan is of noting, being from Easthorpe Lane, Muston towards Bottesford across the application site.
- 8.3.4 The 'Melton Borough Landscape & Historic Urban Character Assessment Report' (2006) identifies different landscape character areas within the Borough. The site falls within the Landscape Character Area (LCA) 1 Vale of Belvoir.
- 8.3.5 LCA1 Vale of Belvoir is described as:

"An expansive gentle vale landscape with a strong pattern of medium scale rectangular shaped pastoral and arable fields with managed hedgerows and the Grantham canal, punctuated by nucleated villages with prominent church spires."
- 8.3.6 The distinctive characteristics are defined in the published assessment as:
 - "Expansive vale.
 - String of nucleated villages.
 - Strong rectangular field pattern of mixed farming bounded by hedges.
 - Local stone in houses and churches."
- 8.3.7 As part of the Environmental Statement which accompanies this planning application, a Landscape and Visual Impact Assessment (LVIA) has been submitted.
- 8.3.8 The application site lies within an area of relatively flat, agricultural landscape, interspersed with numerous villages and hedgerows set within the Vale of Belvoir.

- 8.3.9 The nucleated villages of Bottesford and Muston, including their churches are prominent on the skyline of the surrounding landscape. Grantham Canal is present to the west and south. The 'Vale of Belvoir' is of medium susceptibility.
- 8.3.10 The existing landform of the application site would remain largely unchanged except possibly at a localised level during the construction and decommissioning period. The layout of the development would utilise the existing field patterns and retain hedgerows and field boundaries. The applicant has submitted and assessed a number of different viewpoints across the landscape to assess the impact of the development open users of the public rights of ways, road networks or from further afield.
- 8.3.11 The visual assessment shows that visibility of the development would be restricted by a combination of the landform and the enclosure provided by intervening vegetation surrounding the site.
- 8.3.12 Predominantly, views from further afield are limited with intervening landform, boundary vegetation and proposed mitigation measures resulting the in the development being indiscernible within the landscape.
- 8.3.13 The most affected parts would be users of footpaths within and around the edges of the application site, and those in close proximity to the site, with direct views available of the proposed development.
- 8.3.14 The development proposes to retain and enhance existing landscape elements that make a positive contribution to the local landscape character and will incorporate opportunities to enhance the landscape features of the:
- To retain and enhance existing landscape elements, particularly the hedgerow field boundaries and field structure;
 - Promote the use of traditional field hedges and diversity of native hedgerow species; and
 - To minimise any unnecessary overshadowing of the solar panels.
 - Proposing a new native tree belt (10m wide) along a section of the eastern boundary softening the edge with Muston.
 - Implementing new lengths of hedgerow along footpaths and accommodating the routes within a 10m wide Green Infrastructure Enhancement Corridor which includes wildflower buffers/margins.
 - Reinforcing and enhancing the retained hedgerows across the Site to strengthen the landscape framework and local landscape character.
 - Enclosing the open field boundaries with new lengths of native hedgerow.
 - Planting a species-rich grassland on the land beneath and surrounding the panels and creating a botanically diverse species-rich wildflower grassland outside of the security fence and alongside the retained and proposed on-Site footpaths.
 - An area of complimentary species diverse meadowland is proposed adjacent to Muston Meadows SSSI/NNR at the eastern edge of the Site.
 - An area of complimentary species diverse grassland habitat adjacent to Muston Meadows SSSI/NNR in the southeast corner of the Site.
 - Areas of ponds/scrapes with tussocky grass/wildflower planting, hibernaculum, log pile, insect hotels are proposed throughout the Site.

- A permissive path will link from footpath F90/2 to link up with bridleway F85b/2 creating a looped walk.
- Bat and bird boxes, and Sky lark nesting areas are proposed throughout the Site.
- Dotted tree planting to soften views of heritage assets such as Belvoir Castle and local church spires.
- Interpretation boards are proposed within the south of the site.
- Beehives are located in the southeast corner of the site.
- Outdoor classrooms and picnic areas will be located at the southwest and northeast corners of the looped walk.
- A canalside community orchard is located within the southern end of the Site.

8.3.15 The applicant through the submission of the LVIA demonstrates that the proposed development could be successfully accommodated within the existing landscape pattern and could be assimilated into the surrounding landscape without causing any long-term harm to the landscape character, visual amenity, or existing landscape attributes of the area.

8.3.16 The submitted landscape assessment has been independently and externally assessed by a landscape consultant. It is considered that overall the development would be appropriately integrated within the landscape, however the external review of the landscape considerations have resulted in a number of rebuttals by the applicant and further considerations and clarifications undertaken by the external reviewer. The result of which mainly lie around the following elements, the height of the hedges, views from PROW network and the cumulative impact.

Height of hedges

8.3.17 Proposed infill and new planting will enhance tree cover and hedgerows, thus strengthening field patterns, having more of a beneficial impact once it has begun to mature. The management of existing hedgerows proposed from low managed hedgerow to a higher height would potentially have an adverse effect within the Vale of Belvoir LCA, due to increased enclosure within a relatively open landscape. Essentially, the topography may benefit from less screening than more due to the relatively flat nature of the site.

8.3.18 This consideration resides around the height of the hedges which have been proposed to be maintained at a maximum of 3 metres to ensure the development is appropriately screened. The applicant therefore considers that the impact on the landscape is not significant.

8.3.19 The concerns raised by the independent reviewer are that if the hedge is maintained at 3 metres then the hedge will grow higher than that in between the maintenance visits. With a hedge height therefore greater than 3 metres for the majority of the time this may in turn look out of place within the generally low lying landscape and low level hedgerows within this location.

8.3.20 However, if the hedgerows are to be maintained at no higher than 3 metres then they will be cut to a height less than 3 metres, resulting in reduced mitigation and therefore increased adverse visual effects experienced by those viewing the development over the hedges.

8.3.21 The local landscape generally does consist of low-level hedgerows, however it is also noted that there is a significant variety in the landscape in terms of height of hedgerows, trees and woodland areas.

- 8.3.22 It is proposed that the hedgerows are cut to around 2 metres every 2-3 years which is in accordance with good practice for hedgerow maintenance. This would ensure that the hedgerows do not extend or grow higher than 3 metres so as not to result in adverse impacts upon the wider generally low lying landscape. A height of 3 metres would be considered acceptable.
- 8.3.23 Although the height of the hedges would be cut to less than 3 metres, this would not only reinforce and have the ability to retain the characteristic of low-level hedgerows for the majority of the time but would still provide adequate and suitable screening and filtering effects from the viewpoints.
- 8.3.24 When considering that the majority of those experiencing the view towards the site would be less than 2 metres tall, they would still benefit from the screening measures of a hedge which would still be greater than 2 metres tall. Through the proposed hedgerow management it is considered that the approach taken is acceptable to ensure the landscape visual impacts are mitigated and that the hedgerows do not become an uncommon characteristic for this type of landscape.
- 8.3.25 As such, whilst the concerns of the independent reviewer are noted, it is considered that the proposed hedgerow mitigation measures would ensure that the landscape visual impacts of the development are no greater than minor adverse after the landscaping has taken full effect.

Public Right of Way (PROW) Network

- 8.3.26 The independent assessor also raises concerns regarding the public right of way network and the potential for users of certain footpaths to view the development site due to the presence of no hedgerows.
- 8.3.27 It is acknowledged that there are a number of public rights of way that traverse through and run along the boundaries of the development site. Given that they are at a very close distance to the site, the impact upon the users of these Public Rights of Ways would be great, even if mitigation measures are proposed.
- 8.3.28 However, it is proposed that all public rights of way would benefit from a significantly large buffer (10m wide). The users of the footpaths would therefore experience a change however the distance to the perimeter fencing is significant and the buffer would be incorporate species rich wildflower grassland meadow. It is important to note that seeing the development in itself is not harmful.
- 8.3.29 It is considered that the users of the footpath would still benefit from the experience of the agricultural landscape and the open character of the area given the extensive green corridor proposed.
- 8.3.30 Users of the network of PROW are considered to be of the highest sensitivity to change brought about by development. The development would result in a major significant adverse effect although would reduce to moderate adverse after the landscaping has taken its full extent.
- 8.3.31 Whilst not ideal, the users of the public footpath would still benefit from the openness of the area whilst intermittent hedgerows and trees along the routes would create a pleasing and open environment.
- 8.3.32 Ecological benefits also need to be considered on balance with the landscape approach. Additional ecological enhancement proposals along this footpath with a beneficial impact on the landscape for users include heritage interpretation boards and information boards;

education areas; picnic areas; and a community orchard. Other enhancements along these boundaries and routes which will help create a biodiverse landscape will include bird boxes; bat boxes; hibernaculas; log piles; and beehives which will complement the wildflower meadow to create an attractive corridor for local wildlife and therefore local wildlife groups and communities.

8.3.33 Therefore whilst the impact upon users of the PROW network is noted and fully considered, the benefits of the scheme (significant landscape and environmental benefits, green corridors and landscape elements) would reduce the impact of the development to an extent where the benefits are considered to outweigh the impacts.

8.3.34 In respect of the Grantham Canal, viewpoints have been provided from locations at or near to the canal and given the boundaries are to be maintained at about 3 metres in height, again, visibility of the development would be reduced. It is therefore not considered that views to and from the Grantham Canal would be significantly adverse as a result of the landscaping and planting proposed which would secure and further screen views of the panels from the canal.

Cumulative impacts

8.3.35 In respect of cumulative impacts of the development upon the landscape, the following developments are assessed.

- 49.9MW Solar Farm, land east of Jericho Covert, Jericho Lane. Approximately 3.8km west of the site.
- 12.4 MW Solar Farm, Lodge Farm, Longhedge Lane. Approximately 4.5km north-west from the site.
- 49.9MW Solar Farm, land south of the A1 (Foston-By-Pass). Approximately 4.9km north-east from the site.
- 10MW Solar Farm, Land South of The Railway Line & East of Station Road, Elton. Approximately 4.5km north-west of site.

8.3.36 The applicant has submitted a detailed cumulative impact assessment in relation to the proposals listed at 8.3.35 for solar farms within the vicinity. 16 viewpoints have been assessed on visual amenity for potential cumulative effects.

8.3.37 It is considered that due to the distance and orientation of the other solar farms within the area, as well as the relationship of the application site to the potential cumulative developments, it is concluded that no significant cumulative effects on the landscape would arise.

8.3.38 The wider landscape benefits from a comprehensive existing green infrastructure network, which when combined with intervening topography and built form, is considered to reduce views significantly across the landscape. The proposed development would therefore be considered to be seen only with glimpsed views which due to the intervening landform would therefore have a negligible cumulative effect.

8.3.39 It is acknowledged that concerns are raised regarding the number of developments within the area, however a detailed assessment has been undertaken and following consideration of such an assessment, it is not considered that significant cumulative effects are expected that would warrant a refusal of planning permission.

Conclusion on landscape

- 8.3.40 The key characteristics of the character area would not be significantly altered by the proposed development. The existing landscape elements would be incorporated within the proposal and the visibility of the development from further afield would be restricted by a combination of the landform, distance and the enclosure provided by intervening vegetation surrounding the site.
- 8.3.41 Whilst the hedgerows are to be maintained at a maximum height of 3 metres, the low-level nature of the landscape would not be adversely impacted by the development as result of the hedgerow maintenance regime. According to the PPG, solar farms tend to have a more significant landscape impact when the topography of the site is undulating. The proposed landscaping would satisfactorily mitigate the impact of the development and the main effects would be predominantly limited to footpaths within and around the edges of the site as a result of the direct views of the proposed development.
- 8.3.42 The landscape enhancements and significant green corridors proposed for the PROW networks, as well as the substantial benefits surrounding the biodiversity and footpath enhancements for the community would, along with the development being for renewable energy weigh heavily in favour of the development.
- 8.3.43 Overall, it is considered that the development could be successfully accommodated within the existing landscape pattern and could be assimilated into the surrounding landscape without causing any long-term harm to the landscape character, visual amenity, or existing landscape attributes of the area.

Neighbourhood Plan Important View 6

- 8.3.44 Policy 2 of the Neighbourhood Plan states that development proposals should respect these important views and development proposals which would have an unacceptable impact on the designations will not be supported.
- 8.3.45 View 6 is situated on Easthorpe Lane, Muston looking north westwards across the northern part of the application site towards Bottesford. Views can be seen further afield across to Bottesford itself and the application site lies in the foreground. However, through the considerations above with respect to glimpsed views and mitigation screening it is not considered that the proposal would have an unacceptable impact upon this identified important view.
- 8.3.46 An assessment of the view from Easthorpe Lane, Muston has been undertaken by the applicant. The assessment demonstrates that the landform is slightly varying here, and that vegetation would adequately mitigate the impact of the view from this designation. Officers agree with this conclusion.

Neighbourhood Plan Important View 5

- 8.3.47 View 5 is situated on the southern edge of Bottesford and looks southwards towards Belvoir Castle and the Belvoir Ridge.
- 8.3.48 Views can be seen of Belvoir Castle from this location and the application site lies partly within the intervening land – although further to the east. Again, due to the intervening landform and hedgerows, in addition to the proposed landscaping, there would be considered to result in limited visibility of the application site and the development, thus not interrupting the identified important view.

Heritage

- 8.3.49 The local planning authority has a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of

preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Considerable importance and weight should be applied to these duties, even where the harm identified is less than substantial.

8.3.50 In addition, Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

8.3.51 Paragraph 199 of the NPPF requires that:

When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

8.3.52 Paragraph 200 of the NPPF advises that:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

8.3.53 Paragraph 202 of the NPPF states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

8.3.54 Policy EN13 of the Melton Local Plan states that the Council will take a positive approach to the conservation of heritage assets and the wider historic environment.

8.3.55 A detailed Heritage Assessment has been submitted with the application. Historic England have also reviewed the submitted information and commented accordingly. As per the above policies, the following is required by the decision maker:

- an understanding of the significance of each relevant heritage asset and the setting
- an assessment of the impact and effects and harm identified
- an assessment of the public benefits
- balance and consideration of whether the public benefits outweigh the identified harm

8.3.56 The five heritage assets which may most be impacted by the development or those the most important or of the highest significance are considered first.

8.3.57 **Belvoir Castle (Grade I listed building) to the south of the application site**

Significance

8.3.58 Belvoir Castle is a large hilltop feudal palace which boasts impressive turrets and battlements, adding interest and intrigue to the skyline, Grade I Listed. The topography of

the landscape and siting of the castle on the hilltop is spectacular and enhances the castle's visual presence and dominance across the landscape. Its prominent and far reaching views have been important throughout history, originally as a strategic defence mechanism. The name Belvoir ('beautiful view'), dates to Norman times, demonstrating the importance of the outward views across the landscape, even from its first conception.

Setting

- 8.3.59 The application site forms part of the Belvoir estate and thereby has an economic, social, and historic connection with castle. The site also allows for the Castle to be viewed from it, but the view of the application site from the castle is limited other than the castle roof where this site is visible. However the roof of the castle is not accessible aside for maintenance purposes. The setting of the application site is higher however within views back towards the Castle, for example from Castle View Road.

Belvoir Castle Park (Grade II* Registered Park & Garden) to the south of the application site

Significance

- 8.3.60 The Registered Park and Garden (RPG) of Belvoir Castle has evolved over almost a thousand years since the first Norman Castle was established. It contains a reservoir and several listed structures, the principal one being Belvoir Castle. Belvoir's park extends for approximately 2km east, west and south of the Castle and is Grade II* designated.

Setting

- 8.3.61 Views towards parts of the higher points of the Park and Garden and the Castle can be had from the application site southwards. The application site is largely screened by trees or at too great a distance from it to be discernible from the Park and Garden.

The Muston moated grange scheduled monument, to the east / northeast of the application site;

Significance

- 8.3.62 The Scheduled Monument is principally embodied in its historic interest as a site that represents a medieval monastic community. The monument has potential archaeological interest also.

Setting

- 8.3.63 The application site does not afford views of the Scheduled Monument or the ability to experience the Monument and the site cannot be seen from the Monument itself.

Church of St John the Baptist, Muston (Grade II* listed building) to the east of the application site;

Significance

- 8.3.64 The church is experienced at its closest proximity however the spire is visible from further afield including all areas surrounding the application site. However, the heritage significance is principally embodied in its historic interest which has been a spiritual and communal centre for community since the 13th century.

Setting

8.3.65 Whilst the spire does allow the Church to be experienced in the wider landscape, only limited views are experienced from within the application site towards the spire. The application site cannot be seen from the church itself.

Church of St Mary, Bottesford (Grade I listed building) to the north / northwest of the application site;

Significance

8.3.66 The church dates from the 13th century with later alterations. The spire is crocketed and is understood to be the tallest in Leicestershire. The Spire, due to the height and the setting of the Church extends far over the landscape.

Setting

8.3.67 Given the height of the spire the Church can be experienced in the wider landscape including from some locations within the application site. The site is therefore considered to be most contributing to this heritage asset and especially from views across the application site back towards the spire.

Overall Site Setting and Significance

8.3.68 The application site is a largely undeveloped rural space which helps to provide historic context the surrounding designated heritage assets. With respect to the Heritage Assets as described above, the application site sits clearly within the collective settings of these assets and the surroundings and landscape in which they are experienced. Thus the site does contribute to their significance.

8.3.69 Given there has been little change to the landscape in this area, and that the area has historically formed part of how the assets have historically been seen and experienced over a very broad depth of time - views across the landscape are key to how the settings of these heritage assets are experienced.

8.3.70 Predominantly, the heritage assets are experienced most by virtue of their visual prominence on the skyline as wells as how they are experienced within the landscape.

8.3.71 There is a further important aspect of the history and setting of the Castle and its relationship with St Mary's Church in Bottesford (which stands slightly to the west of north at a distance of about 6km with a 28.2 metre tower, topped by a 34.8 metre spire). It is the parish church for Belvoir Castle and it is here that monuments to eight of the Earls of Rutland are housed. The special place of St Mary's is known as the 'Lady of the Vale'.

Impact of the proposals

8.3.72 The applicant has submitted an EIA which concluded that there would be no significant effects and that there would a 'negligible' magnitude of impact on heritage assets referred to above. The submitted EIA states that the overall effect on all of these is considered to be 'Slight Adverse' and concludes that there would be a 'No Change' magnitude of impact on the Muston Moated Grange scheduled monument, with the effect of the impact being 'Neutral'.

The scheduled monument

8.3.73 Given the proposed landscaping and vegetation strategy within the part of the site closest to Easthorpe Lane and the Scheduled Monument the effect and impact of the proposed development is at most a negligible change to its significance.

Listed Buildings and Registered Park & Garden

- 8.3.74 The submitted EIA states that the impacts are likely to result in a 'negligible change' however Historic England consider the impact to at least constitute a 'minor change to the significance' of these assets.
- 8.3.75 The level of impact varies depending on the assets and where you are within the landscape. The applicant states that as the views are being limited to incidental views, the assets would remain prominent in those views to and from the application site. As stated previously, the significance of the heritage assets are in part due the visual prominence of the spires and Castle within the landscape.
- 8.3.76 It is considered that for many of the views, the heritage assets would still be visible on the skyline however careful consideration is required as in several places the heritage assets would no longer be experienced as the dominant built features. The solar farm, in these particular and small number of views would be the focus of attention, drawing the user away from heritage assets.
- 8.3.77 Therefore, given that the significance and setting of the heritage assets are based on how these sites were historically experienced it is reasonable to consider that the introduction of the solar farm would have an impact on how the heritage assets are experienced. The impacts are therefore considered to be greater than set out within the applicant's EIA given how the landscape contributes to the wider setting of the heritage assets, although it is acknowledged that views of the heritage assets are fairly limited.
- 8.3.78 Views from Belvoir Castle and Registered Park & Garden are fairly restricted and therefore concerns in this respect are limited in comparison to views and experiences of the listed buildings from the application site. Furthermore, the main panorama when viewed from Belvoir Castle includes other modern intrusions such as pylon lines, road and rail infrastructure and general development around Grantham.

Overall Harm

- 8.3.79 When considering the impact upon the settings of these designated heritage assets, it is clear the proposals would result in harm to their significance due to the reasons above. It is considered that the harm identified would be 'less than substantial'. In line with paragraph 202 of the NPPF, where the development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, which is considered below.
- 8.3.80 It is worth noting that Historic England, whilst raising concerns about the applicant's EIA and whether 'the scheme could not be delivered in a less harmful way, such as a smaller scale of development or alternative layouts' state that the level of harm would be 'less than substantial'. There is no requirement to consider whether the harm falls at the upper or lower end of less than substantial, just an assessment of what category of harm there is and consideration of the harm against the public benefits.

Public Benefits

- 8.3.81 The principal benefit of the scheme lies in the production of clean, green energy. This key benefit is of central importance to local, national and internationally binding political commitments to reduce CO2 emissions by 80% by 2050.
- 8.3.82 Further to this Melton Borough Council has declared a climate emergency and in doing so, aims to "explore a number of areas including how to improve the energy efficiency of local homes; reducing emissions from its buildings and vehicles, and increasing the use of renewable energy".

- 8.3.83 The applicant states that of a proposed development of this size is anticipated to result in a reduction of approximately 30,000 tonnes⁶ of CO2 emissions annually (approximately 1,200,000 tonnes over the operational lifespan of 40 years) and meet the energy needs of approximately 19,000 homes.
- 8.3.84 Other benefits aside from the production of green, renewable energy include:
- Biodiversity net gain and ecological enhancements
 - Generating employment associated with construction and maintenance
 - Help generate home grown energy
 - Public access through the existing right of ways that will be maintained and enhanced
 - Flood and drainage betterment
 - Circular walk with interpretation and information boards as well as outdoor classroom seating areas
 - Provision of a historic trail created through the site
- 8.3.85 Overall, it is considered that a degree of "less than substantial harm" (in NPPF terms) identified to the heritage assets referred to above would be outweighed by the substantial public benefits of providing a scheme that would result in a renewable energy development which can contribute positively to the UK's transition from imported fossil fuels to home grown de-carbonised green energy and help to reverse the effects of climate change and protect future generations.
- 8.3.86 Historic England's concerns are noted and acknowledged, however it is for the decision maker to weigh the harm identified and assess whether the harm is outweighed by the public benefits of the scheme.
- 8.3.87 In this particular case, whilst concerns are raised that the proposal would result in harm to the heritage assets and how they are experienced within the landscape, the public benefits of the scheme are considered to outweigh the less than substantial harm identified.

Other heritage assets

- 8.3.88 With respect to other heritage assets apart from those referenced above, of note are the Belvoir Conservation Area; Scheduled Monument and Grade II* Listed Building – The Village Cross at Muston; Easthorpe Conservation Area and Grade II* Church of St Peter at Redmile.
- 8.3.89 There are a number of Grade II Listed Buildings in Muston and Easthorpe as well as the Shifted Medieval Village Earthworks and Moat at Easthorpe Scheduled Monument. Within Harlaxton is the Grade I Listed Harlaxton Manor and the Grade II* Registered Park and Garden at Harlaxton.
- 8.3.90 The Heritage assets referred to here are not considered to be within the setting of the application site based on distance from the site and/ or lack of intervisibility, co-visibility or lack of historical association. The listed buildings within Muston and Easthorpe are experienced within their enclosed and relatively built-up immediate vicinity, and are not considered susceptible to impact by the proposals.
- 8.3.91 Whilst the degree of intervisibility between Easthorpe and Belvoir Conservation area may be slightly increased due to the views across the landscape, especially from Belvoir, it is not considered that the harm associated would be significant, nor of an extent that would not be outweighed by the public benefit.

- 8.3.92 There is also considered to be limited intervisibility with the application site and The Village Cross and Easthorpe Manor scheduled monument and as such the impacts upon these are considered to be less than substantial.
- 8.3.93 Overall, given the significant separation distances and the intervisibility with the application site and the above heritage assets it is considered that the proposal would result in less than substantial harm to these assets which would be outweighed by the public benefits of the proposal.
- 8.3.94 In light of the above matters, whilst the duty to safeguard heritage assets requires that great weight should be given to the asset's conservation, it can be concluded that there would be less than substantial harm in this instance. This is particularly important, given the detailed consideration above and the benefits of bringing forward a renewable energy site, which would outweigh this identified harm to the associated heritage assets. Therefore, the development of the application site as proposed accords with Policy EN13 of the Local Plan, Bottesford Neighbourhood Plan Policy 12 and section 16 of the NPPF.

Archaeology

- 8.3.95 The site lies within an area of significant archaeological potential. The application has been supported by an archaeological trial trenching report, however no complex archaeological features were revealed during the evaluation. Therefore, the County's archaeology team have confirmed that no objection is raised subject to further information, by means of further programme of archaeological investigation, preservation and mitigation to be secured by condition.
- 8.3.96 It is therefore considered that mitigation can be implemented to counter any negative effects on archaeology. Solar panels generally have small impacts from the piles used to hold the panels in place, although these are quite numerous.
- 8.3.97 Due to the construction of the solar panel arrays not requiring any foundations, there will be very minimal ground disturbance from the development. Further archaeological work by way of site investigation as part of a Written Scheme of Investigation is to be secured by condition. As such, given the limited known archaeology in the area and the County Archaeologist raising no concerns subject to conditions, the development is considered to be satisfactory in respect of archaeological matters.

Conclusion on criterion 2 of Policy EN10 of the Local Plan

- 8.3.98 Therefore, although there would inevitably be some detrimental impacts, particularly visual, associated with a development of this scale, it is considered that these can be suitably mitigated through an appropriate landscaping scheme and the harm identified to the heritage assets are outweighed by the benefits of the proposal. The development would therefore accord with criterion 2 of Policy EN10 and Policy EN13 of the Melton Local Plan. Whilst views of the development will be had within close proximity, views from further afield will be limited and overall, subject to the landscape plan submitted the development would not result in significant adverse impacts upon the character of the rural landscape and the less than substantial harm identified to the heritage assets would be outweighed by the significant public benefits.

8.4 3. Residential and visual amenity

Residential amenity

- 8.4.1 The submitted assessment reviews residential properties with actual or potential views towards the application site. Two dwellings are located immediately to the west of the

application site on Castle View Road with a further dwelling located further to the west (near to the junction of Belvoir Road and Castle View Road) and one to the south of the application site (private drive accessed off Woolsthorpe Road).

- 8.4.2 The majority of other dwellings assessed in terms of visual residential amenity are those within the village of Muston.
- 8.4.3 With respect to the dwellings to the west and south referred to above, mitigation measures and enhancements would ensure that the development as a whole will be significantly screened by intervening hedgerows. The dwelling near to the junction of Castle View Road and Belvoir Road may have marginal visibility of the development although the distance of approximately 970m from the nearest solar panels would reduce this impact.
- 8.4.4 In terms of the dwellings within the village of Muston, the shortest distance between a panel area and a dwelling in this region would be approximately 150m. However, the hedgerow at the site boundary which is proposed to be managed and maintained to a height of 3m would be sufficient to adequately obscure the panels from view of the dwellings.
- 8.4.5 Overall, the residential properties that would have visibility of the proposed development are only considered to have weak or limited visual connection, with restricted views to the proposal as a result of hedgerow screening.
- 8.4.6 Overall there are not considered to be any significant impacts upon residential amenities from any part of the development due to the site's relatively distant siting away from residential properties and landscape proposals.
- 8.4.7 The construction of the development again is not considered to result in adverse impacts upon residential amenity due to the routing of the construction traffic. Notwithstanding this, any impact during construction would be short term and temporary in nature.
- 8.4.8 As such the development meets criterion 3 of Policy EN10 and Policy D1 of the Melton Local Plan and Bottesford Neighbourhood Plan Policies 2 and 8.

Visual amenity

- 8.4.9 Overall, and as discussed in detail in the landscape considerations, due to the low-lying nature of the site within its wider context the solar arrays would be screened from most directions. The most prominent visual additions to the landscape would be the masts and additional pylons associated with the grid connection however this type of structure would not be a wholly new addition within the concept of the surrounding area given the existing pylon.
- 8.4.10 The site is part of a contiguous wider landscape characterised by relatively flat land and open fields with the introduction of a solar farm not considered to result in significant adverse effects upon the rural landscape.
- 8.4.11 The largest and most adverse visual effects will be experienced, in the short term, by users along the footpaths which cross the site however this is to be expected and mitigation measures will reduce this effect.
- 8.4.12 Solar farms have short duration installations and considerate construction methods and protocols can reduce any temporary adverse effects.
- 8.4.13 CCTV is proposed at a height of 3 metres and the security fencing at a height of 2 metres which, along with the inverter substation (height of 2.9 metres), through the retention and infill planting of hedgerows up to a maximum of 3 metres high would help screen these elements, reducing their visual impact.

- 8.4.14 The development of the solar farm is also fully reversible and can be removed from site should generation of electricity stop with full restoration details to be secured by planning condition, thus removing the identified visual impacts of the development.
- 8.4.15 Overall, it is considered that the application site, by virtue of the lack of any landscape designations and with no loss of any particular landscape features or elements, would be acceptable for the development of a solar farm and would not result in significant adverse effects upon the rural landscape. It is therefore in accordance with Policy D1 of the Melton Local Plan and Bottesford Neighbourhood Plan Policies 2 and 8 and with respect to criterion 3 of Policy EN10 of the Melton Local Plan.
- 8.5 **4. Noise impacts**
- 8.5.1 A noise assessment has been undertaken to identify potential impacts associated with the development. The proposed solar panels would not emit significant noise or vibration and nor would the proposed inverters. Any noise would be very limited however and would not cause undue impact upon residential amenity especially given background levels. As such, no additional noise mitigation measures are required during construction or operation. The proposed transformer may generate low-level noise but due to the separation distance to neighbouring properties this would be of a sufficient distance from the neighbouring dwellings so as not to result in adverse impacts upon residential amenity.
- 8.5.2 As such it is considered that the proposal would be satisfactory with respect to criterion 4 of Policy EN10 of the Melton Local Plan.
- 8.6 **5. Odour impacts**
- 8.6.1 The proposed panels would not emit odour as is similarly the case for the proposed transformer unit.
- 8.6.2 As such it is considered that the proposal would be satisfactory with respect to criterion 5 of Policy EN10 of the Melton Local Plan.
- 8.7 **6. Designated nature conservation, geo-diversity or biodiversity considerations, including potential impact on ancient woodland and veteran trees**
- 8.7.1 **7. Ecology**
- 8.7.2 Criteria 6 and 7 of Policy EN10 are considered together. Policy EN2 seeks to achieve net gains for nature and to proactively seek habitat creation as part of new development proposals. Policy EN3 states that a strategic approach to the delivery, protection and enhancement of green infrastructure will be taken by the Borough Council and new development proposals will be supported where they retain and enhance important green infrastructure elements. Bottesford Neighbourhood Plan Policy 3 states development proposals should conserve or enhance biodiversity value in the neighbourhood area.
- 8.7.3 The land is currently in arable use, with low overall biodiversity value apart from a network of hedges and other habitat features such as ponds, ditches, stream and mature trees. There are no individual trees to be removed to facilitate the development
- 8.7.4 All biodiverse habitat features would be retained within the solar farm development only with very minor losses due to access, for example part hedgerows.
- 8.7.5 An Ecological Impact Assessment has been submitted with the application which includes assessments with regard to, Extended Phase 1 Habitat Survey; Great Crested Newt
- 8.7.6 Habitat Suitability Index; Great Crested Newt Environmental-DNA Survey; Breeding Bird Surveys and Wintering Bird Survey.

- 8.7.7 No great crested newts were present. Two badger setts were found, but will be retained and conserved within the site. Wintering and breeding birds were of moderate local value – a small number of Skylark territories, overwintering Meadow Pipit, a pair of Quail and a Grey Partridge were present, along with other farmland BAP or BoCC species – but none on populations of more than local significance.
- 8.7.8 Although the application will cause loss of farmland bird habitats, some habitat creation of higher value is proposed, and species will also be displaced to adjacent farmland habitats which are the dominant land-use in this area.
- 8.7.9 Pre-cautionary measures with respect to badgers and a pre-construction badger survey update is to be submitted via condition. The details of mammals passing through within the perimeter fencing to avoid trapping badgers, hares and other species are also to be submitted via condition.
- 8.7.10 As part of the submitted documents, a biodiversity net-gain assessment has been undertaken, which shows that the site is in significant net-gain (142.30% in habitat units and 10.24% in hedgerow units) due to the retention of habitats grasslands, hedgerow and wetland creations. In addition, there would be a minimum of five bird boxes; minimum of ten bat roost boxes; creation of refugia (log piles) and hibernacula suitable for amphibians, reptiles and other species; and creation of ‘insect hotels’. Full details of the biodiversity enhancements are provided within the management plan which is to be secured by condition.
- 8.7.11 The application site is also located to the north of the Grantham Canal and the southern end of the site extends close to the canal by Muston Gorse Bridge (Br. 57). The nearest solar panels are approximately 30-40 metres north of the canal as a community orchard is proposed to be laid out adjacent to the canal. The canal is a valuable wildlife habitat.
- 8.7.12 Given the habitat and biodiversity enhancements proposed and that the development is sited away from the canal itself it is not considered that the proposal would impact upon the biodiversity within the canal corridor. As the proposal includes provision of a canal side community orchard and a new permissive footpath to provide a wildlife walk, overall, the proposal will support and enhance the biodiversity value of the canal corridor.
- 8.7.13 Natural England originally raised concerns regarding the Muston Meadows Site of Special Scientific Interest (SSSI) which lies adjacent to the southern site boundary and requested additional buffering and an amended grassland mix adjacent to the SSSI.
- 8.7.14 Amended plans were received reducing the extent of the site and solar panels within the area adjacent to the SSSI, additional planting and screening was proposed within this site boundary as well as a change to the proposed grassland mix.
- 8.7.15 Natural England commented, following the submission of the amended plans, that they do not consider that any harm would come to the SSSI as a result of the submitted Biodiversity Management Plan and overall raise no objection. The submitted management plan would ensure that the biodiversity and landscape enhancements would be maintained for the lifetime of the development and this is secured by condition.
- 8.7.16 As such, no significant impact or concern is raised in respect of biodiversity matters given the significant landscaping scheme and ecology strategy that is proposed and the substantial net gain in biodiversity across the site. Therefore, subject to the imposition of conditions, the proposal is considered to be in accordance with Policies EN2 and EN3 of the Melton Local Plan and Bottesford Neighbourhood Plan Policy 3 and the proposal would be satisfactory with respect to criteria 6 and 7 of Policy EN10 of the Melton Local Plan.

8.8 **8. Aircraft movements and associated activities, including effects on radar, communications and navigational systems**

8.8.1 Overall, solar farms maintain a low-profile in the landscape and do not pose a risk of direct contact with aircraft or interference with communications or radar systems.

8.8.2 A Glint and Glare assessment has been undertaken with respect to Langar and RAF Barkston Heath which are approximately 8.7km to the southwest and 15km to the north-east respectively. Due to the distances involved and that concerns are only really raised on the approach to runways, it is not considered that the proposal would result in significant impacts on aircraft movements.

8.8.3 No concerns are raised by East Midlands Airport Safeguarding Officer nor the National Air Traffic Services Officer.

8.8.4 As such the proposal would be satisfactory with respect to criterion 8 of Policy EN10 of the Melton Local Plan.

8.9 **9. Electromagnetic transmissions**

8.9.1 Electromagnetic transmissions are not an impact which are typically associated with solar farms. The grid connection infrastructure would be securely installed centrally within the site and not accessible. As such the proposal would be satisfactory with respect to criterion 9 of Policy EN10 of the Melton Local Plan.

8.10 **10. High quality agricultural land**

8.10.1 Policy EN10 states that an assessment of the development will be made in respect to high quality agricultural land.

8.10.2 The PPG requires local planning authorities to aim to protect BMV agricultural land from significant, inappropriate, or unsustainable development proposals.

8.10.3 Bottesford Neighbourhood Plan Policy 3 requires that development should avoid being located on the highest quality agricultural land. Neighbourhood Plan Policy 9, criteria 4 also states that development that delivers renewable energy will be supported where it can be demonstrated that it; d) does not result in the loss of the best and most versatile (BMV) agricultural land in grades 1, 2 and 3a of the Agricultural Land Classification.

8.10.4 Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should (a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

8.10.5 Paragraph 174(b) of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

8.10.6 BMV comprises land that falls within grades 1, 2 and 3a of the Agricultural Land Classification.

8.10.7 The applicant has submitted an agricultural land classification report. The Council instructed an independent assessment of the applicant's submitted report with respect to the methodology and approach used in the survey, the quality and consistency of data with published data, and the interpretation of the data in the light of the Agricultural Land Classification (ALC) guidelines.

- 8.10.8 Following the Council's initial independent review, a further update assessment and report was submitted by the applicant, which was further reviewed by the Council's independent assessor. The results of which confirmed that the applicant's assessment is robust and can be accepted as an accurate reflection of agricultural land quality at the site.
- 8.10.9 On this basis, the applicant's assessment states that the application site would comprise of a classification of Grade 2 (7.0ha), Subgrade 3a (0.3ha) and the remainder Subgrade 3b (approx. 92.65). The total site area is 99.95 ha and therefore the total amount of Grade 2 and 3a land would comprise approximately 7.3% of the total site area.
- 8.10.10 The estimated number of panels for the development is 130,000 with approximately 9,100 (7%) of the panels on Grade 2 land. Approximately 120,900 (93%) would be on Grade 3b land.
- 8.10.11 As such, a significant proportion of the site is not best and most versatile land. The significant majority of the site does not meet a BMV classification, the loss of the small parcel of 2 and 3a graded arable land is attributed minor harm in the planning balance.
- 8.10.12 The proposal would change the use of the land for a period of 40 years, which accords with the life expectancy of new panels. Whilst this is a significant period of time it is not permanent. Furthermore, during the operational period the applicant has advised that agricultural practices can continue to take place on 95% of the land including sheep grazing.
- 8.10.13 There is limited fixed infrastructure within the area identified as Grade 2 and Subgrade 3a therefore ensuring that the site can be reversible with limited impact upon soil quality as a result and that the site would be returned fully to agricultural land at the end.
- 8.10.14 To ensure that the development does not have an adverse impact upon the soil quality and to ensure that the land can be restored to its former state, a condition requiring a Soil Resource Management Plan is recommended to ensure how and when construction work takes place so that damage to the soil is minimised.
- 8.10.15 As such, the proposal would not result in either the temporary or permanent loss of BMV land as the land would continue to be used for some agricultural purposes whilst also being used to produce solar energy. Nor would the proposal be detrimental to the soil quality, so a return to arable production at a later date would still be possible.
- 8.10.16 The Neighbourhood Plan Policies 3 and 9 state that development will be supported where it does not result in the loss of BMV land.
- 8.10.17 The development sits predominantly within land identified as Subgrade 3b with only a very small proportion of the site within BMV land (approx. 7. % of the total area). Therefore, the development may result in the loss of a limited amount of BMV within this north western corner of the site however given the significant benefits of the scheme (production of renewable energy, biodiversity and landscape enhancements amongst others) in this particular instance it is considered that the benefits would outweigh the conflict with the Neighbourhood Plan.
- 8.10.18 Further, the permission is temporary only, with the land able to be fully reinstated to its agricultural land quality referred to and through the use of soil management techniques (secured by condition) it could be ensured that the benefits of the scheme are significant enough to depart from the identified conflict with the Neighbourhood Plan Policies.
- 8.10.19 The NPPF states that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

8.10.20 Natural England wish to offer no formal comments on the BMV as the proposed development would not lead to the loss of over 20 ha BMV agricultural land however do advise and recommend conditions to safeguard soil resources which is recommended as stated above.

8.10.21 It is considered reasonable to depart from the Neighbourhood Plan Policies in this instance because of the material considerations identified and the benefits referred to above. The land can still be used for some agricultural purposes during the operation of the solar farm, and the proposal would not be detrimental to the soil quality, noting that a return to arable farming production will still be possible. It would be unreasonable to exclude this small parcel of land from the development of solar panels given its size and within a wider field. The renewable energy benefit of the proposal must be accorded substantial weight.

8.10.22 In addition, the applicant has submitted a site selection assessment which identifies that no suitable alternative brownfield sites are available to accommodate the scale of development and critically a viable grid connection can be achieved infield within the site without the need for any offsite cable runs. The benefits of this particular location and the proximity to a viable point of connection are a significant benefit to be considered. It is for these benefits identified that material considerations are present to depart from the policy.

8.11 **11. Access for construction, maintenance and de-commissioning**

8.11.1 There is one access proposed for the construction, maintenance and de-commissioning of the solar farm, from Castle View Road close to the junction of the A52. The site would be accessed solely from this single point and a number of internal tracks would be utilised during the operation of the development.

8.11.2 Castle View Road is an unclassified, non-weight restricted road subject to the national speed limit (60mph). Articulated HGVs would access the site during construction and swept-path analysis has been provided showing access from the Bottesford Bypass (A52) and Castle View Road.

8.11.3 The access width into the application site of 5 metres and a radii of 6 metres on the southern side and 15 metres on the northern side is acceptable for the type of vehicles accessing the site. Visibility splays at the site access to Castle View Road of 2.4 x 215.0m south and 2.4 x 114.0m north (to the nearest site junction) are provided showing a safe and suitable access point to the application site. 2.4 x 215.0m visibility splays in either direction at the junction of Castle View Road and the Bottesford Bypass (A52) have also been provided.

8.11.4 Swept path analysis has also been provided and considered to be acceptable for the HGV vehicles accessing the site and using the junction of the A52 and Castle View Road. HGVs exiting the Castle View Road/A52 junction routing to the west would encroach the eastbound carriageway, therefore HGVs will route east from the junction only when exiting from the site. A 12m rigid vehicle is however able to route to the west from the junction without encroaching the eastbound carriageway. This is considered to be acceptable by the Local Highways Authority.

8.11.5 The access to the site also currently serves Easthorpe Lane, a private, partly unadopted carriageway linking Castle View Road to Belvoir Road and then Muston. The access to Easthorpe Lane and its location is remaining unaltered and absorbed into the proposals.

8.11.6 A satisfactory Stage 1 Road Safety Audit (RSA) and Designer's Response have also been submitted in support of the application. Two issues were identified, being intervisibility along Castle View Road, and verge hardening / carriageway widening between the proposed access and the A52 to allow conflicting vehicles to pass each other safely.

- 8.11.7 In terms of intervisibility the adjacent hedgerow is proposed to be slightly curtailed. In terms of the localised widening, temporary surfacing for heavy-duty vehicle types are proposed to be placed within the verge to provide additional carriageway width which could accommodate any potential overrun, and to allow vehicles to pass one another.
- 8.11.8 National Highways raise no objection with respect to the A52 as a result of the proposed access arrangements and that there would be no alteration to the Strategic Road Network. No concerns are raised by National Highways nor the Local Highways Authority with respect to the junction of Castle View Road and the Bottesford Bypass (A52).
- 8.11.9 With respect to vehicle trips, this is predominantly associated with the construction of the development with only limited trips during operation. The application has advised that it is considered around fifteen 15.4m HGVs are required for every MWp at the site. The site is proposed to generate 49.9MW and as such this would equate to a total of around 749 deliveries by a 15.4 metre HGVs.
- 8.11.10 Other deliveries include the 20 inverters (20 deliveries), preparation of the access tracks (approx. 100 deliveries of stone), 1x DNO Control Room (1 delivery), 1x Customer Switchgear and two spare containers (3 deliveries) and 1x 132kv Substation (1 delivery).
- 8.11.11 Assuming a robust six month construction period and a six day working week, this equates to, on average, approximately six (12 two-way) deliveries per day. Given the access arrangements proposed and construction traffic routing it is not considered that this would result in an adverse impact upon highway safety. Indeed the Local Highways Authority would agree with this approach.
- 8.11.12 A compound area is proposed within the site to allow for staff parking and unloading within the site so as to avoid any parking or obstruction on Castle View Road. Turning is also provided to allow vehicles to manoeuvre and leave the site in a forward gear.
- 8.11.13 Internally, the access tracks proposed have been assessed for their suitability for large agricultural vehicles to access through the site to the fields to the south of the site, along with emergency vehicle access. Swept path analysis again has been provided showing that the internal arrangements are acceptable for agricultural movements and emergency vehicles.
- 8.11.14 During the operation of the development, limited movements are proposed (approx. one fortnightly visit to the site) which is not considered to raise any highway safety issue. Should any repair or replacement be required to the panels, then details of this would need to be submitted by condition. Similarly, during the de-commission of the solar farm, full details will need to be provided by condition ensuring the land is restored to its former state without result in highway safety impacts.
- 8.11.15 Public Footpaths F74, F82, F90 and Byway F85b all run alongside or through the proposed development site. The Rights of Way will all be retained on their existing lines and fall within 10m wide (minimum width - six metre wide mowed grass path with two metre wildflower margins either side) green corridors with enhanced environmental features and interpretation. A new permissive footpath will be provided to run between Byway F85b and Footpath F90 which will also improve connectivity through the site west to east.
- 8.11.16 The Rights of Way would be kept open throughout the period of construction using banksmen to regulate traffic when needed.
- 8.11.17 The Glint and Glare assessments and considerations in respect of vehicle users along the Bottesford Bypass are considered in a following section (criteria 13 of Policy EN10).

- 8.11.18 Overall, no concerns are raised with respect to the site access and it is not considered that this element would result in severe adverse impacts with regards to highway safety so is in accordance with criterion 11 of Policy EN10 and Policies IN2, D1 of the Melton Local Plan and Bottesford Neighbourhood Plan Policies 6, 7 and 8 – subject to conditions.
- 8.11.19 There are also not considered to be severe adverse impacts with regards to Public Rights of Way, either during construction or once operational, in accordance with criterion 11 of Policy EN10 and Policies IN2, D1 of the Melton Local Plan and Bottesford Neighbourhood Plan Policies 6, 7 and 8.
- 8.12 **12. Not creating demand for bio-energy fuels known to result in net carbon emissions through production methods, transport requirements and/or loss of carbon sinks**
- 8.12.1 As detailed already, the main benefit of the proposal would be the production of clean, green energy.
- 8.12.2 It should be considered though that the proposals would result in some impact given the production of the materials and the construction process itself. However the carbon footprint of solar power is many times lower than coal or gas with carbon capture and storage, and this accounts for emissions during manufacture, construction and fuel supply.
- 8.12.3 As such, the proposed development would not result in unintended by-products which would undermine the carbon emission savings which the scheme would achieve, in accordance with criterion 12 of Policy EN10 of the Melton Local Plan.
- 8.13 **13. General safety in terms of highways, power lines, icing, visual distraction**
- 8.13.1 The proposed development is sited close to the A52 but away from railways and other infrastructure which might otherwise conflict with the development.
- 8.13.2 The submitted Glint and Glare assessment has considered the impact upon the strategic road network (A52). The development would have a moderate adverse impact upon an approximately 550m stretch of the A52 without any mitigation measures. However screening and additional hedgerow planting in this location would obscure the reflecting panels from view of the affected stretch of road thus resulting in negligible effects upon A52 road users.
- 8.13.3 Castle View Road is located to the west of the application site however existing screening already ensures that the effects of the development on Castle View Road would be minor.
- 8.13.4 In terms of the railways and effects for train drivers, no effects are predicted given that the nearest railway line is more than 500m north of the development at its closest point.
- 8.13.5 Indeed National Highways and Network Rail raise no objections to the proposal.
- 8.13.6 Icing is a predominantly related to wind energy and is not a relevant consideration for solar farm development.
- 8.13.7 Overall, the effects on local receptors is considered to be negligible to minor adverse subject to mitigation measures. Therefore the proposal is considered to accord with criterion 13 of Policy EN10 of the Melton Local Plan.
- 8.14 **14. Transport movements for importation of biomass fuel**
- 8.14.1 Not pertinent to this proposal.
- 8.15 Criterion **15-18** of Policy EN10 solely relate to wind turbine developments and as such are not pertinent to this proposal.

8.16 Impact upon drainage/flooding

- 8.16.1 Policy EN11 of the Melton Local Plan seeks to ensure that development proposals do not increase flood risk and will seek to reduce flood risk to others. Policy EN12 states that proposals should demonstrate through a surface water drainage strategy that properties will not be at risk from surface water flooding. Neighbourhood Plan Policy 6 aims to reduce the risk of flooding within the Neighbourhood Plan Area.
- 8.16.2 The application has been supported by a detailed flood risk assessment which identifies that the majority of the site is within Flood Zone 1 and with the majority of the site also a low/negligible risk of flooding from all other sources.
- 8.16.3 The proposals seek to replicate the greenfield scenario of the existing site with permeable course tracks and gravel beds for inverters storage areas. It is proposed a system of conveyance swales are provided to positively drain fields and discourage surface water ponding. Measures are also identified for soil compaction with specialised land management and grass seeding techniques identified to mitigate this. The swales are proposed to be located at the low parts of the site to collect and slow surface water runoff prior to discharging to the existing watercourse.
- 8.16.4 Therefore the proposed development would be considered to provide betterment to the existing land use in terms of surface water runoff rates and downstream flood risk.
- 8.16.5 Very small part of the application site, within the far west of the site adjacent to the Winter Beck watercourse is within Flood Zone 2 and 3. All infrastructure is located outside of the Flood Zone 3 as shown on the submitted site layout plan and the Environment Agency are satisfied with the mitigation and drainage measures put forward within the submitted Flood Risk Assessment.
- 8.16.6 As such, subject to condition, the proposed drainage strategy through the use of swales and filter trenches adjacent to the proposed new internal access roads and swales located at the low parts of the site to collect and slow surface water run-off prior to discharging to the watercourses would be a betterment to the existing greenfield runoff rates.
- 8.16.7 Therefore, overall it is considered that the proposed development would not result in adverse impacts associated with flood risk, in accordance with Policies EN11 and EN12 of the Melton Local Plan and Neighbourhood Plan Policy 6.

9 CONCLUSION

- 9.1 Policy EN10 states that proposals for renewable and low carbon energy technology, associated infrastructure and integration of renewable and low carbon technology on existing or proposed structures will be assessed both individually and cumulatively on their merits taking account of a number of factors which have been assessed in full above.
- 9.2 Bottesford Neighbourhood Plan Policy 9: Renewable Energy and Low Carbon Technologies criteria 4 states that developments that delivers renewable energy will be supported where it can be demonstrated that it;
- a) does not have an unacceptably adverse impact on the amenity of residents and visitors (including: noise, vibration, views and vistas, shadow flicker, water pollution, odour, air quality, emissions, sensitivity and character of landscape); and
 - b) does not have a significant adverse effect on any designated site (including SSSI, regionally or locally important geological sites, sites of ecological value, Local Green Spaces, Significant Green Gaps); and

c) does not result in an unacceptably adverse effect on protected species, including migration routes and sites of biodiversity value; and

d) does not result in the loss of the best and most versatile agricultural land in grades 1,2 and 3a of the Agricultural Land Classification; and

e) transmission lines should be located below ground wherever possible to reduce the impact on the open countryside.

- 9.3 The proposed development would result in a solar farm with a 49.9 MW output for a temporary period of 40 years and would make a significant contribution to the government target of reducing carbon emissions to net zero by 2050.
- 9.4 It is fully acknowledged that 40 years is a significant time period however there have been appeal decisions explaining that 40 years accords with the life expectancy of new panels and whilst this is a significant period of time it is not permanent.
- 9.5 Given the detailed considerations above, it is considered that the proposals would accord with the criterion set out in Policy EN10. As discussed above, although there would inevitably be some detrimental impacts, particularly visual to the users of those PROW networks within and along the boundary of the development, it is considered that these can be suitably mitigated through an appropriate landscaping scheme or by virtue of the significant benefits of the scheme outweighing the effect to those PROW users. Impacts upon heritage benefits have been identified and assessed however these are considered to be outweighed by the significant public benefits of a clean, green energy development.
- 9.6 Given the significant and detailed consideration above, it is not considered that the proposal would have an unacceptable impact on the amenity of residents, designated sites, or protected species.
- 9.7 The proposed landscaping provided is significant and would help achieve an overall net-gain in biodiversity with the appropriate local species being provided.
- 9.8 Whilst the proposal would be located on a very small parcel of land which is identified as BMV, this is just over 7% of the total area and significant considerations to the benefit of renewable energy must be given. It is for this reason, and subject to the imposition of conditions securing appropriate soil management techniques that in this particular instance due to the size of the BMV land identified, it is reasonable to depart from the Neighbourhood Plan Policies.
- 9.9 A Written Ministerial Statement (WPS) dated 25 March 2015 relating to the unjustified use of agricultural land states therein that any proposal for a solar farm involving the best and most versatile agricultural land (BMV) would require to be justified by the most compelling evidence. Where a proposal involves greenfield land, consideration should be given as to whether the proposed use of any agricultural land has shown to be necessary, whether poorer quality land has been used in preference to higher quality land and to whether the proposed development would allow for continued agricultural use where applicable and/or where biodiversity improvements around arrays would be provided.
- 9.10 The applicant has confirmed that agricultural operations would continue during operation, and upon decommissioning the land restored to its former state. A site selection report has been submitted to demonstrate why the application site has been chosen for development. The considerations within the site selection report further confirm that the use of a small part of the application site as BMV is considered reasonable given the site selection criteria undertaken, especially with the site allowing for a viable connection to the electricity

network. Furthermore, there is no unconstrained non-agricultural land, or any previously developed land identified within the Site Search Area on which the scheme could alternatively be provided.

9.11 The benefits of the scheme are significant and must be weighed within the consideration of the overall development:

- Increased renewable energy generation, equivalent to provide electricity to approximately 19,000 homes, and assistance towards reducing CO² emissions saving 30,000 tonnes of CO² per annum;
- Economic benefits associated with investment and jobs on-site during peak times of the construction period;
- Appropriate biodiversity and landscape enhancement measures via increased boundary planting, species-rich grassland and significant habitat creation;
- Substantial biodiversity net gains;
- Provision of skylark enhancement areas, bat roost boxes, bird nest boxes, hedgehog nest boxes, insect hotels, log piles and amphibian and reptile hibernacula features;
- Green infrastructure benefits
 - o accommodating existing PRowS within a 10m wide Green Infrastructure Enhancement Corridor,
 - o provision of new permissive paths, heritage trail
 - o canalside recreational facilities including a community orchard, picnic area and beehives;
- Flood and drainage betterment; and
- Educational benefit through the creation of outdoor classroom log pile seating and picnic areas, as well as interpretation and information boards.
- Grid connection is within the application site

9.12 The benefits identified are considered to outweigh the harm and the proposal is considered to accord on the whole with Policy EN10 of the Melton Local Plan and Bottesford Neighbourhood Plan Policy 9 which supports development of renewable and low carbon energy proposals.

9.13 All other planning matters including residential amenity, highway safety, and biodiversity have been considered in full through assessing the proposal against the relevant criterion of Policy EN10. The development is not considered to result in adverse flooding impacts.

10 REASON FOR RECOMMENDATION

10.1 Planning law requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would result in a solar farm with a 49.9 MW output for a temporary period of 40 years.

10.2 The development would provide a significant environmental benefit, especially given significant and growing climate change pressures.

10.3 In July 2019 MBC formally declared a climate emergency. The climate emergency is a material consideration in planning decisions.

- 10.4 The impact of the development and mitigation measures proposed are not considered to adversely impact the character of the landscape either as a result of the development itself or cumulatively with other developments. Concerns are noted and fully considered with respect to users of the PROW network within and along the boundary of the site and although the impact upon the users will initially be major adverse, the benefits of the scheme must be considered and weighed appropriately. In this instance the benefits of the scheme outlined are considered to weigh significantly in favour of the development.
- 10.5 Further, any minor conflicts that have been identified with the development plan policies, including those of heritage and agricultural land quality are significantly outweighed by the benefits of the proposal.
- 10.6 Consideration has been had regarding the weight that should be given to the conservation of heritage assets (NPPF, section 16), and having regard to the statutory duties set out in sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.7 It is not considered that the proposal would result in adverse impacts upon other material planning considerations including highway safety, flood risk, residential amenities, and noise. There would be an overall net gain in biodiversity across the site arising from the development.
- 10.8 The proposal accords with the requirements of Policies SS1, SS2 and specifically Policy EN10 which strongly emphasise that Renewable proposals, including solar, will be supported and considered in the context of sustainable development and climate change. In addition, Bottesford Neighbourhood Plan Policy 9 supports development that delivers renewable energy.
- 10.9 Whilst the site is partly located on best and most versatile land, this is a very small percentage of the overall site which is considered to be outweighed by the benefit of the production of clean green energy.
- 10.10 The significant and substantial benefits of the development in favour of renewable energy, taken together with the other benefits identified, are therefore considered to outweigh the identified harm to the heritage assets, impact upon the landscape and use of BMV land on a small percentage of the site.
- 10.11 In officers' opinion, on the consideration of the application, and the detail submitted, it is considered that the proposal would be a substantial development in the countryside, however the adverse impact and less than substantial harm identified is outweighed by the significant benefit of a renewable energy development that is central to achieving a sustainable future.

11 Planning Conditions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

- 11.2 The permission hereby granted shall expire 40 years from the date when electrical power is first exported from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason: The proposed scheme has a 40 year lifespan.

11.3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows:

- Site Location Plan P19-2022_03 Rev E
- Site Layout and Landscape Strategy P19-2022_10 Rev Q
- Typical Single Axis Tracker Table Details Rev A, dated 20th October 2021
- Fence, Track and CCTV Details Rev A, dated 20th October 2021
- Trench Sections Details Rev A, dated 20th October 2021
- Inverter Station Details Rev A, dated 20th October 2021
- Spares Container Details Rev A, dated 20th October 2021
- Customer Switchgear Details Rev A, dated 20th October 2021
- Access Gate Rev A, dated 20th October 2021
- Indicative Construction Compound Rev A, dated 20th October 2021
- Comms and Weather Station Mast Rev A, dated 20th October 2021
- Compound Details Rev A, dated 20th October 2021

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

11.4 Development must not commence until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The construction method statement shall set out details of all on-site construction works together with details of their timetabling. It shall include details of, and measures to secure:

- the phasing of construction works;
- the formation and position of the temporary construction compounds;
- dust management and suppression;
- cleaning of site entrance, facilities for wheel washing and cleaning the adjacent public highway;
- pollution control, including the protection of water courses and ground water; subsoil surface water drainage; bunding and siting of fuel storage areas; sewage and foul water drainage and disposal; and emergency procedures and pollution response plans;
- temporary site illumination during the construction period;
- the methods to be adopted to reduce the effects of noise occurring during the construction period to the lowest practicable levels and in accordance with B.S. 5228: Noise control on construction and open sites;
- storage of materials and disposal of surplus materials;
- the construction of the accesses into the site, the erection of any entrance gates and the creation and maintenance of associated visibility splays;
- method of working cable trenches, including soil storage and back-filling; and details of cable boring methodologies below roads, water courses and hedges;
- general soil storage and handling;

- post-construction restoration/reinstatement of the working areas, including cable trenches and area covered by any matting or other areas where the soil has been disturbed or compressed;
- the sheeting of all heavy goods vehicles construction materials to, or spoil from, the site to prevent spillage or deposit of any materials on the highway;
- details of control of surface water to prevent it entering the public highway or carrying sediment to the surface water drainage network in the vicinity of the site.
- identification of buffer strips adjacent to water courses or retained vegetation features such as hedges or trees and sites where birds are nesting;
- details of proposed measures to protect root protection areas during construction
- means to exclude small animals from excavations.

Construction works must be carried out in full accordance with the agreed construction method statement.

Reason: To protect the interests of the rural character of the area, the integrity and safety of the highway network and to protect the amenity of residents, ecological interests and to ensure the site can be restored to agricultural use, in accordance with Policies EN1, EN2, EN3, EN6, EN10 and EN13 of the Melton Local Plan and Bottesford Neighbourhood Planning Policies 1, 2, 3, 6, 7, 8, 9 and 12.

- 11.5 Before the development hereby permitted is commenced, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted LEMP shall be in broad accordance with the Site Layout and Landscape Strategy P19-2022_10 Rev Q and the mitigation measures contained with the Environmental Statement Chapter 2 - Landscape and Visual Impact Assessment Pegasus Group (January 2022). The LEMP shall include, but is not limited to: (i) details of the proposed new hedgerow and tree planting, including any strengthening of existing vegetation; (ii) details of planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), and schedule of plants (noting species, sizes and proposed numbers / densities); (iii) details of the management and monitoring of the site during the operational period; and (iv) details of the layout and planting within the community orchard.

Before the end of the first planting / seeding season following the date when electrical power is first exported (“first export date”), the approved Landscape and Ecological Management Plan (LEMP) shall have been carried out in full. An up-to-date written record of compliance with the implementation and management programme shall be maintained and this shall be made available for inspection within 14 days of any request in writing from the Local Planning Authority. Any revisions to the LEMP following a review shall be submitted and approved in writing by the Local Planning Authority. Any revised LEMP shall be implemented in full.

Reason: So that vegetation and landscape features on the site are properly managed in the interest of ecological mitigation, and wider visual amenity, in accordance with Policies EN1, EN2, EN3, EN6, EN10 and EN13 of the Melton Local Plan and Bottesford Neighbourhood Planning Policies 1, 2, 3, 6, 7, 8, 9 and 12.

- 11.6 If the solar farm hereby permitted (or any substantial sub-part of the farm) fails to produce electricity for supply to the grid for a continuous period of two years and there is no realistic prospect of the solar farm becoming operational again, a scheme shall be submitted to the

Local Planning Authority for its written approval within 3 months of the end of that 6 month period for the repair or removal of the solar farm.

Where repairs or replacements are required the scheme shall include a proposed programme of remedial works. Where removal of the solar farm is required the scheme shall include the same details required under condition 7 of this permission. The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.

Reason: To ensure the solar farm beneficially generates electricity or is otherwise removed to the benefit of the character and appearance and the agricultural potential of the area, in accordance with Policies EN1, EN2, EN3, EN6, EN10 and EN13 of the Melton Local Plan and Bottesford Neighbourhood Planning Policies 1, 2, 3, 6, 7, 8, 9 and 12.

11.7 Not later than 12 months before the expiry of this permission, as confirmed by condition 2 of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and all other associated equipment & paraphernalia and the subsequent restoration of the site. The scheme shall include details of:

- the extent of equipment and foundation removal and the site restoration to be carried out;
- the management and timing of any works;
- a traffic management plan to address likely traffic impact issues during the decommissioning period;
- an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitats and tree features on the site;
- location of material laydown areas;
- full details of the removal of the solar arrays, associated buildings and plant, any trackways and sub-surface cabling and all associated works of ground restoration including trench backfilling;
- full details of all other works to restore the land to allow for agricultural production following the removal of structures from the site;
- a programme of implementation.

The approved scheme shall be implemented within 6 months of the expiry of this permission and then proceed fully in accordance with the agreed details in accordance with the decommissioning programme.

Reason: To ensure the site is fully restored to allow agricultural use and to maintain the rural appearance of the area in accordance with Policies EN1, EN2, EN3, EN6, EN10 and EN13 of the Melton Local Plan and Bottesford Neighbourhood Planning Policies 1, 2, 3, 6, 7, 8, 9 and 12.

11.8 Prior to the commencement of each phase of development (Construction, Operational and Decommissioning), a Soil Management Plan shall be submitted to, and approved in writing by, the local planning authority. The plan shall include, but not be limited to details pertaining to careful soil management during each phase, including consideration of the appropriate time of year for soil handling, planting beneath the panels and return to the former land quality as indicated in Appendix 6 of the Agricultural Land Classification survey dated 9th January 2023 – Issue 9 carried out by Amet Property. The Management Plan shall adhere to the guidance set out in the following documents (or any subsequent replacement versions):

- Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (September 2009); and.
- The British Society of Soil Science Working with Soil Guidance Note on Benefiting from Soil Management in Development and Construction.

The Soil Management Plan as so approved shall be implemented, and adhered to, for each phase of the development.

Reason: To ensure the land identified as Best and Most Versatile is returned in its current quality for agricultural use in accordance with Policy EN10 of the Melton Local Plan and Policy 9 of the Bottesford Neighbourhood Plan.

- 11.9 To ensure against soil compaction and overland flow route disruption during construction, the soil should be chisel ploughed or similar and it should be restored to a pre-construction condition immediately post construction, the date of which should be notified in writing to the local planning authority within 14 days of it occurring. For the first three years after the completion of the construction phase, every six months, inspections of the planting and soil must be carried out by a qualified soil scientist, to ensure adequate growth of the planting and that any compaction or channelisation of the soil can be identified and addressed. Any remedial work identified in the inspection should take place within 6 months of the date of the inspection.

Reason: To ensure the land identified as Best and Most Versatile is returned in its current quality for agricultural use in accordance with Policy EN10 of the Melton Local Plan and Policy 9 of the Bottesford Neighbourhood Plan.

- 11.10 Prior to the First Export Date details of the cleaning procedure for the panels shall be submitted to, and approved in writing by, the local planning authority. The details shall include but not be limited to the frequency of cleaning, volumes of water required, details of any detergents to be used and any required mitigation. The cleaning of the panels shall thereafter take place in accordance with the approved details.

Reason: To ensure the land identified as Best and Most Versatile is returned in its current quality for agricultural use in accordance with Policy EN10 of the Melton Local Plan and Policy 9 of the Bottesford Neighbourhood Plan.

- 11.11 In the event that repairs and / or replacements are required to the approved solar infrastructure, details of the proposed Remedial Works (“the Remedial Scheme”) shall be submitted to and approved in writing by the Local Planning Authority. The Remedial Scheme shall include details for the management of all construction activities associated with the remediation works, and the remediation scheme shall include the same details required by the construction method statement set out in Condition 4 of this permission.

Reason: To ensure that the solar farm continues to generate electricity or is otherwise removed to the benefit of the character and appearance, and agricultural productivity of the Borough; in accordance with Policies EN1, EN2, EN3, EN6, EN10 and EN13 of the Melton Local Plan and Bottesford Neighbourhood Planning Policies 1, 2, 3, 6, 7, 8, 9 and 12.

- 11.12 There shall be no permanent illumination on the site unless otherwise agreed in writing by the local planning authority. In such circumstances, prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To protect the rural character of the area and in accordance with Policies EN1, EN2, EN3, EN6, EN10 and EN13 of the Melton Local Plan and Bottesford Neighbourhood Planning Policies 1, 2, 3, 6, 7, 8, 9 and 12.

- 11.13 Prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the development hereby permitted.

Reason: To protect the rural character of the area and in accordance with Policies EN1, EN2, EN3, EN6, EN10 and EN13 of the Melton Local Plan and Bottesford Neighbourhood Planning Policies 1, 2, 3, 6, 7, 8, 9 and 12.

- 11.14 Prior to commencement of development, full details of the location, size, wording, material of the heritage interpretation boards and information boards shall be submitted to and approved in writing. Further boards including directional signage and interpretation boards should be included within this detail which include reference to the adjacent Grantham Canal. The details approved shall be implemented prior to when electrical power is first exported (“first export date”) and shall be maintained for the lifetime of the development.

Reason: To protect the rural character of the area and in accordance with Policies EN1, EN2, EN3, EN6, EN10 and EN13 of the Melton Local Plan and Bottesford Neighbourhood Planning Policies 1, 2, 3, 6, 7, 8, 9 and 12.

- 11.15 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on the Proposed Site Access Arrangements drawing (reference P19-2022 Figure 4.1 Rev. A - dated 27th June 2022) have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in accordance with Policies D1, IN2 and EN10 of the Melton Local Plan, Bottesford Neighbourhood Planning Policies 8 and 9 and in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

- 11.16 No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 215.0 metres south and 2.4 x 114.0 metres north (to the nearest site junction) have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, in accordance with Policies D1, IN2 and EN10 of the Melton Local Plan, Bottesford Neighbourhood Planning Policies 8 and 9 and in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

- 11.17 No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, arrangements for banksmen and temporary signage, arrangements for dilapidation surveys at Castle View Road, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area, in accordance with Policies D1, IN2 and EN10 of the Melton Local Plan, Bottesford Neighbourhood Planning Policies 8 and 9 and in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

11.18 No development shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way, in accordance with Policies D1, IN2 and EN10 of the Melton Local Plan Bottesford Neighbourhood Planning Policies 7, 8 and 9 and the National Planning Policy Framework (2021).

11.19 The development shall be carried out in accordance with the submitted flood risk assessment (ref [December 2022/LJ/P19-2022/by Pegasus Planning Group Ltd]) and the following mitigation measures it details:

- The development will be located entirely within Flood Zone 1. No development is proposed adjacent to the Winter Beck within areas shown to be at high probability of river flooding, Flood Zone 3.
- The proposed solar panels mounting structure will be a 'fixed system', with panels mounted above the ground so as not to interfere with any overland flow routes.
- Finished levels are to be raised a minimum of 150mm above existing ground levels with vulnerable equipment away from areas where flood risk is noted to be higher.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development in accordance with Policies EN11 and EN12 of the Melton Local Plan and Bottesford Neighbourhood Planning Policy 6.

11.20 No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policies EN11 and EN12 of the Melton Local Plan and Bottesford Neighbourhood Planning Policy 6.

11.21 No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the

entire development construction phase in accordance with Policies EN11 and EN12 of the Melton Local Plan and Bottesford Neighbourhood Planning Policy 6.

- 11.22 Prior to first use of the development approved by this planning, details in relation to the long-term maintenance of the surface water drainage system within the development are to be submitted to and approved in writing by the Local Planning Authority.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems and existing surface water features) within the development in accordance with Policies EN11 and EN12 of the Melton Local Plan and Bottesford Neighbourhood Planning Policy 6.

- 11.23 No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policies EN11 and EN12 of the Melton Local Plan and Bottesford Neighbourhood Planning Policy 6.

- 11.24 Prior to commencement of development a badger survey update must be undertaken and submitted to and approved in writing by the Local Planning Authority. The survey must be undertaken within the 3 months that precede site or vegetation clearance. Mitigation measures, including precautionary working measures to reduce construction impacts on badgers, shall subsequently be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be carried out in full as part of the development.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy EN2 of the Melton Local Plan and Bottesford Neighbourhood Planning Policy 3.

- 11.25 Prior to commencement of development, details of the design and location of mammal pass-throughs under the perimeter fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved design details.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy EN2 of the Melton Local Plan and Bottesford Neighbourhood Planning Policy 3.

- 11.26 The development shall be carried out in full accordance with Appendix 5.7 - Biodiversity Management Plan (prepared by Avian Ecology, dated 20th September 2022).

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site in accordance with Policies EN1, EN2, EN3, EN6, EN10 and EN13 of the Melton Local Plan and Bottesford Neighbourhood Planning Policy 3.

- 11.27 No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording dissemination and archiving in accordance with Policies EN10 and EN13 of the Melton Local Plan, Bottesford Neighbourhood Planning Policy 12 and Paragraph 194 of the NPPF.

12 INFORMATIVES

Highways

- 12.1 The LHA would expect to see the following details within a CTMP which would then be adhered to throughout the construction of the development:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading/unloading and storage of plant, materials, oils, fuels, and chemicals
 - c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
 - d) wheel washing facilities and road cleaning arrangements;
 - e) measures to control the emission of dust during construction;
 - f) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
 - g) measures for the protection of the natural environment;
 - e) hours of construction work, including deliveries and removal of materials;
 - f) full details of any piling technique to be employed, if relevant;
 - g) location of temporary buildings and associated generators, compounds, structures and enclosures;
 - h) routing of construction traffic;
 - i) full details of any floodlighting to be installed associated with the construction of the development;
 - j) a timetable for the above measures.
- 12.2 A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- 12.3 A separate application for a diversion of an existing Public Right of Way should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of Public Rights of Way until a Diversion Order has become operative.

- 12.4 Public Rights of Way must not be further enclosed in any way without undertaking discussions with the local Highway Authority (telephone 0116 305 0001).
- 12.5 If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
- 12.6 Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Local Highway Authority.
- 12.7 No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Local Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and Leicestershire County Council as Local Highway Authority may be obliged to require its immediate removal.
- 12.8 Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
- 12.9 It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

National Highways

- 12.10 Should the applicant intend to install temporary warning signage in the highway verges relating to construction vehicles/access on the SRN (A52) the applicant should give prior warning to the Network Management Team networkoccupancy@nationalhighways.co.uk advising of:
- Reason for signage
 - Details of sign faces
 - Location of signs
 - Dates/Times when signage will be in place

Environment Agency

- 12.11 Majority of the application boundary is shown to lie within Flood Zone 1, at low probability of flooding. Land assessed as having less than a 1 in 1,000 annual probability of river flooding (<0.1%), however there are areas along western boundary indicated to lie within Flood Zones 2 and 3 at medium to high probability of flooding associated with the Winter Beck. Land assessed as having between a 1 in 100 and 1 in 1,000 annual probability (1% - 0.1%) or a 1 in 100 or greater annual probability of river flooding (>1%).

Whilst these areas of the site present a medium to high fluvial risk, we are satisfied that the implementation of the mitigation measures detailed above shall be sufficient to manage flood risk posed to the site.

We note that further advice on minimum easements or land drainage consent in relation to ordinary watercourses may be required for the site and this should be undertaken through early engagement with the Lead Local Flood Authority (LLFA), Leicestershire County Council.

LLFA

- 12.12 The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality from proposed hard standing areas; demonstrate that engineered pervious areas offer sufficient surface water run-off mitigation; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off from hard standing areas on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including (where relevant), but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

- 12.13 Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include (where appropriate) temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
- 12.14 The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach. Where infiltration is deemed viable, proposed infiltration structures must be designed in accordance with CIRIA C753 "The SuDS Manual" or any superseding version of this guidance.
- 12.15 Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system and existing surface water features on-site.

Severn Trent Water

- 12.16 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Archaeology

- 12.17 The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor. The Historic and Natural Environment Team, as advisors to the planning

authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

Canal and River Trust

- 12.18 Any access to or works affecting the adjacent Grantham Canal and towpath (including the creation or alteration of access onto the towpath) will require the prior consent of the Canal & River Trust. The applicant/developer should contact the Trust's Estates Team direct to discuss any such proposals. Please contact Steve Robinson, Estates Surveyor at steve.robinson@canalrivertrust.org.uk or on 07710 175114 for further advice in the first instance.

13 Financial Implications

- 13.1 There are no financial implications associated to this planning application.

Financial Implications reviewed by: N/A

14 Legal and Governance Implications

- 14.1 Legal and Governance issues are considered and assessed within the report.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

15 Background Papers

- 15.1 21/00080/EIA – EIA Screening Opinion - Request for Screening Opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), Regulation 6. Proposed solar farm together with associated equipment and infrastructure on Land within the Belvoir Estate, Grantham, NG32 1PE – EIA Required May 2021

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