Regulatory Committee – 14 October 2014

A frame mounted solar PV (panels) scheme with associated infrastructure on 35.4ha of land at Ling Hall Landfill, Coalpit Lane, Rugby, CV23 9HH.

RBC/14CM029

Application No.: RBC/14CM029

Advertised date: 10th July 2014

Applicant: Veolia ES Landfill Limited
Veolia Environmental Services Landfill
C/O Agent
United Kingdom

Agent: David Bell,
LDA Design
Worton Rectory Park
Oxford
OX29 4SX

Registered by: The Strategic Director for Communities on 2nd July 2014

Proposal: A frame mounted solar PV (panels) scheme with associated infrastructure on 35.4ha of land at Ling Hall Landfill, Coalpit Lane, Rugby, CV23 9HH.

Site & location: Ling Hall Quarry, Coalpit Lane, Lawford Heath, Rugby, CV23 9HH.

[Grid ref: 444890.7.272797.2].

See plan in Appendix A

Recommendation

That the Regulatory Committee:

(1) authorises the grant of planning permission for the provision of a frame mounted solar PV (panels) scheme with associated infrastructure on 35.4ha of land at Ling Hall Landfill, Coalpit Lane, Rugby, CV23 9HH, subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities;
(2) approves the completion of a planning agreement in the event that a practicable proposal for a community benefit fund is made.

1. **Application details**

1.1 This planning application seeks consent for the provision of a solar farm on 35.4ha of land that forms part of Ling Hall Quarry and Landfill, Coalpit Lane, Rugby. The proposal comprises of the following elements;

a) Approximately 39,000 ground mounted photovoltaic panels would be sited upon the landfill and would be located within 3 distinct parcels of land which are to be located on the site’s northern boundary, south eastern boundary and south western boundary. The proposed solar panels would be contained within a solar array. An array would comprise of 9 solar panels. An array would measure 17.8m in length, orientated at 20° from the horizontal and would be erected to a height of 2.6m from ground level.

b) The panels would be constructed in rows across the site with a distance of at least 1m between each row of panels. The rows would be aligned east-west so as to optimise solar gain and would provide 1m of ground clearance below the panels to enable grazing of animals to continue on site. The panels would be fixed i.e. do not move in relation to sunlight source.

c) The proposed panels would be located upon a galvanised metal racking system. These would be secured using non penetrative, gabions or concrete blocks sitting on top of the restored ground to protect the integrity of the landfill cap and underground gas extraction pipes.

d) The provision of 7 no. inverter-transformers which are required to convert the direct current (DC) electricity output of the solar panels into useable alternating current (AC) power for compatibility with the electricity distribution network. The proposed inverter-transformers are to be housed within containers that measure approximately 3m high, 2.5m wide and 6m long and would be located centrally within the parcels of land. Three inverter-transformers would be located in the northern parcel of land, three in the south eastern parcel and one within the south western parcel of land. The applicant has suggested colours of grey or green for external finishing but these are to be agreed with the County Planning Authority.

e) The provision of 2 no. substations which are used to form part of the network connection the national grid. The proposed switching stations are to be located adjacent to the south western parcel of land and the main vehicular entrance from Coalpit Lane into the Ling Hall site. The proposed structures would measure approximately 3.5m high, 3.5m
wide and 10m long. The applicant has suggested colours of grey or green for external finishing but these are to be agreed with the County Planning Authority.

f) 2m high deer proof stock fencing would be erected around each parcel of land to contain solar panels with a mammal gap to be provided at 50m intervals to ensure safe movement of animals. In addition, 3m wide vehicular access gates are to be erected along the fence line to aid access for maintenance personnel to the solar panels.

g) The provision of 80 no. 3m high posts to provide CCTV cameras along the fence line surrounding the panel installation.

h) Permanent external lighting throughout the installation is not sought although temporary lighting is sought during the construction period. However, security lighting activated by movement is required at the 7 no. inverter-transformer structures and the 2 no. switching stations.

i) The provision of onsite cabling to connect the panels to the network as follows; Onsite cabling above landfill areas will be either on cable trays attached to a galvanised metal racking system or installed within semi-buried concrete cable troughs to avoid potential conflict with existing pipework and to prevent penetrating the landfill cap layer. Where no landfill is present onsite cabling will be buried at a typical depth of between 600mm and 800mm.

j) The applicant has indicated that substantial landscaping in the form of tree and shrub planting to screen the proposed development is to be provided and has provided an indicative plan showing proposed planting locations. Further details of the species, densities and management of planting are required.

k) The construction of internal haul roads to connect the parcels of land accommodating the proposed solar panels to existing haul roads within the landfill site and to provide access within said parcels of land. These roads would be used to aid construction, maintenance and decommissioning traffic and would be constructed to a maximum width of 5.5m and from compacted stone 300mm road base and sub base with a geotextile layer.

l) The provision of a temporary construction compound that is to be sited within the confines of the main landfill site and centrally located between the parcels of land used to accommodate the proposed solar panels. The proposed compound would be approximately 0.25ha in size and would provide parking spaces for construction staff, an area for materials storage and the provision of modular buildings to provide welfare facilities for construction workers. This would be removed upon completion of construction works.
1.2 The applicant has stated that the proposal would generate up to 12MW of electricity that would be fed into the national grid. This amount of energy could power approximately 3500 homes and seeks to increase energy generated from renewable sources and contribute towards targets for reducing CO2 emissions.

1.3 The installation of the scheme would take up to 25 weeks and the applicant has specified that a period of 25 weeks for decommissioning after 25 years would also be required. As such, the applicant has applied for a temporary planning permission of 26 years to allow for the operation of the scheme and its construction and decommissioning phases. After this period the site would be restored to its currently approved restoration scheme.

1.4 The applicant has stated that a sum of money could be provided to the local communities surrounding the site to be used for community benefit. This money would be generated as a result of energy generation fed into the national grid. A sum of £1,000 per MW of electricity produced per annum could be paid to local communities. This could result in up to £12,000 paid annually should the site generate 12MW of electricity each year. However, the applicant has not specified how such a payment scheme would work in practice and the benefits have not been related to the development proposed. As a result, the proposal does not meet the tests in Regulation 122 of the Community Infrastructure Regulations and cannot form part of the reasons for granting permission. However, should the applicant propose a detailed and practicable scheme, and be willing to enter into a planning agreement, it would be lawful for the County Council to help establish the scheme in this way.

1.5 The applicant has advised that they can potentially reduce the number of pole mounted CCTV cameras from the original 80 cameras to 52.

2. Consultation

2.1 Rugby Borough Council (Planning) – No objection.

2.2 Rugby Borough Council (Environmental Health) – No objection, subject to the following comments and conditions;

- The proposed development is located over a landfill site. Consultation is required with the Environment Agency as permitting and regulatory authority for the landfill and associated site operations.

- The risk of fire/explosion with electricity production and methane gas should be risk assessed.
- **Hours of Operation Condition** – In order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site must not occur outside the following hours:

  - Monday – Friday: 7.30 a.m. – 18.00 p.m.
  - Saturday: 8.30 a.m. – 13.00 p.m.

  No work on Sundays or Bank Holidays.

  If work at other times is required permission should be obtained from the local planning authority.

- **Plant Specification Condition** – Upon the detailed design phase being completed and prior to any development commencing, full manufactures noise details of all ancillary noise making equipment (inverters, transformers and substations) should be submitted to the minerals planning authority for prior approval.

- **Operational Noise Condition** – For the purposes of continuity and to avoid a creeping background noise level, Condition No 37 in conjunction with appendix B7.1 (covering site ambient noise levels for noise sensitive receptors) of the original planning permission for the site (R16/890805) should be made a condition, but worded accordingly to the development proposed to take into account ancillary equipment includes inverters, transformers and substations. Levels specified are one metre in front of the relevant residential façade at a high of 1.2 metres.

- **Complaint Monitoring Condition** – At the reasonable request of, and following a substantiated complaint to, the Local Planning Authority, the operator of the development shall measure and assess at its expense the level of noise emissions from ancillary noise making equipment. In order to establish compliance with ambient noise limits at noise sensitive receptors specified within appendix B7.1 of planning approval R16/890805. Levels specified are one metre in front of the relevant residential façade at a high of 1.2 metres. Noise measurements should be taken in accordance to BS7445: 2003 - Description and measurement of environmental noise or the most current up to date standard at the time of assessment. A Type 1 sound level metre complying with BS EN 61672-1:2013 should be used to take sound measurements.

2.3 **Long Lawford Parish Council** – No comments received.

2.4 **Church Lawford Parish Council** – No comments received.

2.5 **Bourton & Draycote Parish Council** – No comments received.

2.6 **Dunchurch Parish Council** – No comments received.
2.7 **Stretton-on-Dunsmore Parish Council** – No comments received.

2.8 **Thurlaston Parish Council** – No objection, subject to the following comments received from the Parish Council’s Planning sub-committee;

- As a local Councillor for a nearby village, Thurlaston, I did attend your presentation and made some comments on the form. I personally had no objection to the project as it did not affect us visually.
- It seems a good use of land which otherwise would remain unused.
- As a council are very interested in the grant for local projects. I would like to be able to inform my colleagues about the following.
  a) Who will be administering the grant money
  b) How would we, as a local Council tap into this resource.
  c) How will recipients be chosen. Who decides which scheme gets a grant.
- This would be an important source of clean energy on a site that is currently subject to traffic problems and is an eyesore.
- The site at Ling Hall is a good option for producing safe, clean and renewable energy in our local area.
- This is a good scheme producing much needed clean energy on otherwise un-usable land.
- The ‘screening hedge’ looks inadequate and I feel that the site should be better screened as the solar panels will cover a large area plus the inverter, transformer and substation housings which are far from attractive.
- In principle, I do not like the element of ‘bribery’ by giving a return to the local community but accept that that is the way that business operates.

2.9 **Wolston Parish Council** – No objection, subject to relevant and appropriate consultation.

2.10 **Cllr Heather Timms** – No comments received as at 23rd September 2014.

2.11 **Cllr Maggie O’Rourke** – No comments received as at 23rd September 2014.

2.12 **Cllr Howard Roberts** – No comments received as at 23rd September 2014.
2.13 **Cllr Peter Butlin** – No comments received as at 23rd September 2014.

2.14 **Warwickshire County Council (Archaeology)** – No comments received.

2.15 **Warwickshire County Council (Ecology)** – No objection, subject to conditions;

- Provision of an Environmental Construction Management Plan,
- Provision of a suitable landscaping scheme.

2.16 **Coventry Airport Airfield Operations** – There are no aviation safety issues associated with this planning application.

2.17 **English Heritage** – No objection, subject to comments;

- The land immediately to the south of the application site contains a scheduled ancient monument and the development has the potential to affect its setting.

- There are archaeological remains which are not designated within the application site and the authority will be advised by the County Archaeologist. This potential has clearly been considerably reduced by previous excavation and restoration of the land by landfill operations.

- English Heritage has no objection to the planning permission being granted provided that the commitments to vegetate the southern boundary of the application area to provide a screening to the scheduled monument are undertaken and that the views of Warwickshire County Council are taken account of in defining an archaeological mitigation strategy.

2.18 **DEFRA** – No comments received.

2.19 **Natural England** – No objection.

2.20 **Warwickshire Police Crime Prevention Design** – No comments received.

2.21 **Highways Agency** – No objection, subject to comments;

- Operationally, there will be no material traffic impact on the strategic road network. The construction phase will however involve a substantial number of heavy goods vehicle movements over a relatively short period. This can be managed through the provision of a Construction Traffic Management Plan, as suggested by the applicant in their Transport & Access Appraisal. It is not clear from the submitted information if any of the larger pieces of equipment (inverters, transformers, switching gear or their housings) will be classified as
abnormal loads. Abnormal loads should be addressed within the Construction Management Plan.

and the following planning condition;

- The submission of a Construction Traffic Management Plan prior to the commencement of development to include the following details:
  
a. The anticipated number of workers on the site on a daily basis and their hours of work,
  b. The type and number of Heavy Goods Vehicle movements on a daily basis,
  c. Any abnormal load deliveries to the site,
  d. Routing of Heavy Goods Vehicles and abnormal loads to and from the site,
  e. Proposals for the off-loading and storage of materials on site,
  f. Proposed parking arrangements for staff, visitors and delivery vehicles within the site,
  g. Facilities to prevent the deposit of mud on the public highway.

2.22 Environment Agency – No objection, subject to condition;

- No development shall take place until a method statement/construction environmental management plan, has been submitted to and approved in writing by the local planning authority. This shall identify and assess any risks to the following:
  
i. The cap and pollution control infrastructure from construction and operational activities.
  ii. Slope stability.
  iii. The landfill permit holders obligations for environmental monitoring;
  iv. Waste settlement.
  v. Maintenance and ongoing replacement of gas and leachate management infrastructure.

The works shall be carried out in accordance with the approved method statement."

2.23 18 site notices posted 10th July 2014.

2.24 Press notice posted on 10th July 2014.

2.25 120 nearest residential properties individually notified via post.

3. Representations

3.1 Representations have received from local ward member, Rugby Borough Councillor Sally Bragg, who has put forward the following comments;
• “As one of the Borough Councillors for the area I have received positive responses from residents for the application,
• The farmers closest to the proposed panels along Ling Lane have concerns that the membrane will be penetrated by the roots of the new shielding hedge and the response I received from Your shout was that hedging with small roots would be used. It can get very windy in this area and I hope the hedges will be strong enough to establish without being damaged,
• The other possible issue is flooding at pumps corner at the end of Ling Lane straight on the bad bend. The Landfill presently experiences problems here and have improved the depth of drainage. With more land being covered with the panels albeit on a slope I hope this flooding has been taken in to account,
• I welcome that the first row of panels have been set back from the roadside to reduce the visibility from the road and countryside,
• Please could you stipulate that both construction and maintenance traffic use the A45 and not Coalpit Lane or Lawford Heath lane from the A428,
• I know there are plenty of projects that could benefit from the community funding and I look forward to hearing more details as to how this will be administered”.

3.2 Two letters of support from local residents have been received outlining the following points;

• “As there should be no extra noise or other pollution and the site is already feeding into the national grid using waste gas generators, this seems eminently logical and sensible”.

3.3 Four letters of objection from local residents have been received outlining the following points (summarised by officers);

• The land on which the proposal is to stand should be restored in accordance with the approved restoration scheme for the landfill.
• The provision of such a scheme will ensure that the land is not restored to its natural state.
• Local residents have had to endure enough issues as a result of the current land use such as noise, odour, rubbish, traffic, etc.
• Concerns have been raised related to the applicants and County Planning Authorities lack of knowledge of the area and history of prior agreements.
• The proposal has significant negative impact upon the Green Belt:
• The proposed development will not meet the requirements of the Green Belt, specially it will not ‘enhance the beneficial use of the Green Belt, such as providing access for outdoor sports and recreation, retain and enhance the landscape, increase biodiversity, or improve damaged land’.
• The proposed site has been somewhat restored and should not be considered as brownfield land and, as such, is not an appropriate exception to green belt policy.
• The proposal does not meet the ‘very special circumstances’ required for a renewable energy development in the Green Belt.
• The proposed development does not meet any of the NPPF Section 11 requirements.
• There will be an overall negative impact on the openness of the Green Belt with the Solar Panels forming an unsightly ‘structure’.
• The Planning Practice Guideline addresses the requirements for general (not in the Green Belt) Solar PV developments. The proposed development does not meet these requirements as it is on restored agricultural land and there will be very high visual impact.
• Has an assessment been undertaken on glint and glare—specifically to aircraft approaching Coventry airport?
• The proposal does not meet any of the requirements of the Planning Practice Guidance: Minerals (2014).
• The economic and environmental benefit of Solar PV in Northern Europe is being questioned, with a growing body of evidence, coming mainly from Germany (where there is more Solar PV than in the UK), showing that Solar energy is produced at the wrong time of day and for a short period of time, making it economically worthless. Importantly, the national power requirements of a more stable supply means that traditional power generation methods are required to meet the true demand and as such no environmental benefit is gained from Solar PV.
• There are many occasions when the energy generated from Solar PV goes straight to earth.
• NPPF Section 3 supports a prosperous rural economy. There is no gain from the proposed development for the local rural economy.
• Veolia already have a successful local business that must be safe, secure and well managed. Any additional income will not enhance the local site or economy.
• The EIA has been largely a desk study and does not take into account the true biodiversity of the site. A more rigorous and thorough study should be undertaken.
• Any EIA study should include the requirements of any restoration that should have been undertaken [for previous site uses]. The slopes to the West and South West of the site have previously been planted with saplings which, by now, should have formed woodland. This planting failed and has led to a potential issue whereby Veolia are not required to fulfil their land restoration commitments.
• The current character of site is open being a former landfill with a restoration requirement as part of the landfill permission (including nature enhancements).
• The starting point in considering alternative uses is effectively a Greenfield site.
• The proposed development would diminish the openness of this intrinsic Green Belt location and would therefore prejudice the purposes of including land within it.
• The proposal constitutes inappropriate development.
• The visual impact of the proposals would be high as the extent of built development proposed is significant with the design being unsympathetic to the rural context.
• The combination of the height, design, and location of the panels will provide a hard edge facing onto this attractive rural location, particularly when viewed from Lawford Heath Lane.
• The utilitarian design of the panels and associated infrastructure including lighting and fencing will diminish the overall quality and character of this area.
• Whilst the proposals would be well concealed from the road by a well established and dense hedgerow in the summer, poor coverage in the winter means the proposals would be highly visible at certain times of the year.
• The applicant has failed to provide any overriding justification which outweighs the harm the proposals will cause by reason of their inappropriateness.
• The need to provide renewable energy does not override Green Belt considerations (as noted in paragraph 91 of NPPF).
• The applicant has provided no additional information to demonstrate that there are no suitable/available sites outside of the Green Belt.
• If approved this will set a dangerous precedent which would be hard to resist, thereby eroding the Green Belt in a piecemeal fashion.

4. Previous Planning History


4.2 *R16/05CM033* – Amended hours of operation of planning permission reference R16/890805 granted consent in 2005.


4.4 *R16/10CM003* – Extension to the landfill gas electricity generation plant granted in 2010.

4.5 *R16/10CM017* – Provision of a concrete batching plant which was granted consent in 2010.

4.6 *R16/10CM018* – Provision of an Asphalt/coated road stone plant granted consent in 2010.

4.7 *RBC/11CM020* – Provision of a road sweepings recycling facility within the main quarry site which was granted consent in 2012.

4.8 *RBC/13CM003* – Provision of an incinerator bottom ash recycling facility (granted consent on 15th August 2013 but not yet implemented).
5. **Assessment and Observations**

### Location and Site Surroundings

5.1 The application site lies within the confines of an existing landfill and quarry, known as Ling Hall Quarry and Landfill. The application site is located south west of the town of Rugby with the village of Lawford Heath situated approximately 300m to the west of the proposal with Lawford Heath Industrial Estate located adjacent to the south east parcel of land that makes up part of this planning application.

5.2 The application site covers a number of areas within the Ling Hall landfill site upon restored and partially restored land and can be split up into three key parcels of land with associated infrastructure connected between each. The three parcels of land are located on the sites northern boundary, south eastern boundary and south western boundary and in total comprises of approximately 35.4ha of restored and partially restored land within the existing landfill site.

5.3 The three parcels of land would each contain a number of solar panels along with the provision of associated infrastructure with each parcel land surrounded by deer stock fencing erected to a height of 2m. The largest parcel of land would be located on the sites northern boundary with Ling Lane whilst two smaller parcels of land would be located on the sites south eastern corner adjacent to Lawford Heath Lane and the south western parcel of land located adjacent to the existing main entrance from Coalpit Lane.

5.4 The application site is accessed using the existing quarry and landfill access from Coalpit Lane. No public footpaths pass through the application site whilst the site is surrounded by public highway with Ling Lane to the north, Coalpit Lane to the west and Lawford Heath Lane to the south and east.

5.5 The application site is located within a semi-rural landscape with sporadic industrial development, residential dwellings and settlements located in the immediate vicinity and agricultural land beyond. The A45 trunk road runs in an east/west formation and is located approximately 500m south of the application site boundary.

5.6 The site lies within the Green Belt and is designated as flood zone 1 by the Environment Agency. The southern site boundary is located immediately adjacent a Scheduled Ancient Monument (SAM) but is not located within the application site and three Grade II listed buildings (specifically Lawford Lodge, Manor Farmhouse and Park Farmhouse) located within 500m of the application site.

5.7 The application site is to be located on made ground within the restored and partially restored landfill which sits at higher ground levels.
than the surrounding landscape. Various sections of mature vegetation are located upon the landfill sites existing boundaries with the various public highways that encircle the site which provide varying levels of screening to the existing activities which occur within the application site.

5.8 The majority of existing boundary vegetation would remain as a result of the current proposal with the provision of additional planting along the site boundaries and within the application site proposed by the applicant.

Neighbour Amenity

5.9 The NPPF, specifically paragraph 17 states that planning should always seeks to secure a good standard of amenity for all existing and future occupants of land and buildings and that paragraph 123 of the NPPF also states that planning policy should avoid noise from giving rise to adverse impacts.

5.10 Rugby Borough Council Environmental Health have been consulted upon the proposal and have stated that whilst they do not object to the proposal a number of issues should be investigated along with the imposition of appropriate planning conditions.

5.11 The applicant has indicated that the construction period is anticipated to take up to 25 weeks and it is recommended that a planning condition is attached to any works undertaken ensuring that they take place outside of unsociable hours so as to not adversely impact nearby residents through air, noise and light pollution. This condition has been requested by Rugby Borough Environmental Health.

5.12 It is considered that with this condition imposed and with vehicle traffic utilising the sites existing access and routing agreement secured via previous planning permissions that cover the entire Ling Hall site, the level of activity proposed would not cause an unacceptable impact to neighbouring residents during the construction period.

5.13 The nearest sensitive receptors (e.g. residential dwellings) to the proposed application site are residential properties that are situated near to various boundaries of both the application site and the existing landfill site, including Lawford Lodge Farm which is situated approximately 60m from the northern parcel of land, residential properties of The Crescent which are situated approximately 80m from the south eastern parcel of land and Blue Boar Farm located approximately 150m from the south western parcel of land.

5.14 Whilst the solar panels themselves are silent, fixed pieces of plant that produce no known noise emissions, the associated infrastructure, including the provision of 2 no. substations adjacent to the sites vehicle entrance at Coalpit Lane and the provision of 7 no. inverter/
transformers that are to be located centrally within the solar array installations are known to produce noise emissions, a point which has been raised by local residents and Rugby Borough Council’s Environmental Health team.

5.15 However, the proposed solar scheme would only operate during daylight hours with no noise generated after dark (as no power is generated and then converted to usable power) whilst the noise generated by the inverters/transformers during daylight hours are mitigated by their enclosure within a building and also the distances from sensitive receptors with the nearest residential dwelling to a noise emitting piece of plant located at least 180m away (residential properties within The Crescent in relation to inverter within south eastern land parcel) separated by the proposed solar panels, changing land levels and existing and proposed vegetation screening.

5.16 An estimated noise level of 38dB(A) at a distance of 100m away from the proposed inverter/transformer has been specified by the applicant. The environmental health team at Rugby Borough Council along with the Environment Agency have raised no concerns with these conclusions.

5.17 However, Rugby Borough Council Environmental Health have requested that a number of planning conditions are attached to any planning permission granted which would seek to ensure that noise emissions from the proposed development do not detrimentally impact upon nearby sensitive receptors.

5.18 The requested conditions relate to the requirement of final detailed information on the specifications of the proposed noise generating equipment and their housings and as such it is recommended that a planning condition requiring such information is attached to any permission granted.

5.19 In addition, Rugby Borough Environmental Health have requested the imposition of condition that monitors background noise levels when combined with existing landfill operations within the site along with a scheme to ensure that monitoring of noise emissions and effective complaint handling are put in place. As such, it is recommended that these conditions are attached to any permission granted.

5.20 Rugby Borough Council Environmental Health have also stated that as the proposed development is located over a landfill site Consultation should be undertaken with the Environment Agency as permitting and regulatory authority for the landfill and associated site operations. This has been undertaken and is addressed below.

5.21 The Environment Agency have been consulted upon the proposals and have stated that whilst they have no objection to the proposed development, they do acknowledge that the application site is still an
active landfill that has not passed into closure and as such, in order to ensure the no solar cells are installed on operational areas of the landfill they request that a planning condition is attached to any permission granted ensuring that a construction environmental management plan is submitted, approved and adhered to during construction and during operation. Without such a condition, the Environment Agency consider that the proposal would pose an unacceptable risk to the environment and would object to the proposed development.

5.22 As part of imposition of a planning condition the Environment Agency have suggested that such a management plan should identify and address the following points;

i. The cap and pollution control infrastructure from construction and operational activities.

ii. Slope stability within the application site.

iii. The landfill permit holders obligations for environmental monitoring during construction and operation;

iv. Waste settlement beneath the proposed infrastructure, and;

v. Maintenance and ongoing replacement of gas and leachate management infrastructure whilst the solar infrastructure is in situ.

5.23 Without such a condition, the Environment Agency consider that the proposal would pose an unacceptable risk to the environment and would object to the proposed development. As such, it is recommended that such a condition is attached to any permission granted.

5.24 Coventry Airport Air Traffic Services have been consulted on the proposal and have confirmed that they have no objections to the proposal and are satisfied that there will be no adverse impacts upon air traffic as a result of the proposals installation and operation.

5.25 The applicant has indicated that the proposal does not include the provision of permanent external lighting that could impact the night sky and nearby sensitive receptors which is a positive factor. That said, emergency lighting to be located upon the proposed inverters/ transformers and substation structures is proposed. However, these would only be used in times of emergency (i.e. repairs, health and safety issues) and it is considered that the provision such lighting would not be detrimental to the overall landscape.

5.26 Concerns have also been raised during the consultation process regarding the possibility of glint or glare from the proposed panels impacting nearby land uses. Glint is defined as specular reflection and may be produced as a direct reflection of the sun from the proposal whilst glare is a continuous source of brightness in scattered lightwaves and is significantly less intense than glint.
5.27 The applicant has undertaken an assessment of potential glint and glare impacts as a result of the proposal upon the surrounding landscape and has concluded that ground based reflections can only occur from the beginning of April to the middle of September within a narrow band of land that stretches from the west in the morning to the east in the evening (albeit at a very localised distance).

**Visual and Landscape Impact**

5.28 As part of the core principles of the NPPF, specifically paragraph 17, the NPPF requires that account is taken of the different roles and character of different areas and that recognition be given to the intrinsic character and beauty of the countryside and securing high quality design. Paragraphs 58 and 109 also seek to achieve visually attractive schemes as a result of appropriate landscaping.

5.29 Similarly, the UK Solar Road map requires proposals to be appropriately sited and that weight should be given to landscape and visual impact. The National Planning Practice Guidance (PPG) also advises local authorities to consider the potential to mitigate landscape and visual impacts of renewable energy scheme, through for example, screening with native vegetation.

5.30 The application site is located to the south west of Rugby within an area of land that has previously been developed and used for quarrying activities and landfill activities. As such, much of the land, including the parcels of land on which the proposal would site is ‘made’ ground that is above natural ground level. Parts of the site are used for agricultural grazing, namely the south eastern and south western parcels of land whilst the northern parcel of land is currently still being restored. All parcels of land contain landfill aftercare infrastructure, including pipes and ground vents which enable leachate management and landfill gas extraction to occur.

5.31 The existing land fill site is bounded by boundary vegetation that is mature in nature and provides substantial screening in some areas within which lies the existing landfill site which is seen as a manmade landform within the immediate landscape. The application site is surrounded by open countryside with sporadic residential dwellings on its northern, southern and western boundaries with the town of Rugby located to the north east with further residential development and commercial and industrial estates situated near to the sites eastern boundary.

5.32 A Landscape and Visual Impact Assessment (LVIA) has been submitted by the applicant to assess the landscape and visual effects of the proposed development upon the landscape, both during the construction period and once the development is operational. The assessment concluded that;
i. The greatest (adverse) effects would be on the character of the site itself due to the addition of the solar panels and associated infrastructure.

ii. The application site, a manmade landform as a result of quarrying and landfill activities is described as being of ‘weak’ condition within Rugby Borough Council’s Landscape Assessment.

iii. Most views of the proposal are either glimpsed, viewed through intervening vegetation or are at a distance that makes the proposal less prominent.

iv. Proposed planting as it matures would bring beneficial effects as the trees and scrub would merge with open grassland to integrate the existing artificial landform and proposed solar scheme into the landscape.

v. The visual effects would be small scale within an area of arable farmland to the north of the site (up to 200-300m from the site boundary) reducing to negligible in the long term as planting takes effect.

vi. Users of roads to the north of the proposal (within 1.5km) would experience views of the arrays on the skyline which would be filtered by trees and shrubs which would improve, but not remove visibility as planting takes effect.

5.33 Additional information from the applicant was submitted during the consultation process which provided further photo montages of the proposal and viewpoints taken from a nearby residential property (Lawford Heath Farm) situated adjacent to the sites northern boundary. This additional information has not altered the LVIA conclusions which are that the visual impact of the proposal would be present but limited overall and would improve over time as additional planting undertaken takes effect and provides a greater element of screening.

5.34 Further correspondence from the applicant has indicated that the number of 3m high pole mounted CCTV cameras can be reduced in number from 80 to 52 which itself would have a positive effect upon visual impact.

5.35 It is considered that the general conclusions outlined within the LVIA are an accurate depiction of the site and surrounding landscape. Whilst the proposed solar panels and associated infrastructure are to stand above ground have been designed and sited in a manner so as to reduce visual prominence rather than hide them completely. The proposed panels have been angled at a pitch of 20 so as to reduce height from ground level as far as practicable and positioned on a racking system above ground by 1m so as to enable maintenance to both the panels and below ground infrastructure related to landfill aftercare activities.

5.36 The northern and south eastern parcels of land are located near to a cluster of commercial and industrial buildings located within Lawford.
Heath Industrial Estate which would extend manmade uses (over and above existing landfill operations) into the application site, but no further into the open countryside. In addition, the proposed infrastructure has been sited within the confines of the site rather than on boundaries that help to reduce visual prominence and the applicant has stated that they are happy to paint the external structures of such infrastructure to reduce their visual impact further.

5.37 Further mitigation measures in the form of additional tree and shrub planting throughout the site (on all parcels of land) are suggested by the applicant and can be achieved through the imposition of a planning condition which can secure and then maintain such planting. However, it is acknowledged that the provision of planting (even heavy standard tree planting) can take a number of years to become fully effective and visual screening would be less in winter months.

5.38 It is considered that the development proposal would not be so significant in terms of visual and landscape impact to warrant refusal of planning permission. With the specified mitigation measures, long term landscape benefits (through the retention of planting) and the temporary nature of the proposal (25 years) that the proposal is an acceptable addition within the landscape.

5.39 Objections put forward by local residents have stated that they would be able to see the panels from nearby residential properties which would impact upon their view of a rural backdrop. However, the planning system does not protect private rights to a view and this impact can only be given limited weight as part of the impact of the public generally.

5.40 Cumulative visual impacts are dealt with in the National Planning Practice Guidance (NPPG), specifically paragraph 22 states that the approach for assessing cumulative landscape and visual impact of large solar scale solar farms are likely to be the same as assessing the impact of wind turbines. However, in the case of ground mounted solar panels the impact could be minimal with effective screening and appropriate topography.

5.41 At the present time there are no approved solar schemes within 5km of the application site. As such, it is considered that there will be no cumulative impact in terms of the overall environmental effects of the development in association with other solar schemes in the immediate locality.

Ecology

5.42 The NPPF discusses ecological issues in a planning context and seeks to conserve and enhance the natural environment. This is expanded upon in paragraph 118 which states that planning permission should
not be granted if it were to cause significant harm that could not be adequately mitigated.

5.43 An ecological impact assessment has been undertaken and submitted with the application along with an additional biodiversity impact assessment calculator which was submitted at the request of the County Planning Authority which highlights that the proposed development would bring an increase of the biodiversity value of the site.

5.44 The application site is split into three key parcels of land, the south western parcel of land has been partially restored and contains semi improved grassland whilst the south eastern parcel of land contains grassland and shrub planting with screening vegetation along the site boundary. These areas of land are no longer used in relation to existing landfill activities and have been partially restored, albeit with continuing aftercare activities and infrastructure still in situ. These areas are used for limited agricultural activities (e.g. sheep grazing).

5.45 The northern parcel of land is still in use as part of the landfill activities and is undergoing restoration activities in order to cap the material that has been landfilled. There is little vegetation located within the area which would accommodate the panels other than substantial vegetation that acts a natural screen along the sites boundary with Ling Lane. This existing screening would remain as part of the proposal and would be subject to further planting.

5.46 The applicant has not submitted a detailed landscaping plan as part of the application submission although has indicated that they would seek to do so should permission be granted. It is considered that the provision of improved landscaping throughout the site along with its retention once the solar scheme has been removed would have a positive impact upon local biodiversity.

5.47 The County Ecologist has confirmed that the submitted ecological assessment is of sufficient quality for determination to be made and has confirmed that subject to a number of planning conditions related to the provision of a Construction Ecological Management Plan and the provision of a satisfactory landscaping scheme that the proposal would not result in a detrimental impact upon the surrounding environment or upon wildlife and that the proposal could increase the ecological value and biodiversity of the application site.

5.48 Subject to the conditions as outlined above it is considered that the proposal is acceptable having regard to paragraph 118 of the NPPF. It is also the duty of the County Planning Authority to have regard to conserving biodiversity, including in relation to living organisms or types of habitat, restoring or enhancing a population or habitat under the Natural Environment and Rural Communities (NERC) Act 2006. It is considered that this has been carried out.
Drainage and Flood Risk

5.49 Paragraph 103 of the NPPF requires that development proposals minimise potential flood risk and outlines that the use of sustainable drainage systems should be utilised where possible. In addition, it also places responsibility upon relevant planning authorities to ensure that development proposals do not increase potential flood risk elsewhere as a result of the proposals they consider.

5.50 The application site is located within the flood risk zone (as categorised by the Environment Agency) where the risk of flooding is at its lowest (although not eliminated). However, as specified within the NPPF Technical Guidance, due to the proposals scale, a Flood Risk Assessment has been submitted by the applicant which has outlined the proposals potential impacts and mitigation measures that the applicant considers satisfactory to deal with the proposals impacts upon flood and water management within the application site and surrounding area.

5.51 Whilst concerns regarding surface water drainage as a result of the proposed development have been raised by objectors these matters are currently being addressed between the applicant and the planning authority. It is important to note that drainage details and mitigations measures submitted by or requested to be undertaken by the applicant can only relate to the proposed developments impacts and cannot be made to deal with existing issues experienced in the locality.

5.52 It is anticipated that a planning condition regarding the submission and approval of a detailed drainage strategy that deals with flood and water management resulting from the proposed development will be attached to any permission granted.

Highways and Traffic

5.53 Paragraph 32 of the National Planning Policy Framework (NPPF) seeks to ensure that safe and suitable access to sites can be achieved for all people. Access for both construction vehicles and subsequent maintenance vehicles for the application site would be made via the quarry and landfills existing vehicle access from Coalpit Lane which is situated on the sites south western boundary.

5.54 This vehicle access point would remain unchanged as a result of this proposal and all vehicular traffic associated with the proposal would use this access with no further access points, temporary or otherwise created elsewhere within the application site connected to the public highway. Ling Hall quarry and landfill also has a vehicle access point on the sites eastern boundary from Lawford Heath Industrial Estate. However, this access would not be used in relation to the proposal.
5.55 The applicant has stated that the proposal would generate construction traffic for a period of approximately 25 weeks to allow for the construction of the proposal. The applicant has stated that the construction of the proposal would require the delivery of materials which is broken down into the following vehicle numbers which would occur over the 25 week construction phase. These include:

- Site Clearance/fencing – 25 light/medium goods vehicles.
- Maintenance/access tracks – 175 tipper trucks.
- Cabling/ducting – 60 light/medium goods vehicles.
- Foundation shoes – 440 HGV’s.
- Module and rack deliveries – 225 HGV’s.
- Plant and recycling – 40 HGV’s.

5.56 In addition to the 965 total vehicles accessing/egressing the site as outlined above, additional staff vehicle movements would also occur in light/private vehicles during the construction period. However, upon completion of the construction phase and operation of the proposal commences the applicant has stated that no staff would be permanently based on site and maintenance of the proposal would be undertaken quarterly using 4x4 or light goods vehicles (unless emergency repairs are required) which represents a marked reduction in vehicle numbers when compared to the construction phase.

5.57 Whilst the proposal would generate substantial vehicle traffic during the initial construction phase this would only be for a temporary period utilising the local road network which meets with the national road network a short distance away. In addition, it must be noted that the landfill operations generated significant traffic numbers in the recent past (significantly higher numbers than it currently generates) and the local highway network was able to accommodate those numbers. Thus this network will be able to accommodate the extra traffic generated during the construction period.

5.58 The Highways Agency have stated that they do not object to the proposal based upon the vehicle numbers submitted by the applicant but have requested that should planning permission be granted that a planning condition requiring the applicant to undertake and submit a Construction Management Plan to ensure that the safe delivery of materials and mitigation measures for vehicular traffic be imposed.

5.59 The applicant has been requested to undertake a survey in conjunction with the highway authority to assess the condition of the local highway network before construction works commence and again once construction works have been completed to ascertain any potential damage to the public highway network as a result of the proposal, with mitigation measures put forward and implemented should remediation works of the carriageway be required. As such, it is recommended that a planning condition be attached to any permission granted.
5.60 The overall Ling Hall landfill and quarry site is the subject of a S.106 legal agreement that specifically deals with vehicle routing. This agreement specifies that all vehicles using the site should access the site from Coalpit Lane and Lawford Heath Lane only (towards the A45). The applicant is aware of this restriction and it is considered that on the basis that construction traffic is of a temporary nature (25 weeks) that it would be unreasonable for the applicant to be expected to enter into a revised legal agreement for such a short time frame.

5.61 It is concluded that with the implementation of suitably worded planning conditions related to traffic management the proposal would not result in unacceptable impacts upon highway safety.

Heritage

5.62 The southern boundary of the application site (the southern parcel of land to include solar arrays) is situated adjacent to land that is located outside of the application site (and the existing landfill and quarry site) which is defined as a Scheduled Ancient Monument (SAM).

5.63 The SAM, which contains the sub-surface remains of a prehistoric pit alignment, whilst not physically affected by the proposal (i.e. no ground works are to take place in this area) could be affected visually by adjacent development.

5.64 The applicant has stated that the proposal would have a ‘slight adverse’ impact upon the existing SAM by way of visual impact should mitigation measures not be put forward. The applicant has also stated that additional landscaping by way of planting and screening has been investigated in this area but cannot be provided in this location therefore the proposal would have an adverse impact upon the adjacent SAM.

5.65 However, it is considered that whilst the proposal would have a slight adverse visual impact upon the SAM, this impact would be temporary in nature (albeit 25 years) and would also not physically impact upon the SAM. On this basis, it is concluded that these impacts are not of such a significant nature as to justify a recommendation of refusal on that basis.

5.66 The development proposal is located in close proximity to a number of listed buildings, namely Lawford Lodge Farm which is located approximately 60m away on the sites northern boundary, Manor Farm which is located approximately 450m away on the sites western boundary and Park Farm which is located approximately 500m away from the sites south western boundary. All three properties are Grade II listed.
5.67 Two of the listed buildings, specifically Manor Farm and Park Farm are at located at some distance (at least 450m) from the proposed development. These two listed buildings are separated from the application site by open countryside, a number of public highways (e.g. Coal Pit lane, Lawford Heath Lane), existing built development (Agricultural Smallholdings) and field boundaries that comprise of mature vegetation that acts as a partial screen. Limited views of the proposal in the distance could be made from the two listed buildings but it is considered that the proposal would not impact upon the setting of Park Farm or Manor Farm to any meaningful extent.

5.68 Lawford Lodge Farm, is a grade II listed building and is located near to the northern boundary of the application site. This listed building is situated approximately 60m away from the proposed solar array installation with the proposal located upon higher (made) ground. The listed building is separated from the proposal by an existing public highway (Ling Lane) which runs east/west and also by significant mature vegetation along the sites boundary with Ling Lane which acts as a screen to nearby properties, including Lawford Lodge Farm.

5.69 The applicant has submitted a Cultural Heritage Assessment which has indicated that the proposal would have a ‘minor’ impact (without the provision of any mitigation measures. Rugby Borough Council have also raised no objections to the proposal in relation to heritage conservation whilst paragraphs 133 and 134 of the NPPF state that harm to heritage assets may be acceptable if outweighed by public benefits.

5.70 It is considered that the proposal would have a slight detrimental impact upon the setting of the nearby listed building at Lawford Heath Farm given that limited views of the proposal could be made from the property and would therefore affect its setting. However, it is concluded that this harm can be mitigated with the provision of additional planting along the sites northern boundary (which it is acknowledged may take time to take effect) which can be secured via planning condition. Also, the limited harm upon the setting of Lawford Lodge Farm would be a temporary period and is reversible.

5.71 When balanced against the public benefit obtained from the provision of renewable energy generated as a result of the proposal against the limited harm upon the setting of the listed building it is considered that the proposal does not pose an unacceptable impact that would warrant a refusal of planning permission on that basis and is considered as being acceptable having regard to paragraphs 128-134 of the NPPF.

5.72 The proposal is to be located in an area that has seen extensive ground works undertaken through past activities which have included mineral extraction and landfilling activities which has reduced the potential for archaeological remains to be located and to be impacted by the proposal.
5.73 In addition, it is considered that the construction methods used to install the proposed solar panels, which would comprise of non-penetrative foundations sited on areas of previous mineral extraction and subsequent landfill would reduce the risk detrimental impacts upon archaeological remains further.

5.74 The County Archaeologist has not commented upon the proposal but it is considered appropriate to request further information on the provision of internal access roads throughout the site through the provision of a planning condition to ensure that appropriate investigative and mitigation measures for potential archaeology are secured.

5.75 Having regard to the points discussed above and the proposed planning conditions, it is considered that the proposal is acceptable and accords with the provisions of paragraphs 128 to 139 of the NPPF.

Green Belt

5.76 The application site lies within land that is designated as Green Belt. The government attaches great importance to Green Belts, the aim of which is to prevent urban sprawl by keeping land permanently open. Paragraph 79 of the NPPF also states that the essential characteristics of Green Belts are their openness and their permanence.

5.77 Inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. Paragraphs 89 and 90 outline the types of development which are considered to be either appropriate or not inappropriate provided that they do not conflict with the purposes of including land within Green Belt and preserve openness. However, the proposal that is subject to this application does not meet the criteria set out within these paragraphs and is therefore deemed to be inappropriate development.

5.78 Paragraph 91 of the NPPF states that many elements of renewable energy projects will comprise inappropriate development and that applicants will need to advance very special circumstances if projects are to proceed. The NPPF also states that such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable energy sources.

5.79 When considering a planning application for development within the Green Belt, local planning authorities should ensure that substantial weight is given to any harm of the Green Belt. Also, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
5.80 As has been previously stated, openness is considered to be an essential characteristic of the Green Belt through the absence of built form. However, this does not depend on visibility. The proposed development would result in a reduction in openness due to its built form and as such would add to the harm by reason of inappropriateness.

5.81 The degree of specific harm, through an effect upon openness and through visual harm is dependent upon the scale of the development proposed. As has been previously stated the proposal covers an area of approximately 35.4 hectares and would accommodate up to 39,000 solar panels positioned on a racking system, provide 7 inverter-transformer units, 2 substations, perimeter fencing, access roads throughout the site and CCTV mounted on 3m high poles.

5.82 Whilst this covers a large area of land, the height of the panels (a maximum of 2.6m from ground level) and the modest scale of the proposed buildings (maximum height being 3.5m) helps to reduce, but not eliminate visual impact. Also, the original submission sought consent for 80 CCTV mounted on 3m high poles. However, the applicant has submitted additional information during the course of the consultation process that has reduced this number to 52 which is a welcome reduction and helps to reduce visual impact further.

5.83 As has been stated in paragraph 79 of the NPPF the essential characteristics of Green Belts are their openness and their permanence. However, visual impact of proposals can be adequately addressed within the landscape if planned sensitively. The proposal has been designed and sited within the application area to reduce visual impact as far as is practicable whilst enabling existing landfill activities to continue and to secure optimum orientation for solar gain. In addition, the design of the panels and associated infrastructure which has been undertaken to minimise (although not remove) visibility through the reduction in scale and height of such infrastructure.

5.84 There are no existing public footpaths crossing the application site and whilst there is public access around the main landfill site (public highway) and views of the proposal can be obtained within the wider landscape there are a limited number of viewpoints whereby intrusive views of the proposal could be obtained. However, it is considered that the suggested additional planting and screening elements would further reduce visual impacts and can be secured via planning condition.

5.85 In addition to these points, the proposal is of a temporary (albeit lengthy) period and whilst the proposed panels and infrastructure would be reversible the proposed planting would remain as a permanent feature. On this basis, it is considered that the degree of landscape harm whilst not eliminated would be limited.
5.86 Balanced against the harm to the Green Belt are points put forward by the applicant who consider these to be the very special circumstances that are of sufficient weight to set aside the harm to the Green Belt. These are discussed in turn below.

5.87 Renewable energy generation – The proposal seeks to generate energy from renewable means which is supported by national and European policy. The proposed solar farm has the potential to generate enough energy to power approximately 3,500 homes and to reduce carbon dioxide emissions by approximately 150,000 tonnes.

5.88 The UK is required to generate 15% of its energy from renewable resources by 2020. One of the core planning principles of the NPPF is to encourage the use of renewable resources. Paragraph 97 of the NPPF states that local planning authorities should recognise the responsibility of local communities to contribute to energy generation from renewable sources whilst paragraph 91 makes it clear that the wider environmental benefits associated with increased renewable energy production may be included as very special circumstance to justify inappropriate development in the Green Belt.

5.89 As such, it is considered that the production of enough energy to power approximately 3,500 homes and a reduction of approximately 150,000 tonnes of CO2 emissions is a strong argument in support of this development.

5.90 Lower quality agricultural land – The proposal is to be located on lower grade agricultural land (some of which is fully restored landfill whilst other areas are partially restored) which is the subject of ongoing Environment Agency controlled aftercare activities. These include activities such as leachate management and landfill gas extraction. As such, there is very little harmful impact on agriculture.

5.91 Continued agricultural use – The proposal will enable existing agricultural activities to continue, e.g. sheep will be able to continue to graze the land alongside and beneath the panels. This is considered to be a positive factor in support of the development.

5.92 Improvement in local biodiversity – The proposal would seek the provision of additional landscaping and screening elements that would be in the form of additional planting of native species (to be secured via planning condition) throughout the site. This planting would remain upon cessation of the use of the site for energy generation purposes. In addition, the land situated around and beneath the panels and associated infrastructure would be managed to encourage the establishment of ecological habitat.

5.93 It is concluded that the provision of additional planting and management of the land would contribute to significant ecological and
biodiversity enhancements which in turn are considered to contribute to the existence of very special circumstances in support of the proposal.

5.94 Economic benefits – The applicant has stated that the proposal would generate a regular income through the provision of government subsidies (feed in tariff for solar schemes) over the operational life of the solar scheme which will help to sustain a well-established business and local employer.

5.95 In addition, the applicant has stated that the proposal would positively contribute to the local economy through increased levels of employment during the construction and removal phases and during the operational life of the proposal. Whilst no employment figures have been supplied by the applicant there is no reason to dispute this point and it is considered that some benefit to the local economy will be derived from the proposal. These points are deemed to be a positive factor in support of the proposal.

5.96 Temporary land use – The development proposal would be located on site for a period of 25 years after which the panels and all associated infrastructure would be removed from site and the site returned to its restored use. In addition, the improved levels of planting and vegetation screening would remain on site permanently and this is deemed to be a positive factor in support of the proposal.

5.97 In conclusion, it is considered that these factors taken together amount to very special circumstances of sufficient weight to outweigh the harm caused by the proposal to the Green Belt and any other harm.

Referral to Secretary of State

5.98 The Town and Country Planning (Consultation) (England) Direction 2009 requires that local planning authorities consult the Secretary of State before granting planning permission for certain types of development. This requirement covers development located within the Green Belt which by reason of their scale, nature or location, would have a significant impact upon the openness of the Green Belt.

5.99 The effect of the proposal upon openness has been discussed elsewhere within this report and whilst the overall size of the proposal equates to approximately 35.4 hectares, the individual panels are of modest height (up to a maximum of 2.6m) with significant space between each row of panels and with the opportunity for vegetation to still be able to grow beneath and in between the rows of solar panels.

5.100 Also, the proposed ancillary buildings associated with the proposal (such as the substations) are also of a relatively modest scale (max height of 3.5m) and on that basis it is considered that whilst there is undeniably an impact upon the openness of the Green Belt, the impact
on openness is not of such significance to require the referral of this application to the Secretary of State on this occasion.

Planning and Other Government Policy

5.101 The current development plan documents for Rugby Borough comprises of saved policies contained within the Rugby Borough Council Adopted Local Plan and policies contained the Rugby Borough Adopted Core Strategy. Paragraph 215 of the National Planning Policy Framework (NPPF) advises that “due weight should be given to relevant policies in existing plans according to their degree of consistency within this framework”.

5.102 Saved policy GP2 (Landscaping) contained within the Rugby Borough Adopted Local Plan states that landscape aspects of a development proposal will be required to form an integral part of the overall design and that a high standard of appropriate hard and soft landscaping will be required. It also states that all proposals should ensure that:

i. Important site features have been identified for retention through a detailed site survey,

ii. The landscape character of the area is retained and, where possible, enhanced,

iii. Features of ecological, geological and archaeological significance are retained and protected and opportunities for enhancing these features are utilised,

iv. Opportunities for utilising sustainable drainage methods are incorporated,

v. New planting comprises native species which are of ecological value appropriate to the area,

vi. In appropriate cases; there is sufficient provision for planting within and around the perimeter of the site to minimise visual intrusion on neighbouring uses or the countryside; and

vii. Detailed arrangements are incorporated for the long-term management and maintenance of landscape features.

5.103 Saved policy GP5 (Renewable Energy) states that the provision of renewable energy schemes will be encouraged where careful consideration has been given to design, layout and siting in the landscape and that planning permission will be granted where no material harm would result in relation to residential amenity and the environment.

5.104 Saved policy E6 (Biodiversity) states that The Borough Council (or in this case the County Planning Authority) will seek to safeguard maintain and enhance features of ecological and geological importance, in particular priority habitats/species and species of conservation concern.
5.105 In addition, developers will be required to take measures during the development process to prevent the disturbance of wildlife and to make provision for the protection and subsequent retention of natural features and necessary supporting habitats, such as ponds, hedgerows, ditches and trees which are to be retained. Where loss of habitat is unavoidable, adequate mitigation measures should be undertaken and only where this is not possible, adequate compensation measures should be implemented. This policy also states that where necessary the planning authority will seek long term management plans, which would be secured by planning conditions or obligations.

5.106 Policy CS1 (Development Strategy) contained within the Adopted Rugby Borough Core Strategy states that the location and scale of development must comply with the settlement hierarchy which is outlined within the Core Strategy and that it must be demonstrated that the most sustainable locations (i.e. Urban areas) are considered ahead of those further down the hierarchy (i.e. Countryside and Green Belt).

5.107 Policy CS16 (Sustainable Design) states that all development should demonstrate high quality, inclusive and sustainable design and would only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated. It also states that development should ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

5.108 Further, new development should seek to complement, enhance and utilise where possible, the historic environment and must not have a significant impact on existing designated and non-designated heritage assets and their settings.

5.109 Policy CS17 goes on to say that sustainable drainage systems (SUDS) should be proportionately incorporated in all new scales of developments and that infiltration SUDS should be promoted where it is practical and where it isn’t, surface water should be discharged to a Watercourse in agreement with the Environment Agency.

5.110 In addition, the policy states that considerations in reducing the use of non-renewable resources and taking into account the impacts of climate change should be undertaken including:

i. Urban heat islands and cooling
ii. Promoting sustainable methods of transport;
iii. Conserving and enhancing the built and natural environment

5.111 Policy DM8 (Reinstatement, Restoration and Aftercare) which is contained The Warwickshire Waste Core Strategy states that planning permission for waste management uses, and development associated with such uses, should not be granted unless provision for high quality
reinstatement or restoration of the site along with long term management arrangements are made.

5.112 As Ling Hall is still an active landfill site the application in effect revises the approved restoration scheme for the site and must be judged as such. The approved restoration scheme will see the restored landfill site used as low grade grazing land. This proposal would produce a more beneficial restored land use which for the reasons detailed within this report is concluded to be acceptable.

5.113 Also, as the proposal is temporary (albeit long term) in nature the existing approved restoration scheme can continue to be implemented upon cessation of the current proposal. It is therefore concluded that this development proposal accords with policy DM8.

5.114 The National Planning Policy Framework (NPPF) states, specifically in paragraph 14 that there is a presumption in favour sustainable development and that planning permission should be granted where development accords with the provisions of the development plan in force at the time.

5.115 One of the core principles set out within paragraph 17 of the NPPF is to support the transition to a low carbon future in a changing climate and encourage the use of renewable resources (e.g. the development of renewable energy).

5.116 The Climate Change Act 2008 commits the UK to an 80% reduction in greenhouse gases by 2050 and a 34% reduction by 2020, based upon 1990 levels. In addition, paragraph 94 of the NPPF advise that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change in line with objectives and the provisions of the Climate Change Act 2008.

5.117 Paragraph 97 states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should have a positive strategy to promote energy from such sources and consider identifying suitable areas for renewable and low carbon energy sources.

5.118 Paragraph 98 of the NPPF advises that I determining applications for such developments the applicants should not be required to demonstrate the overall need for renewable and low carbon energy and authorities should approve the application if its impacts are (or can be made) acceptable, unless other material considerations indicate otherwise.

5.119 In addition, paragraph 79 outlines the importance of the Green Belt and the fundamental aim of it is to prevent urban sprawl by keeping land permanently open and to maintain their characteristics which are seen to be openness and permanence.
5.120 Paragraph 87 states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances which should be put forward by the applicant. When considering a planning application for development within the Green Belt local planning authorities are obliged to ensure that great weight is given to the harm upon the Green Belt. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.121 Paragraph 91 comments that, when located in the Green Belt, elements of many renewable energy projects will comprise of inappropriate development. In such cases very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

5.122 The National Planning Practice Guidance 2014 (NPPG) provides government advice on planning matters, including planning issues related to the provision of renewable energy development. This document states that renewable energy developments should be acceptable for their proposed location and that whilst the provision of such proposals are supported this should not override environmental protections and concerns of local communities.

5.123 It is acknowledged that large scale solar schemes can have negatives impacts upon the landscape. However, the visual impact of planned and well screened solar schemes can be properly addressed within the landscape if planned sensitively. In addition the NPPG states that local planning authorities should consider the following points when determining planning applications for such developments;

i. Encouraging the effective use of land by focussing solar farms on previously developed and non-agricultural land, provided it is not of high environmental value,

ii. That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land restored,

iii. The proposals visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety,

iv. Conservation of heritage assets,

v. The requirement for and the impact of security measures such as lighting, fencing and CCTV,

vi. The energy generating potential of the proposal,

vii. The ability to mitigate landscape and visual impacts.

5.124 The Department of Energy and Climate Change have also produced a document that sets out the strategic vision for the provision of Solar schemes, known as ‘UK Solar PV Strategy Part 1: Roadmap to a brighter future’. This states that;
i. Support for solar PV should allow cost-effective projects to proceed and to make a cost effective contribution to UK carbon emission objectives in the context of overall energy goals,

ii. Support for solar PV should deliver genuine carbon reductions that help meet the UK’s target of 15% renewable energy from final consumption by 2020,

iii. Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity and provide opportunities for local communities to influence decisions that affect them,

6. Conclusions

6.1 One of the core planning principles of the NPPF is to support the transition to a low carbon future and to encourage the use of renewable energy resources. The proposal would be fully in accordance with this objective and is also concluded that the development proposal constitutes a sustainable form of development.

6.2 Whilst the development proposal constitutes inappropriate development within the Green Belt and would cause a degree of visual harm and harm to its openness, this harm is mitigated by the limited public visibility of the site and the temporary nature and reversibility of the proposal.

6.3 Furthermore, the additional planting proposed would provide mitigation for visual impacts and landscape impacts. The development would not have an unacceptable impact upon the amenity of local residents or the conservation of heritage assets and is acceptable (subject to the imposition of planning conditions) in terms of highway impacts, drainage, and ecology. The agricultural value of the land is low and agricultural use will in any event be continued.

6.4 The environmental benefits of the proposal are considerable and are accompanied by some economic benefits. On balance, it is considered that the benefits constitute very special circumstances outweighing the harm to the Green Belt and any other harm. The proposal is in other respects in accordance with the development plan and there are no other material considerations pointing towards refusal. It is therefore recommended that planning permission be approved subject to the conditions outlined within appendix B of this report.

7. Background Papers

7.1 Submitted Planning Application – Planning reference RBC/14CM029

7.2 Appendix A – Map of site and location.
7.3 Appendix B – Planning Conditions.

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Appendix B.

A frame mounted solar PV (panels) scheme with associated infrastructure on 35.4ha of land at Ling Hall Landfill, Coalpit Lane, Rugby, CV23 9HH.

RBC/14CM029

Planning Conditions.

1. The development hereby approved shall be commenced no later than three years from the date of this permission.

   **Reason:** To comply with the provisions of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with approved plan references LH004, LH005, 3822_LH002, 3822_LH001, JUWI 4020 1140 PL005, JUWI 4020 1140 PL006.1, JUWI 4020 1140 PL006, JUWI 40201140PL007 AND JUWI 40201140PL008 submitted to the local planning authority on 2nd July 2014 and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

   **Reason:** In order to define the scope of the permission and in the interests of clarity.

3. The use hereby permitted shall be discontinued and the land restored in accordance with a restoration scheme approved under planning permission reference R16/890805 on or before the 16th September 2040 or (if earlier) upon cessation of solar energy generation.

   **Reason:** In order to define the scope of the permission and in the interests of clarity.

4. The development hereby permitted shall not be commenced until a construction traffic management plan has been submitted to and approved in writing by the County Planning Authority. The construction traffic management plan shall include the following details;

   a. The anticipated number of workers on the site on a daily basis and their hours of work,
b. The type and number of Heavy Goods Vehicle movements on a
daily basis,
c. Any abnormal load deliveries to the site,
d. Routing of Heavy Goods Vehicles and abnormal loads to and
from the site,
e. Proposals for the off-loading and storage of materials on site,
f. Proposed parking arrangements for staff, visitors and delivery
vehicles within the site,
g. Facilities to prevent and remediate the deposit of mud on the
public highway.

Once approved, the management plan shall be implemented in
full and adhered to for the duration of the works.

Reason: To ensure that vehicle movements associated with the
construction phase are adequately managed to ensure that
adverse impacts are not felt by adjacent land uses and
residents.

5. The development hereby permitted shall not be commenced
until a landscaping scheme has been submitted to and approved
in writing by the County Planning Authority. The submitted
landscaping scheme shall include a planting plan showing
existing trees to be retained along with new planting, written
specifications, schedules of plants and trees, plant and tree
locations, species, sizes, proposed numbers and densities.

Reason: To ensure the satisfactory appearance of the completed
development.

6. The landscaping scheme approved pursuant to Condition 5 of
this permission shall be implemented in the first planting season
following the first occupation of the site unless otherwise agreed
in writing by the County Planning Authority. Should any plants or
trees planted as part of the landscaping scheme die, be
removed or become damaged or seriously diseased within five
years of the initial planting then they shall be replaced in the
next planting season with others of a similar size and species.

Reason: To ensure the satisfactory appearance of the completed
development.

7. The development hereby permitted shall not be commenced
until full details of the connections to the National Grid have
been submitted to and approved in writing by the County
Planning Authority. The grid connections shall be carried out in
accordance with the approved details.

Reason: In order to define the scope of the permission and to protect the
visual amenities of the locality.
8. The development hereby permitted shall not be commenced until a schedule of all external finish material specifications for:

a. Substations,
b. Transformers,
c. Generators,
d. Rack system,
e. External cable trays,

hereby approved have been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in full in accordance with the approved schedule.

**Reason:** In order to ensure the satisfactory operation of the completed development.

9. The development hereby permitted shall not be commenced until a Construction and Environmental Management Plan ("CEMP") has been submitted to and approved in writing by the County Planning Authority and any pre-commencement measures in it have been carried out. The CEMP shall include pre-commencement checks for breeding birds, badgers, reptiles and amphibians and identify appropriate working practices and safeguards for wildlife that are to be employed during construction works. Once approved, the CEMP shall be implemented in full for the duration of the construction works.

**Reason:** To ensure that protected species are not harmed by the development.

10. The development hereby permitted shall not be commenced until full details of CCTV systems to be installed on site have been submitted to and approved in writing by the County Planning Authority. The details shall include the siting and colour of poles and the technical specification details of the cameras, direction of view and external appearance and colour. The CCTV systems shall be installed and at all times maintained in accordance with the details (or any variation) so approved for the duration of the development.

**Reason:** In order to define the scope of the permission, in the interests of clarity and to ensure the satisfactory appearance of the completed development.

11. No construction works related to the approved development shall take place on site outside the following hours: -

<table>
<thead>
<tr>
<th>Day</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday – Friday</td>
<td>7.30 a.m. – 18.00 p.m.</td>
</tr>
<tr>
<td>Saturday</td>
<td>8.30 a.m. – 13.00 p.m.</td>
</tr>
</tbody>
</table>
No works shall occur on Sundays or Public Holidays.

**Reason:** To ensure that local residents are not subjected to adverse levels of noise nuisance during the construction period.

12. The development hereby approved shall not be commenced until a scheme to control and monitor noise emissions from the plans and equipment installed on site to operate and serve the photovoltaic cells has been submitted to and approved in writing by the County Planning Authority. The scheme shall include procedures for responding to complaints. The approved scheme shall be implemented in full for as long as the photovoltaic cells remain on the site.

**Reason:** In order to define the scope of the permission and to ensure that local residents are not subjected to adverse levels of noise nuisance during the construction period.

13. The development hereby permitted shall not be commenced until a suitable surface drainage strategy has been submitted to and approved in writing by the County Planning Authority. Once approved, the strategy shall be implemented in full prior the development's first use and maintained for the duration of the proposal's use.

**Reason:** In order to define the scope of the permission, to ensure the development has sufficient drainage capacity and to ensure that the surrounding land is not detrimentally impacted by surface water runoff.

14. The use hereby permitted shall not include the provision of external lighting except for the provision of emergency lighting for ancillary infrastructure, a scheme for which shall first be submitted to and approved in writing by the County Planning Authority. Once approved, the emergency lighting shall be operated in accordance with the approved details at all times.

**Reason:** To ensure that local residents are not subjected to adverse levels of light pollution.

15. The development hereby permitted shall not take place until an archaeological scheme of investigation has been submitted to and approved in writing by the County Planning Authority. The WSI shall outline the investigation works and mitigation measures to be implemented should items of significant archaeological interest be found. Once approved the scheme shall be implemented in full.
**Reason:** In order to define the scope of the permission and to ensure that archaeological interests are not detrimentally impacted.

**Development Plan Policies Relevant to the Decision.**

**Rugby Borough Adopted Core Strategy.**


Policy CS16 – Sustainable Design.

**Rugby Borough Council Adopted Local Plan (Saved Policies).**

Policy GP2 – Landscaping.


Policy E6 – Biodiversity.

**Warwickshire Waste Core Strategy (Adopted 2013-2028)**

Policy DM8 – Reinstatement, Restoration and Aftercare.

**Compliance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.**

In considering this application the County Council has complied with paragraphs 186 and 187 contained in the National Planning Policy Framework.