

PLANNING COMMITTEE

0070 / 2023

APPLICATION FOR CONSIDERATION

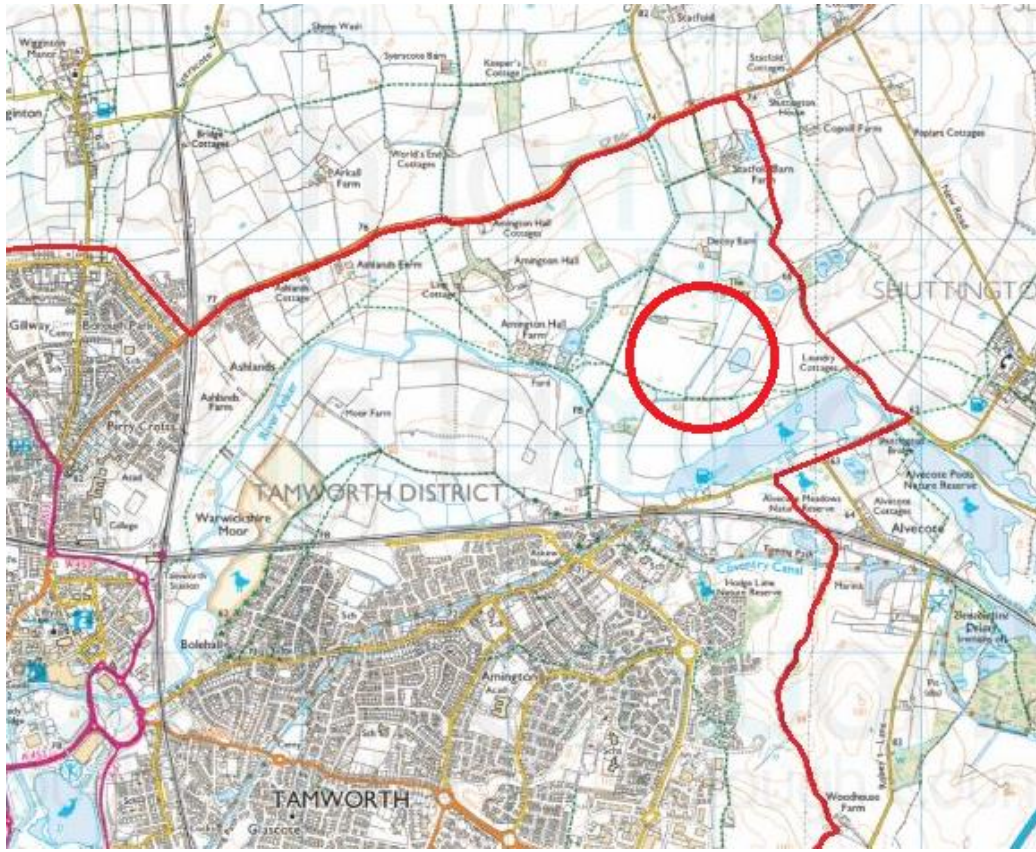
REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

Application Reference	0070/2023
Proposal	Temporary planning permission for the erection of a 30 MW solar farm with ancillary infrastructure, security fence, landscaping with access off Laundry Lane.
Site Address	Land East of Amington Hall Farm
Case Officer	Andrew Davies
Recommendation	GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS as set out below with delegated authority to the Assistant Director for Growth and Regeneration to approve any amendments to those conditions as deemed necessary.

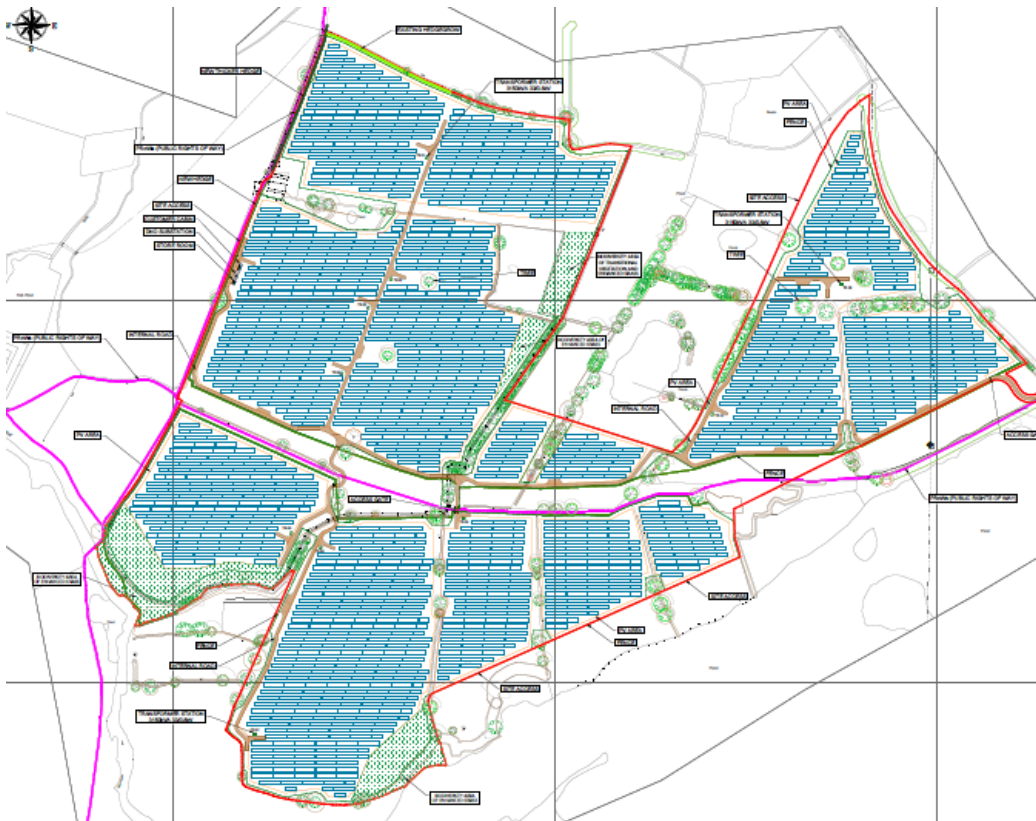
1. Introduction

- 1.1 This application is for temporary permission for the erection of a 30 MW solar farm with ancillary infrastructure, security fence, landscaping with access off Laundry Lane.
- 1.2 Planning Practice Guidance states that local planning authorities have the decision making responsibility for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 1990). Renewable and low carbon development over 50 megawatts capacity are currently considered by the Secretary of State for Energy.
- 1.3 The area of the proposed site exceeds one hectare, it is therefore classed as a Major Application and therefore to be considered by Planning Committee.
- 1.2 The proposal is for a solar farm, comprising photovoltaic panels covering 39.36 hectares on a fenced site of 46.95 hectares in total area, with the necessary infrastructure to permit electricity generation and supply of that electricity to the site boundary for onward connection to the national grid. The application seeks approval for the proposal on the basis of a temporary permission which would last for 42 years, one year to establish the development, forty years of operation and a final year to decommission the site and return it to its current state. The site is currently in use as agricultural land.
- 1.3 The proposed site lies partially within the Amington Hall Conservation Area and therefore heritage matters have been a principle consideration together with ecology, flood risk, landscaping, highways and transport.
- 1.4 Since initial submission of the scheme, the applicant has undertaken design changes in response to consultee responses, resulting in an additional consultation exercise between 19 July 2023 and 2nd August 2023.

Location Plan



General Arrangement



2. **Policies**

2.1 Local Plan Policies

SS1 - The Spatial Strategy for Tamworth
SS2 – Presumption in Favour of Sustainable Development
EC6 – Sustainable Economic Growth
EN1 – Landscape Character
EN4 – Protecting and Enhancing Biodiversity
EN5 – Design and New Development
EN6 – Protecting the Historic Environment
SU2 – Delivering Sustainable Transport
SU3 - Climate Change Mitigation
SU4 – Flood Risk and Water Management
SU5 – Pollution, Ground Conditions and Minerals and Soils
IM1 – Infrastructure and Developer Contributions

2.2 Supplementary Planning Documents

Design SPD
Planning Obligations

2.3 National Planning Policy

National Planning Policy Framework 2021
National Design Guide 2021
National Planning Practice Guidance 2014-

3. **Relevant Site History**

0330/2011	Application for hedgerow removal notice	Approved	27 th July 2011
-----------	---	----------	----------------------------

3. **Consultation Responses**

3.1 Whilst every effort has been made to accurately summarise the responses received, full copies of the representations and pub received are available to view at <http://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>

The consultation responses comments are précised if conditions are proposed these are included within the conditions at the end of the report unless stated otherwise.

Tamworth Borough Council (TBC) Consultees

3.1.1 TBC Conservation Officer

The TBC Conservation Officer has assessed has raised no objections, however, has recognised that there would be less than significant harm to the setting of the Amington Hall Conservation Area and therefore that any approval would have to be based upon the balancing of the potential public benefits of the proposal against the identified heritage harms.

3.1.2 TBC Environmental Protection

TBC Environmental Protection has no objection subject to conditions being imposed relating to construction management and the enhancement to hedgerows to provide screening of the site.

3.1.3 TBC Planning Policy

Policy SU3 (Climate Change Mitigation) supports opportunities for renewable and low-carbon energy generation. Beyond this, our Local Plan contains no specific strategic policies which relate to the development of large-scale solar farms, such as the proposal described above. However, the

Council is supportive of low carbon development opportunities in the Borough. We would therefore support the principle of development, subject to its ability to demonstrate sufficient compliancy with the wider policies of the Local Plan. In this respect, we note the potential implications of the proposal upon the Amington Conversation Area and surrounding heritage assets, including Amington Hall and Amington Old Hall.

3.1.4 TBC Tree Officer – no response received.

Staffordshire County Council (SCC) Consultees

3.2.3 SCC Ecology

No objection subject to conditions relating to submission of breeding bird surveys and details of how any losses will be mitigated or compensated, provision of a construction environmental management plan (CEMP: Biodiversity), provision of an Ecology and Landscape Mitigation and Management Plan (ELMMP) and details of establishment of soil cover at the site.

3.2.4 SCC Highways

No objection subject to conditions being imposed.

3.2.5 SCC Historic Environment Team

No objection subject to conditions being imposed.

3.2.6 SCC Landscape Officer

No objection subject to conditions being impose relating to landscape planting, management and ultimately remediation due to the temporary nature of the scheme.

3.2.7 SCC Lead Local Flood Authority

No objection subject to conditions relating to provision of a fully detailed surface water drainage scheme for the site and flood prevention proposals during construction.

3.2.8 SCC Public Rights of Way Team

No objection, however, as public rights of way are directly impacted by the proposals, if approved a series of informatives should be provided to the applicant relating to public rights of way matters.

Statutory Consultees

3.3.1 Environment Agency

Following initial objections, the Environment Agency (EA) now have no objection to the proposal and have accepted that the proposal does meet the criteria for Essential Infrastructure within a flood risk zone. In its final response the EA has noted that it believes that there is a significant likelihood that on occasion some of the proposed solar panels would become inundated with flood water and that be brought to the attention of the applicant. It has also advised that the Lead Local Flood Authority be consulted on matters of surface drainage across the site.

3.3.2 Historic England

Historic England raised concerns about the potential for harm to the heritage assets within the Amington Hall Conservation Area, particularly the setting of the Hall itself and the Amington farmhouse but provided no objection to the proposal. The concern was that the setting of the heritage assets would be compromised by what it described as an industrial appearance to the development. It stated that “clearly it is your Authority’s role to weigh the potential harm to the historic environment against public benefits. However, we would emphasise that that this should be a high bar and consideration should be given as to whether such harm can be avoided or mitigated.”

3.3.3 Natural England

Concerns were raised in Natural England's original response regarding potential implications for breeding birds and water quality within Alvecote Pools. Additional information was requested, but no objection was received at that stage. In response to the second consultation, Natural England advised that all previously noted concerns had been overcome and that it had no objection to the proposal.

Other Consultees

3.4.1 Lichfield District Council

Lichfield District Council raised no objection to the principal of the development but did note that two similar applications had been approved within its area and that there may be cumulative effects to the landscape to consider if this application is also approved.

3.4.2 Nature Space (Newt Mitigation)

No objections to the proposal subject to conditions, following agreement between the Applicant and Nature Space to provide for Newt habitats off site.

3.4.3 North Warwickshire Borough Council

In its original response, North Warwickshire Borough Council (NWBC) stated that it had concerns relating to the scale of the proposal and its potential for: (a) visual impacts, (b) effects on bird life at the Alvecote Pools Site of Special Scientific Interest (SSSI); (c) water pollution at the Alvecote Pools SSSI and (d) possible introduction of invasive flora and fauna. Later correspondence from NWBC indicated an acceptance of the consultation responses from Staffordshire County Council consultees to the effect that there would not be a significant impact upon bird life in the area, that water pollution would not be a significant hazard and that there was no expectation of invasive species entering the area due to the proposal.

3.4.4 Staffordshire Wildlife Trust

No consultation responses received.

4. Additional Representations

4.1 As part of the consultation process adjacent residents were notified. A press notice was published in the Tamworth Herald on Thursday 9 March 2023 and site notices were erected on 14 March 2023. Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at <http://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>.

4.2 Twenty-nine resident consultation letters were issued. No responses have been received from the residents of the borough that were consulted.

5. Equality and Human Rights Implications

5.1 Due regard, where relevant, has been given to the Tamworth Borough Council's equality duty as contained within the Equalities Act 2010. The authority has had due regard to the public sector equality duty (PSED). Under section 149 of the Equality Act 2010, a public authority must in the exercised of its functions, have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability, and race. This proposal has no impact on such protected characteristics.

5.2 There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act, regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been considered in the determination of this application.

6. **Planning Considerations**

The key issues to be considered are as follows:

- Principle
- Character and Appearance
- Landscape
- Biodiversity
- Heritage
- Highway Safety
- Amenity
- Flood Risk
- Connection to the National Grid

6.1 **Principle**

- 6.1.1 The Tamworth Borough Council Local Plan 2006-2031 (LP) was adopted in February 2016. Part G of Policy SU3 Climate Change Mitigation of the LP states that “where appropriate, proposals for new development will be expected to demonstrate how they will address the causes of climate change and limit greenhouse gas emissions with an aspiration of achieving zero carbon development through g) supporting opportunities for renewable and low carbon energy generation.”
- 6.1.2 Further to the LP, Tamworth Borough Council in November 2019, recognised that climate change had become such an issue that it declared a “climate change emergency.” Consequently, the development of renewable energy proposals is accepted in principle. This position has been amplified in the consultation response from the Tamworth Borough Council Planning Policy Team which stated that: “Policy SU3 (Climate Change Mitigation) supports opportunities for renewable and low-carbon energy generation. Beyond this, our Local Plan contains no specific strategic policies which relate to the development of large-scale solar farms, such as the proposal described above. However, the Council is supportive of low carbon development opportunities in the Borough. The principle of development, subject to its ability to demonstrate sufficient compliancy with the wider policies of the Local Plan, is supported In this respect, we note the potential implications of the proposal upon the Amington Conversation Area and surrounding heritage assets, including Amington Hall and Amington Old Hall.”
- 6.1.2 The National Planning Policy Framework (NPPF) refers to the national planning policy position for renewable energy schemes as follows: “Paragraph 152 of the NPPF states that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 6.1.4 Paragraph 158 of the NPPF adds 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.
- 6.1.5 The final pertinent part of the NPPF to the renewable energy aspects of this application is that within the glossary (Annex 3) to the document, solar farms are defined as being essential infrastructure when considered in the context of locations within flood risk vulnerability classifications.
- 6.1.6 Overall, in consideration of the benefits of the scheme, the principle of development is acceptable, having regard both to NPPF 2021 and Core Strategy Policy SU2.

6.2 Character and Appearance

- 6.2.1 The proposed development would introduce physical features to the landscape of the northern part of the Borough. The proposed site, which lies north of the river Anker, west of the boundary with North Warwickshire and east of the buildings associated with Amington Hall Farm are agricultural fields interspersed with hedgerows and trees. The proposed site has a gently sloping topography, ranging from 66m in the north-east sloping downwards to 63m AOD near the southern boundary. Across its southern part and to its southern boundary is the floodplain of the river Anker and to the north and east of the site, the ground rises towards Amington Hall to the northwest and towards Shuttington in North Warwickshire towards the northeast.
- 6.2.2 The application site comprises of 11 fields, either wholly or in part, in the open countryside c.3km northeast of Tamworth. It is roughly split between arable use in the western section and pasture in the central and eastern sections. It lies on part of the broad low-lying valley associated with the river Anker. Many of the field boundaries within the application site are marked by hedgerows with occasional hedgerow trees. There are some small areas of informal woodland within the application site and larger areas within the surrounding landscape, in addition to watercourses and ponds. The closest built form are the clusters of dwellings and agricultural buildings to the west of the application site at Amington Hall and Amington Old Hall.
- 6.2.3 The proposed development would consist of solar PV panels organised into arrays alongside ancillary infrastructure. Most of the site would remain open as the grassed spacing between rows and field margins although access tracks would also be installed. The fixed solar panels would be mounted on galvanised metal frames set into the ground. To achieve optimum solar gain, the panels would be laid out in east-west rows with each panel tilted southwards at approximately 25 degrees from the horizontal. The height of the solar arrays would be approximately 2.5 metres from ground level to the top of the back of the panel frame with the lowest edge of the panels raised above the ground by around 0.8 metres.
- 6.2.4 The ancillary equipment proposed would include inverters, transformers, a connection point for the District Network Operator to connect through to the national grid and security infrastructure in the form of fencing, gates, and security camera mountings.
- 6.2.5 The Inverters would convert the direct current (DC) electricity output from the solar arrays into usable alternating current (AC) power for the electricity distribution network. Transformers would then step up the low voltage electricity produced at the site to high voltage for efficient transportation around the site and to the grid connection point. A Distribution Network Operator (DNO) Substation is intended to be located on the western side of the proposed site. It would provide the connection from the development to the electricity grid. The development would also include a Customer Substation, which would include a storage container for spares, maintenance, and other equipment. An approximately 2m high post and wire deer fence is proposed to be constructed around the development, with vehicle gates to allow private vehicle and pedestrian access. Although the site is crossed by Public Rights of Way, the public would not have access on to the operational parts of the site. Infra-red and / or thermal imaging CCTV cameras are proposed to be installed on the fence to provide security coverage of the site. No permanent external lighting is proposed.
- 6.2.6 The proposed dimensions of each of the infrastructure items are as follows:
- Solar Panel Arrays: maximum height 2.6m and lowest height 0.8m, with each panel of 4.95m length, mounted on two supports.
 - Customer Substation: 2.7m high, 5.8m long and 2.5m wide.
 - DNO Grid Connection Cabin: 3.4m high, 6.0m long and 2.4m wide
 - Transformer Station Units: 3.3m high, 5.2m long and 2.4m wide
 - Deer fencing: 2m high steel mesh on wooden supports at 3m spacings.
 - Access gates: 2m high steel mesh comprising two opening sections each of 2m width.
 - Security cameras: cameras and infra-red units mounted on 4m high poles, inset at least 2m from the fences.

- 6.2.7 The proposal would therefore significantly change the character and appearance of the proposed site through the introduction of large areas of solar panels mounted atop steel frames, interspersed with small built structures to provide the necessary technical support to enable operation of the panels, along with security infrastructure, none of which is currently present in the site area. As has been noted by some consultees the appearance would be more industrial than agricultural, however the equipment would all be fixed in place with no significant moving parts, so the appearance whilst structured and metallic, would be static.
- 6.2.8 It is proposed that the areas beneath and around the solar panels would largely be put to grass for the grazing of sheep as a means of maintaining an agricultural use of the site, albeit a different agricultural use to that which happens today.
- 6.2.9 The character changes would be mitigated by the presence of existing trees and hedgerows and by proposed planting of additional and bolstered hedgerows, meaning that whilst the on-site character would be changed significantly, from most more distant perspectives, due to the height of the screening vegetation and the proposed infrastructure, the character, the changes would seem considerably less significant. These matters are explored further in the section on landscape.

6.3 **Landscape**

- 6.3.1 Policy EN1 of the Tamworth Local Plan states that development and activities outside the urban area should be informed by landscape character assessments and contribute to the enhancement, restoration or regeneration of the landscape affected, as appropriate. Landscape character assessments will also act as a guide for re-introducing landscape features, habitat creation and management in areas of lower landscape quality and preserving and enhancing surviving historic features.
- 6.3.2 To support the application, the applicant has provided a Landscape and Visual Impact Assessment, Photomontages to support this and a Design and Access Statement.
- 6.3.3 Within the Landscape and Visual Impact Assessment, receptors from a number of locations have been selected that are considered appropriate for the site. It has summarised that the proposal would retain the 'landscape framework' that exists and through additional work would be managed through additional planting which the applicant has put forward through their submission.
- 6.3.4 In addition to this, the landscape details have been referred to the Staffordshire County Council Landscape Officer for comment. The County Council's response received stated that the submitted Landscape Visual Impact Assessment has correctly identified the landscape character as Lowland Village Farmland in the Mease Lowlands in accordance with 'Planning for Landscape Change' and the Tamworth Borough Council Local Plan 2006-2031 (Adopted 23rd February 2016). It was noted that the landscape policy there is one of Landscape Enhancement, indicating a medium to low landscape quality. The site has a predominantly rural feel, and the development would consequently change the landscape character within the development envelope and affect the setting of the Amington Hall Conservation Area.
- 6.3.2 The Landscape and Ecology Mitigations and Enhancements Plans present an overview of proposals, including the additional native hedge planting across the site which will divide the development into smaller field compartments providing visual containment, and improve the public footpath access through the site.
- 6.3.3 Visual impact is influenced by site context and is limited by local landform and vegetation. The viewpoints presented are well chosen and show how open some existing views are to the proposed site, while others are well screened. Retention of the existing landscape framework of trees and hedgerows is welcomed and will provide mitigation. However, some views, such as the rights of way across the site, will be difficult to screen in the short term, as the screen planting will not be tall enough to be immediately effective. The degree of visual harm will therefore need to be balanced against other policy considerations in the overall assessment of the application.

- 6.3.4 The County Council Landscape Officer advised that if minded and Tamworth Borough Council give approval to the application, the proposed tree and hedgerow screen planting should be undertaken at the earliest opportunity. A landscape scheme with detailed planting specifications and a maintenance scheme should be submitted for approval. This is requested as part of a condition, with clarity on timing of proposed planting prior to commencing construction works.
- 6.3.5 It was also noted that the application is for a temporary permission. Therefore, a restoration scheme is provided, which demonstrates how the proposed development will be removed at the end of its permission, and what measures will be taken to restore landscape character.
- 6.3.6 The proposed site is on agricultural land which is accorded a value in terms of its suitability for agricultural use. A consideration should be made of whether or not the proposed use would be an inappropriate use given the agricultural value of the land. In this instance, in common with other solar farm developments it is proposed to continue agricultural use of the fields in which the solar farm would be located albeit as a different form of agriculture. Where the present agricultural use is for a mix of growing of arable crops and pasture, the proposed use would be sheep grazing, which is normally associated with lower value land.
- 6.3.7 The land on which the proposed site would sit has been classified according to its agricultural potential as a mix of Grade 2 (11.5ha) Grade 3a (24.9 ha) Grade 3b (18.4ha) and other (3.4ha). The Grade 2 and Grade 3a classified land is considered to be Best and Most Versatile (BMV) agricultural land and therefore its loss from agriculture is to be resisted. Any application which results in a loss of 20ha or more of land designated as BMV is to be referred to Natural England for assessment.
- 6.3.7 Natural England has been consulted upon this application and in its response to the second consultation stated that, "from the description of the development this application is likely to affect 36.4 ha of BMV agricultural land. We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration, and aftercare plans; normally this will include the return to the former land quality (ALC grade)."
- 6.3.8 It is considered therefore that the proposed landscape impacts of the proposal are acceptable subject to conditions and that in landscape terms the development would be in accordance with Policy EN1 Landscape Character on the basis that the existing hedgerows are to be maintained and in some areas of the site, hedgerows will be bolstered by the development.

6.4 Biodiversity

- 6.4.1 The biodiversity aspects of the proposal have been considered by Natural England and the Staffordshire County Council Ecologist due to the application site being adjacent to the Alvecote Pools Site of Special Scientific Interest (SSSI), designated for wetland habitats, birds and invertebrates and it wrapping around the south, east and west sides of the Decoy Local Wildlife Site (LWS), again listed for wetland habitats and also considered likely to be important for invertebrates and birds.
- 6.4.2 Natural England, in relation to Alvecote Pools stated in its second consultation response that "based on the plans submitted, and details of revisions made to the site, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection."

- 6.4.2 The SCC Ecologist response stated that “the site currently comprises mainly arable and grassland habitats with hedges, trees, and a small block of woodland. The layout appears to avoid these features, and the ecology plans show hedge planting and improvements to existing hedges, meadows around and possibly below panels, plus other ‘new areas of biodiversity’ (no details of what these will constitute are given). It therefore appears that there can be a net gain to biodiversity, in line with NPPF and the forthcoming mandatory net gain. However, no metric or report appears to have been submitted to support this. As it appears clear this will be achieved, details can be provided via conditions. The net gain should be secured for 30 years and details will be needed via an Ecology and Landscape Mitigation and Management Plan (ELMMP).”
- 6.4.3 It is welcomed by the SCC Ecologist that badger gates would be provided, and these will usually be installed on established routes for the species. Even if these will also provide access to hedgehogs, this species is likely to require more extensive access to make use of the widest foraging areas. This is important because a viable population needs access to about 90 hectares of connected land. Hedgehogs are listed as a species of Principal Importance under the NERC Act (2006) and classed as ‘vulnerable’ in England (Mammal Society, 2020). Usually for gardens access every 10m of fence is recommended; in this setting it is suggested that access should be provided at least every 200m of fence. Gaps can be cut into fence panels, rather than expensive add-ons.
- 6.4.4 The application site is in a red Impact Risk Zone (IRZ) for Great Crested Newt, and the applicant has agreed with Nature Space, participation in the District Level Licence Scheme. Nature Space have advised of conditions to be imposed should the application be approved.
- 6.4.5 The SCC Ecologist has further commented on the observations made by other consultees. It is noted that concerns have been raised about potential interference to bird flight paths by the location of the solar panels in close proximity to Alvecote Pools. Having reviewed that issue the SCC Ecologist sought an increased buffer zone between the pools and the solar panels, which was subsequently agreed to by the applicant and referenced in amended site plans.
- 6.4.6 The SCC Ecologist has endorsed the proposed requirement for provision of a Construction Environmental Management Plan and an Ecology and Landscape Mitigation and Management Plan (ELMMP), both to be submitted and agreed prior to commencement.

6.5 Heritage

- 6.5.1 Heritage aspects of this proposal have been considered by The Tamworth Borough Council Conservation Officer with consultee responses from Historic England and Staffordshire County Council Historic Environment Team.
- 6.5.2 With respect to the archaeology of the site, the SCC Historic Environment Team has stated that it is satisfied with the proposals provided that the archaeological aspects are managed in accordance with agreed plans. A condition is proposed therefore that would require a written scheme of archaeological investigation prior to commencement, archaeological site work conducted fully in accordance with that scheme and the development not being brought into use prior to the site investigation and post excavation assessment having been completed and provision made for its publication.
- 6.5.3 Historic England has advised that it has concerns regarding the proposal but has not objected to it. Those concerns arise from the relationship between the proposal and the Amington Hall Conservation Area and are discussed fully in the comments of the Tamworth Borough Council Conservation Officer.
- 6.5.4 In determining applications, paragraph 194 of the National Planning Policy Framework (NPPF) and Policy EN6 of the Tamworth Local Plan (TLP) (2016) requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 195 of the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset. That required assessment has been undertaken in the body of these comments. The Cultural Heritage Baseline and Impact Assessment (CHBIA) that has been prepared to accompany the application identifies the significance of affected heritage assets; this document is proportionate in extent and meets the requirements of paragraph 194 of the NPPF and Policy EN6 of the TLP.

- 6.5.5 The north-western corner of the application site is situated within the Amington Hall Conservation Area, so this designated heritage asset has the potential to be directly affected by the proposal. There are no further designated or non-designated (built) heritage assets within the application site, however it must be assessed if the site falls within the setting of additional heritage assets.
- 6.5.6 The NPPF (Annex 2) defines the setting of a heritage asset as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”
- 6.5.7 Historic England provide advice on the setting of heritage assets in their Good Practice Advice in Planning Note 3 (GPA3); this identifies that the surroundings in which an asset is experienced may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way which we experience an asset in its setting is also influenced by other factors such as noise, dust and vibrations from other land uses in the vicinity, and by our understanding of the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.
- 6.5.8 Historic England recommends undertaking a five-step approach to assessing change in the setting of heritage assets. The first step is to identify which heritage assets and their settings are affected by the proposal. Although it is not solely reliant on there being public access, any impact from the proposal is most likely to be experienced by users of the public rights of way that traverse and surround the site.
- 6.5.9 In addition to a field being located within the Amington Hall Conservation Area, the conservation area also flanks the north-western corner and the western boundary of the application site. From the extensive public right of way network within and around the vicinity of the application site there is intervisibility between the site and the conservation area from numerous positions on this network. The application site is therefore also considered to fall within the setting of the Amington Hall Conservation Area.
- 6.5.10 The CHBIA has in the TBC Conservation Officer’s opinion applied a suitable methodology to identify further heritage assets that could be directly or indirectly affected by the proposal.
- 6.5.11 Amington Old Hall is a grade II listed building c.320m west of the application site at its closest point. Amington Hall is a grade II* listed building c.600m west of the application site at its closest point. Due to such distances and the presence of intervening woodland there is no intervisibility between the site and these two heritage assets. However, as identified within GPA3 the setting of heritage asset is not solely confined to visual matters or views. As there is a remaining historic and functional relationship between Amington Old Hall and Amington Hall and its surrounding parkland, which includes part of the application site, it is therefore considered these heritage assets and their setting could be affected the proposal.
- 6.5.12 Due to the combination of either distance, topography and presence of intervening built form and vegetation there is no particular inter-visibility between the application site and any other heritage assets located within the wider area surrounding the application site, nor is there any known key historic, functional or other relevant relationships or associations between the application site and any such heritage assets. The application site is therefore not considered to fall within their setting and due to the form of the proposal it is considered this position would not be altered following the development.
- 6.5.13 The significance of the Amington Hall Conservation Area and its setting has the potential to be impacted by the proposal. The significance of the grade II* Amington Hall and grade II Amington Old Hall have the potential to be impacted the proposal by virtue of the application site being located within the setting of these listed buildings. Step 2 of GPA3 is to assess the degree to which these settings make a contribution to the significance of the heritage asset or allow significance to be appreciated.
- 6.5.14 The Amington Hall Conservation Area Appraisal (AHCAA) (2008) identifies that the focus of the conservation area is the Old Hall, the Hall and surrounding 19th century parkland. The conservation

area boundary is based on the 1927 estate boundary which also encapsulates the site of the deserted medieval village of Amington and associated ridge and furrow. The appraisal highlights that the area has long been a parkland estate, which once extended much further than the current conservation area boundary and has changed little in the last 100 years.

- 6.5.15 The current landscape was created primarily from the 16th century onwards when Amington Old Hall (NHLE reference 1197038) was erected as a large timber framed baffle-entry dwelling. It was largely rebuilt in the 18th century. By the early 19th century (c.1810) Amington Hall had been built as the palatial residence of the Repington family. A number of landscape features were created including two fox coverts, a duck decoy and formal parkland.
- 6.5.16 Much of the Amington Hall estate still retains evidence of its original field boundaries. These fields still serve as agricultural land for the farm centred at Amington Old Hall. Map regression shows that many of the features of the estate survive today. The land use map of 1931-35 shows the area primarily as grassland with a large pocket of arable land to the east and rough pasture on the banks of the river Anker.
- 6.5.17 The AHCAA describes the general character of the parkland in more detail, identifying that it is made up of approximately 17 hectares of rough grazing land with remaining parkland trees in the area between Amington Hall, Amington Old Hall and Ling Cottage; the rest is under cultivation or wooded. The Decoy is a significant landscape feature which forms approximately 2 hectares of woodland. It also identifies that a number of old parkland trees survive and act as important visual and historic landmarks in the conservation area, and that several important historic boundaries remain and are marked variously by hawthorn and blackthorn hedges, ditches and culverts and old metal parkland railings.
- 6.5.18 The large area of parkland reinforces the rural character and appearance of the conservation area, and the parkland is a key component of the significance of the area. On the proposals and recommendations map contained within the AHCAA two significant views are identified within the vicinity of the application site; one view looks north along a cement track/public right of way and is flanked by a historic hedgerow (including a single large mature tree) which marks the western boundary of the site. Further along the track and at the intersection of three fields (which marks the north-western corner of the site) the second identified view is eastwards over the fields towards the Decoy. Currently these views allow for an appreciation of key landscape features that contribute positively to the significance of the conservation area.
- 6.5.19 The character of the eastern part of the conservation area and the application site is a working agricultural landscape. There are historic hedgerows, ditches, and woodland (including The Decoy) which are reminders of the estate. The field that is both located within the application site and conservation area is currently in arable use and has been for at least nearly 100 years forming part of historic land use for the estate, whilst retaining its historic boundary hedges. Due to its historic interest and rural character and appearance it is considered that this part of the application site makes a moderate positive contribution to the significance of the conservation area.
- 6.5.20 Other than the field identified above in its north-western corner, the majority of the application site is located outside of the conservation area on land to the east of its defined boundaries. The fields within the application site consist of arable and pasture uses and share the rural characteristics of the neighbouring conservation area. Many field boundaries remain evident from the time of the 1927 estate boundary was defined and could be considered to be part of the wider historic landscape of the estate. The application site is located within the setting of the conservation area, and due to its shared characteristics, it is considered that the application site makes a minor to moderate positive contribution to its significance.
- 6.5.21 The two listed buildings are of archaeological (The Old Hall only), architectural (both) and historic (both) interest, with such interest inherent in their built form. Due to the close historic and functional relationship between these two buildings and the surrounding parkland, as articulated within the AHCAA, there is some associated historic interest between the two listed buildings and the parkland so this parkland setting, as defined by the extent of the conservation area, contributes positively to their significance. Due to the historic interest and rural character and appearance of the field within the application site, and the shared characteristics of the surrounding rural landscape which forms the majority of the application site, it is considered that application site makes a minor to moderate positive contribution to their significance.

- 6.5.22 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant planning permission for development which affects a listed building to have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses. Section 72 of the 1990 Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.5.23 Section 16 of the National Planning Policy Framework (NPPF) (2021) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 6.5.24 Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Policy EN6 Protecting the Historic Environment of the Local Plan 2006-2031, seeks to protect the historic environment of the Borough. Where sites are located within conservation areas proposals are required to pay particular attention to a number of aspects listed within the policy including the defined characteristics of the area.

- 6.5.25 Step 3 within GPA3 is to assess the effects of the proposal, whether beneficial or harmful, on the significance of affected heritage assets or on the ability to appreciate that significance.
- 6.5.26 Within the north-western field of the application site, located within the Amington Hall Conservation Area boundary, a full array of solar panels is proposed with surrounding deer fence, access road and a transformer station. This would introduce development of an industrial nature into the conservation area and change its rural character and appearance. Given the high level of sensitivity of the conservation area and the moderate positive contribution the part of the application site makes to its significance, and the level of adverse impact from the change, it is considered that the proposal would have a direct and moderate adverse effect upon the significance of the conservation area.
- 6.5.27 The proposal would also introduce development of an industrial nature into the eastern setting of the conservation area. Due to the relatively flat topography of the area the solar farm would not be visible in its entirety and instead there would be localised visual effects, mostly from vantage points upon the public right of way network that runs through and around the site. The historic field boundaries throughout the site would be retained and where required, such as where there are gaps, supplemented by additional planting. The retention and enhancement of these features would conserve a key element of the conservation area parkland and its landscape setting.
- 6.5.28 However, given the seasonal cover afforded by the hedgerows they would not provide a continuous screen to the development. In addition, the metal deer fence at 2m in height would be glimpsed over the hedgerows (and through it in winter conditions) as would the proposed cabin, substation and storeroom which are all features taller than the hedgerows and located close to the conservation area boundary. Due to the layout of the development, the scale and height of the required infrastructure, and an inability to fully screen it via retained and enhanced landscape features the changing of the rural character and appearance of the setting of the conservation area would be appreciated by the observer from various vantage points, including the two significant viewpoints identified within the AHCAA.
- 6.5.29 Given the medium level of sensitivity of the conservation area's setting and the minor to moderate positive contribution its setting makes to its significance, and the reduced level of adverse impact from the change given that the impacts are not direct and that there is some mitigation from screening by landscape features, it is considered that the proposal would have a minor adverse effect upon the significance of the conservation area via an uncharacteristic change within its wider setting.

- 6.5.30 Due to the presence of the existing woodland features there would be no intervisibility between the grade II listed building Amington Old Hall and the grade II* listed building Amington Hall. However, due to the close historic and functional relationship between these two buildings and the surrounding parkland, defined by the conservation area boundary and its wider setting, the application site makes a positive contribution to their significance.
- 6.5.31 The proposal would also introduce development of an industrial nature into the eastern setting of these listed buildings which would appreciably alter the character of their setting. Whilst this impact may not be appreciated visually via direct intervisibility between the buildings and the proposed development, and some key characteristics of the parkland and its setting would be retained including hedgerows and trees, the change of character and use of the land would be appreciable and impact upon the observers understanding of the historic relationship between the listed buildings and their setting. Given the high level of sensitivity of the listed buildings and the minor to moderate positive contribution their setting makes to their significance, and the reduced level of adverse impact from the change given that the impacts are not direct and that there is some mitigation from screening by landscape features, it is considered that the proposal would have a minor adverse effect upon the significance of the listed buildings via an uncharacteristic change within their wider setting.
- 6.5.32 The proposal is for a temporary permission for the installation of the panels lasting 40 years. In the TBC Conservation Officer's opinion, the fact that this is a temporary proposal does not reduce the level of adverse impacts arising from the development given that 40 years is a generational and not an insignificant amount of time. The adverse impacts would be appreciable through the lifecycle of the development.
- 6.5.33 Overall, the proposal would have an adverse effect upon the significance of the Amington Hall Conservation Area. The adverse effect is considered to result in less than substantial harm to its significance, and between the lower end and middle of this spectrum of harm given that the effects are direct and as a result of change within its setting. It is noted that the same conclusion of less than substantial harm to the conservation area caused by the proposed development is reached within the CHBIA.
- 6.5.34 The proposal would also have an adverse effect upon the significance of the grade II listed building Amington Old Hall and grade II* listed building Amington Hall. The adverse effect is considered to result in less than substantial harm to their significance, and at the lower end of this spectrum of harm given the results of change within their setting rather than being a direct effect.
- 6.5.35 In accordance with national policy as the proposal causes harm to designated heritage assets this harm should be weighed against the public benefits of the proposal. Public benefits may follow from many developments and could be anything that delivers economic, social, or environmental progress as described in the NPPF (paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - Reducing or removing risks to a heritage asset
 - Securing the optimum viable use of a heritage asset in support of its long-term conservation
- 6.5.36 It is considered that the proposed retention of the existing native hedgerows that define the historic parkland boundaries of the Amington Hall estate, and the fields within its wider rural setting, in addition to strengthening those boundaries where required would be a component of the proposal that would sustain and to a limited level enhance the character and significance of the conservation area, its setting, and the setting the listed buildings Amington Hall and Amington Old Hall. This would be a heritage benefit of a level to be defined by the decision-taker.
- 6.5.37 There will be further environmental benefits resulting from the planting of hedgerows and creation of biodiversity areas, and the likely considerable benefit resulting from the quantum of solar panels as a means of providing renewable energy. Further (non-heritage) environmental, social, and economic benefits may also be identified by the decision-taker.
- 6.5.38 In accordance with paragraph 202 of the NPPF the less than substantial harm caused to each designated heritage asset by the proposal should be weighed against the public benefits. It must be noted that as established by Case Law harm which is less than substantial is not to be equated with harm which is minor or unimportant. When taken as a whole the level of the public benefits

demonstrated by the proposal should be of a level to outweigh the harm caused and to comply with paragraph 202 of the NPPF. In completing this balancing exercise great weight should be given to the conservation of heritage assets as required by paragraph 199 of the NPPF and the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The more important the asset, the greater that weight should be, noting that Amington Hall as a grade II* listed building is a heritage asset of the highest significance.

- 6.5.39 Step 4 in the Historic England GPA3 assessment approach is to explore ways to maximise enhancement and avoid or minimise harm. It is considered that there is no particular means to achieve any considerable enhancement to the setting of the heritage assets affected by this proposal but there are further means to minimise the harm caused to the Amington Hall Conservation Area and listed buildings by omitting the solar panels from the conservation area boundary, and also potentially along the eastern flank of the conservation area. This suggestion has been made by Historic England within their consultation comments and should be worthy of consideration by the applicant particularly if such revisions may alter the balancing exercise.
- 6.5.40 Having reviewed the heritage aspects of the proposal in full, it is considered therefore that should the assessment of public interest in matters other than heritage related outweigh the heritage related public interest, development of the proposal, with adequate mitigation measures in place would be compliant with Policy EN6 Protecting the Historic Environment of the Tamworth Local Plan 2006-2031.

6.6 Highway Safety

- 6.6.1 The application includes a Transport Statement in which access arrangements to the site are proposed, both for construction purposes and during the long-term operation of the site. An addendum to the Transport and Access Statement has been submitted confirming the construction route to be used by all construction traffic.
- 6.6.2 The Applicant's preferred route for all construction vehicles to and from the site would be from M42 J11 via the B5493 and Seckington, for the following reasons: The route avoids residential areas such as Shuttington, Alvecote and parts of Tamworth which have a higher number of sensitive receptors; carriageway widths and geometry would support two-way movements with HGVs for the entire route, the majority of the route includes the B5493 which is a higher category road suitable for accommodating HGV traffic, as a rural route passing agricultural uses, it already experiences HGV movements associated with farm vehicles and there are no HGV movement restrictions and/or weight and height limits on the route.
- 6.6.3 Staffordshire County Council Highways have considered the highway safety aspects of the proposal and determined that it has no objection to the proposal, provided that conditions are imposed. Conditions are proposed to ensure that access is only via Laundry Lane as proposed, that safe separation of vehicles and pedestrians is achieved with suitable signage to be agreed with SCC Highways prior to commencement. In addition, informatives were suggested in respect of public right of way matters.

6.6 Amenity

- 6.6.1 The proposed development would be located in open countryside with the nearest residents being at Amington Hall and Amington Hall Farm. The proposal would not directly impact upon the amenity of those residents as the development would be separated from those buildings by areas of both woodland and fields. The proposed access route to the site during construction would see site traffic access the development from the south-east and not routing in close proximity to the nearest residential properties.
- 6.6.2 Once in operation, there would be very little if any noise from the development, with very little in the way of activity on site due to the nature of the development. It is likely therefore that the most significant amenity impacts would occur during construction and that those impacts could be mitigated by means of conditioning a construction management plan, which would restrict the times of construction activity.

6.8 Flood Risk

- 6.8.1 The proposed site lies within the floodplain of the river Anker. Consequently, parts of the site are defined by the Environment Agency as sitting within Flood Zone 2 and 3 areas and flood risk is a material consideration in the determination of this application requiring consultation with both the Environment Agency and the Lead Local Flood Authority.
- 6.8.2 The Environment Agency objected to the application's first consultation stating that "consideration should be given to repositioning the proposed buildings/cabins in areas that are situated in areas of lower risk outside out of the flood zone" and that "mitigation measures for these buildings should be considered within the context of anticipated flood depths." Furthermore, it stated that "consideration should be given to the need for floodplain compensation. Compensation should be provided for development within the 1 in 100year plus relevant climate change flood extent. This should be provided on a 'level for level, volume for volume basis. Should the buildings be relocated to Flood Zone 2 or 1, this will not be necessary. Clarification should be provided that any electric station/transformers etc are set 600mm the 100yr plus relevant climate change to ensure the equipment is not damaged by floodwaters.
- 6.8.3 The Environment Agency has responded to the second consultation exercise noting that "We would concur that the use is defined as "Essential Infrastructure" as set out in Annex 3 of the NPPF (Flood and Coastal Risk Section). Whilst such uses are deemed appropriate in principle in all Flood Zones the proposals must pass both the Sequential and Exception tests. We note that a sequential approach to the site layout has now been demonstrated with the cabins and buildings being located in Flood Zone 1, the low-risk Zone. Additionally, those structures will be raised a further 500mm above ground levels which is welcomed. However, as detailed above, the site and a number of the solar arrays are located in an area of high flood risk. We would not make any bespoke comments on the sequential test, in this instance at the planning application stage. The fact that we are not providing comments does not mean that there are no sequential test issues, but we would leave this for the LPA to consider. Providing the LPA are satisfied that the sequential test has been passed, then we can provide the following comments on the sequential test and flood risk assessment. Exact depths are hard to ascertain but the flood risk assessment appears incorrect in its assertion, and we would make you aware that the panels may in fact be partially submerged in larger flood events. Whilst we would not maintain an objection on this basis, in this instance, we are highlighting this point for your awareness. As previously stated, we welcome confirmation within this report that an 8m easement from the river Anker (designated Main River) will be maintained. With regards the onsite ditches/ordinary watercourses you are advised to seek the comments of the Staffordshire County Lead Local Flood Authority (LLFA)."
- 6.8.3 The LLFA has assessed the proposal and determined that it has no objection to the proposal subject to the imposition of conditions relating to surface water drainage of the site during both the construction and operational phases of the development. Pre-commencement conditions relating to those points are therefore appropriate.
- 6.8.4 The Environment Agency referred to a sequential test needing to be conducted to ensure that development in Flood Zone 3 was appropriate. Based upon the information provided by the Environment Agency and confirmation from the agent that the solar farm equipment would be safe to operate in flood conditions, it is considered that the proposal is acceptable in flood risk terms and that appropriate consideration has been given to surface drainage on the site.

7. Connection to National Grid

- 7.1 Planning Application 0070/2023 includes all of the solar power generation infrastructure required for the proposal and on-site management facilities but excludes the means of connection from the site boundary to the National Grid. The application makes clear that it is for the District Network Operator (DNO) to connect the site to the district network. In other words, whilst the application if approved would enable electricity generation to occur at the proposed site, the supply of that electricity for local or more distant consumption via the electricity grid would be enabled by development outside of the scope of the application.
- 7.2 The District Network Operator would have powers as a statutory undertaker under Part x of the General Permitted Development (England) Order 2015 (as amended) to develop the necessary infrastructure to connect the proposed development into the existing electricity network.

- 7.3 The connection therefore of the proposed solar farm development into the local electricity network is outside of the scope of this application and consequently, although not a material consideration, it is important to note that without approval for the proposed solar farm development, there would be no need for the development of connection infrastructure.
- 7.4 This is an important consideration as the work required to connect the proposed solar farm to the electricity network has not been definitively established. As that infrastructure would not belong to the applicant, but to a third party, for whom detailed design would only commence once planning approval has a degree of certainty, then there remains uncertainty as to the route that would be taken, and the nature of the work required to make the necessary connection. It is however understood at this stage that the route may cross areas of TBC owned land used as sports facilities within the Amington and Bolehall areas.
- 7.5 Consequently, it is important that the Planning Committee is aware that the development of the proposed solar farm, would if approved, result in works being undertaken by the DNO to connect the scheme to the existing electricity network that may result in works off site that would have the potential depending upon the connection point and the route chosen by the DNO to result in disruption within the Borough, of a nature and extent which is not yet fully known.

8. **Planning Balance**

- 8.1 The proposed development sought is a temporary approval which would see the site remediated and returned to its current state after a period of 42 years. The harm to the setting of the Amington Hall Conservation Area would therefore be temporary and would be reversed at a future date.
- 8.2 It is recognised in national policy that solar farms may result in some landscape and visual impact harm. However, national policy has a positive approach indicating that development can be approved where the harm is outweighed by the benefits. At the proposed site, through a combination of topography, existing screening and landscape mitigation, the adverse effect on landscape character and visual impact would be limited. As the existing and proposed hedgerow planting matures, adverse effects, would be progressively mitigated and once decommissioned there would be no residual adverse landscape effects. In these circumstances, whilst there would be some localised harm to landscape character and some visual harm in conflict with the Conservation Area policies, the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme are considered to outweigh the limited harm.
- 8.3 Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special regard to the desirability of preserving listed buildings, their settings, and any architectural features they may possess. Section 72 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.4 Whether a proposal results in substantial or less than substantial harm to the significance of a heritage asset, NPPF Paragraph 199 requires the decision maker to attach great weight to its conservation. NPPF paragraph 200 says that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm is to be weighed against the public benefits of the proposal.
- 8.5 The proposal would result in less than substantial harm at the lower/lowest end of that spectrum to the heritage significance of the Amington Hall Conservation Area and the listed buildings within it. Furthermore, that harm would be temporary until the solar farm was decommissioned.
- 8.6 It is considered therefore that on balance, the proposal would make a material contribution to achieving climate change policy through renewable energy production, that would outweigh the harm to the character of the Amington Hall Conservation Area that would arise from the proposal.
- 8.7 As stated by the TBC Conservation Officer as being an acceptable outcome, it is considered that in this case the public interest in climate change mitigation matters outweigh the heritage related public interest and that development of the proposal, with adequate mitigation measures in place would be compliant with Policy EN6 Protecting the Historic Environment of the Tamworth Local Plan 2006-2031.

9 Conclusion

- 9.1. The proposed temporary permission for erection of a 30 MW solar farm with ancillary infrastructure, security fence, landscaping with access off Laundry Lane has been considered with respect to the principle of development; its character and appearance; impacts upon landscape, biodiversity, highways, heritage, amenity, and flood risk.
- 9.2. The assessment has determined that the character and appearance of the proposal would be noticeably different to that of the site today and would have the potential to create limited harm to the setting of the Amington Hall Conservation Area.
- 9.3. The proposed development would sit within areas susceptible to river flooding and the design has had to be modified slightly in order to comply with Consultee requirements in respect of flooding, with further conditional requirements imposed in that respect.
- 9.4. Similarly, landscaping, and ecological conditions would be required to ensure that the development would have minimal impact upon biodiversity at the site and views across it from elsewhere. Furthermore, in order to ensure that public access remains across the site as it is today, public rights of way will need to be respected and their usage ensured.
- 9.5. The planning judgement is that the benefits of renewable energy generation, with adequate environmental safeguards in place, over a limited time period means that the proposed erection of a 30 MW solar farm with ancillary infrastructure would be in accordance with key policies of the Tamworth Local Plan 2006-203. In particular, the proposal is considered to accord with Policies SS2 – Presumption in Favour of Sustainable Development, EN4 – Protecting and Enhancing Biodiversity, EN6 Protecting the Historic Environment and Policy SU3 Climate Change Mitigation. The proposal is therefore recommended for approval with conditions.

10 Recommendation

GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS as set out below with delegated authority to the Assistant Director for Growth and Regeneration to approve any amendments to those conditions as deemed necessary.

Conditions / Reasons

1. The development shall be started within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall only be carried out in accordance with the application form and drawings:
 - 1116_01 – Location Plan 1_100 (February 2023)
 - 1116_01 – Location Plan 1_1250 (February 2023)
 - 1116_02 – General Layout Plan (Rev. 10)
 - 1116_03 – LEME Plan (June 2023)
 - 1116_03A – LEME Plan (Detail 1) (June 2023)
 - 1116_03B – LEME Plan (Detail 2) (June 2023)
 - 1116_04 – Panel Elevations and Mounting Structure Details (Rev. 01)
 - 1116_05 – Transformer Cabin (Rev. 01)
 - 1116_06 – Grid Connection Cabin – DNO Substation (Rev. 01)
 - 1116_07 – Control Room – Customer Substation (Rev. 01)
 - 1116_08 – Gate and Fence Detail (Rev. 01)
 - 1116_09 – Access Tracks (Rev. 01)
 - 1116_10 – CCTV Detail (Rev. 01)
 - 1116_11 – Storeroom (Rev. 01)
 - PLS-1057 – Topographical Survey

unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the permission

3. The Applicant is to inform the Local Planning Authority of the date upon which works commence to implement the approval, no less than two weeks prior to that date. From that date the permission is for (a) one year to establish the site followed by (b) no more than forty years of operation and (c) one year to remove the approved infrastructure and return the site to its state prior to development commencing.
4. Reason: To define the permission
5. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of:
 - a) the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.
 - b) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under part (a).
 - c) The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under part and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured."

Reason: Reason: To enable potential archaeological remains and features to be adequately recorded, in the interests of the cultural heritage of the Borough in accordance with Policy EN6 Protecting the Historic Environment of the Tamworth Local Plan 2006-2031.

6. Prior to the commencement of development (including demolition, ground works, vegetation clearance) a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - Risk assessment of potentially damaging construction activities, particularly stored materials and erosion / soil run-off that may affect the river Anker or any ponds.
 - Identification of "biodiversity protection zones".
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to birds, badgers, reptiles, otters, water voles, and hedgehogs during construction (may be provided as a set of method statements).
 - The location and timing of sensitive works to avoid harm to biodiversity features.
 - The times during construction when specialist ecologists need to be present on site to oversee works.
 - Responsible persons and lines of communication.
 - The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and to secure an overall biodiversity gain. in accordance with policy EN4 Protecting and Enhancing Biodiversity of the Tamworth Local Plan 2006-2031.

7. Prior to the commencement of development, a fully detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
- Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015).
 - Sustainable Drainage Systems designed and implemented in full concordance with the Staffordshire County Council (SCC), SuDS Handbook.
 - Provision of evidence of compliance with the principles of the drainage hierarchy, as described in Part H of the Building Regulations. Satisfactory evidence of fully compliant infiltration testing in full accordance with BRE 365 best practice guidance, to confirm or not as to the viability of infiltration as a means of surface water discharge.
 - SuDs designed to provide satisfactory water quality treatment, in accordance with the CIRA C753 SuDS Manual Simple Index Approach and SuDs treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff.
 - Limiting any off-site conveyance of surface water discharge from the site to the equivalent greenfield rates generated by all equivalent rainfall events up to 100 years plus (40%) climate change in accordance with the guidance in the SCC SuDs Handbook. Provision of appropriate surface water runoff attenuation storage to manage all surface water discharge on site.
 - Detailed design (plans, network details and full hydraulic modelling calculations), in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include, as a minimum, the 1:1 year, 1:2 year, 1:30 year, 1:100 year and the 1:100-year plus (40%) climate change return periods.
 - Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.
 - Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained for the lifetime of the development. To include the name and contact details of the party(/ies) or body(/ies) responsible.

The development shall thereafter proceed in accordance with the approved details.

Reason: To reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development in accordance with Policy SU4 Flood Risk and Water Management of the Tamworth Local Plan 2006-2031.

8. Prior to the commencement of development on land which is a public right of way (Footpath Tamworth 109), a management plan for the continued operation of public rights of way by means of diverted route or means of separating pedestrians and construction traffic including details of signage at locations where the internal access road crosses Footpath Tamworth 109 shall be submitted to, and approved in writing, by the Local Planning Authority.

Reason: To ensure safe and suitable access for all Footpath users, in the interests of highway safety and in accordance with Policy SU2 Sustainable transport of the Tamworth Local Plan 2006-2031.

9. Prior to the commencement of development, a construction management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to times of construction activity including site machinery or plant operation. No construction activities shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 8am-6pm Monday to Friday and 8am-12pm Saturday and not at any time on Sundays, Bank or Public Holidays. Should piling be required during construction, such operations will be limited to 09:00 - 16:00, Mon - Fri., with no piling operations on Saturdays, Sundays, or Bank holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031.

10. Prior to operational commissioning of the development, an Ecology and Landscape Mitigation and Management Plan (ELMMP) to include ecological monitoring with annual reporting during the first five years and subsequently 5-year reporting to the LPA shall be submitted to, and be approved in writing by, the local planning authority. The content of the ELMMP shall include the following.
- Description and evaluation of features to be managed.
 - Ecological trends and constraints on site that might influence management.
 - Aims and objectives of management.
 - Appropriate management options for achieving aims and objectives.
 - Prescriptions for management actions.
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - Details of the body or organization responsible for implementation of the plan.
 - Ongoing monitoring and remedial measures.

The ELMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the ELMMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

11. Prior to installation of solar panels, applicant to submit evidence of establishment of soil cover (cover crop or grassland)
Submission of boundary fence details that include gaps of minimum 130mm square at ground level at least every 200m running length or that do not seal to the ground at all between posts with a 120mm gap from fence base to ground.

Reason: To safeguard the long-term biodiversity of the area and its landscape, in accordance with policy EN4 Protecting and Enhancing Biodiversity of the Tamworth Local Plan 2006-2031.

12. The applicant and developer are to ensure that adequate and satisfactory provision for the management and control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.

Reason: To reduce the risk of surface water flooding to the development and surrounding properties during construction in accordance with Policy SU4 Flood Risk and Water Management of the Tamworth Local Plan 2006-2031.

13. Before the proposed development commences on land which is a public right of way (Footpath Tamworth 109), a diverted route or means of separating pedestrians and construction traffic shall be provided in accordance with details to be first submitted to, and approved in writing, by the Local Planning Authority.

14. Before the proposed development commences details of signage at locations where the internal access road crosses Footpath Tamworth 109 shall be submitted to, and approved in writing, by the Local Planning Authority.

15. Before the installation works are completed details of revisions to downgrade the access from installation phase specification to a monitoring phase specification shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter completed in accordance with the approved drawings within 3 months of the completion of the installation phase.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety and in accordance with Policy SU2 Sustainable Transport of the Tamworth Local Plan 2006-2031.

16. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Land to the east of Amington Hall Farm: Impact Plan for great crested newt District Licensing (Version 2)", dated 30th August 2023.

Reason: To ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005, the Natural Environment and Rural Communities Act 2006 and Policy EN4 Protecting and Enhancing Biodiversity of the Tamworth Local Plan 2006-2031.

17. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: To adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006 and Policy EN4 Protecting and Enhancing Biodiversity of the Tamworth Local Plan 2006-2031.

18. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence') and in addition in compliance with the following: Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

Reason: To ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005, the Natural Environment and Rural Communities Act 2006 and Policy EN4 Protecting and Enhancing Biodiversity of the Tamworth Local Plan 2006-2031.

19. Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development). Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: To ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005, the Natural Environment and Rural Communities Act 2006 and Policy EN4 Protecting and Enhancing Biodiversity of the Tamworth Local Plan 2006-2031.

20. Prior to decommissioning the site, a plan is to be submitted to and approved by the Local Planning Authority, setting out the decommissioning process including site access, removal of materials and means of recycling of all relevant materials, methods of soil remediation and improvement where necessary and landscaping work to return the site to its existing condition, save for improvements to hedgerows and existing planting undertaken as part of the scheme of development.

Reason: To safeguard the long-term biodiversity of the area, soil structure of the site and its landscape, in accordance with policy EN4 Protecting and Enhancing Biodiversity of the Tamworth Local Plan 2006-2031.

Notes to applicant

It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority.)