ALYN NICHOLLS
CHARTERED TOWN PLANNER

PLANNING ACT 2008

APPLICATION FOR A DEVELOPMENT CONSENT ORDER

GREEN HILL SOLAR LIMITED
THE PROPOSED GREEN HILL SOLAR FARM

STOP GREEN HILL SOLAR

WRITTEN REPRESENTATIONS

NOVEMBER 2025

PINS REF: EN010170
INTERESTED PARTY NO. F976CF520
DOCUMENT NO: SGHS/AKN.1

[redacted]

T: [redacted]
M: [redacted]
www.alynnicholls.com
[redacted]

ALYN NICHOLLS
CHARTERED TOWN PLANNER

[redacted]

[redacted]
www.alynnicholls.com
[redacted]

CONTENTS

Continued over.

ALYN NICHOLLS BA (HONS) MRTPI
STATEMENT OF EXPERIENCE

My name is [redacted] I hold a Bachelor of Arts Honours Degree in Urban and Regional Planning and I am a Member of the Royal Town Planning Institute.

I have 45 years' experience practising as a Chartered Town Planner and for the last 35 years this has been as principal of my own practice. My clients include landowners, developers, local planning authorities and others. The range of work has embraced all forms of development dealing with the widest range of planning issues, including renewable energy projects. My work has involved development management, planning policy formulation and enforcement.

I have been instructed by Stop Green Hill Solar to prepare and compile these representations.

1. INTRODUCTION

1.1. These representations set out the case of Stop Greenhill Solar against the application for a Development Consent Order ("DCO"), for the development of what is called Green Hill Solar Farm; but is more accurately and appropriately describedas an "industrial installation for the production of electricity" [1].

1.2. Principal Matters identified by the Examining Authority ("the ExA") are identified in Appendix C to the Rule 6 Letter. These representations focus on these matters. However, they also raise additional matters when appropriate within each topic heading. They also consider the proposals for battery energy storage system ("the BESS") as a separate matter.

1.3. The approach under each topic is to identify and summarise relevant policy, then set out the particular matters and concerns which have been identified and other additional matters which are considered to be relevant. When justified it will identify shortcomings in the Application. It will then address the merits of the proposal before setting out a short summary.

Overview

1.4. The proposal is essentially for the development of eight sites to provide solar arrays and related plant, plus additional land for one or more BESS") connected separately to each of the eight sites. The total combined area of the nine Sites is approximately 1,200 hectares[2]. Including the corridor routes which are required for cabling to link the various sites the total area is about 1,325 hectares[3].

1.5. Each of the eight sites within the scheme includes solar arrays, and necessary infrastructure such as inverters and substations[4]. Each site would generate more than 5 MW of electricity[5]. Each site would be linked separately by cables to Grendon substation. The proposal may therefore be seen as applications for 8 DCOs. The Landscape Visual Impact Assessment ("LVIA") forming part of the Application that

[1] See the Infrastructure Planning (Environmental Impact Assessment) Regulations, Schedule 2 paragraph 3
[2] APP-041 ES Chapter 4, paragraph 4.2.3.
[3] APP-057 ES Chapter 20, paragraph 20.6.7.
[4] APP/041 ES Chapter 4, paragraph 4.2.16: Green Hill A (173.7 ha); Green Hill A.2 (65.2 ha); Green Hill B (64.7 ha); Green Hill C (56.4 ha); Green Hill D (42 ha); Green Hill E (308.6 ha); Green Hill F (275.8 ha); and Green Hill G (170.9 ha).
[5] No specific figure for each site has been found in the documents. It is noted that The NPS EN-1 advises that: "Along with associated infrastructure, a solar farm requires between 2 to 4 acres for each MW of output." (paragraph 2.10.17). The consequence is that each site would fall within the criterion for a DCO.

the proposal has a "disassociated nature"[6]. Significantly, most of the sites are not located close to the point of connection to the national grid.

1.6. The Applicant states that a viable grid connection was instrumental in defining the search area[7]. In this regard reference is made expressly to NPS EN-3 paragraph 2.10.25 which say that; "applicants may choose a site based on **nearby** available grid export capacity"[8].

1.7. The search area has not been restricted to sites near to the proposed point of connection at Grendon substation ("the POC"): instead the search area has been extended "until sufficient options for the land required for the Scheme were identified with willing landowners within a 20 kilometre radius"[9]. It cannot be said that sites up to 20 km radius away from the POC are "near" to the POC.

1.8. It is evident, moreover, that the focus of the site selection process was on large-scale landownerships with potentially willing landowners[10]. It is not explained how either is a relevant planning consideration. It appears to be concerned, respectively, with the convenience of the promoter and the financial interests of a landowner, not with good planning in the public interest.

1.9. Although it has been claimed that the proposal follows a landscape-led design[11], the site search clearly has not followed such an approach.

1.10. Moreover, since as a matter of national policy, a nationally significant low carbon infrastructure is a critical national priority, in principle a compelling case in the public interest for a Compulsory Purchase Order could well be made if required. As long as reasonable efforts have been made by the acquiring authority to negotiate the purchase of land by agreement, there is no policy objection to the use of compulsory purchase powers. Consequently, the claim by the Applicant that the avoidance of the use of compulsory acquisition powers aligns with guidance[12] is based on a false assumption. The site selection process is flawed.

6 APP/GH6.2.8, ES, Chapter 8 : LVIA, paragraph 8.9.3
7 APP/042, ES, Chapter 5: Alternatives and Design Evolution, paragraph 5.6.1.
8 *Ibid*, paragraph 5.2.17 and paragraph 5.6.2.
9 APP/GH6.3.5.1, ES, Appendix 5.1: Site Selection Assessment, paragraph 2.1.10
10 *Ibid*
11 See APP-560 and the presentation by the Applicant at ISH-1 under agenda item 3.2.
12 APP/GH6.3.5.1, ES, Appendix 5.1: Site Selection Assessment, paragraph 2.2.25

1.11. The Applicant has not considered any alternative grid connection points for this scheme[13]. There is no evidence therefore that there are no alternative grid connection points exist that are nearer to the chosen sites (or any other land within the search area).

1.12. The following section addresses the site selection and design process in more detail.

[13] This is stated explicitly at paragraph 5.6.3 of APP/042, ES, Chapter 5: Alternatives and Design Evolution

2. SITE SELECTION AND DESIGN

2.1. The overview of the Application has explained that the site selection process has been unapologetically driven by land ownership interests. This section sets out policy and guidance and assesses the acceptability of the design choices and parameters which have been made relating to, but not limited to, the layout, design and scale of the proposed solar panels and related infrastructure including the cable corridors. Site selection is important to the design of a proposal.

Policy

2.2. The most important policies are the following:

National Policy Statements indicate the following:

- To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity, applicants may choose a site based on nearby available grid export capacity[14];

- Consideration should be given to the cumulative impacts of situating a solar farm in proximity to other energy generating stations and infrastructure[15];

- Land type is not a predominating factor in determining the suitability of the site location. Priority should be given to the use of previously developed land, brownfield land, contaminated land and industrial land. If any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of BMV agricultural land where possible[16]. Whilst development on BMV land is not prohibited, applicants are required to justify why land of a lower quality is not available[17];

- That access for construction traffic can be a significant consideration for solar farm siting[18];

[14] NPS EN-3 (April 2025), paragraph 2.10.17
[15] *Ibid,* paragraph 2.10.18
[16] *Ibid,* paragraph 2.10.21
[17] *Ibid*, paragraphs 2.10.22 and 2.10.23
[18] *Ibid*, paragraph 2.10.28

- That the consideration of alternative sites should be undertaken on a proportionate basis, and that only alternatives that can meet the need the objectives of the proposed development need to be considered[19].

The Planning Practice Guidance ("the PPG") provides advice as follows for the development of renewable energy projects[20]:

- That the need for development does not automatically override environmental policies;
- Cumulative impact require particular attention especially given the impact that large scale solar farms can have on the landscape;
- local topography is an important factor in assessing whether large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly areas;
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting
- protecting local amenity is an important consideration which should be given proper weight in planning decisions

The PPG also states specifically in relation to solar development that[21]:

- Preference should be given to the use of previously developed land. If the use of any agricultural land has to be shown to be necessary; development should be directed to poorer quality agricultural land;
- Consideration should be given to visual impacts including the effect on landscape of glint and glare, on neighbouring uses and aircraft safety;
- That "great care" should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. A large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;

Policy within the **National Planning Policy Framework** ("the NPPF") is also relevant to site selection and design. In short, the most relevant policy in the

[19] EN-1 paragraph 4.2.21
[20] PPG paragraph: 007 Reference ID: 5-007-20140306
[21] *Ibid*, paragraph: 013 Reference ID: 5-013-20150327

context of site selection is to direct development to areas of lower flood risk[22]; to direct development to previously developed and to safeguard BMV land where land of a lower quality is available[23]; and to safeguard heritage assets and their setting. Irrespective of whether harm is substantial harm, total loss or less than substantial harm to its significance, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance[24].

The most important **Development Plan** policies relevant to site selection and design are as follows:

- **North Northamptonshire Joint Core Strategy (2016)**:
  Policy 8: North Northamptonshire Place Shaping Principles, which requires development to, inter alia, create a distinctive local character by responding to the site's immediate and wider context and local character and by responding to the local topography and the overall form, character and landscape setting. This policy also requires development to protect amenity; avoid pollution; corporate ecologically sensitive design; and incorporate community and fire safety measures.
  Policy 26: Renewable and Low Carbon Energy, which supports sensitively located renewable energy schemes subject to meeting nine criteria. These include minimising impact on the landscape; the siting of development to avoid harm to heritage assets and the amenity of other uses; avoiding an adverse impact on highway capacity and safety; the mitigation of any adverse impacts arising from construction and decommissioning of a scheme; avoiding significant adverse cumulative visual impacts; the retention and enhancement of biodiversity; and avoiding the BMV agricultural land.

- **West Northamptonshire Joint Core Strategy (Part 1) (2014):**
  Objective 1: Climate Change and ***Policy S11: Low Carbon and Renewable Energy***. Objective 1 supports the development of renewable energy projects in appropriate locations. Policy S11

[22] NPPF, Chapter 14, paragraphs 170 to 179 and particularly paragraphs 174 and 177.
[23] *Ibid,* Chapter 15. particularly footnote 65.
[24] *Ibid,* Chapter 16, paragraphs 207 to 2017 and particularly paragraphs 214, 215 and 216.

states that, inter alia, that development should be sensitively located and designed to minimise potential adverse impacts[25].

Policy BN8 - The River Nene Strategic River Corridor: which states that the natural and cultural environment of the Nene corridor, including its tributaries, will be enhanced and protected in light of its importance to, inter alia, the area's landscape.

- **South Northamptonshire Local Plan Part 2 (2020):**

  The Vision for South Northamptonshire states that the vitality of the rural areas will be maintained or enhanced with villages set in attractive, open countryside. ***Objective 9*** refers to the protection of the setting and separate identity of settlements by avoiding their coalescence and retaining the openness and character of the land around them.

  Policy SS2: General Development and Design Principles: which supports development which, inter alia, adopts a design-led approach, to demonstrate compatibility and integration with its surroundings and the distinctive character of the area; it promotes a good standard of amenity and supports development that would not result in harmful impacts. It states that development should not result in the loss of best and most versatile agricultural land.

  Policy NE2: Special Landscape Areas[26]: which states that development should avoid harmful impacts on the character and appearance of the area

- **Daventry Local Plan (2020)**

  Policy ENV9: Renewable Energy and Low Carbon Development which supports development when, inter alia, would not have an adverse impact on the setting of an existing settlement or the landscape including the cumulative impact with existing or approved renewable energy development.

- **Milton Keynes Plan:MK:**

  Policy SC3: Low Carbon and Renewable Energy Generation which states support for renewable energy schemes subject to

[25] Paragraph 5.106 states that impact on the landscape will be assessed when considering planning applications for low carbon and renewable energy,

[26] Part of the cable route and the construction compound are situated within the Castle Ashby and Yardley Chase Special Landscape Area.

no unacceptable landscape and visual impacts, including cumulative impacts.

2.3. Chapter 5 of the Environmental Statement ("the ES"), "Alternatives and Design Evolution", set out the approach to site selection and design. In summary:

a. The starting point was the availability of a connection to the grid at Grendon substation. No alternative connection points were considered[27];

b. The scale of development (circa 1,000 hectares) is governed by the requirement to generate 500MW to satisfy the offer made by NESO[28]

c. The site search was based on the presence of willing landowners[29]

2.4. It should be noted at this stage that no planning considerations whatsoever were taken into account to define the location of development of the scale of the project. The three factors were the availability of a connection, a requirement to supply the grid with 500 MW and willing landowners.

2.5. The second stage was to filter out land unsuitable because of topography; to avoid designated sites such as the RAMSAR and SPA as well as SSSIs etc; to avoid the use of BMV where possible; and avoid proximity to human receptors[30]. Whilst reference is made to seeking to avoid BMV land, as will be explained later, the Application is singularly unsuccessful.

2.6. As a single large site was not available to accommodate the scale of development required, the search was made for a series of smaller sites. Stage 3 involved the identification of potential development areas ("PDAs")[31] Two were identified and bother were subsequently dismissed as being suitable in stage 4 of the exercise. Stage 5 involved widening the search to consider BMV agricultural land[32].

[27] ES Chapter 5: Alternatives and design Evolution, APP/GH6.25, paragraphs 5.6.2 and 5.6.3

[28] *Ibid*, paragraph 5.6.3. However, it must be noted that the Applicant does not propose a limit on the generating capacity of the Scheme in the DCO Application, as the environmental impacts of the Scheme are determined by the relevant design parameters rather than the capacity (APP/041 ES Chapter 4: Scheme Description, paragraph 4.4.6)

[29] ES Chapter 5: Alternatives and design Evolution, APP/GH6. 25,, paragraph 5.6.6

[30] *Ibid*, paragraphs 5.6.10 to 5.6.13, including Table 5.3: Planning and Environmental Constraints Considerations.

[31] PDA One: Yardley Hastings to Olney and PDA two: Higham Ferrers to Bedford.

[32] ES Chapter 5: Alternatives and design Evolution, APP/GH6.25, paragraph 5.6.28 onwards.

2.7. Stage one of the site selection process underpins the whole exercise of determining the scope of this application and notwithstanding further shifting and filtering that has been undertaken. It is unapologetically identified as the availability of willing landowners with large sites of sufficient scale to meet a commitment to connect to the Grendon substation.

2.8. Further, the site search appears also to have identified and included in the Application far more land than is necessary. As the Application acknowledges:

> *"...The Applicant does not propose a limit on the generating capacity of the Scheme in the DCO Application, as the environmental impacts of the Scheme are determined by the relevant design parameters rather than the capacity."*[33]

2.9. It thus appears that more than 500MW could be generated by this proposal. The proposed land area included in the Application would therefore be more than is needed to generate 500MW.

[33] APP/GH6.2.4, ES Chapter 4: Scheme Description, paragraph 4.4.6

3. ECOLOGY AND BIODIVERSITY

3.1. The significance of ecology and biodiversity to the proposed development is particularly important because the scheme abuts a designated RAMSAR site[34], it traverses the River Nene and the designated Nene Valley Nature Improvement Area ("NIA")[35] and adjoins the Upper Nene Valley Gravel Pits Special Protection Area (SPA)[36].

3.2. The Principal Matters identified in the Rule 6 letter are the following:

- Adequacy of assessments[37];
- Effects on protected species;
- Effects on other locally present species;
- Effects on statutory and locally designated sites, including those subject to European site designations;
- Effects on woodland, trees and hedgerows;
- The extent to which the proposed development would deliver environmental and biodiversity enhancements; and
- The effectiveness of proposed mitigation measures.

Policy

3.3. The most important policies are the following:

- Section 4 of ***NPS EN-1*** sets out considerations for addressing the impact of proposals on ecology and biodiversity. ***NPS EN-3*** identifies the issues that may need to be addressed for solar developments as including habitats, ground nesting birds, wintering and migratory birds, bats, dormice, reptiles, great crested newts, water voles and badgers[38]. In designing a scheme the objective are to ensure that adverse impacts are avoided, minimised or mitigated in line with the mitigation hierarchy, and biodiversity enhancements are maximised[39].

[34] The RAMSAR designation is the classification of a wetland as being of "international importance" under the Convention on Wetlands. This designation takes its name from the city of Ramsar in Iran where the convention was signed.

[35] The Nene Valley Nature Improvement Area was designated by Government in 2012.

[36] A Special Protection Area (SPA) is a protected area designated to conserve rare, vulnerable, or migratory bird species of European importance, established under the EU Birds Directive and implemented through national legislation in the UK.

[37] As expressed in the Rule 6 Letter, the adequacy of assessments and the effectiveness of proposed mitigation measure is one matter (the eighth and final point listed). However, for the purposes of this analysis it has been split into two points, dealing with the adequacy of the assessments first.

[38] NPS EN-3 paragraph 2.10.69.

[39] *Ibid*, paragraph 2.10.70.

- ***NPPF Chapter 15: Conserving and Enhancing the Natural Environment*** say that decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing sites of biodiversity and by minimising impacts on and providing net gains for biodiversity[40]. When determining applications the following principles should be applied[41]:
    - Permission should be refused if harm cannot be avoided, mitigated or compensated for;
    - Permission should not be granted if there would be an adverse effect of a Site of Special Scientific Interest. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts;
    - development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons;
    - The conservation or enhancement of biodiversity should be supported and incorporated into the design of development.

- The most important **Development Plan** policies relevant to landscape and visual impact are as follows:

    - **North Northamptonshire Joint Core Strategy (2016)**:

      Policy 4: Biodiversity and Geodiversity, which protects existing biodiversity assets; protecting the Upper Nene Valley Gravel Pits SPA and Ramsar Site; requiring new development to contribute to alternative green infrastructure (reference to Policy 19 in this context); and to enhance existing ecological networks with particular reference to the Nene Valley Nature Improvement Area ("NIA") and the Upper Nene Valley Gravel Pits Special Protection Area. Reference is made to the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document and the Northamptonshire Biodiversity Supplementary Planning Document.

      Policy 26: Renewable and Low Carbon Energy, as noted above, supports development which, inter alia, secures the retention

[40] NPPF paragraph 187.
[41] *Ibid*, paragraph 193

and enhancement of on-site biodiversity and supports the enlargement of, and/or connection to, existing biodiversity assets where possible.

- **West Northamptonshire Joint Core Strategy (Part 1) (2014):**

  Policy S11: Low Carbon and Renewable Energy: which states, inter alia, that development should be sensitively located and designed to minimise potential adverse impacts[42].

  Policy BN2: Biodiversity, which indicates that developments that will maintain and enhance existing assets or deliver biodiversity net gain will be supported. However it states that developments which have the potential to cause harm will be subject to an ecological assessment and be required to demonstrate methods used to conserve biodiversity in design, construction and operation; the enhancement and creation of habitats; and how designated sites. Protected species and priority habitats will be safeguarded. It also adds that decisions will reflect the hierarchy of designations, attaching appropriate weight accordingly.

  Policy BN3: Woodland Enhancement and Creation, which supports measures to create new woodland. It also protects aged or veteran trees outside ancient woodlands and that further fragmentation or a loss of ancient woodland, aged and veteran trees will not be permitted unless the need for, and benefits of, the development clearly outweigh the loss.

  Policy BN8 - The River Nene Strategic River Corridor: which states that the natural and cultural environment of the Nene corridor, including its tributaries, will be enhanced and protected in light of its importance to, inter alia, the area's...

- **South Northamptonshire Local Plan Part 2 (2020):**

  Policy SS2: General Development and Design Principles, which supports development which, inter alia, shows a detailed consideration of ecological impacts, wildlife mitigation and the creation, restoration and enhancement of wildlife corridors to preserve and enhance biodiversity. It also states that development should not adversely affect sites of nature conservation value;

[42] Paragraph 5.106 states that impact on the landscape will be assessed when considering planning applications for low carbon and renewable energy,

Policy NE1: Upper Nene Gravel Pits Special Protection Area[43]: which requires development to demonstrate there will be no significant adverse effect on the SPA and the species for which the land is designated including the loss of supporting habitat. Reference is made to potential harm arising from water run-off or discharges.

- **Daventry Local Plan (2020)**

  Policy ENV5: Biodiversity, which gives protection to sites of national importance; for sites of local importance it states that the loss or deterioration of such sites or habitats that are irreplaceable will not be supported unless the need for and benefits of the development in that location clearly outweigh the loss.

  Policy ENV9: Renewable Energy and Low Carbon Development which supports development when, inter alia, would not have an adverse impact on biodiversity and ecology.

- **Milton Keynes Plan:MK:**

  Policy NE1: Protection of Sites, Sets out a hierarchy of designations with sites of international significance[44] at the top where development causing harm will not be approved unless there is no alternative; the next tier is National Nature and SSSIs where there is a presumption against development unless the benefits of development are clearly outweighed by the harm; and then sites of local significance where a balance must be struck between the benefits of development against any harm.

  Policy SC3: Low Carbon and Renewable Energy Generation which states support for renewable energy schemes subject to no significant harm to wildlife or habitats.

3.4. The greatest potential for conflict arises where the proposal crosses the Nene and the NIA, where it adjoins the Ramsar site (the proposed BESS site at Grendon) and where it lies close to the SPA (Sites E to the north and F to the south are the closest). The designated areas comprise a chain of former gravel pits and adjoining land in the Nene valley and are just downstream of the proposed BESS site at Grendon. The designated areas hosts major overwintering bird assemblages. There are groups of

[43] Whilst no development is proposed on the Upper Nene Valley Pits Special Protection Area ("SPA"), the BESS adjacent to the Grendon sub-station is close to the SPA

[44] These include the RAMSAR and SPA designations.

wildfowl and wading birds including bittern, gadwall, golden plover and lapwing. These species do not just use the RAMSAR site and the SPA. Land within 10 kilometres of the designated land it can be functionally linked. This Functionally Linked Land (FLL) is used for feeding and foraging, most notably by golden plover and lapwing. With the exception of Sites A and A2 which are beyond 10 kilometres away, the proposal falls within this threshold[45]. The Assessment acknowledges that golden plover and lapwing tend to disperse widely from the SPA for foraging and thus are most at risk of impacts from loss of surrounding land[46]. Wintering bird surveys have been undertaken and provide evidence of use of sites by golden plover and lapwing[47]. However, the two full surveys have not been completed at Sites F and G and the presence of both golden plover and lapwing is noted on these two areas. The Assessment concludes that during construction, there is the potential for a significant adverse effect on the populations of golden plover and lapwing associated with the SPA. This would be significant at an International level given the SPA's designation[48].

3.5. Risk during the operation phase arises from the potential of a battery fire at Site C and BESS with a subsequent discharge of chemicals into adjacent watercourses[49]. It is maintained that with mitigation, which it is asserted is designed into the scheme, it is concluded there would be no significant adverse effects[50]. The issue of safety is addressed later.

3.6. Document SGHS/Ec.1 is a note addressing the potential impacts on ecology arising from the Application. This addresses the following:

- Evidence of pollution arising from the Llanwern Solar Farm on the Gwent Levels and includes a letter from Gwent Wildlife Trust and Friends of the Gwent Levels to the Welsh Minister for Climate Change. This concerns results of post-construction monitoring which demonstrates pollution and biodiversity loss;

- Significant other risks to RAMSAR/SPA wildlife arising from drainage from the development towards and into the River Nene;

- Effects on flora as evidenced by experience at the Gwent Levels;

[45] APP/GH6.2.9, ES Chapter 9: Ecology and Biodiversity, paragraph 9.6.5.
[46] *Ibid.*
[47] *Ibid*, paragraph 9.9.6
[48] *Ibid*, paragraph 9.9.7
[49] *Ibid* 9.9.16
[50] *Ibid*, paragraph 9.9.19.

- Effects on bat populations including evidence from a study by Bristol University which demonstrates that bat activity was significantly affected by solar installations.

- Effects on skylarks, lapwing and other ground-nesting birds.

- Effects on other birds;

- Significant gaps in the survey data relating to areas of the site which the potential for high biodiversity value and with potential for adverse ecological impacts;

- There is no consideration of the 'heat island' effect of solar arrays on biodiversity;

3.7. The attached note refers to the Local Nature Recovery Strategy produced by North Northamptonshire Council (2025). Practical Actions within the Strategy include the following:

- 009A: Increase area of land managed for priority birds, including Lapwing and Golden Plover across suitable habitat within 10km of the Upper Nene Valley Gravel Pits

- 009B: Within those already identified and mapped areas of suitable habitat for Lapwing and Golden Plover, the land will be principally managed to support these qualifying species. (identified and mapped areas based on evidence of bird record locations and habitat types, this does not preclude other areas that may need to be surveyed further).

Conclusions on Ecology and Biodiversity

3.8. The proposal is adjacent to the RAMSAR and SPA designations which have international significance. The policy context is that adverse impacts on ecology and biodiversity should be mitigated. Reference is made to evidence of harm arising for pollution attributed to solar farm development at the Gwent Levels. However, the Gwent Levels do not have the international significance that applies to the RAMSAR and SPA.

3.9. There are gaps in the ecological surveys. Given the sensitivity of the location from an ecology perspective because of RAMSAR site and the SPA, an inadequate

information base and a baseline which relies on assumptions is inadequate to be able to responsibly predict the potential impacts and determine what mitigation is necessary, or indeed whether satisfactory mitigation is achievable.

3.10. There is clear evidence that the proposal falls within the FFL for the RAMSAR/SPA and the scheme has the potential to harm lapwing, skylark and other important ground nesting birds. The area of the site is important for bats with some areas having greater significance. There is the potential for harm to the bat population on various parts of the site, but there is an incomplete evidence base. There is a risk of pollution arising from drainage from the development into the River Nene and also potential arising from any incident at the BESS.

3.11. Overall having regard to the Principal Matters raised in the Rule 6 letter:

- The baseline data is not complete and as a consequence the degree of confidence in the adequacy of assessments must be low. This is not acceptable in a location adjacent to a site which is internationally important for biodiversity;

- The effects of species (protected and otherwise) cannot be assessed with reliability because of the gaps in the baseline data;

- The effects on the RAMSAR site and SPA are potentially damaging through harm to overwintering and breeding birds; bats and the risk of pollutants;

- The potential environmental and biodiversity enhancements must be considered in the context of the potential harms; and

- The effectiveness of proposed mitigation measures cannot be properly assessed because of the gaps in the base data.

4. FLOOD RISK AND DRAINAGE

4.1. Flooding is a particular issue in the Nene Valley and its tributaries. The Application raises questions of whether the proposal is compliant with policy for flood risk; the implications of the high risk of flooding for the operation of the development and BESS in particular; consequences arising from the propensity for flooding to impact on construction and maintenance of the development and the risks of pollution arising from the operation of the solar farm or from any incident should it arise.

4.2. The sensitivity of the location adjacent to the RAMSAR/SPA designations has been addressed in the previous section of this report dealing with ecology and biodiversity. There is evidence from the Gwent Levels about the potential for pollution.

4.3. The Principal Matters identified which are relevant to flood risk and drainage are the following:

- Effects on flood risk and drainage during construction, operation and decommissioning.

- Adequacy of assessments and suitability and effectiveness of proposed mitigation measures.

Environment Agency Flood Maps

4.4. The Environment Agency Flood Maps were updated in April 2025. The site of the proposed BESS adjoins Grendon electricity sub-station. Land immediately to the north and west of the substation is liable to flood. On the Gov.UK Flood Map for Planning, land to the north and west falls within flood zones 2 and 3. The BESS 2 site falls within this area. This is acknowledged in the flood risk assessment forming part of the Application[51]. Part of Site G falls within flood zone 3.

4.5. Land adjoining the watercourses in and adjacent to Site F also falls with flood zone 3.

Policy

4.6. The most important policies are the following:

[51] APP/GH6.3.10.11: ES Appendix 10.11: Flood Risk Assessment and Drainage Strategy Annex J: Green Hill BESS, Paragraph 2.2.1 and Figure 7.

- **NPS EN-1** which states that new energy infrastructure is, exceptionally, necessary in flood risk areas when there is no reasonably available site with a lower risk[52]. The Sequential Test should be applied and if no suitable alternative site is available in a sequentially preferable location, the Exception Test will apply[53]. There is a requirement that a scheme is designed and constructed to remain safe and operational during its lifetime, without increasing flood risk elsewhere[54].

- **NPPF Chapter 14: Meeting the challenge of climate change, flooding and coastal change**, sets out the Government's objective to direct development to the lowest risk of flooding..

- The most important **Development Plan** policies relevant to landscape and visual impact are as follows:

  - **North Northamptonshire Joint Core Strategy (2016)**:
    Policy 5: Water Environment, Resources and Flood Risk Management, which requires development to contribute to a reduction in the risk of flooding and to the protection and improvement of the quality of the water environment. It also states that development should avoided in high and medium flood risk areas through the application of a sequential approach considering all forms of flooding for the identification of sites and also the layout of development within site. It also states that development that, following mitigation, would compromise the ability of a water body or underlying groundwater to meet good status standards in the Anglian River Basin Management Plan is unlikely to be permitted.

  - **West Northamptonshire Joint Core Strategy (Part 1) (2014):**
    Policy BN7: Flood Risk, which requires development to comply with National Policy and the West Northamptonshire Strategic Flood Risk Assessment to assess development proposals.

  - **South Northamptonshire Local Plan Part 2 (2020):**
    Policy SS2: General Development and Design Principles: which supports development which, inter alia, incorporates mitigation

[52] NPS EN-1, paragraph 5.8.7
[53] *Ibid,* paragraph 5.8.9
[54] *Ibid*, EN-1, paragraph 5.8.36

identified through an assessment of flood risk and the management requirements to address current and future risks incorporating the required climate change allowances;

- **Daventry Local Plan (2020)**
  Policy ENV11: Local Flood Risk Management, which refers to a need to justify proposals by way of a sequential assessment and the Exception Test when necessary. Reference is also made to the Northamptonshire Flood Risk Management Strategy.

- **Milton Keynes Plan:MK:**
  Policy FR1: Managing Flood Risk, which aims to steer development towards areas with the lowest risk of flooding and, inter alia, demonstrate that the benefits of the development to the community, outweigh the risk of flooding when applying the sequential test and exception test.

4.7. The themes in relevant policies relating flood risk are that development should be directed to areas with the lowest flood risk; that new energy infrastructure may be acceptable in areas liable to flood but it must satisfy the Sequential and Exception Tests. The issues in this case are the risk of the BESS site flooding and the potential consequences if it does, and the potential impacts of flooding on the construction, operation and decommissioning of the development.

4.8. NPPF categorises installations requiring hazardous substances consent as Highly Vulnerable[55]. This excludes where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or waterside locations or need to be located in other high flood risk areas, in these instances the facilities should be classified as 'Essential Infrastructure'. These circumstances do not apply to the BESS site.

4.9. There is no demonstrable need to site the BESS at Grendon given that the Applicant has not considered whether there is an alternative point of connection (and concluded that there is not).

[55] NPPF, Annex 3: Flood Risk Vulnerability Classification.

4.10. The Sequential Test and Exception Test are referred to in Section 6 of the Flood Risk and Drainage Strategy[56]. This refers to the Site Selection Report[57] which assesses the Site against other Potential Development Areas and it states that the Sequential Test has been considered against each individual site forming part of the scheme[58]. For the BESS site, reference is made to Annex J[59] which it says addresses the Sequential and Exception Tests. However, there is no reference to the Sequential Test nor the Exception Test within Annex J.

4.11. Section 5 of Appendix B of the Planning Statement sets out the Sequential Test. However, this relies on the assessment of alternative sites and site selection assessment[60] . The site selection process has been discussed earlier in this report. The exercise which has been undertaken considers the scheme as a whole. There is no consideration of disaggregation and whether the development, or something similar, could be accommodated on a number of smaller sites. Of course, that would be counter to the approach the Applicant has taken in seeking only large sites with landowners willing to sell. However, there is absolutely no policy justification for that approach. Irrespective, bearing in mind that the BESS site is the only area where there is a significant risk of flooding, no consideration has been given to whether there is a suitable alternative site available or indeed a different connection point to the national grid.

4.12. The application of the Sequential Test has been addressed in ***Mead Realisations Limited V SSHCLG {2024} EWHC 279 (Admin***)[61] ("***Mead***"). It addressed a challenge to an appeal decision which refused planning permission because of a failure to satisfy the Sequential Test in respect of flood risk. The case concerned policy as it was in the NPPF (December 2021) and guidance within the PPG dated August 2022. It remains relevant[62]. The most relevant parts of the Judgement are summarised as follows:

---

[56] APP/GH6.3.10.1: ES, Appendix 10.1: Flood Risk Assessment and Drainage Strategy

[57] Appendix B of the Planning Statement (APP/GH7.15)

[58] APP/GH6.3.10.1, ES Appendix 10.1: Flood Risk Assessment and Drainage Strategy, paragraphs 6.1.1 and 6.1.2.

[59] APP/GH6.3.10.11, ES Appendix 10.1: Flood Risk Assessment and Drainage Strategy Annex J: Flood Risk Assessment and Drainage Strategy – Green Hill BESS

[60] ES Chapter 5: Alternatives and Design Evolution APP/GH6.2.5 and ES Appendix 5.1 Site Selection Assessment APP/GH6.3.5.1

[61] Document SGHS/F.1. Note that this judgement was unsuccessfully challenged in the Court of Appeal. However, the issue on appeal concerned the relationship of the NPPF and PPG, not the application of the Sequential Test. In addition, it should also be noted that policy within the PPG has changed subsequently to these judgements. However the change does not impact on the relevant point of the High Court Judgement.

[62] Paragraph 9 of ***Mead*** notes that paragraphs 174 and 175 of the current version of the NPPF is not materially different to paragraph 167 of the NPPF (2021).

- The application of the Sequential Test must be undertaken with flexibility and realism[63];

- The question of whether an alternative site is "reasonably available" is a matter of judgement; and

- A judgement is required about whether a development can be divided into a series of smaller sites to accommodate a proposal[64].

4.13. In this case the proposal actually comprises a set of individual sites. The approach to the Test in only looking at the scheme as a whole and searching for an alternative in excess of 1,000 hectares cannot be correct. Further, alternatives identified in Table 3.1: List of PDA Sites[65], are dismissed because the presence of constraints including SSSIs and heritage assets. The only constraint identified in relation to the Application is BMV agricultural land. The constraints arising from the presence of heritage assets (considered later in this report) and designated sites of international importance for ecology and biodiversity adjacent to the scheme are not acknowledged.

4.14. Consequently, the sequential assessment for flood risk, such as it is, is not adequate. It has not addressed the question of disaggregation and specifically whether the site of the Grendon BESS could be located where there is a lower risk of flooding.

Flood Risk and Access

4.15. The proposed location of the BESS, adjacent to Grendon Sub-Station, is accessed from the north and the A45 via Station Road and White Mills Marina. A bridge at White Mills Marina is where Station Road crosses the River Nene. This road is susceptible to flooding. Flooding is a regular event with the road becoming impassible. Document SGHS/Hi.3 is a schedule from North Northamptonshire Council cataloguing flooding incidents on Station Road. Since January 2024 the road has been rendered impassible because it was flooded on six occasions. The impact of climate change can be expected to increase the frequency of flood events. Disruption arising from the road being closed will impact on the routing of construction traffic. Of more concern to residents are the consequences if emergency services are unable to access the BESS site in the event of an incident.

[63] See ***Mead*** paragraphs 93-98.
[64] APP/GH6.3.5.1, ES Chapter 5: ES Appendix 5.1 Site Selection Assessment paragraphs 109 and 110.
[65] Appendix B of the Planning Statement (APP/GH7.15)

Flood Risk and the Potential for Pollution

4.16. The issue of the potential for pollution has been raised in the context of ecology and biodiversity and the presence of the RAMSAR and SPA designated areas adjacent the site[66]. The BESS element of the scheme lies the closest. There is a clear sensitivity about careful management to ensure that flooding events do not result in pollutants entering watercourses and affecting the designated sites.

Surface Water Runoff and Localised Flooding at Lavendon (Site G)

4.17. Document SGHS/F.2 is a preliminary assessment of surface water runoff and the risk of localised flooding from Site G at Lavendon although matters raised have a general application to all other sites. It provides an illustration of the particular and specific issues for drainage arising from solar panels including the concentrations of run-off, underlying soil conditions and a history of localised flooding events in Lavendon. It also provides a detailed critique of the Application.

4.18. Key points of criticism are the following:

- There are contradictory statements about the Anglian River Basin District Flood Risk Management Plan 2021 to 2027;
- In terms of evidence, precipitation records are readily available but not used, no physical survey of local geology has been undertaken. No survey of the depth of topsoil has been undertaken;
- There is an acknowledgement that impermeable area will increase with a risk of uncontrolled runoff;
- There is no evidential basis to support the assertion that effects are assessed to be negligible;
- A disassociation between what is acknowledged in terms of increased runoff and surface water flooding and the consequences this arising;
- The provision of a temporary system during decommissioning is unsatisfactory as it does not provide a permanent solution;
- The EA Flood Maps do not reflect the incidents of flooding on Site G-13. This site is not at “low risk of fluvial flooding”. Evidence indicates the risk will clearly be higher;
- General statements are made without clarification or specific evidence and are therefore unsubstantiated.

4.19. The conclusion of the preliminary assessment is that the proposed development (particularly G-13), has a demonstrable potential to increase surface water runoff

[66] See Professor Dobson’s Statement, document SGHS/BESS.1, paragraph 10 in particular.

and contribute to localised flooding. The Application documents are notably incomplete in their assessment.

Conclusions on Flood Risk and Drainage

4.20. Policies direct development to areas with the lowest risk of flooding. The site of the proposed BESS falls with Flood Zone 2 and 3 which is land with the highest risk. Whilst policy recognises that energy infrastructure is, exceptionally, necessary in flood risk areas when there is no reasonably available site with a lower risk, this acceptance is contingent on a Sequential Test having been done to address the question of whether there is an alternative, or alternatives, where development could be located.

4.21. The sequential assessment which has been undertaken is inadequate. It fails to address the question of disaggregation and alternatives are dismissed on the basis of constraints which apply equally to the proposal.

4.22. The potential for flooding also raises issues which are of particular concern to local people. One concern is the access to the land being restricted resulting in unplanned routes being used for construction traffic and flooded roads preventing access for emergency vehicles to the BESS site in the event of an incident. Another concern is the potential for pollution, particularly from the BESS site, as a consequence of flooding events. The Applicant has not provided evidence to allay the concerns of local people.

4.23. A detailed appraisal has been undertaken of the assessment of flood risk for Site G and particularly G-13. Many of the points raised apply to the assessment of flood risk and drainage by the Applicant generally. However, the critique particularly points to the issues at Site G, part of which is in flood zone 3 and has a history of flooding. The Application is likely to increase the risk of flood events with harmful consequences for Lavendon.

5. HISTORIC ENVIRONMENT

5.1. The area in which the proposal is located is rich in heritage assets. These include the Church of St Peter and St Paul at Easton Maudit (Grade I Listed Building); 22 High Street, Easton Maudit (Grade II*); Easton Maudit Conservation Area; and Mears Ashby Conservation Area, all of which are acknowledged in the ES to be subject to a significant adverse impact. In addition, the countryside between the rural villages is important to their historic setting and context. The impact of the Application on landscape character is clearly related to significance of the countryside is a heritage context.

5.2. The ES identifies four heritage assets for which significant effects have been identified[67]. These are:

- Easton Maudit Conservation Area:
- Church of St Peter and St Paul, Easton Maudit (Grade I);
- 22 High Street, Easton Maudit (Grade II*); and
- Mears Ashby Conservation Area.

5.3. Heritage Assessment forming part of the ES[68] concludes the following:

a. There would be “less than substantial harm at the upper end of the scale” to two Grade II buildings: Low Farmhouse which is adjacent to Site F between Easton Maudit and Bozeat, and Station Lodge at Castle Ashby near to the BESS site. Harm at the upper end of the scale for both is because of construction traffic during the construction phase. The impact on Low Farmhouse during the operation phase of the scheme is assessed at “less than substantial harm”, at the lower end of the scale.

b. There would be “less than substantial harm” to 17 heritage assets comprising the following:

   - Church of St Peter and St Paul, Easton Maudit (Grade I);
   - 22 High Street, Easton Maudit (Grade II*);
   - Easton Maudit Conservation Area;
   - Nine Grade II Listed Buildings at Easton Maudit;
   - One other Grade II Listed Building;
   - Mears Ashby Conservation Area; and

[67] APP/GH6.2.12 ES Chapter 12: Cultural Heritage. See paragraphs 12.8.25 and 12.8.26.
[68] APP/GH6.3.12.1 Appendix 12.1: Heritage Statement.

- Three non-designated built heritage assets.

c. There would be "less than substantial harm", at the lower end of the scale to 18 heritage assets the following

- Five Grade II Listed Buildings at Mears Abbey;
- One other Grade II listed Building; and
- Twelve non-designated built heritage assets (including a wall associated with former site of Easton Maudit Manor)

d. There would be no harm to all other heritage assessment that had been assessed.

5.4. However, the Heritage Assessment:

- Does not address impacts to the character of the setting of heritage assets. This is particularly important at Easton Maudit;
- There are significant omissions in the Assessment;
- The likely impact on the significance of some heritage assets has been understated because intervisibility (or lack of it) between the asset and the proposed development has been a determining factor. In those circumstances there is a failure to have regard to other factors;
- It does not address the networks and relationships between heritage assets. For example, the locational relationships between churches across the area has been ignored;
- It does not consider impacts on non-designated assets which are not built. These include ridge and furrow which is important in the context of the rural settling for villages affected; and
- It does not address the impact of the proposed mitigation on the character of the area and the setting of heritage assets

Policy

5.5. The most important policies are the following:

- **National Policy Statemen EN-1,** Section 5.9 refers to the historic environment. It requires applicants to undertake an assessment of the likely impacts of proposals on all heritage assets. It sets out the approach the Secretary of State must take in balancing the need for development against any harm to heritage assets. The more important the assets the greater the weight should be given to the conservation of it[69]. The Secretary of State should give considerable importance and weight to the desirability of preserving all heritage assets. Any harm or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification[70]. It states that substantial harm to or loss of significance of assets of the highest significance, including Scheduled Monuments; Grade I and II* Listed Buildings; and Grade I and II* Registered Parks and Gardens, should be wholly exceptional[71]. Where the proposed development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal[72] . It also states that great weight should be given to any negative effects, when weighing them against the wider benefits of the Application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval[73].

- **National Planning Policy Statement EN-3,** Section 2.10.99 to 2.10.111 consider the potential impact of solar development on heritage assets. It notes that generic historic environment impacts are addressed in NPS EN-1. Paragraph 2.10.110 serves to highlight the point that as the significance of a heritage asset derives not only from its physical presence but also from its setting, careful consideration should be given to the impact of large-scale solar farms which have the potential to cause substantial harm to the significance of the asset.

- **NPPF paragraphs 202 to 217**, which provides the basis and is reflected in relevant development plan policies. This sets out the approach to considering the importance of designated and non-designated heritage assets; and for the assessments of development proposals on the

[69] NPS EN-1 paragraph 5.9.25
[70] *Ibid,* paragraph 5.9.26
[71] *Ibid,* paragraph 5.9.28
[72] *Ibid,* paragraph 5.9.30
[73] *Ibid,* paragraph 5.9.34

specific characteristics which are important to the significance of a heritage asset. "Great weight" should be given to an asset's conservation, irrespective of the degree of harm[74]; any harm to significance must be clearly and convincingly justified[75]; and less than substantial harm must be weighed against the public benefits of the proposal[76]. For non-designated heritage assets, a balance must be struck between benefits and the scale of any harm and the significance of the asset[77].

- **The PPG** indicates there should be a proportionate but thorough understanding of the significance of heritage assets; consideration of how setting contributes to significance; and that an assessment of cumulative impact should be addressed. It also says that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. However, English Heritage provide guidance on the setting of heritage assets[78]. This emphasises that the setting is not determined by proximity or an impact evidenced by a visual impact alone. Guidance is provided for addressing the heritage impacts of large scale solar farms. It says that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. Particular emphasis is placed on the potential impact of development on the setting of heritage assets. It states that a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset[79].

- The most important **Development Plan** policies relevant to landscape and visual impact are as follows:

  - **North Northamptonshire Joint Core Strategy (2016)**:
    Policy 2: Historic Environment, which aims to protect, preserve and when possible, enhance the historic environment of North Northamptonshire. It says that proposals should complement their surrounding historic environment. It states that proposals

[74] NPPF paragraph 212.
[75] *Ibid*, paragraph 213.
[76] *Ibid*, paragraph 215.
[77] *Ibid*, paragraph 216.
[78] English Heritage: Good Practice Advice Note 3 (GPA3) on the Setting of Heritage Assets
[79] PPG paragraph: 013 Reference ID: 5-013-20150327.

should protect and, where possible, enhance key views and vistas of heritage assets, including of the church spires along the Nene Valley and across North Northamptonshire. It requires proposals to demonstrate an appreciation and understanding of the impact of development on heritage assets and their setting. Where a loss of historic features or archaeological remains is unavoidable and justified, provision should be made for recording and the production of a suitable archive and report;

Policy 26: Renewable and Low Carbon Energy, which as noted above, supports development so long as, inter alia, it avoids significant harm to the significance of a heritage asset and its setting in accordance with the provisions of the NPPF

- **West Northamptonshire Joint Core Strategy (Part 1) (2014):**

  Policy S11: Low Carbon and Renewable Energy: which states, inter alia, that development should be sensitively located and designed to minimise potential adverse impacts[80].

  Objective 16: Heritage and ***Policy BN5: The Historic Environment and Landscape***. Objective 16 is to conserve and enhance heritage assets and to recognise their role in providing a sense of place and local distinctiveness. Policy BN5 protects heritage assets including significant historic landscapes such as ridge and furrow and it requires development to be sympathetic to locally distinctive landscape features.

  Policy R1: Spatial Strategy for the Rural Areas, which in terms of heritage, states that regard will be had to the protection and enhancement of the character and quality of the rural areas' historic buildings and areas of historic or environmental importance.

- **South Northamptonshire Local Plan Part 2 (2020):**

  Policy SS2: General Development and Design Principles: which supports development so long as it would not adversely affect built heritage and sites of archaeological importance;

  Policy HE1: Significance of Heritage Assets which requires the significance of heritage assets to be assessed when proposals are likely to affect them;

[80] Paragraph 5.106 states that impact on the landscape will be assessed when considering planning applications for low carbon and renewable energy,

Policy HE2: Scheduled Ancient Monuments and Archaeology, which states that development harming nationally important Scheduled Ancient Monuments or archaeological remains, whether scheduled or not, will only be permitted in wholly exceptional circumstances. For locally important archaeological remains and their settings, harmful development will only be permitted when the public benefits are significant and outweigh the harm;

Policy HE3: Historic Parks and Gardens, which reflects Policy HE2 in saying that harmful development will only be permitted when the public benefits are significant and outweigh the harm;

Policy HE6: Conservation Areas, states that where harm would be caused, including through development proposals outside of a conservation area which have an adverse effect on the setting of the conservation area or any views into or out of the area, such harm will need to be weighed against the public benefits of the proposals;

Policy HE7: Non Designated Heritage Assets, similarly, has the purpose of protecting non designated assets and balancing harm against the public benefits of any proposal;

- **Daventry Local Plan Part 2 (2020)**

  Policy EV7: Historic Environment, which reflects heritage policy within the NPPF generally and the West Northamptonshire Joint Core Strategy;

  Policy ENV9: Renewable Energy and Low Carbon Development which supports development when, inter alia, would not have an adverse impact on the setting of an existing settlement or the landscape including the cumulative impact with existing or approved renewable energy development.

- **Milton Keynes Plan:MK:**

  Policy HE1: Heritage and Development, which also reflects National Policy and the requirement to protect heritage assets. It also emphasises a need to respect historic landscapes which contribute to a sense of place.

  Policy SC3: Low Carbon and Renewable Energy Generation which states support for renewable energy schemes subject to no unacceptable harm to the significance of heritage assets.

- **Lavendon Neighbourhood Plan:**

  Policy CD1: Conservation and Heritage, which reflects National Policy and states that development that would harm the character and setting of the Conservation Area and heritage assets will be resisted.

5.6. A particular point of note in the development plans applicable to the area of the Application is the emphasis on the historic landscape and that the countryside within which villages are located is important to the character of those settlements. Key views and vistas of heritage assets, including of the church spires along the Nene Valley and across North Northamptonshire are particularly noted[81].

5.7. In addition to policy outlined above, there is a statutory duty arising from Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving ant listed building or its setting or any features of special architectural or historic interest which it possesses (Section 66), and to give special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The Courts have decided that these statutory duties are applied when the approach set out in NPPF paragraphs 200 to 214 is adopted.

Easton Maudit

5.8. Easton Maudit is small rural village with a designated conservation area. The Church of St Peter and St Paul is Grade I listed and it contains multiple Grade II listed buildings, including Manor Farmhouse and Limes Farmhouse, all of which contribute to architectural and cultural value of the village. The surrounding landscape is overwhelmingly rural and arable farmland, open in character. Approaching by road from the east or south the village is on higher ground with the church more elevated. The church is sited in a location where it can be seen clearly from the surrounding countryside and where there is also intervisibility with churches in Bozeat and Grendon (both Grade II* listed). Approaching from the west, the church spire is a prominent feature. The surrounding area retains medieval settlement patterns and ridge and furrow features, enhancing the area's historic legibility. The rural setting is highly significant to the character of the settlement. Whilst document SGHS/L.2 is a critique of the LVIA in respect of Easton Maudit, the views express and photographs illustrate the character of the area from the perspective of the PRoW in particular.

[81] North Northamptonshire Joint Core Strategy (2016): Policy 2: Historic Environment.

5.9. Area F extends around the north-west, north, north east and right around to the south of the village. Only land to the south west would be free of solar panels. The proposed mitigation acknowledges the importance of the roads into the village and the PRoW in the immediate area and those providing links to Grendon and Bozeat. The mitigation involves hedgerow and tree planting to screen the solar arrays within the surrounding countryside.

5.10. The heritage assessment for the Easton Maudit conservation area during construction phase is that it has a "medium" sensitivity as a receptor; the magnitude of the impact is "medium"; and the significance of the effect of the proposed development is "moderate adverse"[82]. The assessment for the operational phase of the development[83]. For St Peter and St Paul's Church (Grade I listed), for the assessment of impact during construction and operation, the sensitivity of the church as a receptor is "high"; the magnitude of impact is "low"; and the overall significance of the effect of the proposed development is "moderate adverse"[84]. This relies on the retention of visual corridors between churches and enhanced screening. A similar assessment is made for the Grade II* listed 22 High Street within the village. For decommissioning, the mitigation anticipates the retention of planting and it is asserted that it would enhance the historic landscape[85].

5.11. The Church is located on a slightly elevated site on the northern edge of the village. It is deliberately sited where it can be seen and where there is intervisibility between St Peter and Paul's and churches in nearby villages. The rural setting of the church and the village as a whole is integral and a key element of the setting of these heritage assets. In the assessment within Table 6, it is acknowledged that the church derives considerable historical significance from the area to be developed[86]. The land is described in the heritage assessment as once forming part of the historic agricultural hinterland of the village[87]. It is also acknowledged that land to be developed also contributes towards the rural village character of Easton Maudit and this setting contributes towards the significance of the church. There is further acknowledgement that nearby PRoW have a visual relationship with the church. The church spire is visible in views looking towards the village and these views are likely to have guided travellers moving between villages[88]. However, the conclusion of the

[82] ES Chapter 12: Cultural Heritage, APP/GH6.2.12, Table 12.28: Summary of Significant Residual Effects for Cultural Heritage, page 91.
[83] *Ibid,* page 96
[84] *Ibid*, pages 92 and 99
[85] *Ibid* pages 99 and 100.
[86] In the assessment of the Church in Table 6 on page 49 of the Heritage Statement (APP/GH6.3.12.1), under the heading "Contribution made by Scheme to Significance".
[87] *Ibid*, page 53, with the assessment of Easton Maudit Conservation Area.
[88] *Ibid*, page 49 under the heading "Contribution made by Scheme to Significance".

heritage assessment of the significance of the setting is that the views from the surrounding countryside make a limited contribution to the overall significance of the church. Nevertheless, the assessment concludes there is "a degree of harm" but the historical relationships would remain intact and that the fabric of the church or its historical significance would not be affected. It is concluded that there would be "less than substantial harm" to the church (although no indication is provided as to where this harm lies within the category of "less than substantial").

5.12. The Application would fundamentally alter and harm the rural setting of the conservation area and its listed buildings. That is acknowledged. However the level of harm is clearly understated because the rural, arable context for all of the heritage assets at Easton Maudit is given negligible weight within the assessment. This flows from the proposition that there is limited intervisibility between the designated heritage assets and the surrounding countryside. This fails to account for the range of factors identified in English Heritage guidance that define and contribute to the setting of heritage assets[89].

5.13. From the perspective of a user of any road into and out of Easton Maudit, and users of PRoW in the surrounding countryside, views of the church and village generally will be framed by planting which is expressly designed to screen fields containing solar panels beyond. The view and experience of the village would no longer be a viewpoint from open countryside, across open countryside towards the villages and church. The character of the setting would alter fundamentally.

5.14. The mitigation planting to screen solar array from view on roads into and from the Easton Maudit would similarly be altered in character. The effect of the planting would be to alter the character of the approaches to the village because the openness of the approaches from all directions would be compromised.

5.15. With regard to decommissioning, the heritage assessment anticipates the planting required to mitigate the development would be retained as part of a legacy landscape. The landscape will be altered substantially by the proposed development. Following decommissioning it is anticipated that a full agricultural use would be reinstated. However, with the retention of substantial planting, that would be very mature after 60 years, the character of landscape would not be reinstated. There would be a permanent change to the approaches to Easton Maudit, the PRoW around the village, views into and out of the village and the way in which people experience the village. There is likely to be permanent change to the setting of heritage assets.

[89] Document SGHS/Her.3

The Relationship Between Easton Maudit, Grendon and Bozeat

5.16. It is also acknowledged that the church also derives some "limited significance" from the sight lines between the St Mary's at Bozeat and the churches at Easton Maudit (Grade I), and Grendon (Grade II*). It is noted that the sight lines follow the routes of PRoW. It is argued that the proposal respect the lines of the PRoW and that as a consequence, the impact upon the asset would be minimal. However, the design of the development deliberately creates corridors. It is argued that these reduce the impact of development on the sight lines between the listed churches at Bozeat, Grendon and Easton Maudit. However, this is oblivious to the fact that the intervisibility between the churches is across countryside which is open and rural in character. This openness is a fundamental attribute of the setting of each of these churches[90].

5.17. In summary, whilst the heritage assessment concludes the Application would result in moderate adverse harm to the setting of the Grade I listed Church of St Peter and St Paul, the setting of the village conservation area and to setting of other listed buildings located within the conservation area, it demonstrably underestimates the harms likely to arise. The rural setting of these heritage assets would be changed fundamentally. Whilst it is acknowledged "substantial harm" is a high threshold, guidance within the PPG anticipates substantial harm could arise to the setting of heritage assets from solar development[91]. The proposal would seriously affect the significance of the Grade I listed church at Easton Maudit because the fundamental characteristic of the setting the setting would be lost. If however, it is not accepted there would be substantial harm, the impact must be at the top within the category of "less than substantial harm".

Mears Ashby

5.18. Mears Ashby is small rural settlement located between to the north of Earls Barton and between Northampton and Wellingborough. Site E adjoins the village to the south and east and Site D is to the north. The settlement sits within a rural setting. The issue here is the proximity of the proposed solar array with the substantial change in the character of the countryside that would ensue.

5.19. The Conservation Area is focussed around Church Street, Wilby Road and the village green[92]. The surrounding area comprises open arable farm, ridge and furrow fields

[90] This is well illustrated in document SGHS/L.2

[91] Paragraph: 013 Reference ID: 5-013-20150327 which says: *"Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset".*

[92] The ES states there is no conservation area appraisal for Mears Ashby. However a copy is available on the website of North Northamptonshire Council and is Document SGHS/Her.2.

and historic field boundaries. Within the Conservation Area buildings are typically 17th–19th Century, built in limestone and ironstone with slate, tile and some thatch roofs. It has narrow lanes with stone boundary walls. There is a strong vernacular character with minimal modern intrusion. The layout is an organic street pattern centred around the church and a central valley/greenspace in the village. Views across open countryside from within the Conservation Area are integral to the identity of the village. Ridge and furrow and hedgerows reinforce the rural connection and farmsteads and barns integrated into the village fabric.

5.20. The most important listed buildings within the village are the Church of All Saints is Grade II* Listed and Mears Ashby Hall, which is also Grade II*. Document SGHS/Her.1 is a heritage report on Mears Ashby Hall which provides a historical analysis of the Hall, the village and the surrounding countryside.

5.21. The heritage assessment for the Mears Ashby conservation area during construction phase is that it has a "medium" sensitivity as a receptor; the magnitude of the impact is "medium"; and the significance of the effect of the proposed development is "moderate adverse"[93]. The assessment is the same for the operational phase of the development[94]. This relies on enhanced screen planting and tree belts along the approach roads into the Conservation Area and in fields in the wider landscape that front the Conservation Area. As with Easton Maudit, for decommissioning, the mitigation anticipates the retention of planting and it is asserted that it would enhance the historic landscape[95].

5.22. Many of the points made in relation to rural character of the setting of Easton Maudit described above, apply to Mears Ashby:

- The proposal would fundamentally alter and harm rural setting of the conservation area and its listed buildings;

- The level of harm is clearly understated because the rural, arable context for all of the heritage assets at Mears Ashby is given negligible weight within the assessment. This flows from the proposition that there is limited intervisibility between the designated heritage assets and the surrounding countryside;

[93] ES Chapter 12: Cultural Heritage, APP/GH6.2.12, Table 12.28: Summary of Significant Residual Effects for Cultural Heritage, page 92.
[94] *Ibid,* page 97
[95] *Ibid* pages 99.

- From the approach roads and PRoW, views of the village generally will be framed by planting designed to screen fields containing solar panels beyond. The view and experience of the village would no longer be a viewpoint from open countryside. The character of the setting would alter fundamentally;

- Mitigation planting would alter the character of the approaches to the village;

- There would be permanent change to the character of the approaches to the village because of the retention of mitigation planting.

5.23. In addition, the Heritage Assessment does not address the impact of development on ridge and furrow because non-designated features, not including buildings, are scoped out of the analysis. Ridge and furrow is particularly prominent around Walgrave and Old. The significance of ridge and furrow is not as a heritage asset of its own, it is the fact it contributes to the relationship between a rural settlement and the rural farming hinterland around it. The presence of ridge and furrow lends weight to the rural, open and arable character of the surrounding landscape. This has not been addressed expressly in the Heritage Assessment.

5.24. Mears Ashby is not as sensitive as Easton Maudit. However substantive issues and shortcomings apply to both villages that relate to their setting and the character of that setting. This aspect has not been taken into account. As with Easton Maudit, the rural setting of the Mears Ashby would be changed fundamentally. The impact of the Proposal on Mears Ashby has been understated. In this case the level of harm is assessed at "less than substantial harm". It follows that given the shortcomings of the assessment the level of harm should be at the upper end of this category of harm.

Shortcomings in the Assessment

Failure to properly address impacts on the character of the setting of heritage assets.

5.25. The Heritage Assessment muddles visibility with significance. It fails to explore historical, functional, and communal associations of heritage assets and their settings. These factors are emphasised in Historic England's Good Practice Advice Note (GPA3) on the setting of Heritage Assets. The Assessment focuses narrowly on intervisibility and fails to consider how tranquillity, isolation, and rural character contribute to significance. This is particularly so in the context of ridge and furrow and various farmsteads which are affected by the Application.

5.26. Setting analysis is sometimes superficial. For example, the impact on Castle Ashby Registered Park and Garden is dismissed due to lack of direct views from the proposal, ignoring the broader landscape context.

5.27. Cumulative impacts from solar developments across the wider area are acknowledged but not meaningfully assessed, contrary to PPG expectations. The overall implications of the loss of a distinctive landscape character and the heritage implications of such a loss has not been addressed.

A failure to acknowledge networks and relationships between heritage assets.

5.28. As explained above, there is intervisibility between the churches at Easton Maudit, Bozeat, Grendon. The locations of these churches have been chosen so that they are prominent in the surrounding landscape. Views between these churches is across open countryside. English Heritage guidance[96] refers to historic relationships between places being relevant in this context. The proposal is designed to retain linear lines of sight. However, it demonstrates no appreciation of the character of the views between the churches or the character of the countryside through which PRoW route and from which there are views of the churches. The consequence is that impacts on the setting of heritage assets, particular the churches, is underestimated.

5.29. Whilst the Proposal acknowledges the intervisibility of significant churches and maintains a visual corridor between Easton Maudit and Bozeat and Easton Maudit and Grendon, there is no unobstructed line of sight between Bozeat and Grendon. Solar panels in field FF8 and FF18 would be in that line of sight. When questioned in ISH-1, the evidence of the Applicant was that the removal of that field to create a line of site would not be viable. However, there is no evidence before the Examination about the viability of the scheme.

Not considering impacts on non-designated heritage assets with no building.

5.30. As outlined above when discussing ridge and furrow at Mears Ashby, non-designated heritage assets with no building have been scoped out of the heritage assessment and therefore have not been addressed at all. As noted above, the significance lies in relationships that may arise between heritage assets. In particular, the presence of ridge and furrow supports is evidence of a historic pattern of farming which reinforces the role of a settlement as a focus for agriculture. Ridge and furrow will add tangibly to the setting of a village where agriculture has been a key function and is reflected in the character of the settlement.

[96] Document SGHS/Her.3

A failure to address the impact of the proposed mitigation on the character of the area

5.31. The mitigation proposed throughout the assessment of heritage harm is regarded as a benefit because it screens the harm arising from solar panels and other infrastructure. However, mitigation planning is by design, intended to restrict views and limit viewpoints, The landscape will in many places, for example Easton Maudit, become more enclosed. That will be a significant change over time. The character of the area will be different. This has not been considered in the Heritage Assessment and is relevant when addressing the impact on heritage assets such as the Grade I, St Peter and Paul's Church in Easton Maudit where the setting is presently open countryside with largely unrestricted views towards it from all directions, from PRoW, and having regard to the intervisibility with churches in neighbouring villages across open countryside.

Significant omissions

5.32. It is apparent that the heritage assessment has played down the likely impact on the significance of heritage assets because it has been concluded there is no or limited intervisibility between the asset and the proposed development. In those cases heritage assets which should have been addressed have been omitted from the assessment and there has been a failure to have regard to other factors. Further, proposed mitigation will change the character of the setting to heritage assets leading to harm. This has not been acknowledged or considered within the assessment.

5.33. Omissions in the heritage assessment include the Grade 1 listed Church of St Michael in Lavendon and the Lavendon Conservation Area. Other heritage assets are identified but excluded from the further analysis because there is deemed to be no intervisibility between the asset and the proposed development. This disregards the contribution land to be developed makes to the setting of the heritage assets.

5.34. Whilst heritage assets at Lavendon are described in section 5.6 of the Heritage Assessment[97], there is no reference to the Grade 1 listed Church of St Michael which sites in an elevated position within the village[98]. The church is referenced in the Gazetteer of Listed Buildings[99] in which it is identified as a Grade 1 Listed Building, but it is scoped out of the assessment. The notes in the Gazetteer say that the church is enclosed by the village with no relationship to the site. Therefore, the

[97] APP/GH6.3.12.1

[98] The Official Listing is document SGHS/Her.6. The Conservation Area Appraisal for Lavendon is document SGHS/Her.7

[99] Appendix 1 to APP/GH6.3.12.1, reference 1212619 (unfortunately pages in the Gazetteer are not numbered)

significance and setting of the asset is likely to remain intact despite the proposed development.

5.35. Similarly, there is no reference to the Lavendon Conservation Area. Lavendon is set within gently undulating farmland, with expansive views across the Ouse Valley. The village is surrounded by arable fields, hedgerows, and historic field patterns that reinforce its rural identity. The transition from open countryside into the village is gradual and visually coherent, with no abrupt urban edges. Views into and out of the Conservation Area are key to its setting. The rural setting enhances the significance of the Conservation Area by preserving its historic relationship with the landscape.

5.36. More generally, the English Heritage GPA3 emphasises that visibility is not the sole determinant of the setting of a heritage asset. The fact the proposal may not be seen from heritage assets is not determinative of the proposal being outwith the setting of that heritage asset. Various heritage assets are identified within the Assessment but excluded from the further analysis because there is deemed to be no intervisibility between the asset and the proposed development. This disregards the potential contribution land to be developed makes to the setting of those heritage assets

Understated Impacts

5.37. It is apparent that the heritage assessment has played down the likely impact on the significance of heritage assets because it has been concluded in a number of instances that there is no or limited intervisibility between the asset and the proposed development. In those circumstances there is a failure to have regard to other factors. There are also examples of proposed mitigation resulting in a harmful impact on the setting of heritage assets which has not been acknowledged or considered within the assessment.

Summary

5.38. The potential impacts on heritage assets is not a factor which has been key to site selection notwithstanding policy which identifies potential harm to the setting to heritage assets may be substantial. The quality of the landscape in providing a settle for rural settlements is recognised in the development plan[100]. There are a substantial number of designated and non-designated heritage assets throughout the area of the proposed development. Easton Maudit and Mears Ashby are particularly sensitive and in fairness, this is acknowledged by the Applicant.

[100] North Northamptonshire Joint Core Strategy, Policy 2: Historic Environment.

5.39. The Application identifies four heritage assets for which significant effects have been identified. These are:

- Easton Maudit Conservation Area:
- Church of St Peter and St Paul, Easton Maudit (Grade I);
- 22 High Street, Easton Maudit (Grade II*); and
- Mears Ashby Conservation Area.

5.40. For each, the assessment is that the level of harm would be "less than substantial".

5.41. However, there are significant shortcomings in the heritage assessment, particularly in addressing the setting of a heritage asset in the context of visibility only and a failure to address the impact of development on the character of the setting of heritage assets. This is of particular importance given that guidance in the PPG expressly refers to the potential of large scale solar developments to cause substantial harm to the setting of heritage assets and the particular circumstances at Easton Maudit. Whilst the heritage assessment concludes the Application would result in moderate adverse harm to the setting of the Grade I listed Church or St Peter and St Paul, the setting of the village conservation area and to setting of other listed buildings located within the conservation area, it demonstrably underestimates the harms likely to arise. The rural setting of these heritage assets would be changed fundamentally. Whilst it is acknowledged "substantial harm" is a high threshold, guidance within the PPG anticipates substantial harm could arise to the setting of heritage assets from solar development[101]. The proposal would seriously affect the significance of the Grade I listed church at Easton Maudit because the fundamental characteristic of the setting the setting would be lost. If however, it is not accepted there would be substantial harm, the impact must be at the top within the category of "less than substantial harm".

5.42. The Application would therefore have a profound impact on the heritage interest of the area. The character of the countryside would be changed and the proposed mitigation to screen the solar arrays would of itself be harmful to the setting of heritage assets.

5.43. There are statutory requirements arising from the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to the protection of listed buildings and

[101] Paragraph: 013 Reference ID: 5-013-20150327 which says: *"Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset".*

conservation areas. Policy at all levels requires the protection of heritage assets and any harm should be given “great weight” in the planning balance.

6. LANDSCAPE AND VISUAL IMPACT

6.1. The consideration of the potential landscape impact of the Application and an assessment of the landscape impact evidence forming part of the Application has been undertaken by [redacted] who is an experienced landscape architect. The Landscape Statement, which also addresses related matters is document SGHS/CT.1. Additional commentary by members to Stop Green Hill Solar are set out in the documents SGHS/L.2 to SGHS/L.7.

6.2. Principal Matters identified which are relevant to landscape and visual impact are the following:

- The visual and physical effects on the landscape character of the area throughout the construction, operation and decommissioning phases of the proposed development.

- Impacts on residential properties, recreational routes and views within the local landscape.

- Consideration of cumulative landscape and visual effects.

- Whether the proposed mitigation measures would be suitable and effective throughout construction, operation and decommissioning phases of the proposed development.

Policy

6.3. The most important policies are the following:

  - **NPS EN-1 and NPS EN-3** say that proposals should be well designed taking account of landscape character[102].The focus is on minimising adverse effects arising from development and in providing mitigation where appropriate[103]. EN-3 states that will be applicants will be expected to direct considerable effort towards minimising the landscape and visual impact of solar PV arrays[104]. With regard to glint and glare, EN-3 says that in circumstances when a quantitative assessment is appropriate, consideration should be given to the

[102] NPS EN-1, paragraphs 4.6.6 and 4.6.12
[103] *Ibid*, paragraph 5.10.6.
[104] NPS EN-3, paragraph 2.10.90

possibility of glint and glare affecting nearby receptors and provide an assessment of potential impact and impairment[105].

- **NPPF paragraph 187(b)** says that decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. The test is whether the proposal acknowledges the value of the site as part of a swathe of attractive countryside.

- **The Planning Practice Guidance ("PPG")** which indicates that a critical matter will be the potential impacts on the local environment when considering locations for renewable energy. It adds that cumulative impacts will be an important matter[106]. The PPG indicates that guidance for assessing the cumulative impact of wind turbine developments is also applicable to solar farm development. It states that the cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape. It continues by saying that cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views bearing in mind that views may be on a journey through an area.[107].

- The most important **Development Plan** policies relevant to landscape and visual impact are as follows:

  - **North Northamptonshire Joint Core Strategy (2016)**:
    Policy 3: Landscape Character, which requires development to be sensitive to its landscape setting and which an emphasis on new development enhancing the qualities of the local landscape where possible
    Policy 26: Renewable and Low Carbon Energy, which supports sensitively located renewable energy schemes subject to meeting nine criteria. These include the criterion that the landscape impact of the development is minimised and mitigated against;

[105] *Ibid*, paragraph 2.10.96.
[106] PPG paragraph: 005 Reference ID: 5-005-20150618
[107] PPG paragraph: 022 Reference ID: 5-022-20140306

- **West Northamptonshire Joint Core Strategy (Part 1) (2014):**

  Policy S11: Low Carbon and Renewable Energy: which states, inter alia, that development should be sensitively located and designed to minimise potential adverse impacts[108].

  Policy BN5: The Historic Environment And Landscape*:* which seeks to ensure that development is sympathetic to local landscape features and serves to focus on landscape as part a historic environment.

  Policy BN8 - The River Nene Strategic River Corridor: which states that the natural and cultural environment of the Nene corridor, including its tributaries, will be enhanced and protected in light of its importance to, inter alia, the area's landscape.

- **South Northamptonshire Local Plan Part 2 (2020):**

  Policy SS2: General Development and Design Principles: which supports development which, inter alia, adopts a design-led approach, to demonstrate compatibility and integration with its surroundings and the distinctive character of the area;

  Policy NE2: Special Landscape Areas[109]: which states that development should avoid harmful impacts on the character and appearance of the area

- **Daventry Local Plan (2020)**

  Policy ENV1: Landscape**,** which has the objective of maintaining the distinctive character and quality of the landscape; to take account of the cumulative impact of development proposals; to respect landscape character, the existing pattern of development and features that contribute to the setting of settlements; and proposals that cause landscape are required to demonstrate that the harm can be successfully mitigated through an appropriate landscape treatment in keeping with the landscape character area;

  Policy ENV9: Renewable Energy and Low Carbon Development which supports development when, inter alia, would not have an adverse impact on the setting of an existing settlement or the

[108] Paragraph 5.106 states that impact on the landscape will be assessed when considering planning applications for low carbon and renewable energy,

[109] Part of the cable route and the construction compound are situated within the Castle Ashby and Yardley Chase Special Landscape Area.

landscape including the cumulative impact with existing or approved renewable energy development.

- **Milton Keynes Plan:MK:**
  Policy NE5: Conserving and Enhancing Landscape Character which requires development to conserve and where possible enhance landscape characteristics; have regard to the historic setting and structure of settlements in the rural area and protect important views;
  Policy SC3: Low Carbon and Renewable Energy Generation which states support for renewable energy schemes subject to no unacceptable landscape and visual impacts, including cumulative impacts.

6.4. The themes in development plan policies relating landscape throughout the area impacted by the Application are summarised below:

- Within the wider area landscape provides an attractive setting for rural settlements which is of value and should be protected;
- Much of the area comprises an historic landscape and policies for landscape protection are intertwined with heritage policies;
- That development should adopt a design led approach and avoid harmful landscape impacts;
- For renewable and low carbon development, whilst there is general support in principle, this support is subject to important caveats that development should be sensitively located and any harm is mitigated; and
- The cumulative impacts on the landscape arising from more than one development for renewable energy should be addressed.

6.5. It is also particularly relevant to note the visions set out in the development plans for West Northamptonshire and South Northamptonshire which set the aspiration to ensure rural areas include vital and tranquil villages within its rolling landscapes[110]; that the value of the local landscape and its role in attracting

[110] West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014), The Joint Core Strategy Vision, (page19)

investment and tourism; and that the vitality of the rural areas will be maintained or enhanced with villages set in attractive, open countryside[111]. These priorities underpin the objectives of the plans and policies themselves[112].

6.6. The matters raised by development plan policies are the following:

a. Has the proposal been genuinely design led?

b. Has the design of the proposal had regard to the role of the landscape in forming the character and providing the setting for rural settlements?

c. Has the adverse impact on the landscape been mitigated?

d. Has the LVIA forming part of the Application fairly addressed the impacts of the proposal on the character of the landscape? And

e. Has the cumulative impact of the proposal been fairly assessed.

The Assessment of Landscape Impact by the Applicant

6.7. The main points identified in the assessment of the Application by Carly Tinkler are summarised as follows:

A. Methodological Concerns with Applicant's LVIA:

- The LVIA misuses the term "landscape fabric" and fails to assess the overall character of the sites, contrary to GLVIA3 guidance.

- The LVIA does not identify national and local character areas/types as landscape receptors, which is a significant departure from best practice.

- Effects on National Character Areas (NCAs) were improperly scoped out, despite their relevance.

B. Assessment Criteria Issues

- The LVIA uses unbalanced four-point scales (e.g., High to Very Low) without a "Very High" category, potentially skewing results.

[111] South Northamptonshire Local Plan Part 2 (2020), "Vision for South Northamptonshire in 2029" (page 19)
[112] Particularly, South Northamptonshire Local Plan Part 2 (2020), Objectives 9 and 10 (page 20).

- Criteria for value, susceptibility, and sensitivity are unclear and not tailored to the specific landscape context.

- The LVIA conflates value and susceptibility inappropriately, leading to flawed sensitivity judgments.

C. Landscape Sensitivity & Value

- The LVIA underestimates landscape value and susceptibility across the sites.
- Site A, for example, is judged by the LVIA as Medium sensitivity, but the review finds it to be High–Medium due to historic character, tranquillity, and recreational use.

- The LVIA fails to assess the value of entire sites, focusing only on individual elements ("fabric").

D. Mitigation & Enhancement

- The LVIA double-counts mitigation measures as enhancements, overstating benefits and underestimating adverse effects.

- Over-reliance on vegetation for screening is problematic due to uncertainties in plant growth, disease, and climate change impacts.

- No clear distinction between mitigation and enhancement measures; a detailed plan is needed.

E. Visual Effects

- The LVIA underestimates visual effects, particularly at Year 15, by assessing during summer (leaf-on) rather than winter (worst-case) conditions.

- Significant adverse visual effects are likely to persist at many viewpoints throughout the operation period, not just in the early years.

- The LVIA fails to conduct a full Residential Visual Amenity Assessment (RVAA), despite evidence that some properties may experience Major Adverse effects.

F. Amenity & Health Impacts[113]

- The development would negatively affect residential, recreational, and social amenity, including tranquillity, views, and quality of life.

- Risks include noise, light pollution, glint and glare, and safety concerns from enclosed PRoW corridors.

- Potential for adverse effects on local businesses reliant on tourism and recreation.

6.8. The LVIA is preoccupied with "landscape fabric" which are individual components within the landscape such as landform, hedgerow, trees and woodland. This approach ignores landscape features (which are particularly important given the significant of church spires and towers in the landscape). Focusing on landscape fabric has resulted in there being no overall assessment of landscape character and the impact of development on that character.

Glint and Glare

6.9. The Principal Matters identified which are relevant to glint and glare are the following:

- The glint and glare effects of the proposed development on local receptors including, but not limited to, road users, local residents, aviation activity, community uses, local employees, ecological receptors and waterways and

- Whether the proposed mitigation measures would be suitable and effective.

6.10. Glint and glare is addressed in Appendix 1 to the Landscape Statement (Document SGHS/CT.3). The conclusions are in summary:

- The method used / approach taken in the Glint and Glare Assessment ("GGA")[114], to assess the Application is flawed and cannot be relied on for decision-making purposes;

[113] See also SGHS/O.4 Note on Green spaces, mental health, Public Rights of Way and Economic Impacts
[114] APP/GH6.2.15, ES Chapter 15, Glint and Glare

- Levels of adverse effects would be higher than the GGA predicts, and for some visual receptors on and in close proximity to the site, potentially 'significant' adverse. Levels of adverse effects on landscape character would also be very high; and

- The GGA should be revised, and the LVIA / ecological / heritage assessments revised accordingly to factor in the results.

Compliance with Policies

6.11. The matters raised by development plan policies have been identified above. The first matter is whether the proposal been genuinely design led. This is a fundamental point which has been addressed at the beginning of this statement. The scheme has clearly been led by land availability. Design has been undertaken to try to make the best outcome on the land available. It has led to an unsatisfactory compromise solution which causes significant planning harm, particularly with regard to the impact of the proposal on heritage assets.

6.12. The second matter is whether the design of the proposal had regard to the role of the landscape in forming the character and providing the setting for rural settlements. It has not. The proposal would fundamentally alter the character of the landscape and the settings rural settlements. The openness of the landscape between settlements would be comprised to the detriment of the character of villages. This is especially relevant to villages with a high heritage value such as Easton Maudit and Mears Ashby.

6.13. The third point is whether the adverse impact on the landscape been mitigated. As noted by Ms Tinkler, the proposed mitigation has not addressed adverse impacts on landscape character. Further, the mitigation itself, whilst presented as virtuous and that it would leave a legacy following the decommissioning of the project, would lead to a substantial change to the character of the landscape, which in places such as the open countryside around Easton Maudit, would be harmful.

6.14. The fourth matter is whether the LVIA forming part of the Application fairly addressed the impacts of the proposal on the character of the landscape. The review by Ms Tinkler shows that the design of the scheme has not addressed the impact on the character of the landscape.

6.15. Having regard to the overall approach of the development plans for the area and noting the particular sensitivity of the countryside providing a setting for rural villages, the proposal does not accord with landscape policies.

Conclusions on Landscape Character Impact

6.16. The Landscape Statement provides a comprehensive critique on the assessment of the impact of the Application on landscape character.

a. Whilst it is acknowledged that there would be significant adverse effects on landscape character and visual amenity, up to year 15, the impacts are understated. It is not accepted that after 15 years the impact will generally be significant beneficial. The difference in opinion arises from different interpretation and/or applications of the published guidance and those flawed assumptions employed in the LVIA.

b. The failure to consider the landscape as a resource, especially the complex natural, cultural, social and visual functions and services which the sites and their contextual landscapes perform / provide. This is a major omission. Omissions include consideration of heritage assets and features, the contribution of wildlife habitats to the landscape. PRoW, and the impacts of glint and glare. There is no differentiation between direct and indirect landscape effects.

c. After Year 15, the LVIA relies on existing and proposed vegetation to screen views. 15 years for landscaping to mature in these circumstances is unrealistically optimistic. It cannot be assumed that views would remain screened. Not all adverse effects on landscape character can be mitigated by screening.

d. The LVIA relies on hedges being managed at 4.5m tall. Tall hedges are uncharacteristic and in these circumstances the proposed mitigation measures would cause adverse landscape effects, particularly where hedges would screen views across characteristically open landscapes.

e. The LVIA asserts that after Year 15 there would be significant landscape character benefits. This assertion is flawed is because it inappropriately double counts the mitigation measures.

f. The LVIA does not assess effects on the overall character of the sites. It focuses ‘landscape fabric’. The LVIA does not follow publish guidance

g. The LVIA fails to take account of direct and indirect effects. Indirect effects on the overall character of the landscapes closest to the sites would be significant adverse for the duration of the operation.

h. The glint and glare assessment is flawed and unreliable with a consequence that the environmental impact is understated.

i. Combined, the significant adverse landscape and visual effects that would occur or be experienced within each of the proposed sites' zone of interinfluence. There would be a significantly adversely affect an extremely large area.

6.17. Overall, the significant adverse landscape and visual effects arising from the application would be higher than the LVIA predicts, and the majority of the effects would remain significant adverse from start to finish.

7. OTHER ENVIRONMENTAL MATTERS

7.1. The Principal Matters identified which are relevant to other environmental matters are the following:

- Ground conditions, including the effects on agricultural land and soils.
- The impact of noise and vibration on sensitive receptors, particularly during construction of the proposed development.

Impact on Agricultural Land

7.2. The collection of sites comprising the Application include a high proportion of BMV agricultural land. Of Sites A to G, all include Grade 2 and Grade 3a land and Sites A and E include a small percentage of Grade 1 land. The total area of these sites is 1,141 hectares, of which 767 hectares (67%) are BMV land. The Application does not avoid the use of BMV agricultural land.

Policy

7.3. The most relevant National Policy for this context has been set out in Section 3 as they are relevant to site selection. In short:

- **NPS EN-1** states that agricultural land of poorer quality grade should be used in preference to BMV land[115], and where BMV land is proposed to be used there must be justification and the economic and other benefits of the and should be taken into account[116];
- **NPS EN-3** reiterates policy of EN-1 to avoid the use of BMV land. It states that the use of BMV land is not prohibited for solar development[117] but adds that account must be taken of the economic and other benefits of BMV land and there should be measures to minimise impact on soils[118].
- NPPF footnote 65[119] states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

[115] NPS EN-1, paragraph 5.11.12
[116] *Ibid*, paragraph 5.11.34
[117] NPS EN-3, paragraph 2.10.21
[118] *Ibid*, paragraph 2.10.37
[119] NPPF footnote 65, page 54.

7.4. The approach of National Policy is, as to be expected, reflected in development plan policies:

- **North Northamptonshire Joint Core Strategy (2016)**: ***Policy 26: Renewable and Low Carbon Energy***, states that solar developments should avoid BMV agricultural land;

- **West Northamptonshire Joint Core Strategy (Part 1) (2014): *Policy R2: Rural Economy,*** supports development generally, but protects BMV agricultural land.

- **South Northamptonshire Local Plan Part 2 (2020): *Policy SS2: General Development and Design Principles:*** supports development which, inter alia, does not result in the loss of BMV agricultural land.

7.5. The concerns of Stop Green Hill Solar are set out in document SGHS/Ag.7. This refers to an article by [redacted] raises the following issues:

- Farmland is being lost and there are multiple competing pressures that that will continue to be a threat in the future;

- Food production per capita is declining despite growths in productivity;

- There is an increase dependence on imports.

7.6. SGHS/Ag.7 expands on the points above. It also identifies additional pressure on agricultural land in Northamptonshire because of HS2; logistics developments based on excellent road and rail links[121]; and increased pressure for housing development.

7.7. Many of the issues identified above are reflected in a research report produced by SolarQ[122]. The concern of this report is the use of agricultural land and in particular BMV land for the development of solar farms. The research shows that solar developments have taken place disproportionately on BMV agricultural land and Grades 1 and 2 land in particular. It argues that that the aims of National Policies to

[120] "Farmland loss risks UK food security crisis", in Science for Sustainable Agriculture, September 2025
[121] Including the DRIFT, the strategic rail freight interchange at Daventry
[122] Document SGHS/Ag.2: "Use of Agricultural land in England by ground-mounted Solar Photovoltaic installations"

direct development to lower quality agricultural land is not being realised, in fact the opposite is happening.

7.8. The key point in this context relates to the process of site selection and the justification for developing BMV land in this case where the proportion of BMV land is particularly high.

Loss of Productive Arable Land

7.9. It is argued that the sites will remain in agricultural use during the operation of the development and as a consequence there would be no loss of high quality land. Further, it is argued that the development is for a temporary period and that arable farming could be reinstated following the decommissioning of the project after 60 years. It is relevant that policy with NPS EN-3 relates specifically to NSIPs and a section is specific to solar photovoltaic generation. Policy to direct development away from BMV land is in the context that development will be for a temporary period and that land occupied by solar panels can be used for grazing. The fact that development is temporary and that an agricultural use could be maintained are no justification to disregard policy to direct development to land of a lower quality, or to limit the weight to be given to this policy in the decision making process.

7.10. Potential adverse impacts on soil quality are addressed in Appendix F to the Landscape Statement (document SGHS/CT.4).

Potential Impacts on Amenity

7.11. Potential impacts on amenity in this context arise mainly from activity and disturbance in the construction phase of the project. Potential impacts on PRoW and recreational value of the countryside affected by the development and specific concerns relating to the BESS are address later in this report.

7.12. Adverse effects on residential and visual amenity are addressed in the Landscape Statement[123].

Conclusions on Other Environmental Matters

7.13. The issue of the loss of BMV agricultural land goes to the heart of the approach towards site selection by the promoters of this development. The site has a high proportion of BMV land. Policy directs development to land of a lower quality. There is no adequate justification for the use of BMV land in this case. It must be assumed that National Policy was drafted in the knowledge that development would be for a

[123] SGHS/CT.1

temporary period and that some agricultural activity, sheep grazing, could take place under and around arrays of solar panels. These factors do not provide legitimate reasons set aside the policy requirement to utilised lower quality land.

7.14. The SolarQ research serves to illustrate that policy to direct development away from BMV land is not successful. Giving approval for development on this site, which has a high proportion of BMV land will only further exacerbate that discrepancy.

8. PULBIC RIGHTS OF WAY

8.1. Established footpaths are part of the heritage of the countryside, they provide for informal recreation and particularly, are used for the Waendel Walks which is an annual event of national significance. Consideration of the impacts on PRoW are also considered in the Landscape Statement (SGHS/CT.1) and the Note on public health and public rights of way (SGHS/O.4). The impacts on PRoW throughout the area of the Application are also expressed on documents SGHS/L.2 to SGHS/L.7.

8.2. The Principal Matters identified which are relevant to other environmental matters are the following:

- Effects on the public rights of way network and access to the countryside.
- Effects on long-distance routes and recreational walking events during construction, operation and decommissioning.
- Economic effects during construction, operation and decommissioning.
- Suitability and effectiveness of proposed mitigation measures.

Policy

8.3. The most important policies are the following:

- **NPS EN-1** emphasises the importance of PRoW and that mitigation measures should be put in place to adverse effects. Opportunities should also be taken to improve provision[124].
- **NPS EN-3** encourages applicants to design the layout and appearance of the site to ensure continued recreational use of PRoW where possible during construction, and in particular during operation of the site[125]; applicants are also encouraged to minimise the visual impacts of the development for those using existing public rights of way, considering the impacts on any other visual amenities in the surrounding landscape[126]; and that applicants should maximise opportunities to

[124] NPS EN-1, paragraph 5.11.30
[125] NPS EN-3, paragraph 2.10.34
[126] *Ibid*, paragraph 2.10.35

facilitate enhancements to the public rights of way and the inclusion of new opportunities for the public to access and cross proposed solar development sites[127].

- **NPPF Paragraph 105,** which says that policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

- The most important **Development Plan** policies are as follows:

  - **North Northamptonshire Joint Core Strategy (2016)**:
    Policy 26: Renewable and Low Carbon Energy, which supports development subject to inter alia, that it does not result in an adverse impact on public rights of way;

  - **West Northamptonshire Joint Core Strategy (Part 1) (2014):**
    Policy S11: Low Carbon and Renewable Energy: which states, inter alia, that development should be sensitively located and designed to minimise potential adverse impacts on, inter alia, landscape character and access[128].

  - **Daventry Local Plan (2020)**
    Policy ENV9: Renewable Energy and Low Carbon Development which supports development when, inter alia, would not have an adverse impact on the enjoyment of the open countryside including public rights of way.

8.4. There is significant public access to the countryside through and immediately around the parcels of land within the proposal. In general terms, the scheme entails the retention of all PRoW and Permissive Paths, solar array are proposed to be located each side of the PROW. Sites F and G have PRoW crossing the sites. The scheme requires these PRoW to be crossed by internal access tracks to allow for construction and maintenance.

8.5. PRoW will also be affected by the cable route corridor. In these cases PRoW will be cross by a haulage road if necessary to facilitate the underground installation of cables.

[127] *Ibid*, paragraph 2.10.36
[128] Paragraph 5.106 states that impact on the landscape will be assessed when considering planning applications for low carbon and renewable energy,

8.6. During construction PRoW will need to be closed for a period for public safety.

8.7. The significant of PRoW is considered in the Landscape Statement[129]. The PRoW are significant features in the landscape and function literally as wayfinders in the context of the heritage of the area. The openness of the landscape through which the PRoW route is significant and proposed mitigation to screen solar array would harm the landscape character, the recreational enjoyment of the PRoW and as has been described, the setting of heritage assets.

8.8. Document SGHS/O.4 refers to paragraph 4.1.7 of NPS EN-1 in the context of the of addressing the potential benefits and potential adverse impacts of any development application and these include the effect on "human health and public safety". This addresses the assessment contained within APP/GH6.2.18 ES Human Health. In summary, the critique notes the following key points:

- The assessment of the Application is inconsistent across the settlements which are considered: Walgrave is omitted entirely;
- The local community is highly sensitive to the closure of PRoW, even on a temporary basis, and changes to their character;
- The impact on expectations and hence cognitive effects should be reconsidered; and
- The impact on economic values and combined effects on community belonging and identity should be fully accounted.

The Waendel Walks

8.9. The Wendle Walks is an international walking festival which takes place over a weekend May each year. The event has grown from 1979 when there were 470 participants to over 5,000[130]. The event in run by Wellingborough Town Council and the Waendel walking Group. The walks comprise a series of circular routes starting and finishing in Wellingborough. These routes include the use of footpaths from Wellingborough to Woolaston, then Bozeat to Grendon (through Site F), then to Castle Ashby and Cogenhoe and returning along the river to Wellingborough.

[129] SGHS/CT.1
[130] A screenshot from the Waendel Walks Website and plans of the 2024 routes are document SGHS/O.1

8.10. The walks are significant as they attract walkers from around the county and overseas. They provide a significant boost to the area generally. Walks to the south and east of the Wellingborough are through the countryside where Site F and the BESS are located.

8.11. The proposal is likely to make walks less attractive because of the visual impact of solar arrays; the fact that planting will create a degree of enclosure on PRoW (and throughout the area of the scheme generally), that presently does not exist, and there will be a loss of openness and views of the rural villages.

Conclusions on the Likely Impacts on PRoW

8.12. The established PRoW, which route through the wider area of the Application are important elements in the landscape for recreation, wellbeing, a means for travelling from pace to place, and they are part of the historic fabric of the area. The significance is more than local as evidence by the Waendel Walks.

8.13. The Application will entail the development of solar array through which the PRoW will travel through or immediately adjacent. The impact on the character of those footpaths and bridleways would be very substantial and would be akin to traversing through or around an industrial site. The connection with heritage assets would be severed. The mitigation proposed of planting and purposefully maintaining high hedges would introduce an element of enclosure compared to the general openness characteristic of most PRoW. There would be substantial harm.

9. TRAFFIC AND TRANSPORT

9.1. The main issues relating to traffic and transport are the suitability of the local road network; highway safety; accessibility of the project during construction and operation; and the potential environmental impact of arising from vehicles generated by the proposal..

9.2. Principal Matters identified which are relevant to traffic and transport matters are the following:

- Effects on traffic and transport during construction, operation and decommissioning, including whether the proposed development would enhance active, public and shared transport provision and accessibility.

- Adequacy of assessments and suitability and effectiveness of proposed mitigation measures.

Policy

9.3. The most important policies are the following:

- **National Policy** states the need for applicants to address the suitability of the access routes to the proposed site. Construction traffic is identified as potentially raising greater issues[131]; that access for construction traffic can be a significant consideration for solar farm siting[132]; and that consideration of the full extent of the access routes necessary for developments should be addressed[133].

- **NPPF Paragraphs 115,** states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe. A degree of harm to highway safety would be tolerated the test is whether ham in this context would be at a level that is unacceptable. Any impacts on the road network would have to be severe.

- The most important **Development Plan** policies relevant to landscape and visual impact are as follows:

[131] NPS EN-3, paragraph 2.10.27
[132] *Ibid*, paragraph 2.10.28
[133] *Ibid*, paragraph 2.10.29

- **North Northamptonshire Joint Core Strategy (2016)**:
  Policy 26: Renewable and Low Carbon Energy, which supports development subject to inter alia, that development does not result in an adverse impact on the capacity and safety of the highways network;

- **West Northamptonshire Joint Core Strategy (Part 1) (2014):**
  Policy S11: Low Carbon and Renewable Energy: which states, inter alia, that development should be sensitively located and designed to minimise potential adverse impacts;

- **South Northamptonshire Local Plan Part 2 (2020):**
  Policy SS2: General Development and Design Principles: which supports development so long as a safe and suitable means of access is provided;

- **Milton Keynes Plan:MK:**
  Policy SC3: Low Carbon and Renewable Energy Generation which states support for renewable energy schemes subject to no unacceptable harm to the amenity of residential area, due to, inter alia, traffic;
  Policy CT2: Movement and Access, which states that development will be permitted when, inter alia, it provides safe, suitable and convenient access for all potential users and I does not compromise highway safety. It also states that proposals which generate a significant number of heavy goods vehicle movements will be required to demonstrate,, that no severe impacts are caused to the efficient and safe operation of the road network and no material harm is caused to the living conditions of residents or the natural environment.

9.4. In broad terms the objectives of policy are to ensure that new development is safe in highway terms, that the highway network is capable of accommodating the new development and that there are no unacceptable environmental impacts arising from traffic generated by development.

9.5. Two notes are attached as appendices which address the concerns of local people about highway matters: document SGHS/Hi.1 is a note on routes and access points and SGHS/Hi.2 is a note on the highway implications generally.

Routes and Access Points

9.6. The note on routes and access points (SGHS/Hi.1) has been prepared by [redacted] I. Eng F.I.H.E DMS, an experienced highway engineer who is resident of Earls Barton and consequently has local knowledge. The important points of this note are the following:

- The highway assessment forming part of the Application demonstrates limited understanding of how the local highway network operates. In particular, the impact of topography and vertical sight lines and stopping distances do not appear to have been taken into account;
- No Stage 1 Safety audit has been undertaken;
- Topography is highly relevant given the requirement for abnormal loads for the construction of the scheme;
- The proposed access to Green Hill A.2 raises a road safety concern;
- The proposed access to Compound CC1 also raised road safety concerns;
- The proposed access to Green Hill C raises road safety concerns arising from the topography limited visibility and the fact the A45 has the national speed limit;
- Accesses D1, D2, D3, D4 and E1 are all off Highfield Road which is of insufficient width to accommodate large vehicles in two way movement
- There are problems with the exceptional load route that will come through Brafield and Cogenhoe. Fundamentally the route is not suitable; and
- Given the proposed management plan to control hours of deliveries, there is not space for HGV waiting nearby. It is unlikely it will be practical to adhere to the proposed controls in the particular circumstances arising in this location.

General Comment on Highway Matters

9.7. The general note on highway matters has been prepared by Nick Frampton, a retired Civil Engineer with 40 years' experience of working on construction projects (SGHS/Hi.2). The important points of this note are the following:

- The Outline Construction Management Plan[134] appears to be based on a desk top analysis; information lacks detail; significant assumptions on key matters which undermine the reliability of the Plan. There are also contradictory statements.

- Conflicting statements as to whether Mears Ashby Road, Earls Barton will be used for HGV traffic;

- For the construction phase of development, information is based on experience elsewhere. However, there is no explanation to demonstrate sites elsewhere are comparable to the current proposal;

- There is contradicting evidence as traffic generation during the construction phase;

- The proposed management of deliveries will be impractical in a real life scenario;

- The proposals for construction compounds for parking and the provision of shuttle buses is supported but likely to be an unrealistic aspiration in a real life scenario;

- There is no consideration of the need in a real world scenario for traffic control during the construction phase which is likely to cause very substantial disruption; and

- It is impractical to expect the size of vehicles required for the construction of the BESS at Grendon to successfully navigate the local highway network.

Accessibility Generally

9.8. It has been noted in considering flood risk that key local roads frequently become impassible. Potentially, this could impact on construction traffic. However, of more

[134] GH7.1 Outline Construction Environmental Management Plan

concern to local people are circumstances if an incident happens and the BESS and emergency vehicles cannot access the site. Station Road is the main access. It is liable to flood[135]. This is a further illustration of the highway implications of the scheme being assessed by way of a desk based analysis without evidence of how local roads operate in practice.

Conclusions on Traffic and Transport

9.9. The information submitted in support of the Application does not provide any confidence that the proposal would not have a significantly adverse impact on the local highway network; that there would not be a risk to highway safety, or indeed that vehicles of the size required to enable the construction of the BESS can safely be accommodated on local roads.

9.10. An issue of accessibility to the BESS site by emergency vehicles in the event of an incident during times when Station Road is impassible is a legitimate concern.

[135] Referred to earlier and see SGHS/Hi.3, a schedule of flooding incidents on Station Road

10. The BESS

10.1. There is ambiguity about the BESS Within the scheme. There is uncertainty about its' siting and specification which in turn serves to highlight the issue of public safety. Other issues have been identified in earlier section of this report and include the location of BESS Option A, is within Flood Zones 2 and 3; it is close to the RAMSAR and SPA designated areas which raise the sensitivity of the risks of pollution, and the location with the main access off Station Road and proximity to the river crossing at White Mills Bridge raises issues of the suitability of the access to accommodate the large vehicles necessary to transport BESS components to the site and the issue of accessibility in the event of an incident at the BESS. Regarding the detail of the site access, there is likely to be a disproportionate adverse impact on hedgerows and trees in order to provide points of access for large vehicles.

The BESS Specification Safety

10.2. No detail of the BESS is provided because it is argued that technologies may change and the Applicant does not want to be tied to a design and specification at this point in time. Document SGHS/BESS.1 is a Statement by Professor Peter Dobson OBE.

10.3. A Briefing Note prepared by Professor Dobson and his colleagues is SGHS/BESS.2. This focusses on safety issues arising at BESS and in particular arising from lithium-ion batteries. The main points of the Note are:

- Lithium-ion BESS ("LiB"), are susceptible to "thermal runaway" which can lead to explosion, fire and the release of toxic emissions to air and ground;
- Firewater used for firefighting will be toxic and must be contained and properly disposed. Substantial environmental harm would result from firewater polluting adjoining land and watercourses;
- There is no clear legislative or regulatory provision for LiB;
- Hazardous Substances Consent ("HSC") is likely to be required for large scale LiB installations.

10.4. A Development Consent Order can include a direction regarding HSC, deeming it to be granted subject to conditions The draft DCO in this case does not include any such proposed direction.

10.5. NPS EN-1 states that all establishments wishing to hold stocks of certain hazardous substances above a threshold need 'Hazardous Substances Consent'[136]. The Hazardous Substances Authority ("HAS") has responsibility for deciding whether the risk of storing hazardous substances is tolerable for the community. The HSA will usually be the local planning authority. The Health and Safety Executive ("HSE") is a statutory consultee on applications for hazardous substances consent. HSE is required to undertake detailed assessment work before producing its public safety statutory advice and the supporting consultation distances[137]. The aim of HSE's advice is to mitigate the effects of a major accident on the populations around a major hazard site. Where HSE does not advise against the Secretary of State granting the consent, it will also recommend whether the consent should be granted subject to any requirements.

10.6. Applicants must consult the HSA and HSE at pre-application stage if the project is likely to need hazardous substances consent. Hazardous substances consents are a part of the planning regime which contributes to public safety. The HSE sets a consultation distance around every site with hazardous substances consent and notifies the relevant local planning authorities. The applicant should therefore consult the local planning authority at pre-application stage to identify whether its proposed site is within the consultation distance of any site with hazardous substances consent and, if so, should consult the HSE for its advice on locating the particular development on that site. Where a hazardous substance consent has been deemed to be granted, the developer is required to send the relevant HSA any information required by them for the purposes of a register[138].

10.7. Where hazardous substances consent is applied for, the Secretary of State will consider whether to make an order directing that hazardous substances consent shall be deemed to be granted alongside making an order granting development consent[139]. The Secretary of State should consult HSE about this. Footnote 167 says that a hazardous substances consent can be applied for subsequent to a DCO application. However, the guidance in EN-1 paragraph 4.13.1 still applies: the applicant should consult with HSE at the preapplication stage and include details in their draft DCO.

[136] NPS EN-1, paragraph 4.13.3
[137] This involves HSE considering the compatibility of the proposal outlined in the application (e.g. to store defined quantities of each hazardous substance in specific locations on site) against the risks to the offsite population. HSE advice takes into account existing and potential developments in the area.
[138] NPS EN-1, paragraph 4.14.6
[139] *Ibid*, paragraph 4.14.7

10.8. In this case there is no evidence that the HSE or HSA have been consulted[140].

10.9. The issue of safety is important to public health. It is also critical given the internationally important sites for ecology and biodiversity adjacent to the BESS Site.

Flood Risk

10.10. The issue of flood risk has been considered earlier in this report. There is the potential consequences pollutants arising from the BESS site to enter the river system in the event of a flooding event. It cannot be overstated the sensitivity of this location given the adjoining RAMSAR and SPA sites, notwithstanding wider public safety concerns.

Accessibility

10.11. There are two aspects to the issue of accessibility. The first is the suitability of Station Road to accommodate vehicles necessary to transport BESS components during construction and the maintenance of the BESS site. The second is the problem of flooding closing Station Road to vehicles. Both points have been discussed earlier in this report.

10.12. Station Road is unsuitable. Access over the river via White Mills Bridge is narrow, single carriageway and traffic light controlled. Changes in the vertical alignment of the road over the river and navigation render it inherently unsuitable for heavy vehicles with limited ground clearance. There is also the issue of long vehicles negotiating the 90 degree bends in the road to the south of the river before reaching the proposed BESS site. Alternative routes (that would involve construction vehicles travelling through the centres of Grendon or Cogenhoe to access the BESS Site) are not proposed for good reason. The environmental impact of construction traffic travelling through nearby villages such as Grendon and Cogenhoe is likely to be significant.

10.13. Given the concerns about safety, in the event of an incident it will be important that emergency services are able to access the BESS site. Reference has been made to document SGHS/Hi.3, which provides a record of when Station Road has been closed due to flooding events. These are frequent. Given the impact of climate change, there is likely to be an increase in flood events in the future. Closure of the road will inhibit the ability of emergency services to attend any incident at the BESS site, raising further concerns about the safety of putting a BESS in this location.

[140] There is no reference to the HSA or the HSE in the Consultation Document APP.023.

Conclusions on The BESS

10.14. The BESS raises concerns about public safety and more so in this case because of the absence of information about the specification of the installation. In this case there is also a high sensitivity because of potentially environment pollution because of the location of the BESS site close to the River Nene and the RAMSAR and SPA sites. The risk of flooding compounds the legitimate concerns about the risks of pollution.

10.15. The accessibility of the BESS site for construction and maintenance is problematic. Station Road is fundamentally unsuitable for very large vehicles with low ground clearance. It is also liable to be impassible because of flooding events. Alternative routes would be through the villages of Grendon or Cogenhoe that would be environmentally damaging. The incidence of flooding blocking Station Road is also a particular concern, particularly in the context of the accessibility of the BESS for emergency vehicles in the event of an incident.

10.16. Overall, the matters above lead to a conclusion that it is the wrong site on which to location a BESS.

11. SUMMARY AND CONCLUSIONS

11.1. The potential benefits of the Application in contributing towards a low carbon economy, the objectives of sustainable development and other benefits are acknowledged. However, the potential adverse impacts are substantial. The proposal is driven by the availability of a grid connection, the requirement to secure generating capacity of 500MW, which dictates the scale of development, and land ownership in that it focusses on large scale landowners willing to sell. Having regard to National Policy which says that developments should be near to grid connection points, the geographical area covered by these proposals has sites proposed for development remote from the connection point. Those distant sites cannot reasonably be described as near to Grendon substation and are not consistent with policy advice.

11.2. The approach to site selection has resulted in critical matters not being given proper consideration including potential impacts on ecology and biodiversity having regard to the RAMSAR and SPA designations of international significance adjacent to the site; the potential for flooding having regard to policy guidance to direct development to areas of lower risk; policy guidance to avoid using BMV agricultural land; and the statutory and policy requirements to protect designated heritage assets. Further the proposal would have a significant adverse impact on the character of the landscape which has not been properly addressed in the Application. Fundamentally, due to the nature of the Application sites proposed for development cannot reasonably be described as being near to the point of connect to the grid.

Ecology and Biodiversity

11.3. The proposal is adjacent to the RAMSAR and SPA designations which have international significance. There are gaps in the ecological surveys. Given the sensitivity of the location from an ecology perspective, an inadequate information base and a baseline which relies on assumptions, is inadequate to be able to responsibly predict the potential impacts and determine what mitigation is necessary, or indeed whether satisfactory mitigation is achievable.

11.4. The Application falls within the FFL for the RAMSAR/SPA and the scheme has the potential to harm lapwing, skylark and other important ground nesting birds. The area of the site is important for bats. There is the potential for harm to the bat population on various parts of the site, but there is an incomplete evidence base. There is a risk of pollution arising from drainage from the development into the River Nene and also potential arising from any incident at the BESS.

11.5. Having regard to other matters raised in the Rule 6 letter, the potential enhancements must be considered in the context of the potential harms likely to arise and the effectiveness of proposed mitigation measures cannot be properly assessed because of the gaps in the base data.

Flood Risk and Drainage

11.6. The site of the proposed BESS falls with Flood Zone 2 and 3. Whilst energy infrastructure is, exceptionally, necessary in flood risk areas when there is no reasonably available site with a lower risk, this is contingent on a Sequential Test having been done to address the question of whether there is an alternative, or alternatives, where development could be located. The sequential assessment which has been undertaken is inadequate. It fails to address the question of disaggregation and alternatives are dismissed on the basis of constraints which apply equally to the proposal.

11.7. The potential for flooding also raises issues which are of particular concern to local people. Station Road, close to the BESS site at Grendon floods frequently. Concerns arise from unplanned routes being used for construction traffic and access for emergency vehicles to the BESS site at times when Station Road is impassable. Another concern is the potential for pollution, particularly from the BESS site, as a consequence of flooding events..

11.8. A detailed appraisal has been undertaken of the assessment of flood risk for Site G and particularly G-13. Points raised apply to the assessment of flood risk and drainage by the Applicant generally. However, the critique particularly points to the issues at Site G, part of which is in Flood Zone 3 and has a history of flooding. The Application is likely to increase the risk of flood events with harmful consequences for Lavendon.

Heritage

11.9. The potential impacts on heritage assets is not a factor which has been key to site selection notwithstanding policy which identifies potential harm to the setting to heritage assets may be substantial. The quality of the landscape in providing a setting for rural settlements is recognised in the development plan[141]. There are a substantial number of designated and non-designated heritage assets throughout the area of the proposed development. Easton Maudit and Mears Ashby are particularly sensitive.

[141] The North Northamptonshire Joint Core Strategy, Policy 2: Historic Environment

11.10. The Application identifies four heritage assets for which significant effects have been identified. These are:

- Easton Maudit Conservation Area:
- Church of St Peter and St Paul, Easton Maudit (Grade I);
- 22 High Street, Easton Maudit (Grade II*); and
- Mears Ashby Conservation Area.

11.11. For each, the assessment is that the level of harm would be "less than substantial".

11.12. However, there are significant shortcomings in the heritage assessment, particularly in addressing the setting of a heritage asset in the context of visibility only and a failure to address the impact of development on the character of the setting of heritage assets. This is of particular importance given that guidance in the PPG expressly refers to the potential of large scale solar developments to cause substantial harm to the setting of heritage assets and the particular circumstances at Easton Maudit. Whilst the heritage assessment concludes the Application would result in moderate adverse harm to the setting of the Grade I listed Church or St Peter and St Paul, the setting of the village conservation area and to setting of other listed buildings located within the conservation area, it demonstrably underestimates the harms likely to arise. The rural setting of these heritage assets would be changed fundamentally. Whilst it is acknowledged "substantial harm" is a high threshold, guidance within the PPG anticipates substantial harm could arise to the setting of heritage assets from solar development[142]. The proposal would seriously affect the significance of the Grade I listed church at Easton Maudit because the fundamental characteristic of the setting the setting would be lost. If however, it is not accepted there would be substantial harm, the impact must be at the top within the category of "less than substantial harm".

11.13. The Application would therefore have a profound impact on the heritage interest of the area. The character of the countryside would be changed and the proposed mitigation to screen the solar arrays would of itself be harmful to the setting of heritage assets.

11.14. There are statutory requirements arising from the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to the protection of listed buildings and

[142] Paragraph: 013 Reference ID: 5-013-20150327 which says: *"Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset".*

conservation areas. Policy at all levels requires the protection of heritage assets and any harm should be given "great weight" in the planning balance.

Landscape Impact

11.15. The Landscape Statement provides a comprehensive critique on the assessment of the impact of the Application on landscape character. Headline points from the summary of the critique are as follows:

j. Whilst it is acknowledged that there would be significant adverse effects on landscape character and visual amenity, up to year 15, the impacts are understated. It is not accepted that after 15 years the impact will generally be significant beneficial. The difference in opinion arises from different interpretation and/or applications of the published guidance and those flawed assumptions employed in the LVIA.

k. The failure to consider the landscape as a resource, especially the complex natural, cultural, social and visual functions and services which the sites and their contextual landscapes perform / provide. This is a major omission. Omissions include consideration of heritage assets and features, the contribution of wildlife habitats to the landscape. PRoW, and the impacts of glint and glare. There is no differentiation between direct and indirect landscape effects.

l. After Year 15, the LVIA relies on existing and proposed vegetation to screen views. 15 years for landscaping to mature in these circumstances is unrealistically optimistic. It cannot be assumed that views would remain screened. Not all adverse effects on landscape character can be mitigated by screening.

m. The LVIA relies on hedges being managed at 4.5m tall. Tall hedges are uncharacteristic and in these circumstances the proposed mitigation measures would cause adverse landscape effects, particularly where hedges would screen views across characteristically open landscapes.

n. The LVIA asserts that after Year 15 there would be significant landscape character benefits. This assertion is flawed is because it inappropriately double counts the mitigation measures.

o. The LVIA does not assess effects on the overall character of the sites. It focuses 'landscape fabric'. The LVIA does not follow publish guidance

p. The LVIA fails to take account of direct and indirect effects. Indirect effects on the overall character of the landscapes closest to the sites would be significant adverse for the duration of the operation.

q. The glint and glare assessment is flawed and unreliable with a consequence that the environmental impact is understated.

r. Combined, the significant adverse landscape and visual effects that would occur or be experienced within each of the proposed sites' zone of interinfluence. There would be a significantly adversely affect an extremely large area.

11.16. Overall, the significant adverse landscape and visual effects arising from the application would be higher than the LVIA predicts, and the majority of the effects would remain significant adverse from start to finish.

BMV Agricultural Land

11.17. The issue of the loss of BMV agricultural land goes to the heart of the approach towards site selection by the promoters of this development. The site has a high proportion of BMV land. Policy directs development to land of a lower quality. There is no adequate justification for the use of BMV land in this case. It must be assumed that National Policy was drafted in the knowledge that development would be for a temporary period and that some agricultural activity, sheep grazing, could take place under and around arrays of solar panels. These factors do not provide legitimate reasons set aside the policy requirement to utilised lower quality land.

11.18. The SolarQ research serves to illustrate that policy to direct development away from BMV land is not successful. Giving approval for development on this site, which has a high proportion of BMV land will only further exacerbate that discrepancy.

Likely Impacts on PRoW

11.19. The PRoW, which route through the wider area of the Application, are important elements in the landscape for recreation, wellbeing, a means for travelling from pace to place, and they are part of the historic fabric of the area. The significance is more than local as evidence by the Waendel Walks.

11.20. The Application will entail the development of solar array through which the PRoW will travel through or immediately adjacent. The impact on the character of those footpaths and bridleways would be very substantial and would be akin to traversing through or around an industrial site. The connection with heritage assets would be severed. The mitigation proposed of planting and purposefully maintaining high hedges would introduce an element of enclosure compared to the general openness characteristic of most PRoW. There would be substantial harm.

Traffic and Transport

11.21. The information submitted in support of the Application does not provide any confidence that the proposal would not have a significantly adverse impact on the local highway network; that there would not be a risk to highway safety, or indeed that vehicles of the size required to enable the construction of the BESS can safely be accommodated on local roads.

11.22. An issue of accessibility to the BESS site by emergency vehicles in the event of an incident during times when Station Road is impassible is a legitimate concern.

The BESS

11.23. The BESS raises concerns about public safety. There is also a high sensitivity because of potentially environment pollution arising from the location of the BESS site close to the River Nene and the RAMSAR and SPA sites. The risk of flooding compounds the legitimate concerns about the risks of pollution.

11.24. The accessibility of the Grendon BESS site for construction and maintenance is problematic. There are significant legitimate concerns about access to the BESS site by emergency vehicles should there be an incident at a time when stion Road is flooded.

11.25. The issues identified above lead to a conclusion that Grendon is the wrong site on which to locate a BESS.

CONCLUSIONS

11.26. Stop Green Hill Solar acknowledge National Policy is that:

(i) the need for solar energy is not open to debate, nor is its urgency[143]; and

[143] NPS EN-1, paragraph 3.2.6.

(ii) substantial weight should be given to this need[144].

11.27. In promoting a DCO the applicant should seek first to avoid, failing which reduce, failing which mitigate, failing which compensate for impacts. The urgent need for Critical National Priority Infrastructure and related benefits thereof will in general outweigh any residual impacts remaining; and this policy approach will influence how the Secretary of State considers harm in the context of specific policy tests[145].

11.28. However, the construction of this Application falls well short of demonstrating that it has sought to avoid harm in the first instance; that harm arising has been reduced and/or mitigated or that compensation has been made. The approach to site selection is driven by the availability of a grid connection, a requirement to secure generating capacity of 500MW, which dictates the scale of development, and land ownership in that it focusses on large scale landowners willing to sell. Consideration of legitimate planning issues such as landscape, ecology and biodiversity, heritage, flood risk, loss of BMV agricultural land and other environmental impacts has evidently and demonstrably been a secondary consideration.

11.29. The consequence is that Impacts have not been minimised/adequately mitigated. For example at ISH-1 in response to a question from the lead Inspector as to why further mitigation of heritage impacts on Easton Maudit had not been undertaken, the response was that the removal of solar arrays from a further field or fields would affect the viability of the project. No evidence whatsoever has been presented to support this oral assertion; and given the size and extent of the project, the assertion does not appear credible. The urgent need for CNPI should not therefore be regarded as outweighing impacts when those impacts are not residual.

11.30. In respect of ecology and biodiversity, policy does not prohibit development on sites recognised for ecological importance[146]. The Grendon BESS is adjacent to a RAMSAR and SPA and Sites are within the FFL. The problem is that the evidence base is incomplete. The consequence is that the extent of the harm is not known. Mitigation and the extent of residual impacts are not known.

11.31. Flood risk and drainage has implications ecology and biodiversity, highways and public safety. The Grendon BESS site falls with flood zones 2 and 3. The Application is not policy compliant because the requirements of the sequential test have not been addressed with regard to flood risk. Irrespective of the propensity of the BESS

[144] *Ibid*, paragraphs 3.2.7 and 4.2.6.
[145] NPS EN-1, paragraphs 3.3.63, 4.1.7, 4.2.8 and the Glossary (definition of the "CNP policy")
[146] NPS EN-3, paragraphs 2.10.11, 2.10.29, and 2.10.30

site to flood with the risk of pollution and harmful consequences for ecology and biodiversity, the local highway network has a record of being impassible because of flooding. There are serious questions about the ability of emergency services to access the BESS site in the event of an incident. There is potential risk to public safety.

11.32. Regarding the impact of heritage assets, there are the statutory duties arising from Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. A balancing exercised is required to consider whether loss or harm to the significance of a heritage asset is outweighed by substantial public benefits, in this context, the positive role of large-scale renewable projects[147]. However, harm will not be outweighed when the approach to the site search has been flawed. Further, the approach taken in the Application to addressing the setting of heritage assets is defective. The consequence is that the harms identified are understated and consideration of mitigation and the identification of residual harm are incomplete and deficient. Notwithstanding, the mitigation has not done what could be done to respond to harm because it is asserted it would not be viable to do so[148].

11.33. Regarding landscape impact, it is acknowledged that locally valued landscapes[149] should not be used in themselves to refuse consent, as this may unduly restrict acceptable development[150]. However the assessment which has been undertaken focuses on the impact of development and mitigation measures on the fabric of the landscape. There is no consideration of impacts on landscape character. Mitigation of harm to the character of the landscape is not addressed and consequently there Is no proper assessment and consideration of residual harm.

11.34. Policy also does not prohibit development on BMV agricultural land although it directs development to brownfield, industrial and low and medium grade agricultural land where possible. The Applicant has not sought low and medium grade agricultural land (or industrial or brownfield land). Approximately two third of the site are BMV. Whilst high quality agricultural land is characteristic of his area, no alternative connection point has been considered, the amount of land is greater than required to deliver a scheme to generate 500MW, and one of the key facts in the site search was large sites with willing landowners. This demonstrates ambivalence to the clear preference in policy to avoid the use of BMV. In a national

[147] NPS EN-3, paragraph 2.3.8
[148] Bearing in mind there is no evidence before the Examination about viability.
[149] NPPF paragraph 180 (a) and NPPG section 8 Natural Environment, para. 8-036-20190721.
[150] NPS EN-1, paragraph 5.10.12

context, the SolarQ evidence about the effectiveness of policy to protect BMV land is compelling.

11.35. The presumption in favour of granting consent does not apply to residual impacts which present an unacceptable risk to (or interference with) , inter alia human health and public safety[151]. The proposed BESS at Grendon presents an unacceptable risk to human health and public safety.

11.36. Overall, the Application is based on a site search which has not considered alternative points of connection to the grid; it has only considered large sites with willing landowners; and is driven by a requirement to deliver 500MW at the point of connection to the grid (and then takes more land than necessary to satisfy this self-defined requirement). The site is not suitable. It is open therefore to the decision-maker to refuse the make the DCO when no alternative points of connection to the grid have been investigated by the Applicant. Further, there are important shortcomings in the assessment harm to landscape character, heritage assets and ecology and biodiversity within the Application. The mitigation proposed cannot therefore properly address the real world harm likely to arise. Even then, with regard to heritage, the Applicant has not taken obvious mitigation measures because it is asserted (orally) that it would not be viable. There is no evidence before the Examination about viability.

11.37. For the reasons outline above, this Application is misconceived, it does not adequately address NPS and other policy requirements, it does not provide a sound assessment of the impact of the proposal and as a consequence mitigation is misdirected and or inadequate. The residual harmful effects include, but are not limited to, substantial harm to heritage assets, harm to ecology and biodiversity and harm to the character of the area. There is also a risk to public safety. Whilst acknowledging the contribution the proposal could make towards national policy objectives, this is a misconceived scheme on the wrong site. The Development Consent Order should not be confirmed.

[151] NPS EN-1, paragraphs 4.1.3, 4.1.7, 5.4.43 and 5.4.53.