

# **STATEMENT OF CASE**

## **ON BEHALF OF BEAUSALE, HASELEY, HONILEY AND WROXALL PARISH COUNCIL [BHHW]**

**Town and Country Planning Act 1990 - Section 77 and Town and Country Planning  
(Inquiries Procedure) (England) Rules 2000**

**Application by Enso Green Holdings P Limited**

**at Land West of Honiley Road (A4177), Honiley, Kenilworth.**

**PINS Reference APP/W/2845/W/22/3311385**

**Warwick DC ref W22/1577**

**January 2024**

## **1. INTRODUCTION**

- 1.1 The planning application subject to this Section 77 inquiry was submitted to Warwick District Council on 6<sup>th</sup> October 2022. The application was considered at a meeting of the Council's Planning Committee on 18<sup>th</sup> July 2023, recommended for refusal by the Head of Planning.
- 1.2 Beausale, Haseley, Honiley and Wroxall Parish Council [BHHW] has Rule 6(6) status at this inquiry. BHHW objected to the planning application when being determined by Warwick District Council as the local planning authority. BHHW maintain their objection at this inquiry. BHHW intends to call witnesses on the topics of:
- Planning policy
  - Landscape and Visual Amenity.

## **2. THE SITE AND ITS SURROUNDINGS**

- 2.1 The site area is 54.6 hectares. It comprises six fields that are split towards the south by Drum Lane. The fields have hedgerow boundaries with trees. Surrounding agricultural land has similar characteristics. The site is bound by Honiley Road (A4177) to the east. Manor Lane abuts the north and Drum Lane dissects the southern part of the site. The area is well used by cyclists, walkers, runners, horse-riders and vintage car enthusiasts, all of whom enjoy its tranquillity, openness and rural character. It is Green Belt.

## **3. THE PROPOSAL**

- 3.1 The proposed development is a solar farm and battery storage facility. It has the following main elements:
- Solar arrays capable of generating 23.1 MW of power and operational for up to 40 years.
  - Ground mounted solar photovoltaic panels, 3m tall above ground level.
  - Inverter, transformer and switchgear stations.
  - Battery storage facility (20 containers)
  - Substation, control room, auxiliary transformer and storage containers.
  - Underground cabling
  - Perimeter fencing; up to 2.1m in height.
  - CCTV/infra-red cameras, mounted on 3m high posts.

- Weather station poles, up to 3m in height.
- Internal access drives (crushed aggregate), 3.5m to 6m in width.
- Soft landscaping.
- Two points of access are proposed from Drum Lane and one from Manor Lane (at existing field gates)

#### **4. PLANNING POLICY CONTEXT**

##### **The Development Plan**

- 4.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, applications and appeals are to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan comprises the Warwick District Local Plan 2011 to 2029; the 'WLP'.

##### **Material Considerations**

- 4.2 The following other material considerations are relevant:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Joint Green Belt Study (2015). Stage 1 Final Report for Coventry City Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council and Warwick District Council
- Government's Energy White Paper (2020)
- National Policy Statement EN-1 (2021)
- Government's Net Zero Strategy: Build Back Greener (2021)

#### **5. KEY ISSUES**

##### **Principle of development**

- 5.1 BHHW intends to make the following case at the inquiry. WLP Policy CC2 supports proposals for renewable energy and low carbon generation in principle subject to all

listed criteria being demonstrated. It will be argued the proposal fails to comply with criterion b and c of CC2, namely:

*b) the proposal has been designed to minimise the impact (including any cumulative impacts) on the natural environment in terms of landscape, and ecology and visual impact;*

*c) the design will ensure that heritage assets including local areas of historical and architectural distinctiveness are conserved in a manner appropriate for their significance;*

## **Green Belt**

### Introduction

- 5.2 Solar farms and battery storage facilities constitute inappropriate development in Green Belt. NPPF paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances [VSC]. NPPF para 153 states:

*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

- 5.3 NPPF paragraph 156 states:

*When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.*

## Effect on the openness of, and purposes of including land within, the Green Belt

- 5.4 A strong characteristic of the application site is its openness and lack of built development. The land is gently sloping, with the highest point at the north-east corner close to Honiley and the lowest point to the south, at Honiley Road. It lies within a predominately agricultural landscape interspersed with woodland. The only built development near the site is piecemeal and small-scale, comprising:
- Haseley Knob to the east;
  - Wroxall to the west;
  - Five Ways to the south;
  - Holly Farm Business Park, Warwickshire Park Hotel and the Dogs Trust Kenilworth to the north.
- 5.5 The undeveloped application site plays a positive role in providing separation between these small enclaves of built development. Taking into account the Joint Green Belt Study (2015), at a regional perspective the site plays a positive role as part of a broader area that prevents the merging of the towns of Warwick and Kenilworth and the City of Coventry.
- 5.6 The proposed development involves very large-scale built development into a landscape largely devoid of development. The proposed solar arrays (3m tall) are spread extensively across the site and follow the existing undulating topography. Measures to mitigate the landscape and visual impact of the development involve:
- Native woodland planting along the southern boundary;
  - Filling gaps in hedgerows;
  - New hedges and tree planting.
- 5.7 However, these measures have negligible effect of reducing the overall impact of the proposed development on the openness of the Green Belt.
- 5.8 The proposal conflicts with NPPF Paragraph 142, which states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

5.9 The proposal also causes harm to three of the five purposes of Green Belt (NPPF para 143):

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;

5.10 The proposed solar farm would operate for a period of up to 40 years. This is a long period of time, during which there will be substantial loss of openness.

#### Green Belt conclusion

5.11 The proposal is inappropriate development which by definition will harm the Green Belt. It will be demonstrated that Very Special Circumstances advanced by the applicant, individually and collectively, do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal.

5.12 Beneficial circumstances include “the wider environmental benefits associated with increased production of energy from renewable sources” mentioned in NPPF paragraph 156. On the other hand, there will be a substantially harmful effect on the openness of the Green Belt in terms of visual and spatial impact. There is also harm to

- Landscape character and visual amenity.
- The significance of a heritage asset; namely the setting of Manor Farmhouse, a Grade II listed building.

5.13 The proposed development would conflict with national green belt policy set out in the NPPF and WLP Policy DS18. This harm to the Green Belt carries substantial weight.

#### **Landscape and visual amenity**

5.14 Relevant WLP Policies are CC2, BE1 and NE4. The explanatory text to CC2 states “Large-scale solar farms should be focused on previously developed and non-agricultural land.” The application site is not a focus for this type of large-scale solar farm. Evidence will be submitted to evaluate the impact of the proposal on landscape character and visual amenity and will take into account:

1. Landscape and Visual Assessment by Enso Energy dated September 2022.

2. Committee report. Specifically pages 17 to 22 and 38 and 39.
3. WCC Landscape Team comment by Sue Harrison, undated.
4. WCC Landscape Team comment by Sue Harrison, email dated 25<sup>th</sup> April 2023
5. NPPF paragraph 180.

## **Benefits**

- 5.15 BHHW recognises there are several benefits of the proposed development:
- Renewable energy generation and energy security
  - Biodiversity Net Gain. The applicant's BNG Assessment states there will be a 135.9% net gain in habitat units and 9.9% gain in hedgerow units. However, BNG is a mandatory requirement on all developments from January 2024.
  - Additional Green Infrastructure; comprising native woodland, tree and hedgerow planting and grassland creation. However, given the extensive coverage of solar panels on grassland there will be an overall net loss of green infrastructure.
  - Two permissive footpaths. However, local residents already have access to public footpaths and quiet cycle routes in the locality and so these new footpaths have limited benefit to the local community. Furthermore, each permissive footpath is a "path to nowhere", runs parallel to an existing minor public road and offers a poor alternative to walking or cycling on the road.
  - Temporary construction jobs.
  - Farm diversification.
- 5.16 Some of the alleged benefits advanced by the applicant are not benefits at all but are neutral matters or mitigation:
- Best available technology.
  - Good design (the proposal as a whole is poor design).
  - Temporary period of operation (40 years).
  - Soil regeneration
  - Absence of alternative sites.
- 5.17 Regarding the applicant's Alternative Site Assessment, this is of limited value because it only considers sites within a 5km radius of Berkswell Substation (point of connection). There is no evidence that a Green Belt location is required at all to construct a solar farm and battery storage facility, whether larger or smaller than

23.1MW generation in this case. Indeed, given the vast area of land in England not in Green Belt it is certainly the case that land for potential solar farms with a viable POC is available outside Green Belt. The ASA is not a report that lends weight in favour of the proposed development.

### **Other appeal decisions**

5.18 The applicant relies upon other appeal decisions to support its case:

1. Essex (APP/W1525/W/22/3300222).
2. Basildon Borough Council (APP/V1505/W/22/3301454).

5.19 However, these cases are not directly comparable, for reasons given by pages 33 and 34 of the committee report. Moreover, other appeals have been dismissed involving the development of solar equipment in the Green Belt (with and without battery storage facilities). BHHW may refer to these appeals during the inquiry.

5.20 BHHW will respond to the minutes of the Planning Committee 18<sup>th</sup> July 2023 and the Secretary of State's Rule 6 Statement.

## **6. CONCLUSION**

6.1 Beausale, Haseley, Honiley and Wroxall Parish Council [BHHW] recognises the benefits of the proposed development, which include renewable energy generation and energy security (being "wider environmental benefits associated with increased production of energy from renewable sources" pursuant to NPPF paragraph 151). However, the explanatory text (paras 5.111 and 5.112) to policy CC2 states that "*the need for green energy does not override environmental protections and the planning concerns of local communities. The delivery of such proposals therefore needs to be carefully managed in the context of the natural and historic environment and in relation to the impact on local amenity.*"

6.2 The proposal constitutes inappropriate development in Green Belt, to which substantial weight is given. In this case, 'Very special circumstances' do not exist because the harm by reason of inappropriateness, and other harm resulting from the proposal, is not clearly outweighed by other considerations (BHHW emphasis).



- 6.3 “Other harm” is to:
1. Openness of the Green Belt;
  2. Three of the five purposes of Green Belt (NPPF para 143):
    - a) to check the unrestricted sprawl of large built-up areas;
    - b) to prevent neighbouring towns merging into one another;
    - c) to assist in safeguarding the countryside from encroachment;
  3. Landscape character and visual amenity;
  4. The significance of a heritage asset; namely the setting of Manor Farmhouse, a Grade II listed building.
- 6.4 There is conflict with several policies in the Warwick District Local Plan:
- CC2 - Planning for Renewable Energy and Low Carbon Generation
  - BE1 - Layout and Design
  - NE4 - Landscape
  - DS18 - Green Belt
- 6.5 Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. The material considerations do not indicate that the plan should not be followed<sup>1</sup>. Accordingly, the planning application should be refused.

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<sup>1</sup> Wording taken from NPPF para 12