

**Bromsgrove District Council
Planning Committee**

**Committee Updates
29 April 2024**

24/00896/FUL: Foxwalks Farm, Grafton Lane, Bromsgrove

Two additional representations received from Foxwalks Solar Farm Bromsgrove Opposition Group on 24 April 2024 as follows:

The update follows numerical order with Officer responses in relation to the matters raised:

1. The applicant has grossly overstated the public benefits of the scheme and there are no records with the National Grid of the supposed connection they have agreed, nor is there any capacity without significant infrastructure upgrades at Upton Warren substation, therefore there is insufficient evidence that very special circumstances should exist to justify use of Green Belt
2. The cumulative impact to this Heritage site that the Historic Environment Assessment for Bromsgrove council identified as one of the most important historical sites in the district has been severely deprecated and several heritage assets with clear intervisibility have not been acknowledged
3. There are several unaddressed ecological concerns that could have a devastating effect on endangered species
4. Approving this application despite the precedent set at <1 mile away Rectory Farm in 2016 will lead to grave consequences to the rural communities in Bromsgrove.
5. A number of significant health and safety risks have been identified, approval of this application would represent reckless endangerment and if a major incident were to occur as a result of a negligent decision, in particular the risk to serious collision or loss of life using the unsuitable road and the dismissal of Police advice around security fencing to prevent organised crime.

Green Belt

1. The proposal should not warrant very special circumstances to utilise Green Belt land. The public benefits of the scheme are grossly overstated in terms of electrical output and carbon emission savings. The applicants claim on providing enough energy to power over 13,000 local properties are grossly misleading as they assume peak productivity would be achieved throughout a calendar year. As you can see from the below graph, peak output will be achieved for just 3 months of the year (when demand is at its lowest), and for 6 months each year (when demand is at its highest) the plant will be providing very little output. What justification for removing 100 acres of Green Belt land is there for an industrial facility that will be almost dormant for 6 months. This is an unreliable energy source that will simply increase the need for fossil powered energy during months when solar is unproductive. Reduced scale of fossil fuel powered energy, will increase the premiums leading to local residents paying more for their electricity supply. Wind for example is over 4 times more productive in the UK and to produce the same output as this solar plant proposal would need a third of the space and therefore would open up several other options within the district and offer a much more reliable source of renewable energy.

The applicant justified dismissing this advice based on their apparent securing of a grid connection at Upton Warren substation, where they suggested capacity was available, and that connections are hugely restricted to the grid in UK due to challenges with the infrastructure. However, the National Grid have no record of this grid connection having been approved (they suggest there has not even been an application) and they also confirm that there is no capacity for additional energy into this part of the network without significant infrastructure upgrades that are not planned until 2030. The representation also questions the temporary description of the proposal.

Officer Response:

The matter of the impact of the proposal on the Green Belt is covered in the Report at pages 31 – 33 and the material consideration which are considered to outweigh Green Belt harm are outlined on pages 34 – 36 of the published report.

In relation to the point about productivity, the matter is addressed in para 163 of the Framework as follows:

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

Therefore, the point raised about the productivity of solar energy generation is addressed in national policy. The proposal would generate up to 49.9MW and whilst the applicant has stated an output from the installation, a lower output or reduced productivity would not conflict with local or national policy or the relevant material considerations which weigh in favour of the proposal.

In respect of the point raised in relation to Grid Connection, National Grid comments are on page 19 of the published report. National Grid confirmed the connection agreement is with National Grid Electricity Distribution rather than NG (formerly Western Power Distribution). Officers are satisfied that the appropriate grid connection has been secured.

The matter of the temporary/permanent installation has been described on pages 20 and 25 of the published report are from the perspective of the supporters and objectors respectively. The official description (page 30) is that the proposed solar farm will have a life span of 40 years, at the end of which the modules would be decommissioned and removed from the site and relevant conditions are attached. It is not possible to determine, at this stage, what the precise soil conditions would be at the date of decommissioning.

Historic Environment

2. The impact to the 'one of the most historically important' locations in the entire District has been significantly downplayed along with the impact to 16 Heritage assets that form part of the 1,000 years old Grafton Manor Estate.

There are 16 heritage assets visually affected by this proposal as you can see from the above 1800's map of the Grafton Manor estate. Timberhonger Farm is on the border in addition to Timberhonger lane, over 1,000 years old referenced in Doomsday book and nowadays a National Cycle route). The conservation officer initially identified, Foxwalks Farm, West Lodge, Monsieurs Hall, Timberhonger Farm and Grafton Manor and surrounding buildings. There was no reference to Bowling Green Farm and barns, East Lodge, Warridge Lodge, Priests House and Barns, Heritage assets on the top corner of Grafton Lane / Rock hill where there remains a former Shepherds hut, part of the Grafton Manor estate with clear visibility of the site. No reference in the document of the Grafton Manor estate despite this having been previously acknowledged by the case officer and the Conservation officer on emails.

Timberhonger Farmhouse and Monsieurs Hall Farmhouse were dismissed due to lack of intervisibility, pictures both from and to Timberhonger Farmhouse were provided to the officer and subsequently to the Conservation officer to disprove that suggestion. Pictures below from Monsieurs Hall are now provided.

The lack of assessment on East Lodge and the photographs showing the intervisibility issues on the other heritage assets resulted in the Conservation officer having to undertake a further assessment of the area, recognising the impact to East Lodge and also recognising that the area has been subject to unsympathetic development in the past (M5 motorway, Moto X track, conversion of barns into dwellings, Business units being allowed to open at the site etc). She admitted as part of this follow up report that as a Heritage area, this new proposal constitutes cumulative impact, and Historic England advice note 3 in accordance with the NPPF states that where there has been unsympathetic development in the past that any new development should seek to enhance and restore the sites historic character and setting rather than further degrade and diminish the setting. Why is there no reference in the case officers document, given they was aware of this fact, of the Cumulative Impact to the heritage site which is a key factor in this planning decision?

Officer Response:

It is important to set out the chronology of events in the assessment of the impact of the proposal on heritage assets. This is also set out in detail in pages 36 – 39 of the published report.

Firstly, the application is accompanied by a Heritage Assessment in accordance with Historic England Guidance. The Council's Conservation Officer independently assessed the impact of the proposal on the setting and significance of any heritage assets. A response was provided on 12th October 2023.

Foxwalks Solar Farm Bromsgrove Opposition Group later raised concerns in relation to the Conservation Officers assessment in particular in relation to East Lodge Farm, a Non Designated Heritage Assets (NDNA). The Conservation Officer carried out an additional assessment in terms of the impact of the proposal in relation to this NDNA (response provided 07.03.2024). This matter is addressed on page 38 of the published report and it is considered that any harm to this asset would still be at the lower end of less than substantial harm.

A further representation was received from Foxwalks Solar Farm Bromsgrove Opposition Group dated 15.04.24 raising the impact on the following additional heritage assets:

- Warridge Lodge Grade II listed
- Heritage assets on Monsieurs Hall lane
- Bowling Green Farmhouse, (was one of the main reasons for the Rectory farm rejection in 2016 and sits closer obviously to Foxwalks given it is part of the estate).
- Talbots, Digwoods all Grade II listed (There is also a remaining original Shepherds hut at 84 Rock Hill, and a Heritage asset next door Haycroft barn both which look directly into the fields
- Priests House and Barns both Grade II listed
- Timberhonger Farm

The Conservation Officer has provided a response in relation the addition assets as follows: I considered the potential impact on Timberhonger Farm when I provided my previous comments on 7th March as follows: I do not consider that there is any harm to Timberhonger Farm (listed Grade II), which is located on the west side of Timberhonger Lane to the north west of the site, and surrounded by trees. The property which is visible from the site is the farmstead on the east side of the road, Rodenhurst. This is also a NDHA, with some intervisibility with the proposed site. Like the other farmsteads noted above and in my earlier comments the wider rural landscape including the site contributes to the rural setting and significance of this NDHA. Again, the harm is at the lower end of less than substantial and paragraph 209 of the NPPF would apply. Warridge Lodge is not a listed building. It is also not clear where the view of the site from this property was taken.

Bowling Green Farm and the associated barns, now converted to residential and The Priest's House were briefly considered but due to a lack of intervisibility or very minimal intervisibility, there

is not considered to be any harm to their significance. In respect of the Rectory Farm solar development, Bowling Green Farm did overlook that potential development due to the intervening topography so the assessments of the sites were necessarily different.

Ecology

3. A number of ecological concerns have not been acknowledged or addressed. Two screening opinions were completed by BDC for this application, in addition the applicant provided 4 relevant reports support their application, and BDC commissioned its own ecological survey. All of these failed to identify:

- Endangered species in the man-made Grafton Manor lake
- Cable routing plan remains outstanding despite Worcestershire Wildlife Trust requesting this to be clarified prior to the application being determined
- Cable trenching is likely to be deep into the ground in order to protect the cables from disturbance / theft
- The route the trenching will take will be directly over Green Belt land
- As yet given no plan has been provided it is impossible to understand if the approach will result in any ecological concerns
- It should therefore be a mandatory consideration of any decision to approve this application

Officer Response:

With regard to deficiencies referred to by the Opposition Group, the assessments, methodologies and outcomes have been considered by the Councils appointed Ecologist and no objections have been raised. The scrutiny of technical content is their role. With regard to GCN, Thomson Environmental consultants stated that:

It is noted that Grafton Manor Pool SWS, a confirmed receptor immediately adjacent to the site, was not identified as one of the six ponds within 500m, under the 'Amphibians' section of the Ecological Impact Assessment and was not subjected to an eDNA test for great crested newt (GCN). Whilst it may be that this feature is a 'fish pond' with low suitability for GCN, this large lake was worthy of mention in relation to amphibians, and reasons for excluding it from further GCN surveys should have been expressly stated. Large fish ponds can have shallow areas where fish access is limited or not possible, where newt populations may persist, shielded from predation. This lake is likely to have large populations of common frog and common toad associated with it, and precautionary measures to limit potential impacts of construction on amphibians should be included in the Construction Environmental Management Plan (CEMP), which is to be conditioned, in addition to measures for those receptors identified in the Ecological Impact Assessment. It is important to note that ground works or movement of material is not proposed in relation to the Temporary Storage Compound adjoining the pool.

The matter of ecological impact is covered in detail on pages 40 – 42 of the published report. WWT had raised concerns in relation to bat surveys of the existing trees and in relation to the cable route. Members will be aware that the existing trees and hedgerows are proposed to be retained and the cable can be undertaken by the Distribution Network Operator.

It should be noted that WWT have not objected to the proposal on wildlife grounds subject to conditions.

The representation has also raised the Grafton Manor Lake dam. This dam is in a state of disrepair and potentially looks to be failing, incapable of handling the current loads that are using this fairly quiet track, let alone the sheer volume and weight of the construction traffic that will be required to utilise this section to reach the proposed compound. This issue has been pointed out to the officer on several occasions and has neither been acknowledged or acted upon, despite him advising verbally on a site visit of 19/3 to a member of the opposition group that a further ecological survey would take place for this matter. In addition to ecological concerns any failure of

the dam would leave 8 residences stranded at or away from their homes.

North Worcestershire Water Management have commented as follows in relation to the dam: Ultimately, it is the responsibility of whoever owns the dam structure, which I believe to be a private individual as it is not part of an adopted highway, to ensure it is safe. (not NWWM or the EA). It is my understanding that this lake is not classed as a statutory reservoir so will not require the owner to have panel engineer inspections. Our team are not structural engineers and it is not within our role or expertise to assess the structural stability or risks for such structures; as such our team are not commenting upon the dam in relation to the proposed development.

Our powers on ordinary watercourses such as this under the Land Drainage Act 1991 are limited to Section 23&24 – consenting / enforcing work altering the flow undertaken without consent (ie installing culverts / weirs), and Section 25 – ensuring the proper flow of water is maintained if there is a blockage. We have no pro-active Powers or bylaws to prevent something happening, and unfortunately our only power in this case would be if something were to happen to the dam or watercourse which restricts the flow of water and increases flood risk.

I assume access routes for any future development (or indeed current access for farm machinery etc) over the dam would be assessed by whoever is arranging that transport, and responsibility for ensuring it is a suitable route would fall to them and the land owner. There have been no objections raised by Highways or National Highways subject to an additional following condition:

The Development hereby approved shall not commence until a pre-construction highway condition survey has been undertaken to the satisfaction and approval of the Local Highway Authority. The extent of the survey shall be agreed and approved in writing. A copy of the survey shall be issued to the Local Highway Authority, as an approved record. Upon completion of the development construction phase, a follow-up condition survey shall be undertaken to the satisfaction of the Local Highway Authority.

Reason: To ensure integrity of the local highway network is maintained, in the interests of highway safety.

Precedent

4. As previously stated, this opposition group supports the drive for renewable energy in the right circumstances, however approving this application will set a precedent that will shape the future of rural areas of Bromsgrove for years to come.

Rectory Farm, Rectory Lane, Upton Warren: declined on appeal by the Secretary of State (SOS) in 2016

Officer Response:

Each application should be considered upon its individual merit. Officers would point out to Members that the Rectory Lane site was a different site and the decision was taken in a different policy context some 8 years ago. The policy position set out in your published report notably pages 34 – 35 is substantially different to 2016.

In the interests of clarity, the proposal does not provide any energy storage.

Health and Safety

5. A number of significant health and safety risks have been identified, approval of this application would represent reckless endangerment and if a major incident were to occur as a result of a negligent decision, in particular the risk to serious collision or loss of life using the unsuitable road and the dismissal of Police advise around security fencing to prevent organised crime.

The matters raised relate to the suitability of Grafton Lane from a highway perspective, dangers

from the dam and motorway overbridge.

The Noise Survey conducted is considered inadequate.

Officer Response:

These matters have been considered in consultation with Worcestershire Highways and National Highways and WRS (Noise) with no objections raised subject to conditions. The matter of the dam has been addressed above. The DOCO has not objected to the application and the matter of crime risk is addressed in detail on page 44 of the published report.

24/00110/FUL Former Altered Images, 80 Worcester Road, Bromsgrove

In respect to the planning obligations, the puffin crossing maintenance contribution has been finalised and will be £20,900.00.

This figure is based on a 20 year maintenance period.