

# Agenda

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 21 November 2024</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH</b>
<b>Other information</b>	<b>This meeting is open to the public</b>

Members of the Planning Committee are invited to attend the above meeting to consider the following items of business.

**Edd de Coverly**  
**Chief Executive**

## Membership

<b>Councillors</b>	A. Thwaites (Chair)	J. Mason (Vice-Chair)
	P. Allnatt	I. Atherton
	S. Atherton	R. Browne
	P. Cumbers	M. Glancy
	M. Gordon	L. Higgins
	D. Pritchett	

**Quorum:** 6 Councillors

<b>Meeting enquiries</b>	Democratic Services
<b>Email</b>	democracy@melton.gov.uk
<b>Agenda despatched</b>	Wednesday, 13 November 2024

No.	Item	Page No.
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<b>MINUTES</b> To confirm the Minutes of the meeting held on 24 October 2024.	1 - 4
3.	<b>DECLARATIONS OF INTEREST</b> Members to declare any interest as appropriate in respect of items to be considered at this meeting.	5 - 6
4.	<b>SCHEDULE OF APPLICATIONS</b>	
4.1	<b>APPLICATION 23/00870/FUL</b> Land at OS471599 310649, Leicester Road, Twyford	7 - 36
5.	<b>URGENT BUSINESS</b> To consider any other business that the Chair considers urgent	



Minute No.	Minute
PL39	<p><b>Apologies for Absence</b></p> <p>Apologies for absence were received from Councillors Browne, Higgins and Mason.</p> <p>Councillor Sharp attended as substitute for Councillor Higgins.</p>
PL40	<p><b>Minutes</b></p> <p>(a) The minutes of the meeting held on 29 August 2024 were withdrawn from the agenda and were not considered at this meeting;</p> <p>(b) The minutes of the meeting held on 26 September 2024 were approved as a true record.</p>
PL41	<p><b>Declarations of Interest</b></p> <p><b>Minute PL43 – Application 24/00134/FUL - Gardens to rear of 249 to 251 Asfordby Road, Melton Mowbray</b></p> <p>Councillor Allnatt advised that he would be speaking as the Ward Councillor on this application and therefore he would leave the committee and not take part in the debate nor vote on this item.</p> <p>Councillor Siggy Atherton declared a personal interest and advised that she would leave the committee and not take part in the debate nor vote on this application.</p> <p>Councillors Allnatt and Siggy Atherton here left the committee and remained in the room.</p>
PL42	<p><b>Schedule of Applications</b></p>
PL43	<p><b>Application 24/00134/FUL</b></p> <p><b>Location : Gardens Rear of 249 to 251 Asfordby Road, Melton Mowbray</b></p> <p><b>Proposal : Erection of 1no. dwelling with associated access from Chetwynd Drive</b></p> <p>The Planning Officer (AS) addressed the committee and provided a summary of the application. She reported that a letter of objection had been received from one of the Ward Councillors since the agenda had been published.</p> <p>Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council’s Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a three minute presentation:</p> <ul style="list-style-type: none"> <li>• Mally Hurst, Objector</li> <li>• David Homewood, Applicant</li> <li>• Councillor Allnatt, Ward Councillor</li> </ul>

There was a proposal by Councillor Gordon to refuse the application as follows:

In the opinion of the local planning authority the proposed development would be overbearing on the existing dwellings at 1 & 2 Riverside Close, contrary to policy D1 (c) and D1(d) of the Melton Local Plan.

This was seconded by Councillor Cumbers. On the motion being put to the vote, there were 2 for and 5 against, therefore the motion failed.

Councillor Ian Atherton proposed the recommendation in the report to also include a standard condition relating to days and times for construction works. Councillor Thwaites seconded the motion.

### **RESOLVED**

**That the application be APPROVED subject to conditions, as listed in detail at section 2 of the report, as well as an additional standard condition relating to days and times for construction works.**

(5 for, 2 against)

(Councillor Gordon requested that her vote against be recorded.)

### **REASONS**

The reasons for approval were as outlined in the report.

PL44

### **Urgent Business**

There was no urgent business.

The meeting closed at: 6.48 pm

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## MEMBER INTERESTS

### Do I have an interest?

#### 1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

A “Disclosable Pecuniary Interest” is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land/Property, Licences, Tenancies and Securities.

A Disclosable Pecuniary Interest is a Registerable Interest. Failure to register a DPI is a criminal offence so register entries should be kept up-to-date.

#### 2 OTHER REGISTERABLE INTERESTS (ORIs)

An “Other Registerable Interest” is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
  - (i) exercising functions of a public nature
  - (ii) any body directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

#### 3 NON-REGISTRABLE INTERESTS (NRIs)

“Non-Registrable Interests” are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

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**In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.**

# Declarations and Participation in Meetings

## 1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

- 1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:
- a) you must disclose the interest;
  - b) not participate in any discussion or vote on the matter; and
  - c) must not remain in the room unless you have been granted a Dispensation.

## 2 OTHER REGISTERABLE INTERESTS (ORIs)

- 2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:
- a) you must disclose the interest
  - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
  - c) must not remain in the room unless you have been granted a Dispensation.

## 3 NON-REGISTRABLE INTERESTS (NRIs)

- 3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:
- a) you must disclose the interest;
  - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
  - c) must not remain in the room unless you have been granted a Dispensation.

## 4 BIAS

- 4.1 Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias):
- a) you should not take part in the decision-making process
  - b) you should state that your position in this matter prohibits you from taking part
  - c) you should leave the room.

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**In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.**





## Planning Committee

21 November 2024

Report of: Assistant Director for Planning

### Proposal: 23/00870/FUL Installation of a ground mounted solar farm and associated ancillary works.

**Site:** Land OS 471599 310649, Leicester Road, Twyford and Thorpe

**Applicant:** Noventum Power

**Planning Officer:** Ms Amy Smith

<b>Report Author:</b>	<b>Amy Smith</b> , Planning Development Officer
<b>Report Author Contact Details:</b>	01664 502417 amysmith@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Sarah Legge</b> , Assistant Director for Planning
<b>Chief Officer Contact Details:</b>	01664 502380 slegge@melton.gov.uk

<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Councillor Leigh Higgins
<b>Date of consultation with Ward Member(s):</b>	24 October 2023
<b>Exempt Information:</b>	No

#### Reason for Committee Determination:

Letters of objection have been received from more than 10no. households, contrary to the Officer recommendation.

#### Web Link:

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S1CCB4KOJA600>

**What 3 words: Suggested Viewpoint:** [///feels.conquests.precautions,](#)

**Site Access:** [///offers.rigs.self](#)

## RECOMMENDATION(S)

1. It is recommended that the Planning Application be APPROVED subject to conditions, as listed in detail at section 10 of this Report.

### 1 Executive Summary

- 1.1 The application seeks full planning permission for the proposed installation of a ground mounted solar farm and associated ancillary works.
- 1.2 The site area is 16.03ha, and the site is approximately 1km west of the village of Twyford. The site is currently in agricultural use for the grazing of livestock. The land comprises a mix of Grade 3b (moderate) and Grade 4 (poor) quality soils.
- 1.3 The site is not subject to any statutory ecological, landscape or historic designations. Two public rights of way (one footpath and one bridleway) pass through or near to the site boundary.
- 1.4 The proposed solar farm would have an export capacity of 10MW(ac), and the development would be temporary in nature, with consent (if granted) for a period of 40 years, after which the site would be returned to its original appearance and all associated equipment being removed from the site. The decommissioning of the solar farm would be secured via planning condition.
- 1.5 In May 2019, the UK Government declared a Climate Emergency. The UK is legally bound through the Climate Change Act 2008 (as amended) to achieve net zero greenhouse gas emissions by 2050. Various recent government publications have highlighted the need to significantly increase generation from onshore wind and solar energy production, as it seeks to ensure that by 2035 all of our electricity will come from low carbon sources.
- 1.6 National Policy Statements EN-1 and EN-3 were designated in January 2024 and set the UK Government's overarching national policy in respect of renewable energy and the delivery of major energy infrastructure. National Policy Statement [NPS] EN-1 defines that in England, it may be a material planning consideration in decision-making on applications that fall under the Town and Country Planning Act 1990 (as amended).
- 1.7 Various recent government publications have highlighted the need to significantly increase generation from onshore wind and solar energy production. The 'Powering Up Britain' paper was published in March 2023 by the Department for Energy Security and Net Zero. The Paper set out the then Government's ambitions for a fivefold increase in solar by 2035, up to 70GW, enough to power 20 million homes. Further commitment has since been declared by the UK Labour Government to ensure that by 2030 all our electricity will come from low carbon sources (an earlier date than 2035 by the previous government).
- 1.8 The Paper also recognised the need to maximise deployment of both ground and rooftop solar to achieve the overall target. Ground-mounted solar is recognised as one of the cheapest forms of electricity generation and is readily deployable at scale. In addition to national targets, Melton Borough Council promotes sustainability within the borough and seeks for the borough to be net zero by 2050. Renewable energy development is central to achieving a sustainable future.
- 1.8.1 Paragraph 163 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate need for renewable or low carbon energy, and recognise that

even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

- 1.9 The proposed development is not considered a large scale solar farm development due to its 10 MW (ac) output. However, the development would make a contribution to the government targets with a potential to provide electricity for approximately 4000 households, and the Borough target of reducing carbon emissions to net zero by 2050.
- 1.10 Paragraph 163 of the NPPF also states that local planning authorities should approve applications for renewable and low carbon development, if its impacts are (or can be made) acceptable.
- 1.11 The 40 year lifetime of the development is acceptable given the length of time accords with the general life expectancy of new panels. Whilst this is a significant period of time the development would not be a permanent feature within the landscape. De-commissioning of the site as a solar farm would be required in order to return the use of the land to sole agricultural use after the lifetime of the development has expired, and would be secured by planning condition.
- 1.12 It is considered that the proposals would accord with the criterion set out in Policy EN10 of the Local Plan, which supports renewable and low carbon energy proposals appropriate for Melton Borough including solar and micro generation systems. It is acknowledged there would inevitably be some temporary harm as a result of the development, particularly in terms of visual impact to the users of the PROW network through the application site and negligible harm to the landscape, however, it is considered that the harm can be suitably mitigated through an appropriate landscaping scheme. Notwithstanding the identified temporary harm, it is considered the significant benefits of the scheme to the contribution of the government net zero targets outweigh the effect to the PROW users and the impact upon the landscape.
- 1.13 It is therefore recommended the application be approved subject to conditions.

## **Main Report**

### **2 The Site**

- 2.1 The application site comprises a site area of 16.03ha.
- 2.2 The site is rural in nature, and is in use for arable farming and livestock grazing. The site is surrounded by land within the same agricultural use.
- 2.3 The boundaries of the site are delineated by dense hedgerows and mature tree planting which depict the historic field pattern of the area. The topography of the site is characterised by an undulating landform of the wider landscape area.
- 2.4 Public right of way (footpath) ref. D66/1 runs through the site in an east-west direction. The public right of way (bridleway) ref. I94/1 runs in a north-south direction to the west of the application site.
- 2.5 The site is in Flood Zone 1, an area at the lowest risk of flooding and has a low risk of surface water flooding.
- 2.6 The site is not subject to any ecological, landscape or historic designations.

### **3 Planning History**

3.1 23/00577/EIA - Screening opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. *EIA not required, 21<sup>st</sup> July 2023*

## **4 Proposal**

4.1 The proposed development comprises:

- Individual solar PV panels mounted on fixed racks. There would be in the region of 22,500 panels arranged in 50 rows. Each panel would be a maximum of 3.3 metres from the ground and orientated to the south to maximise energy generation,
- 4 Inverter cabinets,
- 3 Onsite substation and control rooms,
- 2 metre high perimeter deer fencing finished in RAL 6005 Green, and
- Infrared CCTV, pole-mounted to a height of 4m (54 units in total).

4.2 The proposed development would retain the existing footpath [PROW D66/1] along its current alignment, and retain existing field boundaries. It proposes further planting to mitigate landscape and visual impacts.

4.3 The proposed development would be connected to the National Grid network at the substation located on South Croxton Road approximately 4km from the site boundary, via a new underground cable. This development will be subject to a separate planning application submitted to both Melton Borough Council and Charnwood Borough Council subject to the grant of this planning permission, as the site area would cross the Borough boundaries on South Croxton Road.

4.4 Proposed access for the construction and operational phases of the development would be provided through the existing access which serves the agricultural holding from Leicester Road/South Croxton Road. This detail is secured by planning conditions recommended at 10.4, 10.5 and 10.6 of this report).

4.5 The proposed operational lifetime of the development is 40 years, after which the site would be decommissioned, and the land would revert to agricultural use.

## **5 Amendments**

5.1 The Officer sought additional landscaping proposals to address concerns over the lack of mitigation to screen the development from far-ranging views within the open countryside and along the route of the public footpath through the site. Amended landscaping proposals and details of maturity of proposed planting was subsequently submitted by the applicant in response to this request.

## **6 Planning Policy**

### **6.1 National Policy**

- National Planning Policy Framework (NPPF) (2023)
- National Design Guide

### **6.2 Melton Local Plan**

6.3 The Melton Local Plan 2011-2036 was adopted on 10<sup>th</sup> October 2018 and forms part of the Development Plan for the area.

6.4 The Local Plan is up to date and consistent with the latest revised versions of Government Guidance as contained in the National Planning Policy Framework.

- Policy SS1. Presumption in favour of Sustainable Development
- Policy SS2. Development Strategy
- Policy EN1. Landscape
- Policy EN2. Biodiversity and Geodiversity
- Policy EN3. The Melton Green Infrastructure Network
- Policy EN8. Climate Change
- Policy EN9. Ensuring Energy Efficient and Low Carbon Development
- Policy EN10. Energy Generation from Renewable and Low Carbon Sources
- Policy EN11. Minimising the Risk of Flooding
- Policy EN12. Sustainable Drainage Systems
- Policy IN2. Transport, Accessibility and Parking
- Policy D1. Raising the Standard of Design

#### 6.5 **Neighbourhood Plan**

6.6 There is no neighbourhood plan for the area.

#### 6.7 **Other**

6.8 Planning Practice Guidance (PPG)

6.9 National Policy Statement for Renewable Energy Infrastructure (EN-1 and EN-3)

## 7 **Consultation Responses**

### 7.1 **Summary of Technical Consultation Responses**

#### 7.1.1 **Lead Local Flood Authority – Leicestershire County Council**

7.1.2 31.10.2024 – Subsequent to the previous LLFA response the LPA has been in receipt of documents and comments from other consultees. Upon review of these, it is advised the LLFA advice remains unchanged. It is noted the proposals are to discharge to an existing ditch which connects downstream of Twyford and as such is not envisaged to impact on Twyford in terms of surface water flood risk.

7.1.3 09.11.2023 - Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 16ha greenfield site is located within Flood Zone 1.

The proposals seek to replicate the greenfield scenario of the existing site with permeable course meaning the site does not require a positively drained drainage strategy. The applicant has proposed on site conveyance swales and above ground attenuation to slow on-site flows and reduce surface water runoff off-site.

Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA, and we advise the following planning conditions be attached to any permission granted.

- Surface water drainage scheme to be submitted and agreed prior to commencement of development,
- Details of management of surface water during construction to be submitted and agreed prior to commencement of development,
- Details of long-term maintenance of surface water drainage system to be submitted and agreed prior to the first use of the development,
- Infiltration testing to be carried out to (or suitable evidence to preclude testing) to confirm the suitability of the site for the use of infiltration as a drainage element. Details to be submitted to and agreed prior to the commencement of the development.

#### 7.1.4 **Environment Agency**

7.1.5 25.10.2024 – The EA have no further comment on this application. Being located within flood zone 1 it is outside their remit of fluvial flooding. They understand the basis of concerns the residents have, in ensuring that flood risk downstream is not increased. The concerns raised all relate to surface water flooding, which is the remit of the LLFA, they are best placed to comment on the surface water flooding concerns.

EA officers did meet with the Parish Council in July to discuss flood risk issues with the village of Twyford, it is understood that the solar farm was not discussed – presumably for the reasons stated above.

7.1.6 25.10.2023 – Have reviewed the documents and will not be making any formal comment on the submission as the development falls within Flood Zone 1 and therefore there is no fluvial flood risk concerns associated with the site. There are no other environmental constraints with the application site which fall within the remit of the Environment Agency.

#### 7.1.7 **Melton Ramblers**

7.1.8 25.10.2023 – No details of footpath (D66) width and furniture. No consideration given to loss of views from the footpath which are important for footpath users.

#### 7.1.9 **Historic England**

7.1.10 26.10.2023 – No advice offered.

#### 7.1.11 **Leicestershire County Council Forestry**

7.1.12 27.10.2023 – There are a number of mature trees sited within the existing hedgerows across the site, several of these are marked for removal, the majority of which are failing Ash trees. Whilst on a health and safety view the removal of these trees is important, it is also important to note these trees have a significant habitat and ecological value as standing deadwood habitat. It would be my recommendation that these trees are reduced down to a stem at around 4m tall and retained onsite as deadwood habitat.

The proposed tree protective fencing across the site is acceptable and will likely avoid direct damage to the retained trees.

Therefore, LCC Forestry raise no objections to the proposal.

#### 7.1.13 **Gaddesby Parish Council**

7.1.14 14.11.2023 – No objections.

#### 7.1.15 **Leicestershire County Council Ecology**

7.1.16 05.09.2024 – An Ecological Impact Assessment and Ecology Addendum Report were submitted. No evidence of protected species was noted, with the exception of potential bat



roosting features in the trees, and the main habitats were of low ecological value, being modified to grassland fields. The boundary hedgerows and trees with the hedgerows, and the adjacent brook were of more importance and should be protected during these works.

Mandatory 10% biodiversity net gain is not required for the site due to the submission date; however, measurable biodiversity net gain is still required as part of the NPPF. The metric calculations show there is measurable biodiversity net gain proposed.

Two conditions are recommended to secure the submission and agreement of a Biodiversity Enhancement Plan [BEMP] and a Construction Environment Management Plan [CEMP: Biodiversity].

7.1.17 16.11.2023 – Ecological Impact Assessment recommends further surveys for great crested newts and breeding birds, therefore these shall be carried out prior to determination.

#### 7.1.18 **Leicestershire County Council as Highways Authority**

7.1.19 16.08.2024 - The Applicant submitted a Technical Note (TN) created by SLR Consulting Limited on 19th July 2024 (SLR Project no. 237594 Rev. V1).

Access to the site is from Leicester Road which is a classified C road subject to the national speed limit, and a 7.5T weight restriction. Given the envisaged low level of scheduled HGV movements and the internal waiting area for exiting HGVs, the LHA is satisfied that the Applicant has taken suitable measures to prevent HGVs meeting at the access and subsequently obstructing the highway as they wait to enter the site.

Given the existing level of movements at the Leicester Road and Thimble Hall Road junctions undertaken by large vehicles/ buses the LHA is satisfied that an average of 3.3 daily HGV movements does not represent a material change in the nature of traffic at the afore mentioned junctions.

It is also noted that the two Personal Injury Collisions recorded in the previous five years at the junctions did not involve HGVs or vehicles occupying both sides of the carriageway.

During the construction phase, the LHA advises that a Temporary Traffic Regulation Order (TTRO) should be considered to ensure appropriate visibility splays can be provided in accordance with the speed of passing traffic. The LHA welcome that the Applicant is willing to fund the cost of a TTRO.

Drawing No. 237594/AT/A01/A01 shows an area suitable for parking eight vehicles and demonstrates that HGVs can turn within the site so that the public highway is approached in a forward gear.

Public Right of Way: A management programme for the PROWs and the removal of the existing stile can be secured by planning condition.

Six conditions are recommended relating to;

- Implementation of access arrangements
- Provision of visibility splays
- Development to be carried out in accordance with CTMP and Highways Technical Note
- Off street car and HGV parking provision to be provided prior to commencement
- Management programme for Public Footpath D66 to be submitted and agreed
- The stile to the D66 within the site shall be removed prior to operation

7.1.20 01.05.2024 – The LHA still have concerns relating to the access' proximity to Leicester Road, which could result in large vehicles overhanging/obstructing the carriageway when waiting to access the site.

The swept path analysis provided to the east, does not provide enough scope for a HGV to exit the highway and wait clear of the highway whilst another vehicle exits the site entrance and then enter the site. The LHA have concerns that this may result in HGVs waiting/obstructing the highway when a vehicle is exiting the site. The swept path analysis should demonstrate that two vehicles can pass clear of the junction with Leicester Road.

The widening of the bell mouth junction to Leicester Road is sufficient to accommodate the swept path analysis without overrunning verges. Therefore, this is acceptable to the LHA.

The LHA have advised that due to various constraints, all construction traffic should be routed to avoid Queniborough. All construction traffic will exit the site in an easterly direction, then distribute on the B6047 in a northerly or southerly direction. The swept path analysis for HGV on Leicester Road B6047 junction, demonstrates that a HGV will occupy both sides of the carriageway around this junction. This junction has frequent two way movements, therefore the Applicant should consider how traffic and HGV movements will be managed around these junctions.

As illustrated on drawing 237594\_PD01 Rev A, the Applicant can achieve a visibility splay of 2.4m by 307m to the west and therefore this is acceptable to the LHA. However, the Applicant has demonstrated that they can only achieve a visibility splay of 2.4m by 120m to the east. This is therefore not in accordance with the LHDG or DMRB desirable minimum parameters.

The LHA have concerns that vehicles turning left out of the access overrun onto the opposite side of the carriageway and westbound vehicles do not have the stopping sight distance required by the DMRB to avoid a collision. The LHA note that this is an existing access, and post construction there will be no change to the extent permitted use of the site in terms of vehicle movements. It is important to note that where there is no intensification of use of a substandard access, it would be unreasonable for the LHA to seek to resist such proposals. However, during the construction period there will be a significant increase in traffic, therefore suitable visibility splays are required.

From the trip generation assessment, the LHA conclude that there will not be more than 30 two-way trips in the peak AM and PM periods and therefore further junction assessments are not required. The site should provide sufficient parking for 5 buses/minivans and 3 managerial vehicles/cars, in addition to parking and turning for HGVs. The application does not demonstrate where suitable parking would be provided.

Public Right of Way: Public Footpath D66 runs through the site and Public Bridleway I94 runs adjacent to the proposed development and is affected by the proposed site entrance. No consideration of the impact of the development on the PROWs has been made in the CTMP. A management programme will need to be in place, and any stile or gate at the field boundary crossed by the footpath in the middle of the site will become obsolete if the path is fenced. The structure should be removed to ease and improve use of the public footpath.

7.1.21 21.11.2023 – Further information required.

- It is unclear whether new gates are proposed at the junction of the existing access with Leicester Road
- Concerns regarding the construction access



- Lack of information regarding the two-way traffic movements to the farm and the application site
- Swept path analysis
- Insufficient access
- Lack of assessment for routing, access arrangements and parking of construction traffic in the Construction Traffic Management Plan [CTMP]
- Lack of information provided regarding post-construction trip generation and parking by security and maintenance staff
- Public Right of Way: no consideration of the impact of the construction period on the PROW in the CTMP. Management programme required

#### 7.1.22 **Leicestershire County Council Archaeology**

7.1.23 18.10.2024 - Thank you for the re-consultation on this application. We have reviewed the interim trial trenching report, and while it is an interim report it has enough information in it to determine the application on archaeological grounds.

While there was limited archaeological remains located on site, the Iron Age ditch seems to be on the outskirts of activity likely off of the site. Therefore, no further archaeological works are needed other than finalising the report and archiving. Therefore, we would recommend a condition to secure the final report and archiving.

7.1.24 22.01.2024 – The desk-based assessment and the geophysical survey offer some insight into the archaeological potential, there is still uncertainty as to the character of the potential archaeological features. Further evaluation is recommended comprising of a field evaluation should take place prior to determination.

## 7.2 **Summary of Representations**

### 7.2.1 **Ward Member(s)**

#### 7.2.2 **Twyford and Thorpe Parish Council**

7.2.3 01.10.2024 – Objection

- The Parish Council rejects the evidence provided by the Applicant and the Lead Local Flood Authority on the grounds of ‘prematurity’ as the number of panels to be installed on the site has changed, therefore the Proposed Site Layout Plan, Flood Risk Assessment, Construction Transport Management Plan etc. are no longer applicable and are rendered obsolete.
- The Parish Council does not believe there is sufficient site area to accommodate the number of solar panels required for the development.
- Comparison made to the proposed drainage strategy under planning application ref. 18/01321/DIS, relating to residential development approved under 15/00935/FUL [Tilton Road, Twyford].
- Both options put forward for the drainage design on the site are incorrectly calculated and/or are based on incorrect information.
- The recent rainfall and effects of Storms Babet and Henk are not taken into account.
- The Environment Agency (Rainfall runoff management for developments Report – SC030219) states that run-off rates for greenfield sites should be limited to 2 l/s/ha. The FRA states the run off rate for the site should be released at 7l/s, higher than

recommended. The author believes that the higher rate has been set so that the retention basin is not overwhelmed.

- The CTMP was written on the basis of a lower number of solar panels to be installed on site, therefore the CTMP is no longer relevant.
- The Parish Council is unhappy with the 18.55m long HGV vehicles being routed through Great Dalby, Thorpe Satchville and Twyford to reach Leicester Road.

#### 7.2.4 11.12.2023 – Objection

- Flood Risk Assessment is a desktop survey, no actual land survey has taken place and therefore percolation rates of the subsoil have not been calculated. Two proposals are made; the attenuation basin method is the preferred approach because it is possible for swales to become silted and therefore ineffective. It is known that there is the potential for impacts on natural hydrologic processes, including runoff generation and erosion. It is felt that the sizing of the attenuation basin is not sufficient for a site of this size and therefore should be increased. Both the sizing of the swales and the attenuation basin are based on 1 in 100 years +50% storms, this calculation needs to accommodate 1 in 20 year storms to build capacity for future years of climate change. The discharge rate also needs to be reduced to 5ltr/ sec.
- There is no supplemental landscape plan to show new trees planted to obscure the view of the solar farm from Thorpe Satchville.
- High percentage of BMV land
- No ecological survey carried out
- Construction Traffic Management Plan is inadequate

#### 7.2.5 Neighbours

7.2.6 10 letters of objection have been received from 9 households. 3 letters of objection were also received but no addresses were given. A signed petition was also received from local residents, with 157 signatures.

#### Objections

- a) Local residents seek for all detailed plans relating to flood risk of the Gaddesby Brook to be reviewed and approved prior to planning consent is granted.
- b) Energy generation in open fields provides no local benefit
- c) Loss of amenity views
- d) Development would be an eyesore to the public
- e) Increased flood risk to Twyford and Ashby Folville
- f) Impacts upon biodiversity, including birds, bats and brown hares
- g) The proposed fenced footpath will ruin the natural countryside and reduce walkers in the area
- h) Noise impact upon natural environment, and resulting in noise pollution to residents
- i) Impacts of Construction traffic
- j) Loss of landscape and visual impact upon open countryside
- k) Impact to residents of Twyford
- l) Inadequate details of the footpath and its boundary

- m) No details of the decommissioning and the disposal of the solar panels at the end of their life
- n) No information on the application has been received
- o) Use of good agricultural land
- p) Solar farms should be built on brownfield sites and rooftops
- q) Impact of the development upon the use of the PROW
- r) The development would impact tourism of Twyford and the surrounding villages
- s) Minimal local consultation
- t) Local Plan Policy EN8 needs updating
- u) Loss of agricultural land and assertions that land will retain its agricultural and grazing uses are unrealistic
- v) Lack of detail on layout, noise and lighting
- w) Lack of adequate screening through new planting and management of hedgerows

### 7.2.7 **Member of Parliament**

7.2.8 An objection was received from the Member of Parliament for Melton and Syston, Edward Argar MP, dated 9<sup>th</sup> October 2024.

7.2.9 The MP objects to the proposed development on the following grounds;

- Associates themselves with representations made by Twyford and Thorpe Satchville Parish Council
- Overall impact of the development on the natural environment; landscape, ecology, and loss of agricultural land
- Construction Traffic Management Plan
- Impact to Flood Risk and concerns of the submitted Flood Risk Assessment and drainage options
- Amendments to the application since its first submission

### 7.3 **Response to Consultations and Representations**

7.3.1 Matters of flood risk and drainage, highways impact, landscape and visual impact, loss of agricultural land, residential amenity, impact upon footpaths, and ecology are considered in detail in the Planning Analysis below.

7.3.2 There have been no amendments to the application relating to an increased number of panels. The applicant submitted an Overplanting Statement to the Local Planning Authority which set out the method for calculating the number of panels required on the site – this concluded that the number of solar panels proposed would be in the region of 22,500. No other documents submitted with the application explicitly state the number of panels which the assessment is based upon. There has been no revision to the Site Layout Plan originally submitted with the application in September 2023 (Drawing no. 2023-003\_01 Revision 1).

7.3.3 Following the receipt of late objections submitted to the Local Planning Authority in October 2024, citing concerns of lack of flood and drainage assessment within the application; the LLFA and Environment Agency were re-consulted as statutory consultees and asked to

provide comments on the latest representations received. Their comments are included in the relevant section at Consultee Responses above, and within the Planning Analysis below.

- 7.3.4 The applicant submitted a Statement of Community Involvement which describes the pre-application engagement with the local community. There is no statutory requirement for pre-application engagement to be undertaken by the applicant. The application has been publicised by the Local Planning Authority as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

## **8 Planning Analysis**

### **8.1 Main Considerations**

- 8.1.1 Principle of Development and Climate Change
- 8.1.2 Consideration of loss of agricultural land
- 8.1.3 Impact upon the character of the area, including landscape
- 8.1.4 Impact upon residential amenities, including noise
- 8.1.5 Impact upon highways, including public footpaths
- 8.1.6 Impact upon flood risk
- 8.1.7 Impact upon ecology
- 8.1.8 Impact upon the historic environment

### **8.2 Principle of Development and Climate Change**

- 8.2.1 Planning law states that planning decisions must be made in accordance with the development plan unless there are material considerations which indicate otherwise (section 70(2) Town and Country Planning Act 1990 & section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 8.2.2 The Melton Local Plan forms the key part of the development plan and was adopted on 10th October 2018 and has full weight in decision making.
- 8.2.3 The National Planning Policy Framework (NPPF) and the associated National Planning Practice Guidance (PPG) are very important material considerations that carry weight in the decision making process.
- 8.2.4 Overarching National Policy Statements EN-1 and EN-3 also form a material consideration in the decision making process in respect of renewable energy and the delivery of major energy infrastructure. Both NPS refer to an urgent need for energy generating infrastructure.
- 8.2.5 The application site is located within open countryside approximately 1km to the west and north-west of Twyford, 1.5km to the south-west of Thorpe Satchville, 1.4km to the east of Barsby, and 1.2km to the south-east of Ashby Folville. Policies SS1 and SS2 of the Melton Local Plan reflect the presumption in favour of sustainable development within the NPPF and confirm the Development Strategy for the Borough which requires new development in the open countryside be restricted to that which is necessary and appropriate.

- 8.2.6 Policy EN10 of the Melton Local Plan relates to Energy Generation from Renewable and Low Carbon Sources and states that proposals for renewable and low carbon energy proposals appropriate for Melton, including biomass power generation, combined heat and power (CHP), hydro, wind, solar and micro generation systems, will be supported and considered in the context of sustainable development and climate change.
- 8.2.7 Therefore, Policy EN10 clearly states development for energy regeneration from renewable and low carbon sources is considered appropriate to Melton Borough.
- 8.2.8 Paragraph 163 of the NPPF states that when determining planning applications for renewable and low carbon development, Local Planning Authorities should:
- a) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;*
  - b) *approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and*
  - c) *in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.*
- 8.2.9 The development of a solar farm falls within the provisions of Policy EN10 and is therefore supported in principle subject to the consideration of the criteria set out within the Policy to assess whether the impacts of the proposed development are acceptable.
- 8.2.10 There are 13 criteria listed under EN10 which are relevant to the proposed development.
- (1) Siting, so as to gain maximum effect from wind/solar/water sources
  - (2) The surrounding landscape, townscape and heritage assets
  - (3) Residential and visual amenity
  - (4) Noise impacts
  - (5) Odour impacts
  - (6) Designed nature conservation, geo-diversity or biodiversity considerations including potential impact on ancient woodland and veteran trees
  - (7) Ecology
  - (8) Aircraft movements and associated activities
  - (9) Electromagnet transmissions
  - (10) High quality agricultural land
  - (11) Access for construction, maintenance and de-commissioning
  - (12) Not creating demand for bio-energy fuels known to result in net carbon emissions through production methods, transport requirements and/or loss of carbon sinks
  - (13) General safety in terms of highways, power lines, icing, visual distraction.

All of the criteria will be discussed in the report where the relevant assessment is taking place.

- 8.2.11 In response to criterion (1), the application site is located within the open countryside with very limited built features in the immediate area surrounding the site. The field area which where the panels would be sited measures approximately 14.5ha (out of the total site area of 16.03ha). The 22,500 panels are proposed to be ground mounted in a fixed position and arranged in south-facing rows at an angle of 10-20 degrees towards the sun. Each row is proposed to be sited 3.8m apart to prevent overshadowing of panels by other modules.
- 8.2.12 Criterion (8) requires the consideration of the impact of the proposed development on aircraft movements. The nearest aerodrome to the application site is Leicestershire Aero Park located approximately 10km to the south-east. Medium-scale solar farms, such as the proposed development, would maintain a low-profile in the landscape and would not pose a risk of direct contact with aircraft or interference with radar systems used for aircraft communications. It is considered that by virtue of the separation distances between the uses, there would be no significant impact on aircraft movements.
- 8.2.13 Criterion (9) refers to electromagnetic transmissions, which are not an impact which are typically associated with solar farms. The grid connection infrastructure would be securely installed centrally within the site and secured by perimeter fencing, therefore not accessible to the general public. As such the proposal would be satisfactory with respect to Criterion 9 of Policy EN10 of the Melton Local Plan.
- 8.2.14 Criterion (12) relates to demand for bio-energy fuels. The primary benefit of the proposed development would be the production of clean, green energy. It should be considered that the proposals would result in some impact upon the creation of demand for bio-energy fuels given the production of the materials and the construction process itself. However, the carbon footprint of solar power is many times lower than coal or gas with carbon capture and storage, which also accounts for emissions during manufacture, construction and fuel supply. As such, the proposed development would not result in unintended by-products which would undermine the carbon emission savings which the scheme would achieve, in accordance with criterion 12.
- 8.2.15 Criterion (13) relates to impact to the general safety of the public and other infrastructure. The proposed development would be sited centrally within an historic field pattern of the open countryside. Although the site is visible from nearby public highways, the solar panels would be sited approximately 500m from the nearest road. The landscape proposals would help to screen the development and therefore would not result in a visual distraction to the public.
- 8.2.16 Although there are power lines which cross the landscape close to the north-eastern and eastern boundary of the site, the power lines are sited approximately 174m from the proposed solar panels and therefore there is considered to be no safety concerns.
- 8.2.17 Icing is predominantly related to wind energy / turbines and is not a relevant consideration for solar farm development. Overall, the effects on local receptors is considered to not raise any safety concerns, subject to mitigation measures. Therefore, the proposal is considered to accord with criterion 13 of Policy EN10 of the Melton Local Plan.
- 8.2.18 Overall, the principle of the development is considered acceptable in accordance with both SS2 and EN10 of the Melton Local Plan as it is a necessary and appropriate form on development in the open countryside. Furthermore, the specific criteria of Policy EN10 for



the assessment of renewable and low carbon energy development are discussed both above and in the rest of the report in greater detail.

### **8.3 Consideration of Loss of Agricultural Land**

- 8.3.1 The application site is currently in use for agricultural purposes, for the grazing of livestock.
- 8.3.2 It is a consideration of the proposed development under Policy EN10 of the Melton Local Plan (Criteria 10) that applicants should take account of high-quality agricultural land in their development proposals.
- 8.3.3 NPS EN-1 states at Paragraph 5.11.12 that applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5). This sentiment was echoed by a Written Ministerial Statement made on 15<sup>th</sup> May 2024, by the then Secretary of State of Energy Security and Net Zero.<sup>1</sup>
- 8.3.4 The applicant has submitted an Agricultural Land Classification Report with the application that identifies the land within the application site being of Grade 3b and Grade 4 quality. The definition of Grades 3b and 4 denote land which is of moderate and poor-quality agricultural land, respectively.
- 8.3.5 The proposed development would be located on a site which is identified as poorer quality agricultural land. It is therefore considered that the proposed development does not conflict with Criterion 10 of Policy ENV10 of the Melton Local Plan.

### **8.4 Impact upon the character of the area, including landscape**

- 8.4.1 Policy D1 of the Local Plan states that all new developments should be of high-quality design. Policy EN1 of the Local Plan aims to ensure new development is sensitive to its landscape setting and that it seeks, where possible, to enhance the distinctive qualities of the landscape character areas (as defined in the Landscape Character Assessment); and requires new developments to respect existing landscape character and features.
- 8.4.2 Paragraph 180(b) of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 8.4.3 The proposed siting of the solar panels will cover three fields which are divided by hedgerows as part of the historic field pattern of the wider area. A public right of way also runs through the site in an east-west direction.
- 8.4.4 The existing topography and landform of the application site would remain largely unchanged. The layout of the development would utilise the existing field patterns and retain hedgerows and field boundaries.
- 8.4.5 The application site is located within National Character Area 93: High Leicestershire and LCA 15: High Leicestershire Hills of the Melton Borough Landscape and Historic Urban Character Assessment Report [2006].
- 8.4.6 A Landscape and Visual Impact Assessment [LVIA] accompanies the application. There are no issues raised by the Planning Officer on the methodology of the LVIA. The LVIA concludes that the site and its surroundings have characteristics typical of the High

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<sup>1</sup> <https://questions-statements.parliament.uk/written-statements/detail/2024-05-15/hcws466>

Leicestershire landscape area, which includes small-scale fields with permanent grass pasture, a network of native hedgerows and trees, and historic field patterns.

- 8.4.7 The immediate context of the application site is agricultural land use, with a defined historic field pattern characterised by dense hedgerow boundaries. Groups of established trees are also present in the surrounding area, and Gaddesby Brook is situated approximately 200m to the north of the site.
- 8.4.8 The Zone of Theoretical Visibility [ZTV] highlights the potential visibility of the proposed development in the wider landscape. The application site sits centrally in a large expanse of open countryside defined by historic field patterns. The topography of the surrounding area, characterised by an undulating landform, results in the site being clearly visible in some far-ranging views. The LVIA assesses 21 viewpoints informed by the ZTV from near and far-ranging locations looking towards the application site, from the north, south, east and west.
- 8.4.9 The proposed development has been designed so that the layout of the solar panels would be incorporated within the existing historic field pattern; existing hedges are to be maintained, and additional planting of native trees would be sporadic along those field boundaries to be in-keeping with the existing landscape character. In this regard the development does not conflict with the features of the Landscape Character Areas; NCA 93 and LCA 15.
- 8.4.10 The LVIA concludes that the most harmful impacts to the landscape character are to the Landscape Character Area and the overall site character, which are assessed as resulting moderate impact. This is primarily due to urbanised characteristics that the solar farm would have on the character of the rural, open countryside. Due to the retention of the topography and historic field patterns divided by established hedgerows, the proposed development is considered to result in limited harm to key characteristics of the Landscape Character Area.
- 8.4.11 The application site is visible along public highways to the north, east and west of the site. It is evident the proposed solar panels will be also visible; however, the impact is considered to be limited given the distance from the viewpoints towards the site.
- 8.4.12 It is noted that the LVIA assesses that the site cannot be fully screened from viewpoints from the north due to the undulating landscape and therefore the sensitivity, quality and value of the view from the north (Viewpoints 13 and 14) is assessed as moderate-high. It is suggested that mitigation of additional tree planting and hedgerow management would result in a negligible impact and would ensure the proposed development is not intrusive in the landscape from the north. The planting scheme for the northern boundary includes wet-tolerant trees comprising 23no willow trees and 17no alder trees, which are proposed to be left to grow to full height can reach height up to 25m and 28m respectively. The applicant has advised the trees will grow to a height which will mitigate the visual impact of the development within 5 years, and be at their maturity at 15 years. The hedgerow is to be maintained as 'H8 – tall or overgrown' of the Nigel Adam Management Scale<sup>2</sup>, and rejuvenated to 'H4' of the same scale when necessary to encourage a healthy management cycle.
- 8.4.13 There are also existing features of the landscape which detract from the views towards the site, including the presence of electricity pylons. It is considered the scale of the proposed development, the distance of the site, the proposed mitigation planting and the presence of

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<sup>2</sup> <https://hedgerowsurvey.ptes.org/hedge-structures>



other features within the landscape would ultimately soften the appearance of the proposed solar panels in far-ranging views.

- 8.4.14 Public Right of Way D66/1 runs through the site west-east. Given the topography of the site, the southern-most section of the site is visibly higher than the level of the PROW when viewed from the west, and therefore the development on this parcel of land would be more prominent on the approach along the footpath from this direction. The LVIA states that the hedge along the western boundary should be left to grow to a manageable height of a minimum of 5m. This would soften views of the development on the approach along the Public Right of Way but maintain open views of the valley for PROW users.
- 8.4.15 It is proposed that the trees to be planted as part of the wider landscaping scheme will be feathered whips, a natural form of a sapling tree up to 2m in height. The applicant has submitted justification for the planting of younger trees rather than mature, established trees in the document "Tree sizes at Twyford Solar Scheme". It is suggested that smaller stock are more likely to adapt, grow and thrive to their site conditions whereas there is no guarantee that mature trees planted will succeed or thrive in the long term, and would result in a 'park-like' appearance due to their former maintenance.
- 8.4.16 Views to the application site from the south of the site are assessed as Viewpoint 17 within the LVIA, which is located on Leicester Road to the east of the access which would serve the proposed development. The sensitivity of the visual receptors is considered to be high, especially for walkers at this viewpoint, however the magnitude and significance of visual effect is assessed as negligible given the far-ranging views towards the application site and existing and proposed tree planting which would soften, filter and screen views of the solar panels.
- 8.4.17 The LVIA concludes for the visual assessment that the most harmful receptors are within 1km of the site. For these key viewpoints within 1km, the proposed development would result in urbanised characteristics within a countryside setting, although it is suggested the glimpsing views of the site are softened by the existing and proposed planting.
- 8.4.18 It is clear from the assessment of the landscape and visual impacts of the proposed development that the proposal would result in harm to the landscape and views in the area. However, it is also noted that the proposed development is not permanent and would be for a limited time period of 40 years. The visual impact of the proposed development would be the period throughout the lifetime of the development only. It is also considered that the proposed soft landscaping scheme submitted adequately seeks to mitigate harm to the visual receptors, including the PROWs and viewpoints from public highways to the north and south of the site. The cessation of the proposed development would result in the decommissioning of the solar panels and the land would be reverted to open green fields.
- 8.4.19 Through its retention of landform and historic field patterns, the proposed development is considered to respect existing landscape character and features in accordance with Policy EN1 of the Melton Local Plan, and criterion 2 of EN10. However, there is considered to be harm upon the character of the landscape as a result of the proposed development introducing urbanised characteristics into an open countryside setting. The harm and visual impact of the proposed development will therefore be weighed against the benefits of the proposal in the planning balance.

## 8.5 **Impact upon Residential Amenity**

- 8.5.1 Policy D1 of the Melton Local Plan seeks to protect the amenity of residents from the impacts of new development, whether through built form, noise, or general activity of development.
- 8.5.2 Criteria 3, 4 and 5 of Policy EN10 of the Local Plan seek for proposals to take account of residential amenity, noise and odour respectively.
- 8.5.3 The nearest residential properties are approximately 450m to the south of the site at Freezeland Farm, and 800m to north of the site at Twyford Lodge.
- 8.5.4 Due to the nature of the development, there are not considered to be any significant impacts upon residential amenity of existing dwellings from any part of the development due to separation distances between the proposed development and residential properties. The proposed landscape proposals would seek to mitigate views of the proposed development; however, the development itself would not result in any overbearing impact or loss of privacy which would ultimately harm amenity.
- 8.5.5 The noise-generating aspects of the proposed development include three solar inverter units and three substations. To take account of Criterion 4 of Policy EN10 of the Local Plan, a Noise Impact Assessment is submitted with the application and states the dominant source of noise from the proposed development are the solar inverter units.
- 8.5.6 The Noise Impact Assessment sets out that the noise levels through the operational phase of the development would be under the background noise levels recorded at the various residential noise receptors near the site, including the two nearest residential properties at Freezeland Farm and Twyford Lodge. It is concluded that the noise arising from the operational phase of the proposed development would be acceptable levels in daytime and night-time scenarios.
- 8.5.7 Whilst it is noted in the supporting Noise Impact Assessment that the proposed HGV movements at worst-case scenario through the construction period would exceed the current noise levels at the nearest noise receptor at Freezeland Farm, it is concluded that the predicted noise level would not exceed the target level of 65dB.
- 8.5.8 It should also be noted that the above levels are only predicted through the construction phase, and during construction hours only (8:30-17:30 Monday to Friday, and 9:00-13:00 Saturday. No works on Sunday or Public Holidays).
- 8.5.9 In response to Criterion 5 of EN10 of the Local Plan, the proposed development would not give rise to odour impacts by virtue of the nature of a solar farm development.
- 8.5.10 As such, it is considered the proposed development meets Policy D1 and Criterion 3, 4 and 5 of the Policy EN10 of the Local Plan.

## 8.6 **Impact upon Highways, including Public Footpaths**

- 8.6.1 Policy IN2 of the Melton Local Plan states the Council and its delivery partners will support and promote an efficient and safe transport network which offers a range of transport choices for the movement of people and goods. Relevant to this application, the Policy seeks for new development to have regard to; minimising the need for travel, impact upon the safety and movement of traffic on the highway network, and provision of parking and servicing arrangements.

- 8.6.2 It is stated within the applicant's Construction Traffic Management Plan that the development would propose to transport staff to the site by bus or vans, and no more than 3 managerial vehicles will access the site at any one time.
- 8.6.3 Access to the site is gained from existing vehicular access from Leicester Road. The Local Highways Authority [LHA] have confirmed this is a classified C Road subject to the national speed limit and a 7.5tonne weight restriction.
- 8.6.4 The LHA are satisfied with the access arrangements. The access allows for a HGV to stand clear of the highway whilst a car exiting onto the public highway safely passes. It is set out in the application that 466 HGV movements are expected over the 27 week construction period (141.5 working days). This amounts to approximately 3.3 HGV movements on a typical working day, equivalent to one HGV movement every 2 hours and 45 minutes. The LHA are satisfied that Applicant has taken suitable measures to prevent HGVs meeting at the site access and subsequently obstructing the highway.
- 8.6.5 The LHA recommend a Temporary Traffic Regulation Order during the construction phase to ensure appropriate visibility splays can be provided in accordance with the speed of passing traffic on Leicester Road. The Applicant has confirmed they are willing to fund the cost of the Temporary Traffic Regulation Order.
- 8.6.6 It is welcomed by the LHA that construction traffic will exit the site in an easterly direction towards the B6047, to travel onto the A607 in a northerly direction or the A47 in a southerly direction. The LHA previously noted that due to various constraints, construction traffic should avoid Queniborough to the west of the site to access.
- 8.6.7 The LHA is also satisfied that an average of 3.3 daily HGV movements would not represent a material change in the nature of the traffic movements at the Leicester Road and Thimble Hall Road junctions given the existing level of traffic movements experienced there.
- 8.6.8 Parking on site would be provided for eight vehicles and there would be ample space for HGVs to turn within the site to ensure vehicles approach the public highway in a forward gear.
- 8.6.9 It is recommended that the implementation of the access arrangements, visibility splays, parking arrangements and Construction Traffic Management Plan to be secured by planning conditions [see Conditions 10.4 – 10.7 below].
- 8.6.10 The application accords with Policy IN2 of the Melton Local Plan in that the proposed development seeks to avoid unacceptable impacts on the safety and movement of traffic on the existing highway network. A number of mitigation measures are proposed by the applicant which are recommended by the LHA to be secured by planning condition. Furthermore, the application meets the requirements of criterion 11 of EN10 seeking to ensure access for construction, maintenance and de-commissioning, and criterion 13 in terms of general highways safety.
- 8.6.11 Policy EN3 of the Local Plan supports new development proposals which retain and enhance important green infrastructure elements, including access routes (public rights of way and permitted routes).
- 8.6.12 Public right of way (footpath) ref. D66/1 runs through the site in an east-west direction. Public right of way (bridleway) ref. I94/1 runs in a north-south direction to the west of the application site. Footpath D66 would have a fenced route through the site to separate users of the public footpath from the proposed development. Proposed planting to the footpath, as shown on drawing 'Proposed Planting Plan drawing no. P23175-PL-00-02 Rev B', is considered to

enhance the public footpath for its users by softening the proposed development whilst users walk along the section of the footpath which bisects the application site. It is recommended by the LHA that the existing stile on D66 is removed to improve accessibility to the footpath.

8.6.13 The LHA recommend a management programme for the PROWs to be submitted and agreed prior to the commencement of the development and the removal of the existing stile to be secured by planning condition [see Condition 10.8 below].

8.6.14 As such, it is considered the proposed development seeks to retain and enhance the existing public rights of way affected by the development, and therefore the proposals accord with Policy EN3 of the Local Plan.

## 8.7 **Impact upon Flood Risk**

8.7.1 Policy EN11 of the Melton Local Plan seeks to ensure that development proposals do not increase flood risk and will seek to reduce flood risk to others. Policy EN12 states that proposals should demonstrate through a surface water drainage strategy that properties will not be at risk from surface water flooding.

8.7.2 Gaddesby Brook (a main river) is located approximately 200m from the northern edge of the application site.

8.7.3 The application has been supported by a detailed flood risk assessment which identifies that the majority of the site is within Flood Zone 1 and the majority of the site is at a very low risk of surface water flooding. The figure shown below is taken from the flood risk assessment submitted with the application, and demonstrates the extent of flooding from surface water as per the Environment Agency's Flood Maps for Planning;

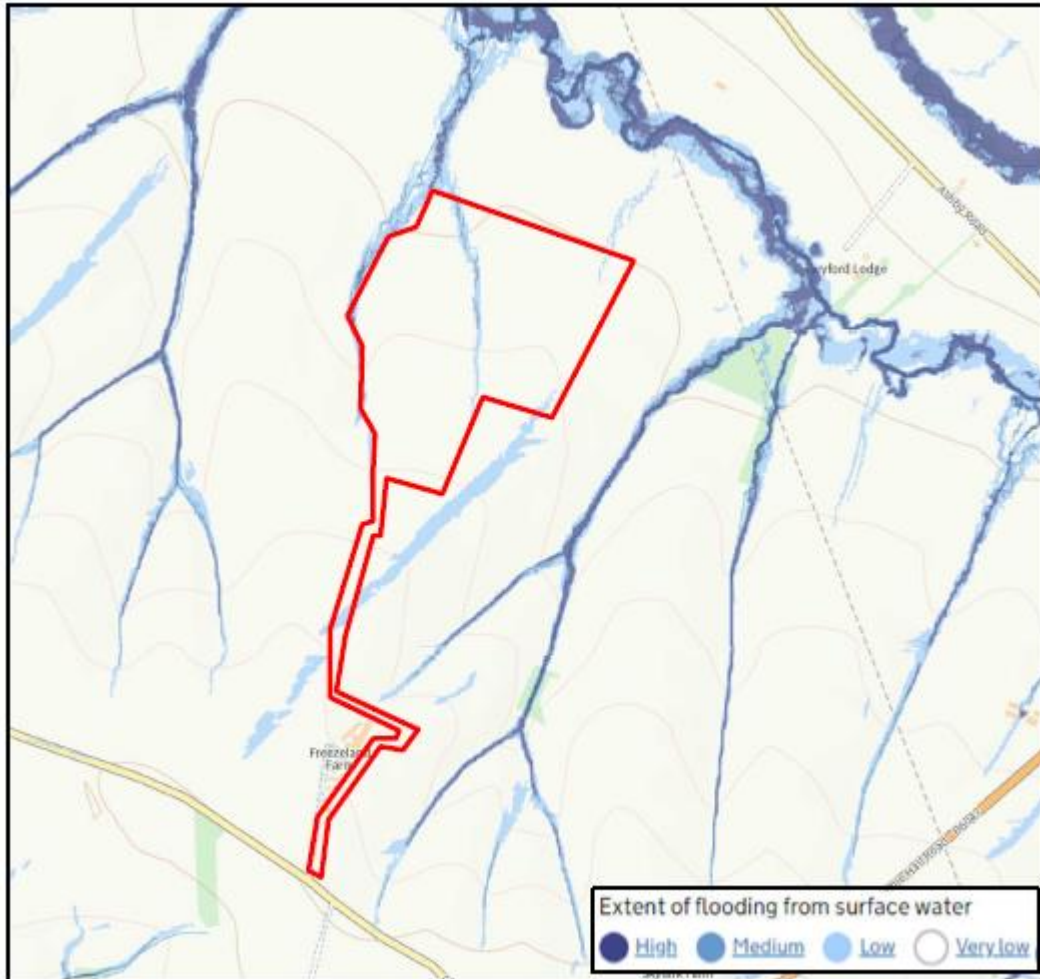


Figure 3.3. EA Surface water Flooding Map

- 8.7.4 The flood risk assessment does identify a few areas that are at 'low risk' of surface water flooding. These areas are primarily in the western area of the site where there is a watercourse which flows north towards the Gaddesby Brook. The potential flood depth is anticipated to be up to 300mm. The solar panels are proposed to be installed approximately 0.8m above ground level, and therefore above any potential surface water flooding. The assessment also recommends that all other infrastructure on the site should be raised 300mm above the current ground level.
- 8.7.5 The site is also shown to be within an area classified as having a medium and low risk of ground water vulnerability. Ground water vulnerability relates to an assumption that the physical environment may provide some degree of protection to groundwater against human activities. The ground water vulnerability for each aquifer type is expressed from high to unproductive.
- 8.7.6 Solar farms are be considered to have a relatively low risk in relation to surface water flooding, however this is only the case when there are surface water flood risk mitigation measures in place.
- 8.7.7 In line with best practice, the flood risk assessment identifies the runoff rate from the proposed development should not exceed pre-development greenfield runoff rates and should allow for climate change.
- 8.7.8 It is noted that rainfall usually flows from the surface of the solar panels to the areas in between the rows. This leads to an increased concentration of surface water and erosion in these areas and has the potential to create channelised flows, eroding the soil further and



increasing the volumes and rates of surface water discharge. This can be further exacerbated by lack of maintenance and further erosion/compaction from vehicles such as maintenance vehicles. Therefore, necessary mitigation is required to combat this effect, and it should be demonstrated that whatever land management techniques are being used to ensure that the land maintains or improves its current infiltration potential include small amounts of storage too.

- 8.7.9 Two options are put forward in the flood risk assessment as part of the SUDS design for the site; Option 1 would use an infiltration system and Option 2 would use an attenuation system. The LLFA is satisfied with the general finding of the flood risk assessment, and have recommended four conditions to be attached to the grant of planning permission which would require details of surface water drainage design, management and maintenance to be agreed with the local planning authority prior to the commencement of development on the site. The use of pre-commencement conditions to secure the detailed drainage strategy is a standard approach and is recommended frequently by the LLFA on other applications. There is no reason why the same approach would not be reasonable and appropriate on this application following the advice of the statutory consultees.
- 8.7.10 Further concerns of surface water drainage and increased flood risk to nearby villages are raised by both the Parish Council and local residents after the responses of the statutory consultees were received by the local planning authority. Both the Environment Agency and LLFA were re-consulted following the receipt of additional written objections from the Parish Council and residents. The Environment Agency reaffirmed the site is in Flood Zone 1, and the concerns of surface water run-off were outside of their remit as statutory consultee for fluvial flooding. The LLFA note the development proposals would have no impact on Twyford in terms of surface water flood risk. As mentioned above, the LLFA have recommended four conditions to be attached to the grant of planning permission which would require details of surface water drainage design, management and maintenance to be agreed with the Local Planning Authority prior to the commencement of development on the site.
- 8.7.11 As such, it is considered the use of conditions is reasonable and appropriate to ensure that the proposed development would not increase flood risk elsewhere, and therefore the proposed development accords with Policies EN11 and EN12 of the Melton Local Plan.

## 8.8 **Impact upon Ecology**

- 8.8.1 Policy EN2 of the Melton Local Plan seeks to protect and enhance biodiversity in the Borough, and seeks to achieve net gains for nature through proactively seeking habitat creation as part of new development proposals. Policy EN2 accords with Paragraph 180 of the NPPF which requires planning decisions to contribute to and enhance the natural and local environment by minimising impact on and providing net gains for biodiversity.
- 8.8.2 The application was submitted to the local planning authority in November 2023; the application is therefore not subject to the mandatory 10% biodiversity net gain which came into effect in 2024.
- 8.8.3 An Ecological Impact Assessment and an Ecology Addendum Report support the application. There was no evidence of protected species present on site, with the exception of potential bat roosting features in the existing trees, and the main habitats were of low ecological value.

- 8.8.4 The County Ecologist has stated the boundary hedgerows and trees and the adjacent Gaddesby Brook were of more importance and should be protected during the proposed works.
- 8.8.5 Onsite mitigation and enhancement measures are put forward by the applicant to achieve a minimum of 51.08 habitat units and 34.17 hedgerow units. The mitigation and enhancement measures would contribute to a +67.27% net gain in habitat units and +10.78% net gain of hedgerow units.
- 8.8.6 In order to secure suitable mitigation and enhancement measures for biodiversity, two conditions are recommended by the County Ecologist to ensure the submission and agreement of a Biodiversity Enhancement Management Plan [BEMP] and a Construction Environment Management Plan [CEMP: Biodiversity].
- 8.8.7 As such, it is considered the proposed development contributes to and enhances the ecological value of the site and provides for net gains to biodiversity where possible. The proposed development therefore accords with Policy EN2 of the Local Plan, and meets the requirements of criterion 6 and 7 of EN10.

## 8.9 Impact upon the Historic Environment

- 8.9.1 Policy EN13 seeks to conserve, protect and enhance heritage assets where possible. The policy is consistent with Part 16 of the NPPF which requires applicants to assess the effect of proposals on the significance of heritage assets.
- 8.9.2 The application is supported by a Heritage Baseline Report which identifies the significance of known and potential heritage assets within the site and beyond the site which may be affected by the proposed development.
- 8.9.3 There are no designated heritage assets within the immediate area surrounding the application site. The closest designated heritage assets are located within the rural settlements, a minimum distance of 1km from the site. It is considered that given the separation distance, the topography and the form of the proposed development; the application site is not visible from the setting of the heritage assets and the proposed development would not result in harm to the significance of either the heritage assets themselves or their setting.
- 8.9.4 An archaeological evaluation was undertaken at the application site to determine the archaeological potential. Whilst a limited number of archaeological features were found in 8 of the 71 excavated trial trenches that were investigated on the site, the County Archaeologist has confirmed no further archaeological works are needed other than finalising the report and archiving. A suitable condition is therefore attached to the recommendation (see Condition 10.21 below)
- 8.9.5 The proposed development is therefore considered to accord with Policy EN13 of the Melton Local Plan.

## 9 Conclusion

- 9.1 Paragraph 163 of the NPPF states that when determining planning applications for renewable and low carbon development, Local Planning Authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;

- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and
- c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.

- 9.2 Policy EN10 of the Melton Local Plan states that proposals for renewable and low carbon energy technology, associated infrastructure and integration of renewable and low carbon technology on existing or proposed structures will be assessed both individually and cumulatively on their merits taking account of a number of factors. These factors have been assessed in the Report, above, and it is concluded the 13 criteria of Policy EN10 are met.
- 9.3 The proposed development would provide a solar farm development with a 10 MW (ac) output for a temporary period of 40 years. The development would make a significant contribution to the government target of reducing carbon emissions to net zero by 2050.
- 9.4 It is acknowledged that the proposed 40 year lifetime of the development is a significant period of time, however it is accepted that 40 years accords with the general life expectancy of new panels, and whilst this is a significant period of time it is not permanent feature within the landscape. De-commissioning of the site as a solar farm would be required to return the use of the land to sole agricultural use after the lifetime of the development has expired.
- 9.5 The proposed solar farm is anticipated to provide electricity for approximately 4000 households. Whilst there has been some temporary harm identified, planning conditions have been recommended to mitigate this harm, and when used properly, conditions can enhance the quality of development. The conditions as set out below will enable the development to proceed ensuring all necessary mitigation is formally secured as part of the permission.
- 9.6 As per the above assessment, it is considered that the proposals would accord with the criterion set out in Policy EN10 of the Local Plan. Although there would inevitably be harm to the character of the open countryside as a result of the development, particularly in terms of visual impact to the users of the PROW network through the application site and negligible harm to the landscape, it is considered that the harm can be somewhat mitigated through an appropriate landscaping scheme. Notwithstanding the identified harm, it is considered the significant benefits of the scheme to the contribution of the government net zero targets outweigh the effect to the PROW users and the impact upon the landscape.

## 10 Planning Conditions

- 10.1 The development shall be begun before the expiration of three years from the date of this permission.
- Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
- 10.2 The development hereby permitted shall be carried out in accordance with the following drawings received by the Local Planning Authority on 21<sup>st</sup> September 2023:
- Site Location Plan Drawing no. 2023-003\_02 Revision 0
  - Proposed Site Layout Drawing no. 2023-003\_01 Revision 1



- Standard Drawing: Transformer, Delivery and Communication Substations SD-01 Revision 01
- Standard Drawing: Sungrow Medium Voltage Power Station SD-02 Revision 02
- Standard Drawing: Deer fence/ Gate SD-03 Revision 01
- Standard Drawing: CCTV Camera And Pole SD-05 Revision 01
- Standard Drawing: Typical Panel Cross Section SD-07 Revision 01

**Reason:** For the avoidance of doubt

- 10.3 The permission hereby granted shall expire 40 years from the date when electrical power is first exported from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

**Reason:** The proposed scheme has a 40 year lifespan.

- 10.4 No part of the development hereby permitted shall commence until such time as the access arrangements shown on SLR Consulting drawing number 237594\_PD001\_AT04 Rev. B have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

- 10.5 No part of the development hereby permitted shall commence until such time as vehicular visibility splays of 2.4m by 151m to the west and 2.4m by 120m to the east of the site access have been provided. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (December 2023).

- 10.6 The development hereby permitted shall not be carried out otherwise than in complete accordance with the Construction Traffic Management Plan Rev. 3 created by SLR Consulting; and Highways Technical Note, created by SLR Consulting and submitted to the Local Planning Authority 26th July 2024.

**Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic can enter and leave the site in a forward direction and to ensure construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

- 10.7 The development hereby permitted shall not be occupied until such time as off street car and HGV parking provision with turning facilities has been provided, in accordance with SLR Consulting & drawing number 237594/AT/A01/A01. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

10.8 No development shall take place until a scheme to manage Public Footpath D66 has been submitted and approved in writing by the Local Planning Authority. Such a scheme should include a management plan to seasonally cut a minimum 2.0 metre wide walking route in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

**Reason:** To protect and enhance Public Rights of Way and access in accordance with Paragraph 104 of the National Planning Policy Framework (December 2023).

10.9 The development hereby permitted shall not become operational until such time as any stile or gate located at field boundary (that becomes obsolete as a result of Public Footpath D66 being fenced off through the site) has been removed.

**Reason:** To improve access for all in the interests of amenity and safety of users of the Public Right of Way in accordance with the National Planning Policy Framework (December 2023).

10.10 No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

10.11 No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.

**Reason:** To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.

10.12 Prior to first use of the development approved by this planning, details in relation to the long-term maintenance of the surface water drainage system within the development are to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems and existing surface water features) within the development.

10.13 No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

10.14 Soft landscaping works shall be fully carried out in accordance with Proposed Planting Plans P23175-PL-00-02 Revision B (Sheets 1 – 5) received by the Local Planning Authority on 5<sup>th</sup> August 2024, in the first planting season following the substantial completion of the approved development. Any trees or plants which within a period of ten years after planting are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of

a similar species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

**Reason:** To ensure the provision, establishment and maintenance of landscaping to a reasonable standard in accordance with the approved proposals.

10.15 Prior to the commencement of the development, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the local planning authority. The BEMP shall demonstrate measurable biodiversity net gain and therefore shall be accompanied by the Statutory Metric. The plan shall include:

A) description, evaluation and location of the ecological features and biodiversity enhancement measures to be created and managed

B) ecological trends and constraints on site that might influence management

C) aims and objectives of biodiversity enhancements and their management including for protected species

D) appropriate management options for achieving the aims and objectives of the project

E) prescriptions for management actions

F) preparation of a work schedule

G) details of the body or organisation responsible for implementation of the plan

H) on-going monitoring and remedial measures

The development shall be implemented in accordance with the approved BEMP.

**Reason:** In order to protect and enhance biodiversity in accordance with Policies EN1, EN2, EN3 and EN10 of the Melton Local Plan.

10.16 No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:

A) Identification of potentially damaging construction activities

B) identification of biodiversity protection zones

C) practical measures and sensitive working practices to avoid or reduce impacts during construction

D) timing of works to avoid harm to nesting birds

E) responsible persons for overseeing sensitive works

F) use of protective fencing where required

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

**Reason:** In order to protect and enhance biodiversity in accordance with Policies EN1, EN2, EN3 and EN10 of the Melton Local Plan.

10.17 If the solar farm hereby permitted (or any substantial sub-part of the farm) fails to produce electricity for supply to the grid for a continuous period of two years and there is no realistic prospect of the solar farm becoming operational again, a scheme shall be submitted to the

Local Planning Authority for its written approval within 3 months of the end of that 6 month period for the repair or removal of the solar farm.

Where repairs or replacements are required the scheme shall include a proposed programme of remedial works. Where removal of the solar farm is required the scheme shall include the same details required under condition 7 of this permission. The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.

**Reason:** To ensure the solar farm beneficially generates electricity or is otherwise removed to the benefit of the character and appearance and the agricultural potential of the area, in accordance with Policies EN1, EN2, EN3, EN6, EN10 and EN13 of the Melton Local Plan.

10.18 Not later than 12 months before the expiry of this permission, as confirmed by Condition 3 of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and all other associated equipment & paraphernalia and the subsequent restoration of the site. The scheme shall include details of:

- the extent of equipment and foundation removal and the site restoration to be carried out;
- the management and timing of any works;
- a traffic management plan to address likely traffic impact issues during the decommissioning period;
- an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitats and tree features on the site;
- location of material laydown areas;
- full details of the removal of the solar arrays, associated buildings and plant, any trackways and sub-surface cabling and all associated works of ground restoration including trench backfilling;
- full details of all other works to restore the land to allow for agricultural production following the removal of structures from the site;
- a programme of implementation.

The approved scheme shall be implemented within 6 months of the expiry of this permission and then proceed fully in accordance with the agreed details in accordance with the decommissioning programme.

**Reason:** To ensure the site is fully restored to allow agricultural use and to maintain the rural appearance of the area in accordance with Policies EN1, EN2, EN3, and EN10 of the Melton Local Plan.

10.19 There shall be no permanent illumination on the site unless otherwise agreed in writing by the Local Planning Authority. In such circumstances, prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.

**Reason:** To protect the rural character of the area and in accordance with Policies EN1, EN2, EN3 and EN10 of the Melton Local Plan.

10.20 Prior to the commencement of any development, details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures,

and the details of the hard surfacing of the internal access road shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the development hereby permitted.

**Reason:** To protect the rural character of the area and in accordance with Policies EN1, EN2, EN3 and EN10 of the Melton Local Plan.

- 10.21 The development shall not be occupied until the applicant has made provision for the deposition of the archaeological archive from their investigation of the development site (Wessex Archaeology Evaluation Report). The arrangements for the archive will be submitted to and approved by the Local Planning Authority.

**Reason:** To ensure satisfactory archaeological investigation and recording.

## 11 Informative

- 11.1 Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to change commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
- 11.2 Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
- 11.3 A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- 11.4 It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

## 12 Financial Implications

- 12.1 None

**Financial Implications reviewed by: Financial Implications reviewed by: Financial Implications reviewed by: N/A**

## 13 Legal and Governance Implications

- 13.1 None

**Legal Implications reviewed by: Legal Implications reviewed by: Legal Implications reviewed by: Tom Pickwell (Deputy Monitoring Officer)**

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