



Appeal Decision

Inquiry Held on 8-11 and 15-17 April 2025

Site visits made on 8 and 28 April 2025

by Helen Heward BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 11th December 2025

Appeal Ref: APP/R3705/W/24/3349391

Land 800 Metres South of Park House Farm, Meriden Road, Fillongley

in the Borough of North Warwickshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Enviromena Project Management UK Ltd against the decision of North Warwickshire Borough Council.
 - The application Ref: PAP/2023/0071 is dated 21 February 2023.
 - The development proposed is the construction of a temporary solar farm to include the installation of ground mounted solar panels together with associated works, equipment and necessary infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a temporary solar farm to include the installation of ground mounted solar panels together with associated works, equipment and necessary infrastructure at Land 800 Metres South of Park House Farm, Meriden Road, Fillongley in the Borough of North Warwickshire in accordance with the terms of the application, Reference PAP/2023/0071 dated 21 February 2023, subject to the conditions set out.

Preliminary Matters

2. On lodging the appeal, the Appellant put forward two schemes, one with ponds and one without. Subsequently the Appellant decided not to pursue the scheme without ponds. The Inquiry considered the scheme with ponds only.
3. In a Heritage Statement of Common Ground it states that the Council and Appellant agree that, via a change to setting, the proposed development is likely to cause less than substantial harm (LTSH) to the significance of a Scheduled Monument, Conservation Area and two Grade II Listed Buildings.
4. The Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) require planning authorities to consult or notify Historic England (HE) on certain applications during the determination of a planning application. Guidance from HE¹ states that broadly speaking HE must be consulted on applications for planning permission for development which affects a Grade I or II* Listed Building (LB) or its setting, and a Scheduled Monument (SM). HE must also be notified of certain development proposals which the local authority think would affect the character or appearance of a Conservation Area (CA).

¹ Proposals for Development Management | Historic England

5. Neither the duty to consult HE in relation to any effects on a SM or a CA expressly refer to setting. Rather they refer to the site of a SM and the character or appearance of a CA.
6. In *R (on the application of the Friends of Hethel Ltd) v South Norfolk DC [2010]*, the Court of Appeal considered the duty to consult English Heritage (now HE) of an application for planning permission if it was an application for a development which affected the setting of a Grade I or Grade II* LB. The Court held that whether or not it had such an effect was a matter of planning judgment for the decision taker.
7. At the time of the application subject of this appeal, the Council consulted their own heritage specialists to assess impacts on the setting of heritage assets, and they considered that there was no need to consult HE. Prior to the opening of the Inquiry, HE advised the Council that it was for the planning authority to determine if the proposal fell within a category where consultation or notification was required.
8. Whilst noting the pre-inquiry correspondence between the Local Planning Authority and Historic England on this issue, as jurisdiction now lies with me as the Inspector appointed by the Secretary of State, and in light of the evidence heard at the Inquiry and my observations on my site visits, I determined that Historic England should be consulted. The Council was asked to consult HE on 29 September and HE England replied 17 October. The main parties were then afforded a week to comment. The advice of HE and the Appellant's response has been taken into consideration.
9. Photomontages produced for the application were not in accordance with technical guidance provided by the Landscape Institute, and the accuracy of an 'Approximate Visual Envelope' drawing was questioned. The Appellant did not produce new photomontages for the appeal. The Expert Landscape Witness for the Council advised that their images were illustrative only and not intended to be in accordance with the Landscape Institute's guidance. Similarly, images of views produced in the Appellant's Heritage Evidence were illustrative only. Photomontages produced for the Rule 6 Party do not show the effect of mature landscaping.
10. LiDAR data used in the preparation of the Appellant's evidence at appeal was taken in summer when the trees would have been in leaf. In response to questions, the Appellant's Expert Landscape witness told the Inquiry that the evidence may not represent all potential views, for example situations where views are available from underneath a tree canopy. They also stated that they might have chosen some different key viewpoints. I have been mindful of the limitations. Judgements that I have formed about what would be seen, and from where, have been reached from studying the application plans and from my site visit observations.
11. At the time the appeal was submitted the Appellant submitted an additional drawing Landscape Strategy Plan P24-1827_EN_008. It does not make any significant changes to what is proposed. Having regard to relevant judgements² I considered no party would be prejudiced by accepting submission of this drawing.
12. At the Inquiry, the Fillongley Flood Group (FFG) submitted updated documents containing some new information. The Appellant was able to consider the

² *Holborn Studios v Hackney LBC* and *Bernard Wheatcroft v SoS for the Environment*

information and raised no objection. I concluded no party would be prejudiced by me accepting the submission into the Inquiry.

13. I undertook an accompanied site visit after opening the Inquiry, and an unaccompanied visit after the Inquiry closed.
14. An application for costs made by Enviromena Project Management UK Ltd against North Warwickshire Borough Council is the subject of a separate decision.

Main Issues

15. The appeal site is in the Green Belt. When the Appellant submitted the appeal, it was on the assumption that very special circumstances were required to be demonstrated. Since then, advice in relation to Green Belts in the National Planning Policy Framework (Framework) (December 2024) has been substantially updated.
16. A virtual Case Management Conference (CMC) was held on 7 January 2025 with representatives of the Appellant, the Council, and Fillongley Parish Council Rule 6 Party. At the CMC, the Appellant advised that, considering the new advice, they no longer considered that the proposed development would be inappropriate development in the Green Belt (GB).
17. At the CMC the main parties agreed that the likely main issues would be:
 - I. Whether the proposed development would be inappropriate development in the GB having regard to the Framework and development plan policies.
 - II. Likely effects upon the significance of heritage assets.

By the time the Inquiry sat the designated assets considered were:

- i. Ringwork Castle 80m south west of Castle Farm, SM, Natural Heritage List Entry (NHLE) Ref 1013152
 - ii. Fillongley CA
 - iii. Church of St Mary and All Saints, Grade II* LB Ref 1034830
 - iv. Park House Grade II LB, Ref 1186219
 - v. Fillongley Mount Grade II LB, Ref 1299309
 - vi. White House Farmhouse LB Grade II LB Ref 1034868
- III. Likely effects upon the character and appearance of the area having regard to landscape and visual effects – including public viewpoints and effects upon users of public rights of way.
- IV. The weight to be attached to effects upon Best and Most Versatile [agricultural] Land.

Reasons

Grey Belt in the Green Belt

18. Framework Paragraph 155 provides that in some circumstances development which would utilise grey belt land should not be regarded as inappropriate. The Glossary defines “grey belt” as *“land in the GB comprising previously developed land (PDL) and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Framework paragraph 143. Grey belt excludes land*

where the application of the policies relating to the areas or assets in Footnote 7 (other than GB) would provide a strong reason for refusing or restricting development”.

19. The land does not comprise previously developed land. The five purposes of the GB are set out in Framework paragraph 143.
20. A large part of the GB in North Warwickshire, including the appeal site is within Broad Area 10 (BA10) in the Coventry and Warwickshire Joint GB Study 2016. BA10 lies between Nuneaton and Bedworth to the east, Kingsbury and Piccadilly to the north, Coventry to the south east and Coleshill in the west. The Study advises that BA10 makes a considerable contribution to all the GB purposes. However, due to the scale of BA10, the conclusions in this study attract little weight in assessing if the appeal site strongly contributes to GB purposes a), b) or d).
21. GB purpose a) is to check the unrestricted sprawl of large built-up areas. The appeal site is not adjacent to a large built-up area and development would be both physically and visually apart from any large built-up area. Purpose b) is to prevent neighbouring towns merging into one another. The proposal is situated within a large tract of countryside. It is not within an area that is important for preventing towns from merging. By the time the Inquiry sat, and having regard to recently published Planning Practice Guidance (PPG), the main parties agreed that Fillongley is not a town and that the proposed development would not affect purpose d): to preserve the setting and special character of historic towns.
22. In summary, the site does not play any role in checking the sprawl of large built-up areas or in preventing neighbouring towns merging into one another. The site does not contribute to preserving the setting and special character of any historic town. The appeal site does not contribute strongly to purposes a), b) or d) set out in paragraph 143. By the time the Inquiry closed, the main parties agreed as much.

Would policies in the Framework relating to heritage assets provide a strong reason for refusing or restricting development?

23. Framework paragraph 212 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or LTSH to its significance.
24. Advice in the PPG³ includes that as the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.
25. Paragraph 215 requires that LTSH to the significance of designated heritage assets, should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
26. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and

³ID: 013-20150327

may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

27. The Appellant agrees that the proposed development could affect the significance of several heritage assets within the locality by way of change to their settings.
28. S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or setting or any features of special architectural interest which it possesses.
29. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
30. The Appellant argued that the Ancient Monuments and Archaeological Areas Act 1979 does not extend to the consideration of the setting of a SM. They also argued that section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act applies to the consideration of changes within the boundary of a CA only, and that there is no statutory protection for the 'setting' of a CA.
31. Nonetheless, Framework Paragraph 213 addresses any harm to, or loss of, the significance of a heritage asset (from its alteration or destruction, or from development within its setting), and the Appellant does not dispute that setting is an important material consideration.

Ringwork Castle 80m south west of Castle Farm; SM, NHLE No 1013152

32. The SM (is situated 80m south west of Castle Farm on the outskirts of the village. Reasons for designation include that ringworks are medieval fortifications built and occupied from the late Anglo-Saxon period to the later 12th century. They acted as strongholds for military operations and in some cases as aristocratic or manorial settlements. They are rare nationally with only 200 recorded examples and less than 60 with baileys. As such, and as one of a limited number and very restricted range of Anglo-Saxon and Norman fortifications, ringworks are of particular significance to our understanding of the period. Castle Yard survives well and is one of only two known examples of this class of monument in Warwickshire. The foundations of medieval structures will survive as buried features within both the ringwork and the bailey, while the accumulated fill of the ringwork and bailey ditches will retain information valuable for an understanding of the environment and economy of the site's inhabitants. Additionally, the buried land surface beneath the ringwork enclosure will retain environmental evidence relating to the landscape in which Castle Yard was constructed.
33. HE advised that:

“the Ringwork castle was the principal Warwickshire residence of the Hastings family from the early 12th century until the end of their family line in the late 14th century. It is significant as one of only two known examples of Ringwork castle in

Warwickshire. Its well-preserved earthworks and buried features retain important information on its form, development, and inhabitants.

The castle has an unusual location, sitting at a low level in the landscape, located on the confluence of two streams and at the foot of slopes to the west, south and east. This siting appears to have been deliberately selected to maximise the use of the water in the design of defensive form and functional elements. This siting, enclosed by the surrounding landscape is unusual for a castle that are normally in a strategic siting to dominate the settlement or control an important route.

Castle Yard replaced an earlier castle to the northeast of Fillongley village which had been abandoned by the 13th century. The siting of Castle Yard may represent a particularly important example of the transition from castle to moated site as the dominant form of seigneurial residence.”

34. The SM site occupies an area of approximately 2Ha. The ringwork itself is situated in the western part of the site and surrounded by a 12m wide ditch. The ringwork and elements of the immediately adjacent agricultural landscape are likely to have formed part of its associated landholdings land. Land in the immediate agricultural landscape to the east, south and west formed a deer park likely to have been associated with the occupation of the ringwork and adds to an understanding of the probable status. The assumed historic associative connection may have been severed at the date of abandonment. An 1844 Tithe Map recorded that at that time appeal site 'Field 5' comprised three fields known as 'Near Park', 'Park Meadow' and 'Far Park'.
35. Notwithstanding change and development, aspects of the deer park are still legible. Land which formed part of the deer park continues to contribute to an understanding of the positioning of the ringwork within the landscape, the historic operation and interrelationship of the SM with elements of that landscape, and the probable status of this heritage asset of the highest significance. The Appellant agrees that Field 5 of the appeal site, as part of the former deer park, contributes to the setting and significance of the SM.
36. There is co-visibility of the SM and landscape, and intervisibility, and there are unscreened views of the appeal site from the southern end of the SM and other views are variously found between, and under, tree canopies on the SM. Even though the SM is settled down in the landscape, trees have grown on it and topography and vegetation limit connections.
37. Public access extends over the SM. Evidence presented indicated that a Charity owns the SM, the Guides have leased the land for many years, and that the landowner is not understood to have enforced against access beyond the recorded public footpath. In any event, advice from HE includes that the contribution that setting makes to the significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting.⁴
38. In my judgement the landscape forming part of the setting of the SM to the south and east makes an appreciable contribution to the significance of the SM. The

⁴ The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) page 2

Appellant agrees that elements of the physical surrounds and experience of the SM contribute to its significance including spatial and visual relationships.

39. Field 5 of the proposed solar farm is part of the presumed extent of the former deer park. Upon completion of the development, solar panels in the northern part of Field 5 might just be visible and co-visible within the boundary of the SM from isolated areas to the east.
40. The Appellant's Expert Heritage Witness informed the Inquiry that had they been involved at an earlier stage in the scheme design, then they would have recommended not putting solar arrays in the northernmost part of Field 5 that formed part of the deer park and was closest to the SM.
41. HE considered that the main experienced change would be in wider views from elevated positions where both asset and proposal will be visible in the same view. However, it would appear from information provided that the contribution made by the setting to their significance would be largely unaffected due to the separation of the heritage assets from the proposal site and the intervening topography and vegetation. HE concluded that the proposal is not considered to harm the significance of the heritage assets.
42. Views would be filtered by intervening vegetation. When seen together with the SM, the solar arrays would be at some distance from the SM and form a very small part of views. There would be no transformers in the views. Panels would face south and there is no evidence that there would be adverse impacts from glint and glare. Views would be limited, partial and diminish over time.
43. Like the Professional witnesses for the Council and Appellant I conclude that the harm to the significance of the asset by a change in setting would be at the low end of LTSH. Even so, as an example of a nationally rare, recorded example and one of a limited number and very restricted range of Anglo-Saxon and Norman fortifications, and having regard to advice at Framework paragraph 213 that SMs are heritage assets of the highest significance. This attracts significant weight against the proposal to this harm.

Fillongley Conservation Area

44. The Fillongley CA was designated 25 February 1970. The CA Statement primarily describes the special architectural and historic interest of the buildings and spaces within its bounds, emphasising the character and appearance established during the post-medieval and modern periods.
45. The SM was part of a Manorial Estate. Even so, the CA includes the SM, and an undeveloped area situated between the SM and properties on Coventry Road. A Map notes *Castle (site of)* and *Ring and Bailey*. The close relationship of the SM with the core of the settlement contributes to an understanding of the siting and juxtaposition of the SM and the settlement of 'Young Fillongley' and the significance of the CA.
46. The appeal site is to the south of the SM and CA. Solar panels in Field 5 in the northern part of the appeal site would be out of character and incongruous. The harm that would be caused to the setting and significance of the CA would be a low level of LTSH. I attach significant weight to this harm.

Church of St Mary and All Saints, Grade II LB NHLE Ref 1034830*

47. The heritage significance of this Grade II* LB is principally derived from the architectural, historic, aesthetic, and archaeological interest of its physical fabric as an example of a medieval parish church. The Church is situated within an enclosed churchyard. The CA Appraisal states that the second part of the village, beyond the Manor House, is focussed on the Grade II* Listed Church.
48. HE advised that St Mary and All Saints church is 12th century in origin and lies at the heart of the historic village of Fillongley. The church and its village are nestled at the foot of surrounding rising ground. The church tower is a focal point of the village and dominant in views towards it.
49. The location, position, and experience of the Church within the churchyard, and the situation and views of the Church from within Fillongley contribute to understanding and appreciating the asset. Setting also contributes to significance.
50. The appeal site is almost 1Km away. Intervening built form, topography and vegetation substantially separate and prevent intervisibility between the church and the appeal site. There are no views available from the churchyard of the appeal site, or in the locality of the church within the village. There would be some views, principally of the church tower, from parts of the appeal site, and some co-visibility.
51. Photographs illustrate views from the church tower across the wider landscape. I observed that the church tower functions as a way marker when approaching the village on footpaths from the south. In an elevated view from the Coventry Way the church tower draws the eye even though it does not break the skyline. But there is nothing to say that the tower was designed to offer views over the landscape that the appeal site forms part of, nor that there are designed views of the church from the landscape.
52. There would be some limited co-visibility of solar panels and the church tower, including from public footpaths. Views would be filtered by intervening vegetation, and the proposal and Church would not often be seen together.
53. In some views, the presence of the solar panels might be perceived to adversely impact an appreciation of the Church as a medieval parish church within a rural landscape. However, The Setting of Heritage Assets includes: *“Being tall structures, church towers and spires are often widely visible across land and townscapes but, where development does not impact on the significance of heritage assets visible in a wider setting or where not allowing significance to be appreciated, they are unlikely to be affected by small-scale development, unless that development competes with them, as tower blocks and wind turbines may. Even then, such an impact is more likely to be on the landscape value of the tower or spire rather than the heritage values, unless the development impacts on its significance, for instance by impacting on a designed or associative view.”*⁵
54. In a Heritage Statement of Common Ground, the Council confirms that whilst the reason for refusal refers to ‘*the setting of the Church*’, they were referring to landscape matters only⁶ and no development plan policies related to heritage matters are cited as being conflicted.

⁵ Historic England, The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (2nd edition, Swindon, December 2017), p.7 – Core Document 6.7

⁶ Core Document 12.9, §2.1

55. HE found that the main experienced change would be in wider views from elevated positions where both asset and proposal will be visible in the same view. However, it would appear from information provided that the contribution made by the setting to their significance would be largely unaffected due to the separation of the heritage assets from the proposal site and the intervening topography and vegetation. HE concluded that the proposal is not considered to harm the significance of the heritage asset.
56. There is little to say that the views are more than coincidence or incidental. The heritage significance of the Church of St Mary and All Saints would not be impacted. The duty under S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged. There is no conflict with a requirement of FNP Policy FNP01 in relation to the setting of the Church.

Park House Farm Grade II LB NHLE Ref 1186219

57. The significance of Park House is principally derived from the architectural, historic, aesthetic, and archaeological interest of its physical fabric as an early to mid-17th century farmhouse, with later 19th-century alterations, and part of the Park House Farm complex of historic and modern agricultural buildings.
58. Park House may have been designed to enjoy an outlook over land that includes part of the appeal site. At the Inquiry, the main parties agreed that a principal elevation faces the appeal site. The spatial relationships between the farmhouse and farmland, and the experience and appreciation of the asset from aspects of its historically associated landholdings contribute to an appreciation of the significance of Park House as rural farmhouse. As part of the wider agricultural landscape within which the farmstead is situated, the appeal site contributes to the significance of the asset.
59. The date of the asset and name 'Park House Farm' could indicate a connection to the former deer park. A Fillongley Tithe Map indicates that landholdings associated with Park House Farm extended up to the appeal site. However, there are no identified historic functional or associative connections.
60. With development, the solar farm would occupy a large area of farmed fields. There would be co-visibility of solar arrays and the principal elevation, and views of solar arrays from within the building. The solar arrays would be seen to cover quite a large area. They would appear out of character and discordant and would detract from the experience and appreciation of Park House as a rural farmhouse. Due to the elevated position, I doubt that landscaping would fully mitigate effects. In relation to advice in the Framework I find that the level of LTSH, by way of a change to the setting would be low and this attracts a limited amount of weight against the proposal.
61. There are other Grade II Listed ancillary buildings at Park House Farm comprising a barn, cart shed and granary. The historic farmstead is now enclosed to the east and north by modern agricultural buildings. The spatial and visual connection between these ancillary LBs and the wider historic landholdings is reduced. Any intervisibility with the development proposals would be very limited. The Council and Appellant consider no harm would arise, and I agree.

Fillongley Mount LB Grade II LB NHLE Ref 1299309

62. Heritage significance is principally derived from the architectural, historic, aesthetic, and archaeological interest of the physical fabric as an example of a dwelling with 16th-century origins, subject to later changes in the 17th and 19th centuries. The grounds were subject to redesign in the 19th century, including the creation of domestic gardens and a minor parkland. Setting contributes to significance.
63. Fillongley Mount is located on high ground roughly 450m northwest of the appeal Site. The Appellant agrees that outward views from the southeast elevation of the asset and the immediate surrounds of the asset in this direction contribute to setting. Historically views would have included parkland in the foreground, with the wider agricultural landscape beyond. Historical mapping provides reasonable evidence of “Mount Park”. This parkland may not have been screened, and views may have been laid out to ‘borrow views’ of the wider landscape. The appeal site forms part of this wider landscape.
64. The extent and character of the domestic gardens and parkland have changed. The landscaped grounds have largely gone, the house sits in a smaller site and substantial screening limits views toward the appeal site.
65. There is no evidence of functional and associated connections between Fillongley Mount and the appeal site. Views of the southeast elevation of Fillongley Mount are obtainable from higher ground in the southern part of the appeal site. I expect that the appeal site is seen from some upper floor windows.
66. As part of the wider rural landscape, the appeal site adds to an understanding of the historic landscape and design of Fillongley Mount and in this way makes a limited contribution to an understanding of the significance of the asset.
67. The proposed solar arrays would be some distance away. Trees and other substantial screening would limit views and farmland between the appeal site and this property would maintain a rural setting. Solar panels within the wider rural landscape would have a very minor adverse impact upon those aspects of setting that contribute to the heritage significance of Fillongley Mount. In relation to advice in the Framework, the level of LTSH would be low and attracts a limited amount of weight against the proposal.

White House Farmhouse Grade II LB NHLE Ref 1034868

68. Heritage significance is principally derived from the architectural, historic, aesthetic, and archaeological interest of its physical fabric of an early 19th-century farmhouse, potentially earlier. It is roughly 250m west of the appeal site amongst a group of both historic and modern outbuildings and separated from the appeal site by Meriden Road.
69. Although Fillongley Tithe Map of 1843 indicates that the landholdings associated with White House extended to the appeal site there is little evidence to say there was a historic or functional connection with the appeal site, or that there were planned views across the appeal site from the house or grounds.
70. Set on higher ground, White House Farmhouse is seen in views from the central and eastern parts of the appeal Site. The proposals would be seen as part of wide elevated views from the farmhouse, possibly together with views of the motorway.

An appreciation of White House Farmhouse set within a rural farmed landscape would remain.

71. As part of the wider agricultural landscape within which the farmhouse is situated, the appeal site adds to an understanding of the dispersed position within the rural farmed landscape and in this way makes a limited contribution to the significance of the asset. The solar panels would have a very minor adverse impact upon those aspects of setting that contribute to the heritage significance of White House Farmhouse. There would be a very low level of LTSH and attracts limited weight against the proposal.

Non-designated heritage assets (NDHAs)

72. The PPG states that NDHAs are buildings, monuments, sites, places, areas, or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets.
73. Advice in HE Guidance HEAN:7 includes that the inclusion of a site or structure in an Historic Environment Record merely records valuable information and does not reflect the planning judgement needed to determine whether it does in fact have a degree of heritage significance which merits consideration in planning decisions.
74. A footpath within the western part of the appeal site is recorded on 19th-century cartographic sources, and sections of Meriden Road follow the alignment of a road shown on 19th century mapping. The Expert Heritage Witness for the Rule 6 Party explained that the claimed NDHAs contribute to layers of the historic landscape, and residents told the Inquiry that walking/travelling these routes contributes to an appreciation of the history of Fillongley.
75. The Council has not identified the features on a local list of NDHAs and they are not identified as such in the Neighbourhood Plan. The Council's heritage specialist did not identify them as NDHAs at the time of the application. I am not persuaded that the footpath and road have a degree of heritage significance meriting qualification as NDHAs.
76. The former deer park is identified on the HER. I have given weight to it as forming part of the setting of the SM. The Council did not argue that the deer park should be considered as a NDHA, and I am not persuaded that there is evidence to say that it would qualify as a NDHA's following the Council's local list guidance or Historic England's Advice Note⁷.

Weighing the less than substantial harms to heritage assets against the public benefits of the proposed development

77. In respect of the designated assets the heritage experts all conclude that where harm would arise it would be harm to the setting of the assets, and such harm would amount to LTSH to the significance of the heritage assets. I agree. Individually and collectively the harm to the significance of the heritage assets would be LTSH.

⁷ North Warwickshire Heritage Forum, Historic England, Local Heritage Listing: Identifying and Conserving Local Heritage, Historic England Advice Note 7 (Second Edition)

78. The Framework requires LTSH to heritage assets to be weighed against the public benefits of the proposed development. The Appellant claims the proposal would deliver many benefits.

Climate change, and delivering clean and secure energy

79. The Climate Change Act of 2008 set a legally binding target to reduce greenhouse gas emissions. An Environmental and Climate Change Emergency was declared in 2019. The Borough Council declared a climate emergency in 2019 and published a local Climate Action Plan.
80. The Net Zero Strategy 2021 advises that characteristics of the challenge require delivery at pace. The Government's Clean Power 2030 Action Plan: A new era of clean electricity, December 2024, seeks to tackle three major challenges: the need for a secure and affordable energy supply, the creation of essential new energy industries, the need to reduce greenhouse gas emissions and limit our contribution to the damaging effects of climate changes. It is seeking to speed up delivery of renewable energy and grid connection. The driving forces behind the plan are the need for secure and affordable energy, the creation of new energy industries, and the reduction in greenhouse gas emissions.
81. The Government's ambition is for the UK to be entirely powered by clean energy by 2030. Low carbon energy needs to be deployed at unprecedented scale and pace. In Clean Power 2030, the National Energy System Operator (NESO) advises that to meet the challenge will require bold action and a 'once in a generation' shift in approach. NESO's clean power pathways include major expansions in solar (from 15 GW to 47 GW). The Appellant submitted that to achieve clean power by 2030, 115MW of solar need to be delivered every week for the next five years. They calculated that was the equivalent of three schemes of the same size as the appeal proposal every week.
82. The British Energy Security Strategy, 2022, and Energy Security Plan, 2023, state that delivering energy security is urgent and of critical importance. There is a need to reduce reliance on imported fossil fuels in the interests of energy security and to ensure less volatile energy prices. The British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW).
83. The wide and extensive library of policy and advice is reflected in the Department for Energy Security & Net Zero, Overarching National Policy Statement for Energy (EN-1) which explains that wind and solar are the lowest cost ways of generating electricity, and providing a clean and secure source of electricity supply. A secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.
84. Paragraphs 2.10.9-10 of the Department for Energy Security & Net Zero, National Policy Statement for Renewable Energy Infrastructure (EN-3) advise that the government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such, solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector. Solar also has an important role in delivering the government's goals for greater energy independence.

85. Substantial positive weight should be given to the public benefits derived from the scheme in respect of climate change and renewable, clean energy. The contribution to increasing energy security attracts additional substantial positive weight in favour.
86. The IPCC identified that limiting global warming can provide large public health benefits through improved air quality. I consider that this is reflected in the substantial positive weight I give to clean energy.
87. The Council declared a climate emergency in 2019 and published a Climate Action Plan. It aims to encourage landowners to use their land in sustainable and biodiverse ways. The contribution of the appeal scheme towards these locally declared objectives attracts additional significant weight in favour.
88. Solar energy, where a grid connection exists can be deployed relatively quickly. In this case a grid connection has been secured, and the appellant agrees to commencement of development within three years to secure early delivery. This attracts further significant weight in favour.

Biodiversity

89. The Appeal Scheme would result in a biodiversity net gain (“BNG”) of 63.23% in habitat units and 25.76% in hedgerow units. The State of Nature Report produced by the RSPB and others states that up to a million species could be lost globally in coming decades, and that the UK is now one of the most nature-depleted countries on Earth. The National Trust declared a “biodiversity crisis”, and it is a government priority to address biodiversity decline. Longer term benefits to soil structure and the biodiversity benefits for the life of the development would contribute towards the need to address these declines and attract substantial positive weight.

Heritage assets conclusion

90. The Council did not put forward a reason for refusal on heritage grounds and agrees that the public benefits would outweigh harm to heritage assets.
91. I conclude that the weight to be attached to the public benefits for climate change, delivering clean and secure energy, the local climate emergency declaration, a secure grid connection, and benefits for biodiversity would outweigh the LTSHs to heritage assets that I have found. The public benefits would clearly and convincingly outweigh the harms. The tests at Framework paragraphs 213 and 215 are passed. Application of the policies relating to heritage assets in the Framework do not provide a strong reason for refusing or restricting development.
92. The proposal would not satisfy requirements of North Warwickshire Local Plan, 2021, Policies LP1 and LP15 that development integrate appropriately with the historic environment and seeks to conserve or enhance the quality, character, diversity, and local distinctiveness of the historic environment. However, Local Plan Policy LP15 also states that a balanced judgement will be taken regarding the scale of any harm or loss to the significance of a non-designated heritage asset, and the relative significance of that heritage asset must be justified and will be weighed against the public benefits of the proposal. Considering my findings, conflict with Local Plan Policies LP1 and LP15 attract only limited negative weight.
93. Policy FNP06 of the Fillongley Neighbourhood Plan, 2019, (FNP) requires that development should protect, enhance, and respect the local built, historic and

natural heritage assets or any other locally identified heritage features of the village. Applications for development that will harm designated and non-designated heritage assets will be refused unless the circumstances that would permit approval specified in the appropriate part of paragraphs 133 to 135 of the Framework (2012) apply. Applying FNP Policy FNP06 with regard to advice in the current Framework I find no conflict.

Grey belt land conclusion

94. The definition of grey belt is set out within the Glossary to the Framework. Applying that definition, it was common ground between the Appellant and the Council that the appeal site does not contribute strongly to purposes a), b), or d), and the application of the policies relating to the areas or assets in Footnote 7 do not provide a strong reason for refusal. The Expert Planning Witness for the Rule 6 Party agreed under cross examination. From the conclusions I have drawn the appeal site meets the Framework definition for grey belt.

Inappropriate or not-inappropriate development on grey belt land

95. Framework Paragraph 155 provides that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where a number of conditions are met.

96. It is common ground between the main parties that Government publications and policy seek to substantially increase both the generation of renewable energy and that there is a demonstrable unmet need for the type of development proposed. Paragraph 155 b. is satisfied.

97. There would be traffic during construction. The proposal would not generate significant traffic flows throughout its operational lifetime. Paragraph 155 c. is not conflicted.

98. The 'Golden Rules' at paragraph 155 d. addressing major housing developments are not relevant.

Would development fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan?

99. Paragraph 155 a. states that development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

100. Green Belt purpose c) is to assist in safeguarding the countryside from encroachment. The appeal site is 61Ha and has an overall character and appearance of open, undeveloped, farmed countryside. It is located within a large area of countryside between Birmingham and Coventry. The Appellant agrees the site makes some contribution to purpose c).

101. The proposed development would consist of ten fields of solar panels, substations, transformer stations, tracks/roads, parking, high security fencing and gates. The panels, albeit relatively low lying, would often be experienced as a solid mass. The extent of the development would have a significant volume and spatial impact. Even when not appearing as a solid mass, the solar arrays would be seen and understood as a large physical encroachment of development in the countryside.

102. The appeal site is larger than the built-up area of the village of Fillongley. It extends across a hill with a ridgeline which slopes down on all sides, to surrounding land which then rises again. These characteristics were described by the Council as a 'dome', located within an 'amphitheatre' in the wider landscape. The dome slopes in several directions. This has an effect of reducing the extent of solar arrays seen in many views. There are few views of the site from beyond 1.5Km. Of the available views, many are somewhat limited or reduced by vegetation. New tree and hedgerow planting would further reduce the impact of development.
103. Nonetheless, the Appellant agrees that there would be some conflict with purpose c). I agree. I conclude that the introduction of development onto the site would cause harm to, and conflict with, purpose Green Belt purpose c).
104. However, the site is adjacent to the M6. The visual and auditory presence of the motorway diminishes rural character. There would be activity during construction, thereafter activity at the site would be very limited. The proposal is for a time limited development of 40 years. After decommissioning the land would return to its former open nature. These factors reduce the weight to be given to the harm by way of encroachment into the countryside. I attach significant weight to the harm to Green Belt purpose c).
105. It is unlikely that there would be suitable derelict or other urban land for a development of this scale, and therefore it is unlikely that the proposal could be of assistance in urban regeneration. I find no conflict with Green Belt purpose e). This was common ground with the Council and the witness for the Rule 6 Party agreed under cross examination.
106. Although the main parties agreed at the Inquiry that there was conflict with only one of the five purposes set out at paragraph 143, there was debate as to how the test set at paragraph 155 a. should be made.
107. The PPG⁸ explains that what should be considered is "*whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way*".
108. The definition of grey belt land in the Framework differs from earlier proposals. It excludes purposes c) and e). There is nothing in the Framework or PPG to say the intention is to ensure that development schemes are not prevented on grey belt land where the impacts of the proposed development would affect only purposes c) and e). Equally, there is nothing in the Framework or PPG to say that commercial development on grey belt land that only conflicts with one purpose would pass or fail the test. A 12 December 2024 Consultation Outcome⁹ is not Government policy and attracts very little weight.
109. The Framework Glossary defines what is grey belt land. Paragraph 155 provides for determining whether certain types of development should not be regarded as inappropriate. I find nothing in the Framework or PPG to say that the "final hurdle" at paragraph 155 sets either a high or low bar.

⁸ Paragraph: 008 Reference ID: 64-008-20250225

⁹ CD6.52 Proposed reforms to the National Planning Policy Framework and other changes to the planning system, 12 December 2024

110. Framework paragraph 160 advises that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. 'Many' does not mean all cases. Each case must be assessed on its own merits.
111. The Appellant's Expert Planning Witness argued that all five Green Belt purposes should be treated equally. They drew an analogy with five equal size glasses, arguing that one glass would not be quite so full, but there would still be five glasses. In closing the Rule 6 Party submit that the glasses are not all equal.
112. Development on the site would not be adjacent to or near to a large built-up area, visual separation between towns would not be affected. Development would not adversely affect the ability to control the sprawl of Coventry and Birmingham, the setting of historic towns would not be affected be protected. Therefore, without the other four at play, the main purpose is to safeguard the countryside from encroachment. Purpose c) is of greater importance in this case. IN this way I do not accept the Appellant's argument.
113. The Expert Planning Witness for the Rule 6 Party agreed that the appeal scheme passes paragraph 155 a. if the policy is read strictly. And the Council's Green Belt case fell away when the Council's Expert Planning Witness accepted the Appellant's interpretation of paragraph 155 a.
114. In closing, Counsel for the Council submit that the contribution that the site makes towards safeguarding the countryside from encroachment is more than sufficient to undermine the purposes of the remaining Green Belt, taken together, meaning that it is inappropriate development. I am not persuaded so.
115. The extent of countryside encroachment would represent 0.36% of North Warwickshire's Green Belt. Within the large, broad belt of countryside it is part of, the harm by way of encroachment would be limited. I conclude that development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Paragraph 155 a. is satisfied. The proposal is not inappropriate development in the Green Belt.
116. North Warwickshire Local Plan 2021 Policy LP3 Green Belt was written before the Framework was amended and the concept of grey belt land introduced. The explanatory text at paragraph 7.12 of the Local Plan acknowledges that the Framework provides the strategic policy guidance and gives advice on where and what development is appropriate or inappropriate in the Green Belt. Applying the Framework I found that the proposal does not amount to inappropriate development. I find no material conflict with Local Plan Policy LP3.
117. The PPG¹⁰ advises that Footnote 55 to the NPPF sets out that if development is considered to be not inappropriate development on previously developed land or grey belt, then this is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including to its openness.
118. The PPG states that this is consistent with rulings from the courts on these matters, that courts have ruled that, where development (of any kind, now including development on grey belt or previously developed land) is not considered to be inappropriate in the Green Belt, it follows that the test of impacts to openness or to

¹⁰ Paragraph: 014 Reference ID: 64-014-20250225

Green Belt purposes are addressed and that a proposal does not have to be justified by “very special circumstances”.

Landscape Character and Appearance

119. The site is not within a designated landscape, it is not argued that it is a valued landscape, and a previous special landscape designation is of no weight.
120. In the North Warwickshire Landscape Character Assessment, 2010, the site is within “Church End to Corley – Arden Hills and Valleys” character area where the landscape is described as an elevated farmed landscape of low rounded hills, steep scarps, and small incised valleys. This landform combined with extensive woodlands and tree cover creates an intricate and small-scale character, punctuated by numerous scattered farms and hamlets. The site and locality are broadly typical of this character area, save that the presence of the motorway is a detractor, and the area does not feel deeply rural.
121. Topography and other elements combine to limit the extent of visibility to a distance of roughly 2Km and an “amphitheatre” of 5-6Km². The ‘dome’ slopes would reduce the extent of solar arrays seen at any one point. Even so, the solar farm would introduce an alien type of built form into the landscape. Development over the crest of the site would be seen to be ‘above the top’ of existing tree canopies and hedgerows. Development, particularly on the ridge, would be both visible and at odds with key characteristics of the Church End to Corley – Arden Hills and Valleys character area.
122. The existing field pattern would be maintained. Hedgerows would be strengthened, former hedgerow boundaries reinstated and new trees and copse planted. Development would be contained within relatively small fields. One field would be subdivided to reflect a pattern indicated on an 1846 Tithe Map. There would be strengthened scrub and woodland planting around Field 5, which may have been part of the former deer park.
123. But the landscape strategy planting would only partially mitigate effects and would not change the fact that the 61Ha site would be mainly covered with development that would be at odds with, and detract from, the recorded landscape character. For the lifetime of the development the primary character of the 61Ha site would be that of a solar farm. It would not integrate appropriately with the natural environment nor harmonise with the wider setting. The residual landscape effect overall would be moderate adverse.
124. The Appellant’s Expert Landscape Witness agreed that conversion of arable to pasture under panels would not amount to a pastoral character and that the residual effect for landscape cover would be moderate adverse.
125. Visually parts of the site are open to view from several public locations. Recreational users of the Coventry Way approaching from the east would be faced with a view of solar panels rising on sloped ground ahead of them. This view would not be fully mitigated by planting. This is part of a National Trail and interested parties spoke of its popularity and importance.
126. From a footbridge crossing over the M6 northbound walkers have an opportunity of a view over the site. The experience is dominated by the motorway and walkers’ attention is focussed on the steps.

127. Walkers on a footpath east of the site would experience sequential intermittent views of solar arrays. From some places, views of the arrays on the highest part of the dome would appear above the canopies of trees and scrub growing in the valley bottom. In these views the solar arrays would look most odd and quite incongruous. From the height of existing mature trees, I doubt that these views would be fully mitigated during the lifetime of the development.
128. Walkers on footpath M294 through the site would find themselves walking in a commodious green corridor. The experience of walking a rural footpath would be lost, and a walker would be aware of the solar farm to either side. Photographs submitted by a resident illustrate the limited effect of hedgerow planting in the early years. Other residents disputed the Appellant's suggestion that M294 would have the character of a drove road, some felt it would feel more like walking in a tunnel.
129. I agree with the Council that topography creates an insurmountable obstacle to screening effects of development here. From many places on the local footpath network across and around the site, visual impacts for users would only be partially reduced over time as landscaping matures.
130. I observed that the paths appear quite well trod, they are accessible to the village and link to a wider network. Some views are sequential. Perceptions of the solar farm would be subjective. In my judgement the residual impacts for footpath walkers would be moderate and adverse.
131. Views from Meriden Road are largely limited to motorists. Motorists would be likely to be concentrating on safety aspects of their journey and views of the solar arrays would generally be oblique, glimpsed, and soon lost. There are equestrian facilities in the locality, horse riders would have an elevated view of longer duration. Impacts would reduce over time with the establishment of new planting. In time visual intrusion would be reduced but not fully mitigated. The residual effect would be moderate adverse.
132. In conclusion the proposed development would cause harm to the character and appearance of the locality in the vicinity. The Expert Landscape Witnesses for the Council and Appellant agreed that the residual landscape and visual impacts post-mitigation would be moderate adverse. I have concluded likewise. Using the Appellant's realigned scale¹¹ for weighing harms and benefits, I attach significant negative weight to these harms.
133. The landscape strategy would conserve, strengthen and restore landscape elements and some individual characteristics, in this way it would leave some enduring benefits for the Church End to Corley – Arden Hills and Valleys Character Area and would comply with requirements of Local Plan Policy LP14 to conserve, enhance and where appropriate restore landscape character so as to reflect that described in the North Warwickshire Landscape Character Assessment of 2010. This is a benefit of the scheme which attracts moderate positive weight.
134. However, when considered as a whole, development would fail to satisfy requirements of Local Plan Policies LP1 and LP30 that proposals should integrate appropriately with the natural environment, improve the appearance and environmental quality of an area, and harmonise with the immediate and wider surroundings. The proposal also fails to meet requirements of FNP Policy FNP02

¹¹ Inquiry Document 18

that development should not have adverse impacts on the visual appearance and important scenic aspects of rural and natural features in the landscape.

Effect on Agricultural Land

135. Framework paragraph 187 advises that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing soils and recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land. Footnote 65 adds that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
136. A 15 May 2024 Ministerial Statement on Solar and protecting our Food Security and Best and Most Versatile (BMV) Land refers to EN-1 paragraph 5.11.12 that Applicants should seek to minimise impacts on the best and most versatile agricultural land and preferably use land in areas of poorer quality. Paragraph 5.11.34 adds *“The Secretary of State should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. Where schemes are to be sited on best and most versatile agricultural land the Secretary of State should take into account the economic and other benefits of that land. Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”*.
137. EN-3 Paragraph 2.3.9 confirms that as most renewable energy resources can only be developed where the resource exists and where economically feasible, and because there are no limits on the need established, the Secretary of State “should not use a consecutive approach in the consideration of renewable energy projects (for example, by giving priority to the re-use of previously developed land)”. Paragraph 2.10.29, in relation to solar, adds that while land type should not be a pre-dominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land.
138. In summary, there is not a policy requirement to avoid use of BMV. Guidance and advice are couched in terms such as ‘seek to’, ‘where possible’, and ‘preferably’. Nonetheless, the use of BMV land is a material consideration and due weight needs to be given to the matter.
139. BMV on the appeal site is made up of roughly, 32.6% Grade 2, 63.7% Grade 3a, 2% Grade 3b and less than 2% non-agricultural value. In respect of Footnote 65 there is no definition of “significant”. The threshold for consultation with Natural England is where there will be a loss of more than 20 ha of BMV agricultural land. Natural England was consulted and raised no objection, noting that there would be no significant permanent loss of BMV land.
140. Natural England’s published guidance in respect of solar farm development and agricultural land quality advises that such developments would be unlikely to lead to significant permanent loss of BMV agricultural land as a resource for future generations because the development is reversible with limited soil disturbance.
141. Food security has attracted greater prominence with recent conflict in Ukraine and the Middle East. A North Warwickshire farmer of 55 years told the Inquiry that crops used to provide animal feedstuff contribute to our food chain in many ways, for example, starch from his feed wheat is used to make cakes and biscuits.

142. A Department for Environment, Food & Rural Affairs UK Food Security Report 2024 found that while there has been a small reduction over the long term, the UK is broadly maintaining its level of total usable agricultural area at around 70%. Based on current government policy framework for incentivising types of land use, it is expected that there will be increases in land use change from agricultural land to other uses. These uses include woodlands, grasslands, and restored peatland, as well as some being devoted to economic infrastructure like energy and housing. The impact this will have on food production will be affected by the kind of land being taken out of production. For instance, the impact is negligible if it is unproductive land which is taken. It is plausible that with continued growth in output and conducive market conditions, that food production levels could be maintained or moderately increased alongside the land use change required to meet our Net Zero and Environment Act targets and commitments.
143. The Appellant's evidence indicates that the UK produced just over 19 million tonnes of cereals in 2024, of which 11.1 million tonnes were wheat, whereas the site could produce circa 65 tonnes. The North Warwickshire farmer argued that in this case taking the site out of production would result in a total loss to the food chain would be 516.8 tonnes/year, the value of the crops to national output was underestimated by 11%, and the value of the crops was undervalued by 635%.
144. At the Inquiry, the Appellant's Expert Agricultural Witness agreed that they had made certain assumptions. Even with the farmer's higher figures, the level of loss from this site alone would not have an adverse impact on food security. I agree, the potential contribution of the appeal site to national food supply and security is small and insufficient to count against the appeal proposal. And there would be nothing to stop the farmer leaving the fields fallow.
145. The PPG indicates that solar farms are normally temporary structures and planning conditions can be imposed to ensure the land is restored to its previous use. EN-3 explains that where sited on agricultural land, consideration may be given as to whether the proposal allows for continued agricultural use.
146. In this case agricultural use, in the form of sheep grazing, under and around the panels is proposed. Although grazing livestock amongst solar arrays is not without difficulty, it is frequent practice to graze the land by sheep.
147. A soil management plan condition could require a methodology for the management of the soil resources; and a detailed management plan prepared for the lifetime of the development to ensure the protection and conservation of soil resources. Conditions could secure that at the end of the 40 years all infrastructure and components of the scheme be removed, so that the site could be returned to agricultural use. It is likely that soils would benefit from being rested from intensive arable uses for the duration of the development.
148. The solar farm would have a relatively light impact on the site. It is not comparable with coal mining schemes permitted in previous decades.
149. A number of appeals have found that the use of BMV land was a material consideration of some weight, and other appeals have found that the use of BMV land had not been an impediment. The appropriateness of utilising BMV land is a matter of planning judgement.
150. This scheme would lead to 61 Hectares of agricultural land being put out of arable use for 40 years. This is a prolonged period, but the land would not be

permanently lost and could be used for grazing throughout. The Planning Officer's Report concluded that in the circumstances, the use of the BMV land would not be contrary to policy or cause direct harm, and the Council did not raise a reason for refusal on this issue.

151. I do not consider that the proposal would lead to a significant nor permanent loss of agricultural land and I find no conflict with national policy. Neither Local Plan Policy LP16 or LP35 refer to agricultural land or agricultural land quality. I find no conflict with these policies on this issue. I am satisfied that there is no reason on BMV grounds to withhold planning permission.

Alternative sites

152. The grid connection point is on the west side of Nuneaton. The Appellant informed the Inquiry that a site west of this point is needed because establishing a connection through an urban area would be unviable. The grid connection is tied to the appeal site, it is unclear what else was done in a search for sites before the agreement for this site was secured. A call for sites was made only once the availability of a connection was known. The Appellant's evidence is that only one landowner came forward, who had three parcels of land. The appeal site was one. The others were considered too small or too constrained.
153. For the Inquiry the Appellant, retrospectively looked at the Council's brownfield land and self-build housing registers which yielded no viable results. It is restricted to the area of North Warwickshire Borough Council. The Appellant's Landscape Witness looked at alternative sites but did not provide an assessment in evidence. The Appellant's evidence on alternative sites is limited.
154. In *Lullington*¹² the question of whether an alternative site assessment was sufficiently robust was considered. In *Bramley*¹³ it was held that wording in the PPG and Framework do not mandate the consideration of alternative sites, nor require a sequential test to be adopted. Nor is there any such requirement in Local Plan LP35 for Renewable Energy. The Rule 6 Party argued that did not mean that an alternative site assessment was not relevant or necessary. It is a matter of judgement. The Rule 6 Party and objectors have not put forward potential alternative sites. On the other hand, evidence of a lack of alternative locations outside the Green Belt is not robust.
155. It is evident that the key factor for choosing this site was the offer of a grid connection. There is no requirement to approach other landowners. In this case, I found that the site is grey belt and that the proposed development would not be inappropriate development in the Green Belt. Therefore, is not necessary to demonstrate very special circumstances.
156. Other appeals are brought to my attention. Each case must be determined on its own merits. I do not consider that there is a requirement for an alternative sites assessment in this case and the issue neither weighs for or against the proposal.

Flooding

157. Framework paragraph 181 advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased

¹² *Lullington Solar Park Limited v Secretary of State for Levelling Up, Housing and Communities and South Derbyshire District Council* [2024] EWHC 295 (Admin)

¹³ *Bramley Solar Farm Residents Group v Secretary of State for Levelling Up, Housing and Communities, Bramley Solar Limited and Basingstoke and Deane Borough Council* [2023] EWHC 2842 (Admin)

elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Local Plan Policy LP33 requires that surface water runoff from new development be no more than the natural greenfield runoff rates, use sustainable drainage measures and reduce flood risk to nearby water courses. FNP Policy FNP03 requires development to minimise flood risk within the village whilst maintaining balance with other policies with any development ameliorating flood risks by providing SUDS as required in consultation with the Lead Local Flood Authority (LLFA).

158. The FFG is affiliated to the National Flood Forum and gave evidence to the Inquiry. Watercourses that run through the site run into the village. The LLFA recognise that there is a frequent flooding problem. Problems arise at the 'trash screen' next to the Manor House Pub when there is a build-up of material which can cause blockages. Poor ditch maintenance can contribute to this.
159. The appeal scheme includes interception swales to capture run off from impermeable areas which would then slowly infiltrate the ground. A buffer strip would be maintained along fluvial corridors. Located outside Flood Zone 3 the swales would not displace floodplains. A planning condition would require a plan including details of how surface water features and vegetation would be managed and maintained for the lifetime of development.
160. The Appellant pursues only the scheme which includes three drainage attenuation ponds. At times of significant rainfall, these ponds may reduce flood risk by holding back the volume of water entering the watercourses. The ponds are not designed to attenuate existing flows in the watercourses. By controlling the rate at which runoff from the proposed development would enter the watercourse the ponds would assist in mitigating the existing flooding situation in the locality.
161. A Warwickshire County Council Local Flood Risk Management Strategy 2016 seeks betterment for flood risk to mitigate potential negative impacts of development. FFG argued that the developer should also provide a contribution to fund improvements to the watercourse in the village. The Council considers that there would be flood risk betterment by an improvement in the surface water runoff rate and the volume that would leave the site onto surrounding land and watercourses post development. At the Inquiry, the Council's witness did not consider that FFG's request was reasonable. With the scheme including the three attenuation ponds before me, I agree.
162. A review of the drainage strategy by Edenvale Young Associates (EYA) for FFG, 4 July 2024, makes critical observations. The LLFA has considered the contents and noted that EYC welcomed planning conditions to secure soakaway testing and detailed design, verification reporting and maintenance schedules. The planning condition requirements would address many of the points raised by EYC.
163. Surface water runoff from the M6 motorway drains into the watercourse that passes though the appeal site and thence Fillongley. Although not carried out to reduce surface water runoff, works carried out as part of the M6 J2-4 smart motorway scheme included upgrading drainage, reprofiling ditches due to increased outfall requirements and clearing of drainage ditches. The LLFA considered the risk from drainage for the M6 motorway to be low.
164. FFG drew attention to appeal APP/D3313/A/13/2203242 where the Inspector found an argument that rainwater would be likely to fall in a column from the lowest corner of each panel compelling. The drainage strategy in this appeal relies on a

research paper by Cook and McCuen, 2013 which does not consider panels which are perpendicular to the contours as is the case here. I do not know the details of the other appeal. The LLFA has reviewed the issue and is satisfied that this scheme includes appropriate mitigation measures as well as factoring in the findings set out in the Cook and McCuen paper.

165. Warwickshire County Council's local flood risk guidance for developers states that it is widely considered that greenfield solar farm developments have negligible impact regarding surface water impact.
166. The LLFA did not object to the scheme subject to planning condition requirements. The Council was satisfied there was no reason for refusal on flooding grounds.
167. The Appellant has taken the advice of the LLFA, and planning conditions would secure maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development. The submitted scheme meets advice in the Framework at paragraph 182 that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. There would be no conflict with Local Plan Policy LP33 or FNP Policy FNP03.
168. FFG sought a contribution for a new trash screen at the culvert next to the Manor House Pub when there is a build-up of material which can cause blockages and/or a contribution towards Flood Monitoring of £1200pa. The Council did not support the requests, considering that they were not directly related to the proposal and not necessary to make the application acceptable. The Appellant has agreed to a condition to require surface water site maintenance which would include details of site vegetation management. This should manage and reduce vegetation from the appeal site reaching the trash screen. I do not consider that it is reasonable or necessary for this development to provide a new trash screen.
169. The on-site attenuation basins are not necessary for the proposed development. The Council considers that they represent betterment. The Appellant has agreed to a condition to require contact details be provided to the LLFA for persons responsible for the management of the surface water drainage system. I conclude that the proposal includes reasonable measures to assist in flood risk management that are directly related to the proposed development and that it would not be reasonable or necessary for this development to contribute to flood monitoring.

Other Matters

170. There is insufficient evidence to say that the proposal would result in pollution or fire risks. A satisfactory glint and glare assessment has been undertaken. Questions over the environmental credentials of the solar panels and other health risks are not within the remit of this appeal. Local residents state that surrounding roads are throughfares and busy with traffic, but there are no objections from the Highway Authority.
171. The Council did not include a reasons for refusal on residential amenity grounds. There are no residential properties directly adjacent to the site. Occupiers of dwellings on/off Meriden Road, Green End Road and Coventry Road would experience a change in outlook. Properties at 'Far Parks' are amongst the closest. The dwellings might not have been shown on all documents at the time of the

application. On my accompanied site visit I observed the outlook from a rear garden. Residents would see solar panels, security fencing, and the effect of night time lighting. Development would be some distance away, and landscaping would partially mitigate views in time. I conclude that changes to residential amenity would be minor and would not amount to material adverse harm. Property devaluation is not a material planning consideration.

172. At the Inquiry several residents spoke about the importance of access to the open countryside for physical exercise, mental health, wellbeing, and the menopause. All existing public rights of way would remain and from them there would continue to be an experience of being 'out', amongst fields, and in greenery. One adult resident opined that the proposal would be there for their lifetime, others spoke of how their children would grow up, in this way residents did not consider it to be temporary. Concerns about wildlife could be dealt with by conditions. Development would not 'take the site out of the Green Belt'.

173. One resident argued that the flat panels would prevent the ground from absorbing external noise and in this way noise from motorway traffic could be reflected and the corridor along footpath M294 could funnel noise to the village. Landscaping across the site as a whole would, in time, act to absorb noise.

Conditions and legal agreement

174. There are 4 Planning Obligations made under section 106 of the Town and Country Planning Act signed by different signatures. They would secure funds to compensate the potential impact to Skylark Habitat. The compensation is requested by Warwickshire County Council Ecologist and the sum calculated using an agreed RSPB methodology. It is directly related to and necessary to make the development acceptable in planning terms; and fairly and reasonably related in scale and kind to the development. The tests at Framework paragraph 58 are met.

175. To ensure that the development follows the intended strategy and is in accordance with the details considered a condition identifying the permitted plans is reasonable and necessary. So too are conditions requiring commencement within three years, limiting the development to the proposed generating capacity of 49.9MW, requiring notification of when export of power starts, restricting the permission to a temporary period for 40-years and requiring removal of the development at the end of the period, or use, including a decommissioning plan to secure site restoration and protect wildlife and habitats.

176. Pre-commencement conditions are required to ensure a satisfactory form of development are necessary in relation archaeological investigation, construction environment management, soil management, landscaping, tree protection, landscape and ecological management, access arrangements, and construction traffic management.

177. To reduce the risk of flooding it is necessary that before development commences a detailed surface water drainage scheme is submitted and approved. It is also reasonable and necessary for a drainage verification report and surface water site maintenance plan be submitted and approved before development becomes operational to demonstrate that the drainage strategy is implemented, operational and will be appropriately maintained to reduce flood risk. Additional requests from FFG are dealt with earlier, under 'Flooding'.

178. Conditions requiring a landscape and ecological management plan, tree and hedgerow protection, implementation of the landscaping scheme, and approval of details of materials and finishes for all panels, buildings, structures and enclosures etc, are all reasonable and necessary to ensure the development enhances and protects biodiversity and the character and appearance of the locality.
179. I have not included a condition requiring no tree works or vegetation clearance shall take place during the bird nesting period as this is covered by other legislative provisions. I have amended a condition relating to a footpath running through the site as obstructions to a Highway are also covered by separate legislation, and because there was insufficient evidence before the Inquiry to be able to clearly define the edge of the recorded footpath.

Conclusions and Planning Balance

180. The proposal would utilise grey belt land and having regard to the provisions of Framework paragraph 155, the development would not comprise inappropriate development in the Green Belt.
181. Those factors which weigh against the proposed development are:
- There would be a low level of LTSH to the significance of a SM. Notwithstanding that the harm would be less than substantial, as an example of a nationally rare recorded example and one of a limited number and very restricted range of Anglo-Saxon and Norman fortifications, and having regard to advice at Framework paragraph 213 that SMs are heritage assets of the highest significance, I attach significant weight to this harm. A low level of LTSH to the significance of the CA. This harm also attracts significant weight against the proposal.
 - There would be low levels of LTSH to the significance of Park House Farm Grade II LB and Fillongley Mount Grade II LB, and a very low level of LTSH to the significance of White House Farmhouse. Having special regard to S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the duty to have special regard to the desirability of preserving those aspects of setting that contribute to the heritage significance, these harms each attract limited weight against the proposal.
 - Conflict with Development Plan Policies LP1 and LP15 in respect of heritage matters attract limited weight.
 - There would be a residual moderate adverse level of harm to landscape character and appearance of the locality in the vicinity. I attach significant negative weight against harms to both landscape character and visual harms that would occur following development, and which would not be fully abated.
 - Conflict with Local Plan Policies LP1 and LP30 and FNP Policy FNP02 in this respect attract additional limited weight against.
182. Those factors which weigh in favour of the proposed development are:
- Contribution to the urgent need to generate renewable and clean energy in support of national imperatives to address climate change attract substantial positive weight.

- A contribution to increasing energy security attracts additional substantial positive weight in favour.
- A contribution to the Council's declared climate emergency including objectives to encourage landowners to use their land in sustainable and biodiverse ways, attracts significant positive weight.
- The availability of a grid connection and prompt delivery is a significant benefit.
- Benefits for biodiversity including a net gain of 63.23% in habitat units and 25.76% in hedgerow units attract substantial positive weight.
- A landscape strategy which would conserve, strengthen, and restore some landscape elements and characteristics and leave some enduring benefits for the Church End to Corley – Arden Hills and Valleys Character Area. This attracts moderate positive weight.
- There would be a limited benefit for flood risk management.
- Economic benefits, including jobs created during the construction phase and business rates generated thereafter attract limited positive weight.

183. In relation to farm diversification and greater efficiency there is insufficient evidence to judge if there are benefits of some weight. Concerns about permanence and reversibility, BMV agricultural land and alternative sites neither weigh in favour nor against the grant of planning permission.

184. The public benefits would clearly and convincingly outweigh the identified harms to the significance of heritage assets that arise by way of changes to their settings. And taking the scheme as a whole the considerations in favour of the development clearly outweigh the total harms identified.

Overall Conclusion

185. For the reasons given above I conclude that the appeal should be allowed subject to necessary and reasonable conditions.

Helen Heward

INSPECTOR

ANNEX - Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents:
 - a. The Location Plan P.Nailcote Farm/04 REVA
 - b. The Planning Layout Drawing P. Nailcote Farm/09 REVE
 - c. Section Views drawing P. Nailcote Farm/06RevB (sheets 1 and 2)
 - d. DNO Building - P007039/11/DNO Subsections REVA
 - e. Access Plan 2210072/05
 - f. Landscape Strategy Plan P24-1827_EN_008

- g. Drainage Strategy (document NFW/BWB/ZZ/XX/RP/CD/0001/DS Rev PO7) prepared by BWB Consulting Ltd
- h. The Flood Risk Assessment NFW/BWB/ZZ/XX/RP/YE/001/FRA/Rev PO7
- i. 3D Basins and Sections - NFW-BWB-ZZ-XX-DR-CD-002 Rev P01.

3. The generating capacity of the development hereby approved shall not exceed 49.9 MW(AC)
4. The planning permission hereby granted shall be for a temporary period only, to expire 40 years after the date of the first commercial export of electrical power from the development. Written confirmation of the first export date shall be provided in writing to the Local Planning Authority within 7 days after the event.
5. If the solar farm hereby permitted ceases to operate for a continuous period of twelve months, or at the end of the 40 year period referred to in condition 4 then a scheme for the de-commissioning and removal of the solar farm and all of its ancillary equipment shall be submitted in writing to the Local Planning Authority within six months of the cessation period. The scheme shall make provision for the removal of the solar panels and associated above and below ground works approved under this permission.

The scheme shall also include the details of the management and timing of the de-commissioning works, together with a traffic management plan to address any likely traffic impact issues during the decommissioning period together with the temporary arrangements necessary at the access onto Meriden Road (the B4102) and an environmental management plan to include details of the measures to be taken during the de-commissioning period to protect wildlife and habitats as well as details of site restoration measures.

For the avoidance of doubt, the landscape planting and bio- diversity improvements approved under this permission shall be excluded from this condition.

6. The scheme as agreed in writing by the Local Planning Authority under condition 5 shall be implemented in full within twelve months of the cessation of the site for the commercial export of electrical power, whether that cessation occurs under the time period set out in condition 4, but also at the end of any continuous cessation of the commercial export of electrical power from the site for a period of twelve months.
7. Notwithstanding the approved plans defined in condition 2, prior to their erection on site, details of the proposed materials and finish, including colour, of all solar panels, frames, ancillary buildings, equipment, fences and enclosures, and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details and shall be maintained as such for the lifetime of the development.

8. Notwithstanding the submitted details, no works, site clearance or development shall take place until an Arboricultural Method Statement and Scheme for the Protection of any retained trees and hedgerows during the construction period has first been agreed in writing by the Local Planning Authority.

The Scheme shall include a plan showing details and positions of the ground areas to be protected and details of the position and type of protection barriers to be installed prior to construction works first starting on site. The approved scheme shall be maintained for the duration of the construction period.

9. No external lighting shall be erected/used on site unless details of that lighting have first been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and thereafter maintained in accordance with the approved details for the lifetime of the development.

10. No development shall take place on site including any site clearance or preparation prior to construction, until all the following have been completed.

- a. A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work over the entire site has been submitted to and approved in writing by the Local Planning Authority.
- b. The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken and a report detailing the results of this fieldwork and 2 confirmation of the arrangements for the deposition of the archaeological archive has been submitted to the Local Planning Authority.
- c. An Archaeological Mitigation Strategy (including a WSI for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. The Strategy should mitigate the impact of the proposed development and should be informed by the evaluation work undertaken. It should also include the procedures for relevant archival reporting and deposition.

11. No development shall commence on site until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and including the ponds and swales as shown on drawing no. P24-1827_EN_008, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall include:

- a. Evidence to show whether an infiltration type drainage strategy is an appropriate means of managing surface water run-off,
- b. Demonstration of support of the scheme through “feature specific” detailed plans and calculations of the proposed attenuation system, cross sections, attenuation features and outfall arrangements in line with CIRIA Report C753,
- c. Provision of detailed network level calculations demonstrating the performance of the proposed system to include suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a surcharged outfall) with justification of such criteria,

simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events, together with results demonstrating the performance of the drainage scheme including attenuation storage, potential flood volumes and network status for each return period,

d. The provision of plans such as external levels plans supporting the exceedance and overland flow routing provided to date. This overland flow routing should demonstrate how run-off will be directed through the development without exposing properties to flood risk and recognition that exceedance can occur due to a number of factors such that exceedance management should not rely on calculations demonstrating no flooding. Only the scheme that has been approved in writing shall then be implemented on site in accordance with a timescale to be provided to and approved in writing by the Local Planning Authority.

12. No development shall commence on site until the access arrangements as shown on the approved plan drawing no. 2210072/05 together with the alterations to the highway verge crossing have been laid out and constructed in full and to the written satisfaction of the Local Planning Authority.
13. No development shall commence on site, or any site clearance take place, until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall particularly include measures to prevent the transfer of any material from the site onto the public highway, the scheduling of HGV movements to prevent conflict around the access to the site and details of the temporary traffic signals to control vehicle movements within the site access, Meriden Road and Newhall Green Lane. The details included in that Construction Management Plan so approved shall be implemented in accordance with the approved details and adhered to throughout the construction period.
14. Prior to the commencement of the development a Soil Management Plan (SMP) shall be submitted to, and approved in writing by, the local planning authority. The SMP shall include the following:
 - a) Measures to protect soils during development with reference to the guidance found in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites,
 - b) A works programme showing how all soil handling and trafficking operations will be undertaken and which makes allowance for poor weather/ ground conditions stoppages,
 - c) Details of how construction activities will be managed across the site to minimise impact on soils, and
 - d) Details of appropriate equipment and methods for stockpiling, re-spreading, and ameliorating of soil compaction in accordance with good practice techniques to minimise the risk of soil compaction. The development shall be carried out strictly in accordance with the approved Soil Management Plan.
15. There shall be no commercial export of electrical power from the site until a Drainage Verification Report for the installed surface water drainage system

based on the Drainage Strategy approved under condition 2 and the system as approved under Condition 11 has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. The report should be prepared by a suitably qualified independent drainage, and it should include:

- a. Demonstration that any departures from the approved design are in keeping with the approved principles.
- b. As built photographs and drawings
- c. The results of any performance testing undertaken as part of the application process,
- d. Copies of all statutory approvals such as Land Drainage Consent for Discharge, and
- e. Confirmation that the system is free from defects, damage, and foreign objects.

16. There shall be no commercial export of electrical power from the site until a detailed site- specific maintenance plan for the approved surface water drainage system has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. It shall include:

- a. The name of the party responsible, including contact names, address, email address and phone numbers.
- b. Plans showing the locations of features requiring maintenance and how these should be accessed,
- c. Details of how each feature is to be maintained and managed throughout the lifetime of the development,
- d. Provide details of how site vegetation will be maintained for the lifetime of the development.
- e. Be of designed to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance. The approved maintenance plan shall be implemented in accordance with the approved details.

17. There shall be no commercial export of electrical power from the site until a Landscape and Ecological Management Plan ("LEMP") has first been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be in general accordance with the approved Landscape Strategy Plan approved under condition 2 and shall include reference to the community garden shown on that Plan. The LEMP shall include:

- a. a description and evaluation of the features to be managed,
- b. ecological trends and constraints on site that might influence management,
- c. the aims, objectives, and targets for the management,
- d. descriptions of the management operations for achieving the aims and objectives,
- e. prescriptions for management actions,
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period),

- g. Details of the monitoring needed to measure the effectiveness of management,
- h. Details of each element of the monitoring programme,
- i. Details of the persons or organisations(s) responsible for implementation and monitoring,
- j. Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve the required aims, objectives, and targets,
- k. Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage,
- l. The mechanisms by which the long-term implementation of the LEMP will be secured by the developer and the management body(ies) responsible for its delivery,
- m. Details of how contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (k) above shows that the conservation aims and objectives set out in (c) above are not being met so that the development still delivers the bio-diversity objectives of the approved scheme. The details in that Plan shall be implemented and adhered to during the lifetime of the development.

- 18. There shall be no commercial export of electrical power from the site until the existing public highway verge crossing has been widened to a width of no more than 18.75 metres, laid out and constructed in accordance with the approved plan drawing no. 2210072/05 including its surfacing with a bound material for a distance of no less than 20 metres as measured from the near edge of the public highway carriageway, all to the written satisfaction of the Local Planning Authority.
- 19. Within three months of the first commercial export of electrical power from the site, the extension to the access as shown on the approved plan drawing no. 2210072/05 shall be removed and the public highway verge crossing reduced in width and constructed to the written satisfaction of the Local Planning Authority.
- 20. Prior to the First electricity Export Date, a grazing management plan (GMP) shall be submitted to and approved in writing by the local planning authority. The GMP shall detail which parts of the site shall be used for the grazing of livestock, during which months of the year, how the grazing is to be managed and monitored. Within one year of the First electricity Export Date, or in an alternative period to be agreed in writing by the Local Planning Authority, the grazing of livestock shall be implemented on the site in accordance with the GMP.
- 21. The landscaping scheme as approved under condition 2 shall be carried out within the first planting season following the date when electrical power is first exported, or as otherwise agreed within the approved scheme. If within a period of five years from the date of planting, any tree, shrub hedgerow, or replacement is removed, uprooted, destroyed, or dies, then another of the same species and size of the original shall be planted at the same location.
- 22. No gates shall be located within the vehicular access to the site during the construction and de-commissioning phases to open within 20 metres of the near edge of the public highway carriageway.

23. Public footpath numbered M294 which crosses the site shall be maintained at all times to provide safe and suitable access for all users.

End of conditions schedule.

DOCUMENTS SUBMITTED AT THE INQUIRY

Appellant Opening Submissions
Opening Submissions for the Council
Fillongley Parish Council Rule 6 Opening
Statement from Mr Martin
Statement from Mr Simmons
Statement from Mr Kulwant Chatha
Statement from Mr Antrobus with tables
Appeal site visit 8.4.25 attendance list
Site visit itinerary additional points
Statement from Sylvia Martin
Public Rights of Way
Large extract of the Definitive Map for public rights of way
Rights of way maps
Extract CD13.4b Appellant Landscape Strategy Plan drawing 008
Scheduled Monument Access_
Scheduled Monument Access email and Footpath Map MP294
Fillongley Flood Group -
- Comments on NWBC statement of common ground
- FOI request - LLFA - further questions
- FOI response to proposed Fillongley Solar Farm
- Response from National Highways
Transmission Points Map
Pictures of Sheep and Solar Farms
Revised Fillongley Planning Balance 16.04.25 (Agreed)
Conditions 16.04.25 Post Session LPA/Appellant Version
Conditions 16.04.25 Post Session Rule 6 Party additions
Closing Submissions - Rule 6 Party
Closing Submissions - North Warwickshire Borough Council (LPA)
Closing Submissions - Appellant
Reply by Appellant on Closing Submissions of Rule 6 Party & LPA

APPEARANCES AT THE INQUIRY

FOR THE APPELLANT:

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Hannah Armstrong BA (Hons) MSc IHBC ACIfA	Pegasus, heritage matters
Tony Kernon BSc(Hons) MRICS FBIAC	Kernon Countryside, agricultural matters

FOR THE LOCAL PLANNING AUTHORITY:

Howard Leithhead	No5 Chambers, instructed by Sofia Ali, head of Legal Services, North Warwickshire Borough Council.
Jonathan Weekes BSc (Hons) MA MRTPI	Aitchison Rafferty Group, planning matters
Sam Oxley BSc MSc CMLI	LUC, landscape matters

FOR FILLONGLEY PARISH COUNCIL: THE RULE 6 PARTY

Jack Smyth	Counsel, No5 Chambers, instructed by Heather Badham, Fillongley Parish Council
Gail Collins BSc(Hons) Dip TP MRTPI DMS,	Tyler Parkes, planning matters
Catherine Tuck BSc(Hons) Affiliate IHBC	Keystone Heritage, heritage matters

INTERESTED PARTIES

Catherine France	Representing The Fillongley Flood Group
Andrew Martin	The Fillongley Flood Group and local resident
Mark Sullivan	Council for the Protection of Rural England
Rev Steve Medley	Benefice of Cowley Parish Church with St. Marys and All Saints Church Fillongley
Sylvia Martin	Local Resident and member of North Warwickshire Heritage Forum
Judith Burrin	Local Resident
Jack Simmons	Local Resident
Kully Chatha	Local Resident
Peter Antrobus	Local Resident
William Higgins	Local Resident
Colin Tracy	Local Resident
Geoffrey Billington	Local Resident
M Green	Local Resident
Philip Mason	Chair of Over Whitaker Parish Council